

PLANNING
COMMISSION
MINUTES
1994

Planning Commission Minutes

1994

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**MINUTES OF THE PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon**

Thursday, 7:00 PM

January 13, 1994

Subject to P.C. Approval at 2/10/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight
Jack Kriz
Mary Post
Robert Weaver
Roger Worrall

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 10

II. OPEN PLANNING COMMISSION MEETING

Vice-Chair Kriz opened the meeting and asked if there were any additions or deletions to the agenda. No revisions or additions were requested.

Mr. Kriz noted that election of officers will occur under *Old Business* and discussion of the size of the Planning Commission will occur under *New Business*.

III. APPROVAL OF MINUTES

Motion: Weaver-Post to approve the minutes of the December 9, 1993 Planning Commission meeting. Motion carried unanimously.

ORS 197 relating to the public hearing process was read into the record by Associate Planner King.

IV. PUBLIC HEARINGS:

A. APPLICANT:	Nielsen Grahn, Inc.
REQUEST:	Annexation of a 1.28 acre parcel
LOCATION:	1711 N. Main
TAX LOT:	3218AC-1300
FILE NO:	ANX-3-93
ZONE:	County LDR 9000 to City R-1
CRITERIA:	Newberg Annexation Ordinance 2012, Sections 2 and 4

Mr. Kriz asked if there were any abstention or ex-parte contact. No abstentions were indicated. No ex-parte contact or objection to jurisdiction were indicated.

Staff Report: Ms. King noted that the request is for annexation and a change of zone from County to City on the subject property. She also noted that the OS designation on the Comprehensive Plan Map appears to cover most of the site. She indicated that this was a mapping error and that the OS designation should only appear over the area of the streambed at the west of the site. Only a small portion of the site is designated OS. She

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reviewed a site map of the proposed parcel and identified the location of the drainageway, surrounding uses and topography.

Commissioner Haight asked if Main and Columbia were city streets. Community Development Director Greg Scoles indicated that parts of both streets were county roads and he reviewed the process by which a road was accepted by the City for maintenance.

Ms. King reviewed annexation criteria and indicated that the application met the criterion.

Questions to staff:

Commissioner Worrall asked where the 20% break in slope would occur on this site. Ms. King identified a small area on the west side of the property.

Proponent: Roger Grahn, 9035 SW Sagert, Tualatin, proposed developer of this site, indicated that he is purchasing the site. He noted that the actual streambed was approximately 6-7 feet from the north line of the site and then tapers off to the west. He noted that the break in slope is 10-12% in the area of the streambed.

Ms. Haight asked if this site were annexed, how many homes would be put on the site. Mr. Grahn noted that the entire project was proposed to contain approximately 9 homesites. He added that the existing property would be brought into the City water system.

Other Respondent: Ken Lite, 300 Mountainview Court, disagreed with the staff report conclusion that the GH designation would protect the streambed. He indicated that since the slopes are less than 20%, the general hazard ordinance would not apply.

Public Agencies/Letters: None

Staff Recommendation: Staff recommended approval of the annexation and withdrawal from the rural fire district.

Hearing Closed.

Commission Discussion:

Commissioner Worrall felt that this annexation hearing was not the place to discuss the open space designation.

Ms. Haight expressed concern about continued development on unimproved streets. She felt that the area was already housing more people than Main Street and Columbia Drive can handle. She disagreed with a staff report statement that indicated the need for additional housing in Newberg is great. She felt that the streets should be repaired in the City first before additional annexations occur. She felt that the creek area was abundant with wildlife, especially in the springtime. She noted that development should stop until the community is caught up with infrastructure repair and that the City was losing its identity as a small town.

Mr. Kriz indicated that this area is within the urban growth boundary and the individuals who own the property have a right to expect to be brought into the City at some point. He noted that the application must be judged on the criteria which apply to an annexation.

Ms. Haight felt that the Commission could focus on the criteria, but she felt that the City should slow down and consider the impacts on the City.

Mr. Worrall indicated that this site is in the UGB and it is the right time to look at things such as open space and wetlands control.

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Commissioner Post indicated that a waiver of remonstrance is required when development occurs on the site. If the property were not annexed, improvement to the street in front of it might not occur. She felt that this site met the criteria and was appropriate for annexation.

Motion: Worrall-Post that the Planning Commission recommend to the City Council approval of the annexation and withdrawal from the Newberg Rural Fire Protection District based on staff report findings, conditions and testimony.

Vote on Motion: Aye: Kriz, Post, Weaver, Worrall; Nay: Haight. Motion carried (4-1).

B. **APPLICANT:** City of Newberg
 REQUEST: Adopt language revising the Zoning Ordinance relating to Open Space
 FILE NO: G-1-93
 CRITERIA: Sections 600-606 of the Newberg Zoning Ordinance

Staff Report: Mr. Scoles noted that this issue is a legislative action. He reviewed the process which occurred for development of the proposed open space criteria. He noted that it was developed by a subcommittee of the Commission and interested citizens. He noted that the committee recommended a specific standard for an open space setback. He reviewed the goals of the subcommittee in developing an open space ordinance. He reviewed proposed requirements for permit issuance, noting that Section 566-1, the 250 ft. no-build area, should be carefully reviewed. He also suggested that the Planning Commission review Section 566-2 for clarity. He also asked for clarification of "transfer of density". He felt the Commission should review Section 570 relating to violations, indicating that this section should correspond to the existing violation requirements in the Zoning Ordinance.

Planning Commission Questions:

Ms. Haight asked what constitutes a "special building permit" as noted in the proposed ordinance.

Mr. Worrall responded that open spaces could include parks, golf courses, and so on. He suggested that the Planning Commission not confuse the "no build" zones in the wetlands areas with other types of open space. He felt that the proposed ordinance is intended to address all open space. He concurred that the violations section should be revised to comply with current city standards.

Audience comments:

Ken Lite, 300 Mountainview Court, open space subcommittee member, and hydro-geologist by education and training read some excerpts from the Comprehensive Plan including the need for retention of open space and natural resources. He listed several Comprehensive Plan goals relating to open space. He noted that the present implementation ordinance is inconsistent with the goals and policies of the Comprehensive Plan. It allows encroachment into the open space and allows degradation of all drainageways. In addition, there is no provision to protect drainageways of less than 20% break in slope. He supports the proposed ordinance with some modifications. He felt that it draws a clear distinction of what can and cannot be developed. He felt that the proposed ordinance does a better job of meeting open space and other natural resource goals. He suggested the following modification to Section 566-1:

1. In order to ensure that adequate and appropriate lands are left in permanent Open Space, development of a structure will not be permitted in an area identified as being within 250 feet of the *cross-sectional center point of a stream bed or drainageway with slopes greater than 20%, within 50 feet of the cross-sectional center point of a streambed or drainageway with slopes less than 20%, or within the 100 year flood plain.*

Art Piculell, 02008 SW Military Road, Portland, representing the Werth property, reviewed the ordinance as proposed and noted that it appeared that the intent was to protect the stream drainageways and open space.

He noted that the Werth's have had discussions with the parks district relating to gifting a major portion of the stream area. He indicated that it was important to the Werths to protect and enhance the wetland areas on their property. He requested a written copy of the proposed change provided by Ken Lite to the Commission. He presented a map which identifies the streambed area. He also presented a FEMA map which identified the location of the wetland areas on the Werth property. He reviewed the issues relating to a density transfer. He felt that this was appropriate, since a value could then be placed on the land to be donated, making it economically viable for a gift of 25-30 acres of stream to be given. If there were no density shifting available or there were no density value placed on the stream corridor, no value could be placed on the land and it would not be economically viable for donation purposes.

Mr. Worrall asked if the Werth's had compared the City's Comprehensive Plan Map identifying general hazard and the FEMA map showing the 100 year flood plain on their site. Mr. Werth indicated that it appeared to be similar.

Sid Friedman, 31909 NE Corral Creek Road, indicated he was a member of the subcommittee which developed the proposed new ordinance. He added that the term "special building permit" was lifted from the existing ordinance. He noted that much of the land that is designated as open space on the Comprehensive Plan currently has no protection. He felt that the special building permit would apply to construction occurring in the OS area but outside the 20% break of slope. He also noted that the density transfer provisions were also lifted from the existing ordinance. He then reviewed the creation of the subcommittee and its makeup. He noted that the document was the culmination of much effort on the part of a very diverse group of interested parties. He felt that it was critical to protect both quantity and quality of open space. He indicated that Newberg's current policy has failed to prevent inappropriate development of areas outside the GH area but in the OS area. He felt this ordinance revision would bring the city code into better conformance with State open space protection goals. He felt that proposed ordinance approximates the land area currently identified in the Comprehensive Plan as OS. He reviewed the section relating to transfer of development rights, easements and cluster development incentives. He added that the application process allows flexibility in requirements for an environmental report. He personally felt that more open space should be dedicated and preserved. He felt that the City should also implement a non-tree cutting ordinance.

Ms. Haight asked Mr. Friedman if the area just proposed for annexation was a riparian area. He did not know. He indicated that there should be special building requirements in those areas designated as open space on the Comprehensive Plan that lay outside whatever structure free zone is decided upon.

Mr. Kriz asked if the 250 ft. indicated from the mid-point of the stream was a structure free area. Mr. Friedman indicated that figure, when mapped, represented approximately the area currently designated as OS on the comprehensive plan.

Ms. Haight asked for clarification of the tree cutting portion of the proposed ordinance. Mr. Friedman noted that the ordinance proposes to retain trees in the open space areas of the City. The ordinance would limit tree cutting to no more than three per year on any designated open space site.

Steve Roberts, 814 E. Hancock, Newberg, reviewed why he felt this ordinance is necessary. He indicated that in the past open space was synonymous with a 20% break in slope, an engineering definition, not a preservation policy. He felt that the open space should be proportioned independently and that open space should be preserved because it has value of its own.

Mr. Worrall, chair of the subcommittee, indicated that the committee felt the current GH/OS definition was not usable. He noted that the 250 ft. number identified in the proposed ordinance was a starting place which could be refined to develop a standard that everyone could see and understand.

Mr. Weaver applauded the committee for developing the proposed ordinance and he felt it gave him a starting place for review of this issue.

Mr. Worrall noted that the proposed ordinance was a straw man proposal subject to refinement by staff.

Ms. Haight asked how the proposed ordinance affects Mr. Werth's property. Mr. Piculell felt that the proposed ordinance may arbitrarily involve a taking of some of the Werth property which is outside of the stream area and would possibly be detrimental to the Werths. He felt that open space use should also be identified and preservation measures be properly funded. He mentioned that funding measures could be enacted by the City to purchase open space areas.

Mr. Worrall noted that it was not the intent of the committee to create a situation where owners of open space properties go uncompensated in some way.

Mr. Kriz asked staff if GH areas were currently included when doing density calculations on any given site. Mr. Scoles indicated that GH areas were currently included in gross acreage calculations for density shifting; however, open space does not hold a density in the comprehensive plan.

Mr. Worrall felt that there should be additional input to the staff relating to developing a formal ordinance. He recommended selection of an advisory committee to continue overseeing this project. He volunteered to assist in re-establishing an advisory committee.

Mr. Scoles indicated that staff would compile a proposal to present at the March Planning Commission meeting.

Mr. Kriz asked if there was something that the Commission could or should do to slow or stop development in areas which would be impacted by the proposed ordinance. Mr. Scoles indicated that subdivisions could be controlled by the Comprehensive Plan Text.

The Commission recessed for 10 minutes.

C.	APPLICANT:	City of Newberg
	REQUEST:	Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.
	FILE NO:	G-8-93
	CRITERIA:	Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).

Staff Report: Mr. Scoles noted that it was the intent of staff to send to the Commission a compilation of all the changes relating to the transportation plan. He reviewed the staff packet which included the transportation plan ordinance, findings addressing the criteria, transportation element, a copy of the state transportation rule and the Newberg Transportation System Plan document. He noted that the plan provides for an assessment of all the existing conditions in the City, short term improvements, assessment of the long term transportation and land use alternatives, transportation system plan, and transportation financing plan. He noted that there were four alternatives discussed in the plan: the do nothing approach (don't do the bypass), do the Newberg-Dundee bypass only, do the bypass and the Mountainview extension out to 99W, or do the Bypass, the Mountainview extension, and rerouting of 219 East to 99W.

Mr. Worrall asked what results should be expected of this Planning Commission meeting relating to the transportation plan. He felt that if the transportation, as proposed, is based on the assumption that a bypass would not occur within 20 years, then he could not vote for this proposal.

Mr. Weaver felt that it was difficult to second guess what would occur with the bypass and this document would at least get the process started.

Mr. Kriz expressed concern about this document being adopted if its primary thrust was for a bypass and did not take into consideration traffic impacts without the bypass.

Mr. Worrall felt that the ordinance should be reviewed again, since 3/4 of the document is not now current as it relates to the bypass.

Mr. Weaver felt that the bypass is still on the State's list.

Mr. Scoles indicated that the bypass is now in the "reconnaissance" mode at the state level.

Ms. Haight indicated that over 2 years ago the state was going to initiate a bypass and now the state says there is no money allocated.

Commissioners extensively discussed whether the proposed draft transportation plan was still current since it was developed at the time when the bypass was expected to be completed in a timely fashion.

Mr. Scoles suggested that an informal recommendation be made to the Council relating to the Planning Commissions intent.

Motion: Kriz-Haight that the Planning Commission recommends referral of the transportation plan back to staff for further study of additional alternatives to be included, in light of the fact that the bypass will most likely not be constructed within the proposed 20 year time frame identified in the plan.

Discussion of the motion: Commissioners discussed the time frame for further staff review. Mr. Scoles indicated that the City was currently considering a transportation grant which could provide possible funding for additional review.

Vote on Motion: Motion carried unanimously.

V. OLD BUSINESS - None

VI. NEW BUSINESS

● **Reduction in Planning Commission Positions**

Mr. Scoles indicated that the Council is considering reducing the number of Planning Commission positions to 7. He asked the Planning Commissioners to comment.

Mr. Worrall felt that seven members would be adequate. Ms. Haight felt that it should be left at nine based on the additional input available from the larger number of members. Mr. Kriz felt that membership should stay at nine for a stabilizing effect.

● **Election of Officers**

Mr. Kriz opened nominations for Chair. Post-Kriz nominated Worrall, Haight-Worrall nominated Kriz, and Kriz-Worrall nominated Russell. Nominations were then closed.

Vote on the nominees was as follows: Worrall - 1, Kriz - 2, Russell - 2.

An elimination vote then occurred with the following results: Kriz - 3, Russell - 1.

The Commissioners opted to select the first place vote getter, Jack Kriz, as Chair and the second place vote getter, Wally Russell, as Vice-Chair.

Commissioners requested that a letter be sent to Wally Russell thanking him for his tenure as Chair.

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VII. COMMUNICATIONS FROM THE FLOOR

None

VIII. ADJOURN

There being no further business, the meeting was adjourned at 10:07 pm.

**MINUTES OF THE PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon**

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Thursday, 7:00 PM

March 10, 1994

Subject to P.C. Approval at 4/14/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight
Mat Haug
Jack Kriz
Mary Post
Wally Russell
Roger Worrall

Chair Kriz introduced Mat Haug, new Planning Commission member, and welcomed him to the Commission.

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 14

II. OPEN PLANNING COMMISSION MEETING

Chair Kriz opened the meeting.

III. APPROVAL OF MINUTES

Motion: Worrall-Post to approve the minutes of the January 10, 1994 Planning Commission meeting. Motion carried unanimously.

ORS 197 relating to the public hearing process was read into the record by Associate Planner King.

IV. PUBLIC HEARINGS:

APPLICANT/OWNER: Marvin Schneider
CONTACT: Bill Campbell, Consultant
REQUEST: Annexation, Zone Change to M-3/GH, and Conditional Use Permit to allow development of a waste processing facility.
ZONING: VLDR 2.5 to M-3/GH
LOCATION: S. Wynooski Rd
TAX LOT: 3228-1800
FILE NO: ANX-1/Z-1/CUP-1-94

Chair Kriz asked if there were any abstention or ex-parte contact. No abstentions were indicated. No ex-parte contact or objection to jurisdiction were indicated.

Staff Report: Development Director Scoles reviewed the staff report, highlighting the location of the site, the proposed use and the previous urban growth boundary (UGB) amendment process which has occurred on the site. He noted that the proposed use of the site was identified during the UGB amendment process. Using overheads, he pointed out the site, its topography, surrounding uses, the comprehensive plan designations on surrounding properties, and the proposed zoning. He noted that there would be a general hazard designation on the south portion of the site and an M-3 Heavy Industrial designation on the north portion of the site. He identified annexation, zone change and conditional use permit criteria as noted in the staff report. He indicated that a development agreement required by the UGB amendment has not been completed yet. He reviewed proposed conditions within the staff report and indicated that the project is still subject to the design review

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process. He noted that some additional correspondence has been received. He reviewed a fax send by METRO which indicated that they are concerned about some of their waste being disposed of at this site, and about possible additional conditions which should be placed on the site. He noted that although the staff report indicates this is a composting center, it is intended to be a processing center only.

Questions to staff: Commissioner Worrall asked about the zoning designations and how they would be determined on the site. Mr. Scoles noted that the location was based on the 20% break in slope and goes beyond the wetlands designation on the site.

Proponent: Bill Campbell, 911 E. Third, indicated he is a landscape architect and an employee of the State of Oregon Economic Development Department. He noted he was consulted by Mr. Schneider to provide assistance with this project and that this in no way relates to his capacity as a state employee but does relate to his previous experience as a planner with Yamhill County. He noted that the proposed operation is a heavy industrial use where the applicant will contract for and receive solid waste materials for processing at this site. Materials will be delivered to the site (30 truck trips per day approx. - 450 tons per day). The material will be dumped into an enclosed receiving area and sorted for recyclable materials and metals will be extracted. The high fiber materials will then be processed through a grinding procedure, dumped out on a floor, discharged into a vehicle and transported off the site. This is not an organic composting facility - it is a selected material processing facility. This material will provide high fiber industrial fuel. Smurfit relies upon fiber for newsprint and waste fiber to run boilers for its operation. The idea is to take municipal solid waste to be processed into high grade industrial fuel. It has been found to meet air shed requirements, DEQ and Smurfit requirements and there will be no hazardous and toxic emissions. The site is located adjacent to the Newberg Transfer and Recycling Center with most of its waste going to Riverbend. Riverbend is required to reduce its incoming waste by 1995-96. These types of facilities are necessary to meet that reduction requirement. He concurred with the majority of the staff report. He reviewed the conditions of the staff report and noted in relation to the dedication requirement that Wynooski Road was improved by Yamhill County and upgraded for industrial transportation. It is one of the primary industrial accesses to the area. He noted that this site has a proximity to the State Highway, a heavy industrial user and in the vicinity of an industrial area. He noted that during his tenure with Yamhill County in the capacity of a monitoring agency for the Recycling Center, there were no complaints received from the surrounding property owners. He feels that it is similar in use to both the Recycling Center and Smurfit as they recycle wood waste products. He indicated no final plan has been completed but the applicant is not opposed to completion of the project through the design review process. He noted that the only zone this type of use is allowed in is the M-3 Heavy Industrial Zone. He reviewed the proposed zoning as identified by staff. He noted that it is well above the 100 year floodplain and 20% break in slope. He noted that when Wynooski Road was improved in 1989-90, the spoils from the improvement were landfilled onto the middle portion of the site. He indicated he has done the environmental assessments for the transfer center and requested that the boundary be placed on the 100 year flood boundary rather than that indicated by staff. He concurred with the conditions identified in the staff report. He noted that the materials processed on the site would be subject to a DEQ permit. He noted that they would request an exemption from the permit in 3-4 years. He added that site screening such as that planted by the transfer station could be used on the site.

Questions to Proponent:

Commissioner Haug asked why the GH boundary should be changed. Mr. Campbell noted that the breaking slope fits into the design of the site and could be used as a natural condition to provide elevational differences in the handling of material.

Commissioner Haight asked for a definition of fiber materials. Mr. Campbell noted that paper, cardboard, and so on are considered to be fibrous materials. Certain types of plastic are not recyclable but plastic is burnable.

Ms. Haight noted that Smurfit does burn rubber and when the wind is blowing to the north, the smell is unpleasant. In addition, the residential areas around the Smurfit have certain residue on the houses which may require them to be repainted. She asked if this activity would be part of the processing process. Mr. Campbell noted that the material produced will be marketed to Smurfit; however, this material and volume will not meet their fuel needs. This facility will not be in the business of handling waste tires and producing rubber for inclusion in

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the production process. In the testing that was conducted with DEQ there were no detectable odors. He noted that this fuel should not be odorous but should provide a high uniform burn because of the high fiber content. He noted that the compost materials sorted from the fiber will be removed from the site within 24-48 hours.

Ms. Haight asked about the additional truck traffic to the site. Mr. Campbell noted that the truck traffic would come mostly from the east, north and south. He noted that there were some truck traffic limitations on Springbrook Road.

Commissioner Worrall asked if the applicant intends to process METRO waste. Mr. Campbell noted that they were in negotiations with METRO.

Mr. Worrall asked if any action would be taken in regards to the letter presented by METRO. Mr. Campbell noted that they have not had adequate time to respond to the letter. He briefly reviewed METRO's landfill contract. He noted that the applicant is seeking to have select materials brought to his facility. If that requires METRO's consent, then that will be obtained.

Commissioner Post asked how trucks from Hillsboro would get to the site. Mr. Campbell indicated that Highway 219 would not be the preferred route. He noted that material from Forest Grove, for example, goes to Riverbend. Material reclaimed from Riverbend would most likely come to Newberg down the Newberg-Yamhill Highway to First Street and then on to the landfill.

Ms. Post asked if this were similar to the composting facility in Portland. Mr. Campbell indicated that the material in Portland was stockpiled and aerated on site. The material processed here will not be processed on site. It is a grinding process to which water would have to be added.

Mr. Haug asked what kind of noise levels would be produced. Marvin Schneider indicated that the same machine was operated during a two month test at the site and noise was not noticed by the neighbors during that time.

Mr. Haug asked if noise parameters were established by DEQ. Mr. Campbell responded that typically industrial noise is considered "brown" noise and typically this facility would have less of a decibel level than the Smurfit plant.

Ms. Haight asked how DEQ has tested for pollution regarding the grandfathered properties in this area, especially relating to any health hazard. Mr. Campbell responded that unless there was an extreme situation, it was unlikely that DEQ would specifically test; however, periodic monitoring is required for both air and water. He noted that there are few residential properties near the project area.

Ms. Haight felt that the additional truck traffic on First and Main would adversely impact already inadequate roads. She asked if Mr. Schneider was contacting the state relating to alternative routes for access or upgrades to the existing road system. Mr. Campbell noted that the primary goal of the highway network is for the movement of goods and materials. As an operator relying on trucking services, Mr. Schneider contributes substantially to the transportation department fees and he is likely to be an active participant in any proposals to improve the highway access in the Newberg area.

Mr. Haug asked if the proposed development map was accurate. Mr. Campbell noted that the map was designed as a draft only and would the project was intended to be designed to take advantage of the natural slope of the site.

Mr. Haug asked if the GH boundary were left as proposed by staff, whether it would prohibit the development of the site. Mr. Campbell indicated that it was the desire of the applicant to take advantage of the break in slope conditions.

Mr. Kriz asked if the DEQ approval process was a public hearing process. Mr. Campbell responded that it was not but was coordinated through the City Planning and Public Works Department. He noted that there was a permit application process. A public hearing may be requested if necessary.

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Mr. Kriz asked if the applicant desired to intrude into the 20% break in slope area. Mr. Campbell indicated that it was the intent of the applicant to take advantage of the terrace area outside of the 100 year flood .

Mr. Kriz asked about types of materials such as lumber, and non-fibrous materials. Mr. Campbell noted that these products could be taken to the transfer station next door.

Opponent: David Dailey, 29696 Putnam Road, indicated there appeared to be some positive aspects to the community relating to jobs; however, he expressed concern about noise and the need for additional screening on the south of the site. He reviewed the comprehensive plan map and pointed out that the property owners to the south of the site are in rural areas, in an agricultural zone and would be adversely impacted by the noise produced from the site. If there are any odor problems, the wind coming from the north will carry the odor to the south over the houses along Dog Ridge Road. He reviewed the development agreement submitted by the applicant. He felt that the proposed development agreement should be specifically limited to the proposed use.

Opponent: Beth Whitlow, 8970 Dog Ridge Road, requested that the site design review include a condition that a barrier be in place to protect those residents on the south of the property. She expressed concern about the noise impact at night on the residential area. She felt that the facility should be placed further north on the site. She also noted that there would be major impacts on the neighborhood because of the added truck traffic.

Mr. Kriz asked Ms. Whitlow if there was noise from the Smurfit facility. She noted that it was more of a steady hum. She was asked if she could hear Highway 219 traffic. She indicated she could. She was asked if the odor from Smurfit's tire burning was noticeable. She was unsure. She noted that the past difficulties with odors from the City's compost facility were objectionable. She did not desire creation of a similar problem. She noted that there were approximately 30 residences on Dog Ridge.

Opponent: Sid Friedman, CAP participant, 31909 NE Corral Creek Road, requested that his entire testimony be entered into the record. He indicated he has extreme reservations about this project. He pointed out that the staff report notes the site is a composter. The applicant originally brought the City a video cassette relating to composting and indicated this is what was proposed. If there is no compost site available on agricultural land, there may be an attempt to place composting facilities on this site. If the staff report is inaccurate, it would be imprudent to base approval of a regional garbage facility on an inaccurate staff report. The hearing should be delayed until an accurate staff report can be developed and additional testimony should be taken at that time. Based on the applicant's desire to process METRO waste, he feels that this is an important community decision. This facility is proposed to be located at the gateway between Champoege Park and the "wine country". Additionally, it is adjacent to Hess Creek and the Willamette River. He reviewed a conversation he had with one of METRO's personnel. During this conversation, he noted that Portland's facility was closed after numerous complaints were received relating to odor problems 1-2 miles away from the site. He noted that the Portland facility also had generated a major income loss, serious problems with a facility processing such a large quantity of material, and siting it in a facility near a creek. He distributed newspaper clippings from the Oregonian and entered them into the record. He highlighted portions of the articles. He then addressed the application and review criteria. He reviewed Air, Water and Land Resource Quality policies within the staff report. He noted that no hydrologic studies have occurred on the site relating to runoff, storm sewers are not on site, and bio-filtration swales are not required by staff. This will have an adverse impact on Hess Creek. He felt that this facility will seriously degrade the air quality in the Newberg area. He felt that the applicant has not met the burden of proof relating to Comprehensive Plan goals and policies which protect air and water quality. He felt it would heavily impact property and environmental values in the area. No evidence has been presented to indicate unique circumstances on this site, and the application should not therefore be approved. He noted that much of the rear of the property is loose asphalt and fill. He felt the City should at least require hydrology and geology studies of the site. He then reviewed annexation criteria. He noted that the application is not consistent with the Comprehensive Plan and therefore does not meet annexation criteria. He noted that it also does not meet the requirements for sewerage provision required by an annexation. He felt that locating a facility of this nature at one of the major entryways to our community will have a negative economic impact on the area and will seriously degrade the livability of the area. He reviewed social impacts on the site. He noted that residential values in the southeast Newberg area are lower than in other parts of the City and residential sites are considered to be less desirable in this area. He felt this would further divide the City along economic lines and would have a negative

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social impact on the City, thus violating annexation criteria 5. He noted that this proposal does not support zone change criteria including promoting the objectives of the Comprehensive Plan and public need for this use, and the applicant has not met the burden of proof that there is a public need. He noted that no alternative site analysis has been developed to prove that this site will best serve the needs of the community. He then reviewed the CUP criteria. He felt that the location would have more than minimal impact on the livability of the surrounding neighborhood, especially based on the possible odor and noise problems. He felt that the location and setting of this particular use warrants a more attractive facility than the one proposed for this site. He noted that he is a licensed professional landscaper with the State of Oregon and he has never encountered any type of landscaping that can control the type of odor problems possible through this use. He indicated that originally he reviewed this site in relation to the GH problems possibly occurring with this type of development. He felt that since there have been no hydrology studies on this site, it is possible that the creek area can be seriously impacted. He noted that the proposed project is intended to occur on the fill area and this should be thoroughly investigated by the City. He asked how the City will protect the area below the 20% break in slope, what does disturbance mean, and how will it be enforced. He noted that the CUP process gives the Planning Commission wide latitude about conditions which can be placed on this project. He felt that the project has not been widely publicized and the community will be seriously impacted with little input. He requested that the Commission deny the request.

Questions to Opponent:

Mr. Russell asked if METRO's disastrous experience was comparable to the proposed project. Mr. Friedman did not know if this proposal was the same; however, he felt that since this project also appeared to rely on an off-site composter which could fail, it could be similar to Portland's experience.

Mr. Russell asked how Mr. Friedman arrived at the determination that this site was a major composting facility. Mr. Friedman indicated that it was intended to handle 12% of Portland's garbage.

Mr. Russell asked how a determination could be made as to the types of odors. Staff indicated that odors occurred when transporting most types of waste products. Mr. Friedman indicated there would be approximately 160,000 tons a year.

Ms. Haight asked about the quantity of garbage expected. Mr. Schneider indicated that Smurfit is bringing in approximately twice as much now to shred for their use as the proposed facility is anticipated to produce. Instead of landfilling the waste material, it will be used.

Mr. Kriz asked Mr. Friedman to explain METRO's experience. Mr. Friedman indicated that this would likely be fibrous materials from household garbage. He indicated that the applicant is proposing to have DEQ regulate the process and that within 3 years they are anticipating requesting removal of DEQ regulation.

Mr. Haug asked if the rental house would continue to be occupied. Mr. Schneider indicated it would.

Opponent: Dwight Larsen, 8760 NE Dog Ridge Road, indicated that he can see the transfer station from the back of his property. He noted that he can see an area where spoils have been dumped on the site, including items such as concrete, etc. He noted that it is always easier to dump things downhill than uphill. Drainage is a problem on the site and a large degree of pollution already exists in the creek. He expressed concern about odor. The area is already adversely impacted by the odor from surrounding uses. If this development can be constructed to prevent these types of problems, then maybe the project will be ok. He indicated that problems have happened in the past with other industrial uses and that they could have been prevented if proper measures had been taken. Noise from Highway 219 and the mill already impact his property. He noted that he is not particularly against the project, but would like to see it done with the proper precautions.

Opponent: Rick Whitlow, 8970 Dog Ridge Road, expressed concern about the noise impacts during the night time hours. He felt that the demonstration of the use may not have included trucks backing up, scrapers, etc. which produced noise. He felt that moving the project to the south of the site would not really save money. He requested that the record remain open for 7 days for submission of additional testimony.

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Questions to Opponent:

Mr. Campbell asked Mr. Dailey where he resided. Mr. Dailey indicated he resides on Putnam Road.

Mr. Campbell questioned standing of Mr. Dailey's comments based on his location. Mr. Dailey indicated he was speaking on behalf of the Whitlows. Ms. Whitlow concurred that Mr. Dailey was speaking for them.

Mr. Campbell asked Mr. Friedman if any of the applicant's material indicated that the site was a composter or compost facility. Mr. Friedman indicated it did not.

Mr. Campbell asked Mr. Friedman if he had an opportunity to review the comprehensive plan amendment. He indicated he had not.

Questions to Proponent:

Ms. Whitlow asked Mr. Campbell if there would be any detectable odors. Mr. Campbell indicated that there were no detectible odors under the firing test at Smurfit run by DEQ. Mr. Campbell indicated that he did not believe the proposed facility would produce odors.

Mr. Botts asked what would be happening with the waste water being used to clean up the site. Mr. Campbell indicated that the water used on the site would be added to the grinder. The wastewater on the site would be pumped into the septic tank or recycled. No discharge to Hess Creek is anticipated or proposed.

Public Agencies/Letters: None other than that identified by Staff from METRO.

Proponent Rebuttal: Mr. Campbell discussed the odor questions. He noted that the area has odors produced by Smurfit, the City treatment plant, and the chicken farm. He noted that this facility is enclosed, and processing will occur inside the enclosure. If a diversion to a compost facility is needed, it will be to a location outside the City of Newberg. No noticeable odor is anticipated from the project. He indicated that the facility would produce an industrial noise, with all attempts being made by the applicant to baffle the noise within the structure. No on-site generation of water is proposed. This is a grinding process. Any water generated as a byproduct will be recycled or put into a waste water holding tank or catch basin. Screening on the south of the site is possible. Through the site design review process this site can be screened to the satisfaction of the neighbors. He noted that the concerns expressed by the neighbors are valid concerns. Finding a balance with the neighbors is desired by the applicant. He noted that Mr. Schneider has a good solid background of operation with the Newberg community. Mr. Campbell noted that in the UGB process this site was not indicated to be anything other than the site for processing waste for industrial fuel with diversion of waste product to off-site composting. He noted that a DEQ permit is required and the City will have an opportunity to review that permit operation. The site will have to operate in compliance with the DEQ permit. The facility is not a compost facility. He noted that METRO has an exemption for 12% of its garbage. Mr. Schneider is negotiating with some of the private haulers in the Portland area but no set percentage of that 12% has yet been determined. He noted that nothing about the proposed project is similar to Portland's disastrous composter project. He noted that development of this facility is a substantial capital undertaking. He reviewed the comments relating to the development agreement, in particular relating to a change in use. If the use does not pan out, they would like to put the property to a similar type of use. He requested that the Commission approve the request.

Question to Proponent:

Mr. Russell asked about the view of the site from Highway 219. Mr. Campbell indicated it would be on the west side of the recycling center and would be similar in height and scale to the recycling center. Mr. Russell asked about proposals for site screening the south side of the site. Mr. Campbell indicated that specific landscaping plans have not been determined.

Mr. Worrall asked Mr. Campbell about the location of the Douglas fir trees on the west boundary. Mr. Schneider indicated that the trees were on Smurfit's property.

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Mr. Haug asked Mr. Campbell to describe the proposed drain fields for the site. Mr. Campbell indicated that the types of waste effluent generated on the site would be from restroom facilities and wash down water. He noted that the washdown water would be captured separately from the restroom effluent and contained in a septic system.

Mr. Haug asked for clarification of the wastewater collection system. Mr. Campbell indicated that the reuse section would be an underground storage tank with a return pump tied in with a septic tank pumping system.

Mr. Haug asked for clarification of the noise levels generated by the trucks during the evening hours. Mr. Campbell indicated that there was a proposed single point of ingress and a single point of egress. Trucks would pull in, back up and dump their load. Trucks picking up material would go behind the building in a forward motion with no backing required.

Mr. Haug questioned Mr. Campbell about the truck exiting onto Highway 219 from Wynooski. Mr. Campbell indicated that Highway 219 and Wynooski was the only truck access to the area.

Ms. Haight asked Mr. Campbell who monitors the DEQ permit and who monitors the site after it expires. Mr. Campbell indicated that typically a DEQ permit is valid for a 4 year period of time. The exemption process would require ongoing reporting to DEQ and only after DEQ is satisfied that this material (as a class of material) could be exempt, would the exemption process occur.

Ms. Haight asked how many people Mr. Schneider currently employs live out of the area. Mr. Schneider indicated two of his employees were not local residents.

Ms. Haight asked if any of this information has been distributed to the Newberg Graphic. Mr. Schneider indicated the Graphic was in attendance at several of the County hearings.

Ms. Post asked what would happen to the building runoff during rain events. Mr. Campbell indicated that water would be collected in catch basins which would be placed on the site.

Staff Recommendation: Mr. Scoles indicated that the recommendation as previously noted was for approval. He indicated that many of the issues discussed relate to the CUP process. He felt that the Commission should carefully review those issues. He noted that additional data could be provided. He indicated that the Commission could review each of the applications independently. He noted that the design review process should be specifically included as a condition if the applications are approved. The Commission could review those issues also.

Hearing Closed.

Ms. Haight felt that the citizens of the community have not been adequately informed relating to this issue. She supported Mr. Schneider as a businessman, but she was also concerned about the neighboring areas such as the Dog Ridge neighborhood. She felt that the proposal should be tabled 30-60 days for further public review and input relating to the project.

Ms. Post asked staff if they could provide information relating to a similar facility as an example. Mr. Scoles indicated that staff could attempt to provide additional information if the decision were postponed.

Ms. Post asked if there were examples relating to noise, odor, complaints, etc. from other areas. Staff indicated that the applicant could provide additional information to support the application.

Mr. Schneider indicated that he did not desire to have any kind of situation created which would create additional odor or noise. He is at the site a great deal of the time and does not desire to have any additional noise or odor.

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Mr. Worrall felt that the application should be separated and the annexation and zone could be resolved first. He felt that answers to some of the questions posed by METRO should be discussed prior to consideration of the CUP.

Mr. Kriz noted that as the Planning Commission representative of NUAMC he has heard this issue already through the CPA application. He indicated that the site is being annexed because of the use and should not be considered separately.

Motion: Haight- that the Planning Commission approve the request for annexation as an M-3/GH zone subject to conditions 1-4 of the staff report, and hold off approval of the conditional use permit for 30 days, for further public input and advertisement in the Graphic.

Motion died for lack of second.

Mr. Haug expressed concern about an encroachment into the creek and wetlands area. He felt that alternative uses of the land are possible. He felt that alternative sites should be reviewed. He supported the facility and the job creation. He expressed concern about the additional noise from the site on surrounding properties.

Mr. Russell asked staff to provide additional information relating to noise impacts and possible abatement procedures for odors and noise. Runoff water should be more adequately addressed.

Staff indicated that generally specific studies are not done prior to approval of a permit but the permit could be contingent upon verification of appropriate studies.

Mr. Worrall reviewed policies in the Comprehensive Plan relating to air and water quality protection. He also referred the applicant back to OS criteria relating to development. He indicated that the applicant should further address the OS criteria relating to construction within this area.

Staff noted that the annexation and zoning would be heard at Council and that the applications could be separated.

Mr. Kriz indicated that if the annexation and zone change were approved without the CUP, any M-3 use could be applied to the site.

Mr. Scoles indicated that the annexation could not be approved at Council without approval of a development agreement.

Commissioners discussed methods of continuance.

Motion: Worrall-Russell that the Planning Commission continue consideration of the annexation/zone change (file ANX-1/ZC-1/CUP-1-94) to the April Planning Commission meeting.

Amendment to Motion: Russell-Haight that staff provide information relating to transportation impacts as a result of this project, as well as reports relating to noise, odor and wetlands impacts, method of retaining runoff water, applicability of Comprehensive Plan policies (page 6-items 1, 2 and 4), as well as Newberg Ord. No. 566 (page 118).

Vote on Amendment: Carried unanimously.

Further discussion occurred relating to setting a special meeting date. April 28 was suggested.

Additional Amendment to Motion: Worrall-Post to amend the main motion to continue the hearing to April 28.

Vote on additional amendment: Carried unanimously.

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Vote on Main Motion: Carried unanimously.

Meeting recessed for 10 Minutes.

Commissioners discussed options regarding continuing the Planning Commission meeting or calling a special meeting to review the balance of the agenda items. The audience was polled as to interest in each hearing item. It was the consensus of the Commission that not enough time was available to complete review of any of the remaining items.

Motion: Haight-Worrall to continue the balance of the agenda to a special Planning Commission meeting to be held March 17 at 7:00 pm at the Newberg STP. Motion carried unanimously.

Motion to adjourn carried unanimously. The meeting was adjourned at approximately 10:30 pm.

NEWBERG PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon

Thursday, 7:00 PM

April 14, 1994

Subject to P.C. Approval at 5/12/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight (approx. 7:30)
Mat Haug
Jack Kriz
Mary Post
Wally Russell
Dan Wollam
Roger Worrall

It was noted that a quorum of the seated Planning Commission members was present.

Staff Present:

Greg Scoles, Comm. Development Director
Susan Regan, Planning Manager
Barb Mingay, Recording Secretary

Citizens Present: 12

II. OPEN PLANNING COMMISSION MEETING

Chair Kriz opened the meeting and introduced new Planning Commissioner Dan Wollam.

III. APPROVAL OF MINUTES

Motion: Worrall-Haug to approve the minutes of the March 10, 1994 and March 17, 1994 minutes.

Vote on Motion: Motion carried unanimously.

ORS 197 relating to the public hearing process was entered into the record by Chair Kriz.

IV. PUBLIC HEARING:

APPLICANT:	NSP Development, Inc.
REQUEST:	Subdivision of an 8.93 acre parcel into 15 lots with an average lot size of 7,500 sq. ft. to be known as The Meadows Phase IV and a remaining parcel identified as Tract A
ZONING:	R-1 Low Density Residential
LOCATION:	South of Edgewood, West of N. College
TAX LOT:	3220DB-4300 (pt.)
FILE NO:	S-1-94

Chair Kriz asked if there were any abstentions or ex-parte contacts. Commissioner Russell indicated he was a realtor with Coldwell Banker, who is marketing the property, however he is not personally involved in the sale. No abstentions were indicated. No ex-parte contact or objection to jurisdiction were indicated.

Staff Report: Community Development Director Scoles reviewed the staff report, highlighting the location of the subdivision, and noting surrounding uses. He commented that a portion of The Meadows Phases I-III have been reviewed for possible wetlands and the area was not determined to be a wetland. He indicated that a staff condition has been included to require a wetland delineation on the site. He noted that another condition has been included to allow a street design option which would extend the proposed cul-de-sac to the west as a through street.

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Staff was asked how the north-south street would be connected through The Meadows Phase II. Staff noted that the connection would be through tract A of Phase II. Mr. Scoles was asked where the potential wetland area was on Phase IV. He indicated that it was in the vicinity of lot 7. He indicated that Phase I is currently under development and an extension is being requested for Phases II and III. He was asked about the location of the Comprehensive Plan Map reference to a Proposed Park and its location in relation to this site. He indicated the location of the Proposed Park site was in the vicinity of the Seventh Day Adventist Church property and noted that it was a general area designation, not specific to a particular site.

Proponent: Grady Brown, representing NSP Development, project developers, indicated he has been involved with the project from the beginning of Phase I and he concurred with the staff report conditions.

Opponent: None

Questions to Proponent: None

Public Agencies/Letters: None other than identified in the staff report.

Staff Recommendation: Approval subject to staff report conditions 1-12.

Hearing Closed.

Commission Discussion:

Commissioner Haight requested that the School District referral comments be identified relating to this project. Mr. Scoles responded there were no comments relating to this project from the School District. He noted that our referral notice indicates if there is no response, the agency has no conflict.

Ms. Haight expressed concern about the additional traffic impact on College. Mr. Scoles indicated that as development occurs there will be additional impacts. He noted that once Main Street is extended there will be alternative routes for some of the traffic.

Ms. Haight questioned the need for so many conditions. Commissioner Worrall responded that the proponent has agreed with all staff conditions.

Commissioner Haug asked for a clarification of the geologic report designations. Mr. Scoles indicated that the map was a part of the material presented by the applicant; however, he noted that the Development has a map with a legend available for Commissioners to review.

Mr. Worrall asked for clarification about how a wetland was defined. Mr. Scoles indicated that the State would require a permit if there was more than 50 cubic yards of fill material required.

Mr. Russell asked if the wetland report included in the staff report applied to this site. Mr. Scoles noted that the report addressed Phases II and III, not phase IV.

Mr. Wollam asked if a wetland was determined to apply to the site, whether the Planning Commission would review the proposal again. Mr. Scoles indicated that if a wetland determination applied to the site, the developer might need to modify the layout of lots, and if that were required, the Planning Commission could revise the conditions to include additional Planning Commission review of the modification.

Ms. Haight asked why there was inconsistency in the subdivision staff reports relating to applicable Comprehensive Plan policies. Mr. Scoles indicated that policies were selected illustrative policies which might specifically apply to each project and that each staff report might not include all applicable policies.

Ms. Haight felt that there should be more consistency when selecting Comprehensive Plan references.

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Mr. Worrall indicated that this parcel does not lie within any area on the Comprehensive Plan identified as Open Space.

Mr. Kriz indicated that the Commissioners had the option of adding language to the conditions if they feel they are inadequate or need revisions.

Mr. Kriz asked where the storm drainage system would connect. Mr. Scoles indicated that it would be required to connect to Phase III systems.

Mr. Kriz asked if the Commission could require a direct street connection in lieu of the cul-de-sac proposed by the applicant. Mr. Scoles indicated that condition 12 gives the option of revision to the developer. Mr. Scoles noted that during discussion relating to the extension request, the Planning Commission could consider including a similar condition to Phases II and III.

Mr. Haug felt that condition 7 should be revised relating to wetlands.

Mr. Worrall indicated that the State review of the wetland area was adequate.

Motion: Wollam-Post that the Planning Commission approve the request based on testimony, staff report findings and the following conditions:

1. The applicant shall provide a waiver of remonstrance against assessment for North College Street improvements including street, storm sewer, street lights, and sidewalks in order to bring College St. up to arterial street standards. The applicant shall also dedicate right-of-way on College Street to create a 40 ft. half-width in order to meet City arterial street requirements.
2. Sidewalks must be at least four feet wide in width, setback six feet from the curb.
3. On the final plat, show the church property as a tract in the subdivision and include all dedications, easements and rights-of-way on that parcel.
4. In order for the subdivision and any future development on Tract A to utilize the Main Street trunk line, a sewer force main must be constructed from the west property line to the gravity sewer on College Street. This force main shall be in a common trench with the proposed sanitary sewer. A 20 foot utility easement shall be dedicated to the City along the south boundary of Tract A for the force main. The City will reimburse the developer for the cost of the sewer force main. The gravity sewer on the new street shall be extended to the intersection of Princeton Street.
5. Show 5 foot utility easements on each side of all the rights-of-way.
6. Locate a fire hydrant at the intersection of Princeton and the east-west street.
7. The western third of the proposed subdivision is saturated with water and may contain some wetlands. The applicant shall have a determination/delineation done to determine the extent of any wetlands in order to comply with State and Federal wetland regulations.
8. Because the possibility exists for the applicant to develop Phase IV before Phases II or III, the applicant shall provide the Community Development Department with a plan to divert the runoff from the undeveloped phases. As a result of the wetlands determination, some off-site ditch improvements to Crater Lane might be required. The applicant shall discuss this with the Engineering Division.
9. Soil tests shall be required for foundation designs for lots 6-9.
10. Applicant shall demonstrate how storm runoff will be diverted from Phase IV if this phase develops prior to Phase II.

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11. No building permits will be issued until all required street and fire system improvements have been completed, or have been completed to such a degree as to allow adequate fire protection, as determined by the Fire Marshal.
12. The proposed cul-de-sac may be redesigned, at the option of the applicant, to be a through street on the final plat, provided modifications are made to Phase III of The Meadows Subdivision. Such a redesign shall be subject to review and approval by the Community Development Director.

Vote on motion: Aye--Haug, Post, Russell, Wollam, Worrall, Kriz; Nay--Haight. Motion carried 6-1.

Mr. Scoles introduce the new Planning Manager Susan Regan.

V. PUBLIC HEARING:

APPLICANT: Ron Manning
REQUEST: Subdivision of a 130,033 sq. ft. parcel into 18 lots with an average lot size of 5,224 sq. ft. to be known as Millview Estates
ZONING: R-2 Medium Density Residential
LOCATION: West of Wynooski, north of Eleventh
TAX LOT: 3220CD-401
FILE NO: S-2-94

Chair Kriz asked if there were any abstentions or ex-parte contacts. No abstentions, ex-parte contacts or objections to jurisdiction were indicated.

Staff Report: Ms. Regan reviewed the project, highlighting the site on a map. She noted that there were no outstanding issues relating to the project; however, as a safety issue, the Fire Marshal has requested that the street names be revised to avoid conflict with Millview Drive. She indicated that the preliminary staff recommendation was for approval.

Proponent/Opponent: None

Public Agencies/Letters: None other than listed in the staff report.

Staff Recommendation: Staff recommends approval of the request subject to completion of staff report conditions.

Hearing Closed.

Commission Discussion:

Mr. Worrall felt that the lack of applicant testimony was unsatisfactory and that he had questions for the applicant. Ms. Haight concurred.

Mr. Haug requested clarification relating to the reimbursement for improvements suggested by the staff report. Ms. Regan indicated that it was fiscally prudent for the City to obtain the connection now while the development is occurring as the cost would be much less now than in the future.

Motion: Haight-Haug to postpone this hearing to the next regular meeting, and to reopen the hearing to public testimony from Ron Manning or his representative.

Vote on Motion: Aye--Haight, Haug, Post, Russell, Wollam, Worrall; Nay--Kriz. Motion carried 6-1.

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VI. PUBLIC HEARING:

APPLICANT: Newberg School District
REQUEST: Partition of an 18.77 acre site into two lots together with a public right-of-way
ZONING: R-1 Low Density Residential
LOCATION: N. of Crater Lane terminus, east of Chehalem Drive, west of Foothills Dr. terminus
TAX LOT: 3207-1001 and 3207AC-2900
FILE NO: P-2-94

Chair Kriz asked if there were any abstentions or ex-parte contacts. Ms. Post indicated her husband was a member of the Newberg School Board but she has not discussed the issues with him. No abstentions, ex-parte contacts or objections to jurisdiction were indicated.

Staff Report: Mr. Scoles indicated the application is for a major partition which includes a street. He highlighted criteria requirements and comprehensive plan policies which apply to the site. He pointed the site out on a map, identifying the site and surrounding uses. He indicated that this hearing was not related to the school development plans for the site, but should include discussion relating to sewer and water service to the site. He directed the Commissions' attention to the School District traffic study, the width of Foothills Drive, required improvements, signalization, and traffic impacts. He noted that the study did not indicate the need for signalization at Foothills and College; however some modifications could occur on Foothills. He noted that the study recommended limited parking on the portion of Foothills Drive outside the project area, and no parking along Foothills Drive in the project area. He reviewed staff report conditions including a non-remonstrance requirement for signalization at Foothills and College, paving requirements, parking limitations along Foothills during certain hours, intersection alignment, and development of an adequate storm drainage system. He reviewed the applicants proposed use of detention basins on the site and the staff recommendation that drainage be revised to not have drainage ponds on the school site. Staff preliminary recommendation was that the project be approved subject to 14 conditions.

Proponent: Paul Frankenburger, 25125 Skyline Road, Amity, School District representative, reviewed the staff report recommendations. He distributed proposed revisions for conditions 1, 10, 13 and 14.

Opponent: Roger Courler, 504 Pinehurst, expressed concern about the request for reduction in sidewalk area. He also questioned the request to alter the waiver of remonstrance requirement. He expressed concern about the congestion and safety in the area. He disagreed with the stipulation relating to restriction of parking on Foothills. He questioned whether there would even be water available to the site. He also felt that the citizens of the city would ultimately have to pay for sewer improvements. He felt that the development in the area has become excessive in the last several years without the implementation of a transportation plan to deal with the development.

Questions to Proponent: Mr. Worrall asked if the School District was paying a transportation impact fee for development of this site. Mr. Frankenburger indicated they were subject to the fee. Mr. Scoles concurred. Mr. Worrall reviewed the purpose of the transportation fee, indicating that this was designed to pay for additional transportation facilities because of added development. He questioned whether paying the transportation fee and also paying to install streets, curbs, etc. was actually paying double fees.

Question to Opponent: Mr. Worrall asked Mr. Currier if he was for or against the school being built at this location. Mr. Currier indicated this deliberation was for a partition, not on construction of the school. Mr. Currier added that he was opposed to the entire school project on this site.

Question to Proponent: Mr. Wollam asked if there was a residence on the parcel 2 site. Mr. Frankenburger indicated that the site is vacant. Mr. Frankenburger noted that the best use of the site appears to be residential as it is separated from the balance of the property by a roadway.

Ms. Haight asked for clarification of the residential lot size. Mr. Scoles indicated that the minimum lot size is 7500 sq. ft. in the R-1 zone.

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Ms. Haight reviewed the Transportation Plan developed by Kittelson. She indicated that there were several conflicts within it and asked for clarification from the School District.

Kent Kelser, registered PE working for Kittelson and Associates, indicated that the location of the site is west of College Street, not east as indicated within the report. He reviewed the grading methodology for intersections. He noted that level A was the best, degrading to a low level of service F. He indicated that the plan review is for a 15 year future service level with development of Foothills to the east of College. With that extension, the level of service would be level F; without the east extension of Foothills the level of service would be C. He reviewed the March 30th letter which explains mitigation methods at that intersection.

Ms. Haight asked how much consideration was given to the existing traffic on Foothills. He indicated that all the potential traffic impacting the intersection by the year 2012 was included in the evaluation.

Mr. Worrall asked Mr. Kelser why the applicants requested the modification to the waiver condition. Mr. Kelser indicated that the report concluded that primary impacts were likely to come from the Foothills extension to the east and not from the school traffic.

Mr. Haug asked Mr. Kelser to explain the warrants which must be met before signalization could be placed at the intersection. Mr. Kelser directed the Planning Commission to page 22 of the School District report and reviewed the warrants used in the calculation for signalization.

Mr. Haug asked if the projections included bicycle traffic at the intersection. Mr. Kelser indicated that if Foothills was identified as a collector in the Transportation Plan, distinctive bicycle paths could be striped.

Commissioners discussed student traffic along Foothills and College and the expanded impacts of new residential development in the immediate area.

Mr. Kelser reviewed several figures within the report relating to potential school activities, additional construction in the area and capacity parking requirements.

Mr. Worrall asked if the school parking was proposed to be shared by the Park District. Mr. Kelser indicated it was analyzed in that manner.

Mr. Wollam asked Mr. Kelser if the study indicated that no parking would be allowed on the existing portion of Foothills. Mr. Kelser noted that he concurred with staff about the need to monitor the effects of parking along Foothills with consideration given to possible mitigation measures in the future.

Mr. Wollam asked Mr. Kelser if he felt parking would need to be removed in the future. Mr. Kelser indicated that removal of parking could be more of an operational decision rather than a vehicular standpoint.

Ms. Haight asked how long it might take to get a stoplight if the intersection proves dangerous. Mr. Kelser indicated that the State would make the ultimate decision.

Mr. Kriz asked how wide of a travel lane was needed for school buses. Mr. Kelser indicated that a 36 ft. street width accommodates two 12 ft. road lanes, sidewalks, and either parking or bike lanes.

Ms. Haight asked Mr. Kelser if this development would be an asset to the existing residential area or a detriment. Mr. Kelser indicated he could not respond about the assets of the neighborhood but the traffic level of service was at level A now.

Commissioners reviewed the applicant's proposed revisions to conditions 1, 10, 13 and 14.

Public Agencies/Letters: None other than identified in staff report.

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Proponent Rebuttal: Mr. Frankenburger indicated that 4 meetings have been held with residents along Foothills Drive. The only issue residents along Foothills Drive had was with possible no parking designations along the existing portion of Foothills. He indicated that elimination of parking has not been requested by staff. He noted that the combined use facility will benefit the School District, the Park District and the taxpayers. Less parking will be required from the joint use facility and the intensity of the development was very deliberate and purposeful. He indicated that crossing guards will be provided at the dangerous intersections. He noted that the school district is very concerned with safety.

Staff Recommendation: Staff recommends approval of the partition subject to testimony, staff report findings and conditions with the following modifications:

Replace staff report conditions 10 and 14 with applicant's conditions 10 and 14.

Hearing Closed.

Commission Discussion:

Mr. Worrall asked staff to clarify if the recommendation for sidewalks is for both sides. Mr. Scoles indicated that sidewalks should be provided on both sides of Foothills Dr. to at least Crater Lane, but staff would like it to be for the length of project area.

Mr. Scoles was asked when Crater Lane would be installed. He indicated that Crater Lane is dedicated to the Foothills extension but it would not be improved until development occurred along Crater Lane.

Ms. Haight asked about the development of Crater. Mr. Scoles indicated that Crater is a county road that is proposed to connect to Foothills. Ms. Haight expressed concern that Main Street is deteriorating. She questioned whether the streets are going to be put in for this school and whether Main Street will be improved before it is extended to Foothills.

Mr. Scoles indicated that Foothills will be required to be improved, and an extension to Main, Chehalem and Crater will be provided. He noted that Main, Chehalem and Crater would not be improved by this project beyond what exists now.

Mr. Wollam asked staff if the School District has been approached about reimbursement agreements for the section of sidewalk along Foothills on the south side which would occur on non-School District property. Mr. Scoles indicated they have discussed reimbursement agreements in principle.

Ms. Haight expressed concern about the development of classrooms, and expanded payroll demands. She felt that the existing street structure should be upgraded before the school project is developed. She felt the process should be slowed down.

Ms. Post indicated that the voters have approved construction of this school; they have chosen to support the project. Many of the teachers for the new school are from Central. She indicated that the Planning Commission is supposed to be reviewing development of a road and two parcels.

Mr. Wollam requested that the Commission members individually review each of the staff report conditions.

Mr. Wollam then suggested amending condition 1 as follows:

The applicant shall provide a waiver of remonstrance against assessment for a traffic signal at the intersection of Foothills Drive and College St., should such a signal become warranted, *based on criteria other than vehicular volumes such as pedestrian traffic, school crossing or safety*, and for future utility improvements in Chehalem Drive.

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Commissioners discussed the cost sharing of a signal among property owners to the east of Foothills as well as the School District.

Mr. Scoles indicated that through the LID process, the School District has the opportunity to discuss the apportionment process.

The Commission generally concurred with the original staff condition 1, without the additional language.

Mr. Haug suggested that condition 3 be revised as follows:

The existing portion of Foothills Drive shall be overlaid with 2 inches of asphalt to accommodate the bus traffic. *Also, parking shall be eliminated along Foothills Drive as determined by the Traffic Safety Commission.* The cost for signing and ...

Mr. Scoles was asked for clarification of how the bicycle lane would be terminated from the new portion of Crestview to the older portion of Crestview. Mr. Scoles indicated that the lane would taper to dashed lines. He noted that during a typical day, very few vehicles park along the street on the existing Foothills Drive.

Commissioners generally discussed the location of bicycle lanes.

Ms. Halght suggested that the Commission continue the hearing due to the lateness of the hour.

The Commissioners by consensus elected to finish discussion at this meeting, since they felt they were close to a decision.

A 5 minute recess was called, after which the meeting was reconvened.

Commissioners then reviewed staff report and applicant conditions.

By consensus the Commissioners recommended replacement of condition 10 as follows:

The design of any proposed detention ponds along Foothills Drive shall be subject to approval by the City Engineer.

Commissioners proposed to accept applicants condition 13 with a revision to delete Main Street and replace it with Crater Lane as follows:

Sidewalks shall be provided for the full length of Foothills Drive on the north side of the street and from the curb cut on the east side of the Crater Lane Street alignment to the existing portion of Foothills Drive on the south. Development of the remaining sidewalks on the south side of Foothills shall be installed by future development.

Commissioners concurred with applicants condition 14 as follows:

Combustible materials shall not be stored on the site and construction of combustible building components shall not commence until completion and inspection of the fire system improvements.

Commissioners added condition 15 as follows:

The City shall work with the School District to develop reimbursement agreements relating to public improvements that can be shared by adjacent development.

Motion: Wollam-Post to approve the request for a partition based on testimony, staff report findings and the following revised conditions 1-15:

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1. The applicant shall provide a waiver of remonstrance against assessment for a traffic signal at the intersection of Foothills Drive and College St., should such a signal become warranted, and for future utility improvements in Chehalem Drive. It should be noted the applicant has already executed a waiver for future improvements to Chehalem Drive, Main Street, Foothills Drive and Crater Lane.
2. The extension of Foothills Drive shall be designed to be 36 feet in pavement width, with designated bicycle lanes and no parking.
3. The existing portion of Foothills Drive shall be overlaid with 2 inches of asphalt to accommodate the bus traffic. Also, parking shall be eliminated along Foothills Drive as determined by the Traffic Safety Commission. The cost for signing and painting the curbs for no parking shall be borne by the applicant.
4. On street parking along the existing portion of Foothills Drive shall be permitted. However, should it become necessary to restrict parking along Foothills Drive (e.g. during school hours), the applicant shall be responsible for the cost associated with signing and striping.
5. The cost for all required signage and striping along Foothills Drive and Chehalem Drive for school zones (reduced speed, school advance warning, and school crossing) in accordance with the Manual on Uniform Traffic Control Devices shall be the responsibility of the applicant.
6. Show 5 foot utility/sidewalk easements on each side of all the rights-of-way.
7. The intersections at Chehalem Drive and Crater Lane require County permits.
8. The exact location of the North Main St. intersection will be determined prior to final platting. The intersection will be located at the logical extension of N. Main Street through the property to the South. A road alignment study will be prepared for approval by the Community Dev. Dir. to determine the specific location. A one foot reserve strip shall be dedicated to the City to control access to the street at the terminus of Main St. If the location of Main St. results in the creation of an unbuildable parcel, then it shall be indicated as Tract A on the plat map.
9. Parcel 2 shall be graded so as to allow positive drainage to the street storm drain system.
10. The design of any proposed detention ponds along Foothills Drive shall be subject to approval by the City Engineer.
11. Water and Sewer systems shall be extended through the site to the adjacent parcel to the North, should that parcel be included within the City's UGB prior to Final Plat approval.
12. A looped water system shall be provided for the fire protection system. Fire hydrants shall be provided in locations approved by the City's Fire Marshal.
13. Sidewalks shall be provided for the full length of Foothills Drive on the north side of the street and from the curb cut on the east side of the Crater Lane Street alignment to the existing portion of Foothills Drive on the south. Development of the remaining sidewalks on the south side of Foothills shall be installed by future development.
14. Combustible materials shall not be stored on the site and construction of combustible building components shall not commence until completion and inspection of the fire system improvements.
15. The City shall work with the School District to develop reimbursement agreements relating to public improvements that can be shared by adjacent development.

Vote on Motion: Aye--Haug, Post, Wollam, Worrall, Kriz; Nay--Haight. Motion carried 5-1.

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VII. PUBLIC HEARING:

APPLICANT: City of Newberg

REQUEST: Modification of the Newberg Zoning Ordinance Text to comply with current State requirements relating to siting manufactured housing.

Motion: Worrall-Wollam to continue the hearing to the special April 28, 1994 Planning Commission meeting to take place at the Newberg Waste Water Treatment Plant. Motion carried unanimously by voice vote.

VIII. OLD BUSINESS

Request for Extension: The Meadows Phase II and III and Chehalem Bluff Subdivision.

Ms. Regan indicated that the request was for approval of a one year time extension for final plat submission for the two subdivisions.

Motion: Haight-Wollam to approve the request for extension for 1 year for the Meadows, Phases II and III and Chehalem Bluff Subdivision.

Vote on Motion: Aye--Haight, Haug, Post, Wollam, Worrall, Kriz; Nay--None. Motion carried 6-0.

IX. NEW BUSINESS

Mr. Worrall requested an opportunity to report on the Open Space Committee status at the April 28th Planning Commission meeting or at the May regular meeting.

Mr. Haug noted he had noticed what appeared to be an oil sheen on the water in Hess Creek south of Fulton. He requested that the College be notified.

Mr. Kriz requested that at a future planning commission meeting the method of reimbursement to developers be further discussed. Mr. Kriz also requested that an opportunity be provided at a future meeting for a Planning Commissioner training session and procedural issues.

Ms. Haight asked if the Planning Commission meeting schedule could be changed to hold 2 meetings a month to split the agenda.

Commissioners by consensus agreed to retain the current process of having one regular meeting and having special meetings as necessary, and save the second meeting for work or training sessions.

X. COMMUNICATIONS FROM THE FLOOR - None

XI. ADJOURN

There being no further business, the meeting was adjourned at 10:50 pm.

NEWBERG PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon

Thursday, 7:00 PM

May 12, 1994

Subject to P.C. Approval at 6/9/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Mat Haug
Jack Kriz
Mary Post
Dan Wollam
Roger Worrall

Excused absence: Wally Russell

It was noted that a quorum of the Planning Commission members was present.

Staff Present:

Greg Scoles, Community Development Director
Susan Regan, Planning Manager
Barb Mingay, Recording Secretary

Citizens Present: 3

II. OPEN PLANNING COMMISSION MEETING

Chair Kriz opened the meeting.

III. APPROVAL OF MINUTES

Motion: Wollam-Post to approve the minutes of the April 14, 1994 and April 28, 1994 minutes with the following corrections to the April 28 minutes. It was noted that the April 28 meeting was a special meeting of the Planning Commission at the Newberg Wastewater Treatment Plant, not a regular meeting at the Newberg Public Library.

Page 4, paragraph 4 was corrected to read:

.... He expressed concern about the Highway 219/Wilsonville/Sandoz Road intersection and felt it was very hazardous....

Page 6, Audience Questions to Proponent, paragraph 1 was corrected to read:

Mr. Dailey asked Mr. Schneider if he was going to use his 20 acres NE of Highway 219/Wynooski intersection (Adolf Road) to compost.

Vote on Motion: Motion carried unanimously.

Commissioner Haug requested that an additional item be added under New Business to discuss Planning Commission enforcement of conditions of approval.

It was the consensus of the Commission to add this item under New Business.

ORS 197 relating to the public hearing process was entered into the record.

IV. PUBLIC HEARING, continued from April 14, 1994

APPLICANT: Ron Manning
REQUEST: Subdivision of a 130,033 sq. ft. parcel into 18 lots with an average lot size of 5,224 sq. ft. to be known as Millview Estates
LOCATION: West of Wynyoski, north of Eleventh
TAX LOT: 3220CD-401
FILE NO: S-2-94
ZONE: R-2 Medium Density Residential

Chair Kriz noted that this issue was continued from the April 14 meeting and the hearing had been closed.

Planning Manager Regan reviewed the hearing status and indicated that the Commission is in deliberation on the item. She noted that the applicant was present to respond to Planning Commission questions.

Commissioner Worrall asked Mr. Manning if he concurred with the staff report and attached conditions.

Ron Manning, 2310 Chehalem Drive, responded that he agreed with the conditions.

Ms. Regan summarized the request, highlighted referrals and indicated that the staff recommended approval per conditions listed in the staff report.

Staff was asked if there was an existing street adjacent to the site on the west.

Community Development Director Scoles noted that it was an unimproved right-of-way, not an improved street frontage.

Motion: Worrall-Wollam to approve Millview Estates Subdivision, T.L. 3220CD-401, based on the staff report, findings, testimony and the following conditions:

1. Local street paving width shall be 32'.
2. All utilities shall be designed to city standards and be located in easements.
3. Water and sewer stubs shall be provided to tax lot -500 via an easement between lots 13 and 14.
4. Street frontage improvements along Eleventh St. shall be constructed.
5. A five foot utility easement shall be dedicated along all street frontages as well as a 1 foot reserve strip at the end of Millview Place.
6. The issue of the encroaching fence and shed shall be resolved prior to final subdivision plat.
7. The street names shall be changed and meet approval of the Fire Department.
8. Fire hydrants shall be located at the corners of Millview Dr. and Eleventh and Millview Dr. and Millview Ct.
9. No building permits will be issued until all required street and fire system improvements have been completed or have been completed to such a degree as to allow adequate fire protection, as determined by the Fire Marshal.

Vote on Motion: Aye--Haug, Post, Wollam, Worrall, Kriz; Nay--None. Motion carried 5-0.

V. PUBLIC HEARING, continued: NEWBERG TRANSPORTATION SYSTEM PLAN ADDENDUM REPORT

APPLICANT: City of Newberg

REQUEST: A public hearing on an addendum to the Newberg Transportation System Plan which was previously considered by the Planning Commission at a public hearing.

FILE NO: Newberg Planning File G-8-93

Chair Kriz requested abstentions, ex-parte contact or objections to jurisdiction. None were given and none were requested.

Staff Report: Mr. Scoles indicated this was a continued item relating to the Transportation Systems Plan (TSP) last discussed by the Planning Commission in January. He noted that the Planning Commission had continued the project to allow for development of additional information relating to the no-bypass alternative. He indicated that this amendment would consider the indefinite delay of the proposed Newberg-Dundee bypass. He commented that the addendum includes improvements which will not eliminate the future potential problems associated with the increased traffic on the state highway, but will improve local traffic circulation for residents in Newberg. He reviewed the purpose statement of the Addendum Report which summarizes the location and cost of additional transportation system improvements needed within the next 20 years, assesses the funding responsibility for those improvements and identifies improvements recommended in the Draft TSP that would require re-prioritization. He noted that the additional improvements needed with no Newberg-Dundee bypass will cost approximately \$3.5 million. The report concludes that without the bypass, Newberg will be adversely impacted along the 99W corridor. He reviewed several Draft TSP goals which may not be achievable without the bypass. He noted that the addendum recommendation was to continue to lobby the State Transportation Commission, explore funding alternatives and refine and adopt the TSP to include roadway design standards and a financial plan for the initial stages of the Newberg-Dundee Bypass development. He added that the report identifies the needed improvements and mitigation procedures necessary if the bypass does not occur. He concluded that the staff recommendation was to hold a public hearing on the TSP Addendum and direct staff to prepare an adoption ordinance with findings, to be reviewed and acted on at the June Planning Commission meeting.

Proponent: Dave Dailey, 29696 Putnam Road, Newberg indicated he has reviewed the addendum to the TSP and supports it. He felt that the addendum addresses the options available without the bypass as an alternative. He felt that the plan should proceed and works well for Newberg. He indicated that the bypass is a regional problem, not just Newberg's problem. He supported the addendum.

Question from Audience: Andy Anderson, City Safety Commission member, asked for clarification of design standards for local roads. He asked if the standard was for new roads or for every road in the City. He asked if it was the intent of the TSP to change all the streets in town to 45'.

Mr. Scoles responded that this width would be for new development and that none of the funding associated with this proposal relates to widening existing local streets.

Opponent: None

Public Agencies/Letters: None

Staff Recommendation: As noted previously.

Hearing Closed.

Commission Discussion:

Commissioners discussed the status of Eleventh Street as indicated in the Addendum report.

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Mr. Scoles indicated it is designated as a collector and the proposed improvement would be re-prioritized for upgrade within the 0-5 year period. In the original plan it was not proposed to be developed in this time frame.

Commissioner Wollam asked for clarification relating to the proposed Highway 99W revisions east of Villa. He was especially concerned about the installation of a median barrier with restricted turn lanes. He suggested that aesthetic considerations be included in the proposed improvement.

Mr. Scoles indicated that the State has a plan to widen 99W west of that point in the near future and the TSP would extend that improvement to the east. He added that the type of design for median barriers was varied and would likely depend on the capacity of the road. He indicated that if access restrictions do not occur, there could be a very serious impact on traffic flow through that area.

Commissioner Wollam suggested that some language be included in the report to allow for aesthetic considerations when designing the improvement.

Commissioner Haug asked for clarification of the do-nothing plan. He asked if additional signals would be included in the addendum report relating to the no bypass alternative.

Mr. Scoles indicated that Villa Road would be improved with a new signal, Elliott Road would have a signal, and other intersections might require signals at the time of development and as the flow of 99W continues to increase. He noted that the additional signalization requirements are not included in the funding noted in the addendum report.

Commissioner Worrall noted that in a recent comment from Elizabeth Furse, the Newberg-Dundee bypass was indicated as a level 3. He asked how long it might be before federal funds would be available for this project.

Mr. Scoles indicated that the bypass was in the reconnaissance stage with fairly remote funding.

Commissioner Worrall asked what the proposed alternative funding source from the County was.

Mr. Scoles indicated that several alternative measures were identified within the report. He added that it seems unlikely that local government will be willing to completely fund regional transportation improvements. He indicated that no matter what is done in the interim, Newberg will still be impacted without the bypass.

Commissioner Kriz asked if the plan could be a little more pro-active using policy statements such as "we shall hold meetings with the County to develop County wide funding, etc.". He noted that it was really a county wide issue, not just Newberg's.

Mr. Scoles indicated that there are groups exploring other alternatives such as a toll road, a locally funded road, redesign of the road relating to width, relocation further south, and other designs. He indicated that it was still possible that the bypass could be funded within the next 10 years, and that it was prudent to plan around such a possibility.

Commissioner Kriz felt the TSP should be more pro-active.

Mr. Scoles requested that the Commission give some general direction to staff relating to modification of the Addendum and TSP document so that it could be prepared for inclusion as an addendum to the Comprehensive Plan.

Commissioner Haug felt that the TSP should be more explicit in planning the alternative routes of transportation such as bike and foot paths. He felt that such policies should be added. He indicated that the visioning process encouraged retention of the rural character of the community yet the Commission is bound by the existing ordinances which do not always protect the aesthetics of the community. He felt that the policy statements relating to the bike and pedestrian paths should be stronger.

Mr. Scoles indicated that the TSP was not in place and could not be used during the recent review of the Crater School project. He noted that if it had been adopted, it could have been used as a tool to better guide that development.

Commissioner Wollam felt that the addendum should include an additional policy which puts greater emphasis on bike paths, pedestrian walkways, other transportation alternatives, and public transportation services. He felt that alternative transportation methods should be further explored.

Mr. Scoles indicated that policies from these two documents together will become the transportation planning portion of the comprehensive plan. He indicated that additional implementing ordinances are required and these ordinances have not been created yet. The TSP is the first portion of the modification to the Newberg Comprehensive Plan which will direct the implementing measures.

Commissioner Worrall asked if this hearing was to adopt the Addendum, and then at the next meeting to adopt the TSP.

Mr. Scoles indicated that the Planning Commission would be forwarding a recommendation to the Council on the whole plan, which would also include the Addendum.

Commissioner Worrall requested that the Planning Commission discuss the costs identified in the Draft TSP prior to approval. He felt that the costs could be mitigated in a downward fashion. He felt that the Addendum did not sufficiently address reasonable alternatives for dealing with Highway 219 traffic.

Commissioners Wollam and Haug requested clarification of the issues Commissioner Worrall was concerned with.

Commissioner Kriz reviewed the TSP and its notations relating to rerouting Highway 219. He pointed out that during earlier meetings, the Commission had general consensus relating to the TSP alternatives for Highway 219 routing.

Mr. Scoles reviewed the figures depicting alternative relocations for Highway 219 in the Draft TSP.

By consensus, Commissioners concurred that it was appropriate for Commissioner Worrall to review his concern about the routing of 219.

Commissioner Worrall then requested that the Commissioners review the definition of local street standards on page 58 of the Draft TSP. He expressed concern that the proposed definition would require all existing streets to be upgraded to current standards.

Mr. Scoles indicated the objective of the Comprehensive Plan was to generally direct.

Commissioner Worrall reiterated his concern about the interpretation of the local street standard definition. He felt that it should be revised since it indicates that all streets will be required to be improved to City Standards.

Mr. Scoles indicated that it could be revised to indicate that all new public street systems will be improved to City standards.

Mr. Scoles and Commissioner Wollam indicated that the implementing ordinances would be more specific.

By consensus, the Commission agreed to the following statement:

Street Standards

1. All new public streets systems shall meet City standards.

Commissioner Worrall then reviewed the proposed \$2.5 million Highway 219 improvement in the vicinity of the airport. He felt that Highway 219 should be rerouted up Springbrook and northwest to reconnect with the existing road systems. He felt that other alternatives for Highway 219 should be reviewed by the Commission.

Commissioner Post concurred that Highway 219 should be redesigned to go north up Springbrook to Mountainview, and then in a westerly direction to reconnect with the existing 219.

Commissioner Worrall felt that the Commission should adopt the Addendum with the following conditions:

1. Highway 219 should be routed up Springbrook Road to Crestview (or some other alternative) for a northern route, and
2. Revise the definition of local street standards (as previously noted).

In addition, he felt that the Commission should address the proposed project list. He felt that it was "champagne taste on a beer budget". He reviewed some of the collector street projects for reduction in expense, citing examples such as collector street upgrades (\$4.6 million). He felt they should be individually reviewed and re-justified on a case by case basis.

He added that the following additional condition should be added prior to adopting the Addendum:

3. The collector street upgrades should be reviewed on a case by case basis to include funding plans before they are implemented.

Commissioner Wollam pointed out that there should be room for major improvements such as those included in the plan and that a great deal of review would occur at the time each project was proposed to occur. He felt it was premature to give that level of review on each project at this stage of the game. He indicated that kind of review would occur upon project implementation. He noted that this was a general planning guide and the specific projects would be much more thoroughly reviewed.

Ms. Regan indicated that the City has three major ways to implement a plan such as this: through the Zoning Ordinance, through the Subdivision Ordinance and through the Capital Improvement Program. She indicated that language from the Transportation Plan could be adopted into the transportation section of the Comprehensive Plan which required that this plan coordinate with the City's capital improvement plan. She noted that the adoption ordinance could contain language which requires the TSP and its elements be included in the City's capital improvements program which, in turn, could prioritize each project and set funding limits.

Mr. Scoles noted that policies within the text could indicate incorporation of the capital improvements plan with the proposed TSP improvements. He noted that currently the street improvements are occurring as a result of new building, development projects.

Commissioner Worrall indicated that if the Planning Commission felt there was an adequate check and balance on the wish list, then the last condition he identified was not necessary.

Commissioner Kriz summarized the proposed conditions. He noted that they included reviewing the relocation of Highway 219 and the rewording of the local street standard requirements.

Commissioner Worrall indicated that it was his intent that the Highway 219 revision connect Highway 219 up Springbrook to Crestview and then northwesterly toward the existing 219 north of town.

Mr. Scoles indicated he could obtain additional information from the consultant relating to the cost differences for rerouting Highway 219.

Motion: Wollam-Post to direct staff to prepare an adoption ordinance with findings, to be reviewed and acted on at the June Planning Commission meeting and include in the options at that time a further analysis of the rerouting of Highway 219.

Vote on Motion: Aye--Haug, Post, Wollam, Worrall; Nay--Kriz. Motion carried: 4-1.

VI. OLD BUSINESS

- **Open Space Committee Report:** Commissioner Worrall indicated that he distributed a draft open space revision to the Planning Commission at a recent meeting. He requested that Mr. Scoles update the Commission on the open space grant request.

Mr. Scoles indicated that no response has yet been received from the State.

Commissioner Worrall felt that it was the intent of the committee to develop definitive measurements for determining open space protection areas. He noted that the subcommittee felt that a consultant could further develop ordinance language for review by the open space subcommittee, and that the subcommittee be continued until the conclusion of this project.

Mr. Scoles noted that a grant application for funding to inventory the resource has been applied for. In addition, it was proposed that the grant would fund the development of implementing ordinances to preserve and protect open space corridors and elements. He indicated it is very likely that the grant will be funded but notification of grant award has not yet arrived.

- **CAP Process:** Ms. Regan indicated that annually, the Planning Commission is to evaluate the citizens advisory process. She noted that the last evaluation involved participation of several non-Planning Commission members participating. She indicated that the Commissioners would receive a list of questions at the next meeting to use for evaluation of the process.
- **Waste Processing Update:** Staff distributed a letter to the Planning Commission relating to the Schneider issues. It was noted that the letter was for their information only.

VII. NEW BUSINESS

- **Planning Commission Workshop:**
 1. **Decide on topics:** Ms. Regan collected responses from the Commissioners for development of a topics list.
 2. **Decide on Work session date(s):** Mr. Scoles indicated that the Planning Commission had the option of holding a special meeting or having a workshop prior to the regular meeting.

Commissioners briefly discussed the results of the 6:00 PM training session. It was noted that time parameters did not seem adequate. Commissioners felt that there should be a separate special meeting specifically directed toward training.

Mr. Scoles expressed concern about having Planning Commission meetings every two weeks as has been occurring. He suggested that Commissioners set a time either before or following a meeting to address specific issues. He noted that this process might be just as helpful and could be dealt with in a shorter period of time.

Commissioner Wollam asked if there was an official process to implement some of the items discussed at the training session this evening.

Mr. Scoles indicated that public hearing format, testimony limitations, and so on could be dealt with at the Commission's direction and would not require Council action to implement them. He noted that many of the procedural items could be dealt with through the Chair. He indicated that, at some point in the near future, an overall workshop should occur relating to what Planning is all about.

Commissioners suggested that the June meeting be set at 6:00 PM for workshop review and 7:30 PM for a regular meeting.

Commissioner Kriz asked if there would be a clarified public hearing procedure available for Planning Commission and audience members at the next meeting, and how the workshop would be reported on in the minutes.

Mr. Scoles noted only general information relating to the workshop session should be provided in the minutes.

Commissioner Worrall noted that discussion during the workshop concluded that a testimony sign up sheet be available prior to each hearing for the benefit of the Chair in receiving testimony.

Mr. Scoles noted that a sign up sheet would be implemented.

- **Enforcement Policies:** Commissioner Haug expressed concern that the Planning Commission conditions are not always abided by or enforced. He specifically identified a project approved at a hearing which had a specific condition relating to stream protection. He noted that since then, a bulldozer has run through and damaged the stream and related wetlands. He described the damage done on the stream site and indicated that the wetlands area was being drained. He indicated that other projects may have conditions relating to noise, odor, etc. and he questioned how these conditions are being enforced. He asked for a consensus of the Commission relating to this issue.

Commissioner Worrall felt that enforcement has always been a problem. He added he was also concerned about the methods available to enforce conditions.

Mr. Scoles indicated that in the case of this particular project, the developer did not comply with the conditions and he has been directed to remediate the problem. He noted that staff is watching for those kinds of issues. It is the intention of staff to have this particular damage remediated and some additional requirements will be made to improve the area. He noted that the lack of enforcement is generally more visible in the implementation of parking and signage requirements.

Commissioner Wollam recommended to staff that in future developments where similar fragile environmental conditions exist, consideration be given to special bonding measures for the protection of these features.

VIII. COMMUNICATIONS FROM THE FLOOR - None

IX. ADJOURN

There being no further business, the meeting was adjourned at 9:40 pm.

NEWBERG PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon

Thursday, 7:30 PM

June 9, 1994

Subject to P.C. Approval at July 14, 1994 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Mat Haug
Jack Kriz
Mary Post
Debbie Sumner
Roger Worrall

Excused Absence: James Gigandet
Wally Russell

It was noted that a quorum of the Planning Commission members were present.

Staff Present:

Greg Scoles, Community Development Director
Susan Regan, Planning Manager
Tabrina McPherson, Recording Secretary

Citizens Present: 20

II. OPEN PLANNING COMMISSION MEETING

Chair Kriz opened the meeting and introduced new Planning Commission member Debbie Sumner.

III. APPROVAL OF MINUTES

Motion: Post-Worrall to approve the minutes of the May 12, 1994 Planning Commission Meeting.

Vote on Motion: Motion carried unanimously.

Chair Kriz asked for the audience to indicate, by a show of hands which items each person was present to hear. He stated, due to the late starting time, public testimony would be limited to 10 minutes for principal proponents and 5 minutes for any others wishing to speak.

ORS 197 relating to the public hearing process was entered into the record.

IV. PUBLIC HEARING:

APPLICANT: NSP Development
REQUEST: Annexation of three parcels totaling 49.8 ± acres within the N.W. Newberg Specific Plan
LOCATION: East of North College across from Foothills Drive
TAX LOT: 3207AD-800, 3208-3300, 3207DA-10002
FILE NO: ANX-3-94
ZONE: R-2 Medium Density Residential

Chair Kriz requested abstentions, ex-parte contact or objections to jurisdiction. None were given and none were received.

Staff Report: Planning Manager Regan reviewed the staff report. She noted the three properties involved in this annexation are within the boundaries of the Specific Plan and will be developed in accordance with the plan. Ms. Regan directed the Commission to the staff packet to review the criteria, ordinance requirements and applicable Comprehensive Goals and Policies prior to making a decision.

Ms. Regan indicated that the request satisfies the criteria for annexation and zone change, based on the staff report findings and with that approval, the property would be withdrawn from the Rural Fire Protection District.

Proponent: Mart Storm, Representing NSP Development, 560 Parks, Dundee, Oregon commented that the property in question will be developed in phases and not be completed for about 5 years. He concurred with the staff recommendation.

Other Proponents: None

Opponent: None

Other Respondent: Sid Friedman, 31909 NE Corral Creek Rd., Newberg, Oregon stated he is not an opponent to this request or any requests on the agenda tonight, however he has concerns about the general procedure staff has taken on all three requests. He stated staff has not considered all applicable Comprehensive Goals and Policies pertaining to the annexation requests. The plan specifically states, development shall not exceed the carrying capacity of the air, water, or land resource base. Due to the population increase created by the proposed developments, this policy must be addressed. Mr. Friedman feels the Commission should tentatively recommend approval of this request, but direct staff to make sure it does comply with the Natural Resource Goals.

Questions to Respondent: Commissioner Worrall asked Mr. Friedman if he had specific concerns about goals and policies pertaining to this request. Mr. Friedman responded that he was surprised that staff had not considered two important goals that pertain to this request, those are the Wooded Area Goal and the Air, Water, and Land Resource Goal.

Public Agencies/Letters: None

Opponent/Proponent Rebuttal: None

Staff Recommendation: Planning Manager Regan indicated that staff recommendation is to approve the annexation request, based on the staff report findings and public testimony and withdraw from the Rural Fire Protection District.

Hearing Closed.

Commissioner Discussion:

Commissioner Haug asked for clarification regarding the park land on Exhibit 2 of the packet. Mr. Scoles explained that a portion of the property in question, as designated by the Specific Plan, is land suitable for park development, however a specific park zoning designation is not included in the zoning ordinance. Mr. Haug questioned if it would be appropriate, at this time, to request a zoning designation and criteria be established. Staff indicated the current City zoning allows these developments in R-1 districts; the Specific Plan is consistent with current zoning codes.

Commissioner Sumner asked if there is a document that requires the developers to preserve these open spaces. Mr. Scoles stated that in the Specific Plan there is a list of objective criteria to meet when developing

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in this area. The Subdivision Ordinance criteria will also need to be met, and staff will ensure all requirements are addressed prior to subdivision approval.

Commissioner Worrall asked for clarification on the Specific Plan Zoning COM/SP. Mr. Scoles indicated it is most closely related to the current C-2 zone, but the exact designation has not been determined. Mr. Worrall questioned how the zoning map is to be amended if it is unclear what the exact zone is.

Ms. Regan stated the Specific Plan is only a concept at this time. The specific zoning boundaries will be related to the land at the time the subdivision is approved.

Motion: Worrall-Post move to recommend to City Council the approval of the annexation request and withdrawal from the Rural Fire Protection District based on the evidence, staff report findings and public testimony.

Vote on Motion: Aye-Haug, Post, Sumner, Worrall, Kriz. Absent-Gigandet, Russell. Motion carried 5-0.

V. PUBLIC HEARING:

APPLICANT:	Renaissance Development Corp.
REQUEST:	Annexation of a 5.02 ± acre parcel
LOCATION:	Between Sandoz Road and St. Paul Hwy, 250 ft. North of Wynooski
TAX LOT:	3228-1400
FILE NO:	ANX-4-94
ZONE:	County Zone R-2

Chair Kriz requested abstentions, ex-parte contact or objections to jurisdiction. None were given and none were received.

Staff Report: Planning Manager Regan reviewed the staff report and findings. She indicated the 5 acre parcel is within the UGB and currently used primarily as a filbert orchard with one residence. After the sale of the property, the developer proposes to create a manufactured home park. She referred the Commission to the staff packet for the criteria on which to base their decision.

Ms. Regan stated that the request satisfies the criteria for annexation and rezoning from County Zone VLDR-2.5 to City R-2 and the preliminary staff recommendation, prior to public testimony, is to approve this request.

Proponent: Bill McMonagle, Harris McMonagle Assoc., Inc., 12555 SW Hall Blvd., Tigard, Oregon confirmed that City services are available to the site. He mentioned that there would be two direct accesses onto Sandoz Road. Mr. McMonagle felt this would be a great improvement along Sandoz Road and an asset to the City. He commended City staff for their cooperation and assistance during this process.

Other Proponents: None

Opponents: None

Question to Proponent: Commissioner Sumner asked Mr. McMonagle if his company has given any thought to providing additional traffic devices to ensure safety of the residents as they enter and exit the highway at Sandoz Road. Mr. McMonagle stated his company is very interested in providing the best and safest access to the site. They have plans to channel the traffic onto Wynooski to allow some deceleration time before turning off the highway. He feels that the residents will be able to see the benefits of using Wynooski Road and should have no problems adjusting.

Other Respondent: Robert Quiswry, 31350 Wilsonville Rd., Newberg, Oregon asked if this development will create more traffic on Wilsonville Road.

Chair Kriz stated prior testimony answered that question.

Other Respondent: Sid Friedman, 31909 NE Corral Creek Rd., Newberg, Oregon again stated his concerns regarding the Natural Resource Goals. He stated the City should be giving more consideration to the Natural Resource Goals when deciding which goals to address in the staff report. He suggested staff be directed to examine this proposal to ensure that it complies with the Natural Resource Goals.

Questions to Staff: Commissioner Sumner asked if staff could provide any additional information regarding the traffic increase around the site. Ms. Regan responded that there will be an obvious increase in traffic, as with any new development, however until an application is received, staff cannot consider the specifics. She emphasized all those concerns would be addressed during the design review phase of the development process.

Public Agencies/Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: Staff recommends approval of the request based on the staff report findings and public input.

Hearing Closed.

Commissioner Discussion:

Commissioner Worrall asked if this annexation hearing is the proper place to resolve the issues raised by public testimony regarding the Open Space Natural Resource Criteria. Mr. Scoles stated there are a few stages when those goals are considered: first, when Council adopts the goals into the Comprehensive Plan; then, at the time the properties are classified with those designations; and anytime there is a zone change or annexation request.

Mr. Scoles stated the property under consideration is currently designated MDR without an Open Space designation. He indicated that the request is to change to R-2 which is consistent with the MDR designation that was originally approved by Council, therefore staff did not feel that this request would affect the Open Space area and did not need to be specifically listed.

Mr. Scoles stated the last way the staff again refers to the Comprehensive Goals and Policies is when approving the subdivision. The criteria is reviewed at that time to ensure all specific details are addressed.

Motion: Post-Haug to recommend to City Council the approval of the annexation of Tax Lot 3228-1400 based on the staff report findings and public testimony and withdraw from the Rural Fire Protection District.

Vote on Motion: Aye-Haug, Post, Sumner, Worrall, Kriz. Absent-Gigandet, Russell. Motion carried 5-0.

VI. PUBLIC HEARING:

REQUEST: Annexation of a 10.88 acre of a parcel totalling 24.73 acres. The balance of the property is not within the Newberg Urban Growth Boundary.
LOCATION: East of Springbrook Road, North of Wilsonville Road.
TAX LOT: 3221-3200, part

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FILE NO: ANX-5-94
ZONE: County Zone to R-2, Medium Density Residential

Chair Kriz asked for abstentions, ex-parte contact or objections to jurisdiction. None were given and none were received.

Staff Report: Planning Manager Regan reviewed the staff report. She explained the annexation request is for the 10.88 acre portion of a larger parcel. The 10.88 acre portion is the only section of the property that is within the UGB. After the parcel is sold, the proposed development of the subject 10.88 acres is for a manufactured home park. She referred Commission to the staff report for the criteria and ordinance requirements that they will use to review this request.

Ms. Regan indicated that based on staff report findings, the annexation and zone change satisfy the criteria and ordinance requirements, therefore the staff preliminary recommendation, prior to public testimony is to approve this request.

Ms. Regan explained that Exhibit 1 in the staff report does not show the correct location of the UGB. The boundary is on the west side of the property in question. She confirmed the subject parcel within the UGB.

Proponent: Paul Brenneke, NSP Development, 2214 SW Hoffman, Portland, Oregon stated he is in agreement with the staff recommendation and is prepared to answer questions, but has nothing more to add at this time.

Opponent: None

Other Respondents: Sid Friedman, 31909 NE Corral Creek Rd., Newberg, Oregon stated once again he is concerned that the City has not addressed the Natural Resource Goals. Mr. Friedman stated he is not speaking of the Open Space and Drainageways Goals but rather the Air, Water, and Land Resource Quality Goals E1 and E4 and is surprised the City has not considered these since these developments have the potential of adding a 10% increase to our population. He feels that, by staff assuming the Comprehensive Plan designation satisfies all the goals and policies criteria, we are omitting an important safeguard to ensure that development in that area does comply with annexation requirements. Mr. Friedman stated he does not wish to go on record as an opponent to this request, but emphasized the importance of addressing all applicable goals and policies prior to approval.

Other Respondent: John Hickert, 808 S. Springbrook Rd, Newberg, Oregon stated he is not an opponent to the request, but he owns the property joining the subject property and wonders how this proposed development will affect his farming operation. Mr. Hickert asked where the developer is proposing to hook up to the City sewer and water systems and whether he would be assessed for part of that cost. He mentioned the streets are currently overloaded and asked if there were any plans for additional traffic control in the area. He stated he is happy to see this development coming into Newberg as opposed to the garbage disposal plant being proposed.

Other Respondent: Dianna Fowler, 28805 NE Wilsonville Rd., Newberg, Oregon owner of the parcel in back of the piece of this property that is not part of this request, she questioned where the access will be to this development and how the traffic will be controlled.

Chair Kriz informed Ms. Fowler that those concerns are addressed during the next phase of the development process, either the Design Review process or the Subdivision approval hearing. Mr. Scoles added that staff has not received an application regarding development; however, by looking at the site, it appears the parcel has access available from both Springbrook and Wilsonville Road.

Question to Staff: Commissioner Sumner asked what protection the surrounding citizens will have if the next process is not a public hearing.

Mr. Scoles indicated that there is a Design Review Committee that will research these issues in great detail and provide some safeguard for the residents; however, the process does not provide for a public hearing.

Other Respondent: Margaret Hickert, 808 S. Springbrook Rd., Newberg, Oregon stated she and her husband are very receptive to this positive development in the area, but, for the record, she has concerns with environment issues, natural resources, and traffic impact on the area. She mentioned she has confidence in City staff and the Design Review Committee to research all aspects of the proposed development and trusts her concerns will be addressed at the proper time during the process.

Questions to Other Respondents: Commissioner Haug received clarification of where Ms. Hickert's property. It was noted they own the 22 acres just north of the subject parcel.

Public Agencies/Letters: None

Proponent Rebuttal: Paul Brenneke, NSP Development, clarified the plans for extending sewer and water services to the site. Proposed plans are to connect to the existing sewer line that is in Highway 219 and the water line that is in front of the parcel on Springbrook Road.

Opponent Rebuttal: None

Staff Recommendation: Ms. Regan indicated that the staff recommendation is to move to recommend the 3 items listed in the staff report.

Hearing Closed.

Commissioner Discussion:

Commissioner Haug asked if staff has considered the impact on the bypass by annexing this parcel. Ms. Regan responded that staff had considered that issue.

Commissioner Worrall felt it important for the citizens to understand that it is not the intent of staff to gloss over any issues that may be brought up, however, there are certain issues like County Roads, State Highways, or traffic signals that require approval from other agencies and will be handled later in the process.

Commissioner Haug asked for an explanation of staff as to how the traffic problems in this area will be addressed by ODOT. Ms. Regan indicated that all information is forwarded to ODOT for their review and approval and when their comments are received they are incorporated into the staff report.

Motion: Haug-Post to recommend to City Council approval of the annexation request based on the staff report findings and public testimony and withdraw from the Rural Fire Protection District.

Vote on Motion: Aye-Haug, Post, Sumner, Worrall, Kriz. Absent-Gigandet, Russell. Motion carried 5-0.

VIII. OLD BUSINESS

- Newberg Transportation Systems Plan Adoption Ordinance and Recommendation to City Council.

Chair Kriz asked for abstentions, ex-parte contact or objections to jurisdiction. Commissioner Sumner indicated as she was just appointed to this Commission, she has not had ample time to review the entire process that has taken place and doesn't feel comfortable being a part of any decisions made. Ms. Sumner requested to abstain and step down from the Commission.

Greg Scoles reviewed what had been discussed regarding the rerouting of Highway 219. He indicated the proposed adoption ordinance included in the packet, has addressed all issues that have been discussed. He explained each of the five functions of the ordinance in detail.

Mr. Scoles indicated the staff recommendation is for the Planning Commission to discuss the proposed adoption ordinance and recommend that City Council adopt the proposed ordinance, based on the evidence, public hearing testimony and findings.

Commissioner Haug felt the proposed ordinance satisfies all questions and concerns discussed at last meeting and indicated he was ready to motion City Council adopt this ordinance.

Commissioner Worrall concurred that staff has addressed those issues brought up during discussions. However, he wondered if there could be some additional language added to the ordinance emphasizing the need for a bypass.

Mr. Scoles indicated Goal 4(h) on page 5 of the staff packet does provide that language. Planning Manager Regan suggested inserting the word "actively" into that statement in order to add some emphasis. The Commission concurred.

Commissioner Post questioned the intent of Goal 3(a)(8). She questioned if the City is inviting tri-met services to Newberg and if the intent is to discourage the use of local transit services. Ms. Regan indicated it was not the intent to provide only tri-met services and suggested adding the word "coordinated" before service operations in the statement.

Chair Kriz asked why these policies of Goal 9 are so specific. Ms. Regan indicated the information is stated in a way that allows staff to address the policies that are required for the transportation system, without needing to refer back to the Comprehensive Plan or any other documents for clarification of the statements.

Chair Kriz stated if these items are so specific then in order to make a minor change to those elements, an entire comprehensive plan amendment would be necessary.

After some discussion of ways to state the policies without the specifics, Commissioner Haug suggested inserting a mild disclaimer prior to listing the requirements.

Ms. Regan suggested inserting "considering the general design guidelines as listed below" at the end of the sentence heading Goal 9(c). The Commission concurred.

Commissioner Worrall expressed his concern with Goal 12(b). He felt this statement might remove the checks and balances process of the Comprehensive Plan Goals and Policies.

Mr. Scoles suggested changing the word utilize to "consider". Ms. Regan stated this would mandate the policies be looked at, however it would not be necessary to use them if they were inappropriate.

Ms. Regan then summarized the changes that Commission recommended.

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- Goal 3(8) changed to read: The City should develop a policy agreement between local transit service district and Tri-Met for provisions of coordinated service operations inside Tri-Met service district.
- Goal 4(h) changed to read: The City actively supports the development of a by-pass of the City along a Southern alignment, and the development of a Northern East/West minor arterial street.
- Goal 9(c) changed to read: Develop a system of roads which provide for the efficient movement of traffic, considering the general design guidelines below:
- Goal 10(c) deleted in its entirety.
- Goal 12(b) changed to read: The City shall ~~utilize~~ consider the Transportation Improvement Funding policies outlined in the Transportation System Plan for determining responsibilities and costs for funding improvements.

Motion: Post-Haug to recommend to City Council, adoption of the proposed adoption ordinance with modifications made previously.

Vote on Motion: Aye-Haug, Post, Worrall, Kriz. Abstain-Sumner. Absent-Gigandet, Russell.

- **CIC Review of CAP Process**

Ms. Regan reviewed the staff report on the CAP Process. She indicated the staff recommendation is for the Planning Commission, with the CIC Representatives, discuss and summarize the evaluation questions, a list of recommendations for CAP improvement and a list of new suggestions and concerns. She handed out a letter from Leonard Rydell with his answers to the evaluation questions as listed on page 9 and 10 of the staff report, and stated these answers are hereby made part of the record.

There was a brief pause as Commission reviewed the letter.

Chair Kriz asked if any members of the CIC were present and wished to speak. It was noted the only member present was Sid Friedman. Mr. Friedman briefly discussed the questions. He is concerned with how the surrounding cities are notified (or not notified) of proposed planning issues with the City of Newberg. He wondered if this is something that could be addressed during this process.

Chair Kriz asked staff exactly what they wanted the Commission to do. Ms. Regan stated initially we need to provide a consensus of answers to the list of questions. Staff also needs to know what the Commissions thinks about the content of the questions and the CAP Procedures.

Commissioner Haug stated he felt these questions need to be re-written. They are basically in a yes/no format and do not require an informative response. Ms. Regan agreed with Mr. Haug, yet pointed out that the questions are directly from the Statewide Goal on Citizen Involvement. She indicated we could elaborate on these questions, however we need to show the state that we are meeting their goals by providing answers to these specific questions.

Chair Kriz felt it necessary to have more citizen comments prior to evaluating the answers to the questions. Mr. Scoles indicated it is quite possible that there is no action required by the Commission.

Commissioner Worrall stated he felt this process was being rushed. He suggested slowing down and evaluating the information a little better, possibly conducting some public meetings with the citizens to compare answers to these questions. Mr. Haug concurred with keeping citizen's involvement at a maximum

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and stated he strongly supports the public meeting process. Mr. Haug indicated he would work on restructuring the questions and it was agreed staff would look into the public meeting process.

IX. NEW BUSINESS

A suggestion was made to add discussion on Open Space to the agenda for next month.

X. COMMUNICATIONS FROM THE FLOOR

David Dailey asked a question regarding Schneider's proposal. Staff responded the proposal was postponed and they have not yet submitted a revised plan.

XI. ADJOURN

There being no further business, the meeting was adjourned at 10:00 p.m.

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon

Thursday, 7:00 PM
August 11, 1994

Subject to P.C. Approval at September 8, 1994

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Mat Haug
Jack Kriz
Mary Post
Debbie Sumner
Roger Worrall
James Gigandet

Staff Present:

Greg Scoles, Community Development Director
Barbara Mingay, Planning Technician
Tabrina McPherson, Recording Secretary

II. OPEN PLANNING COMMISSION MEETING

Chair Kriz opened the meeting.

Citizens Present: 30

III. APPROVAL OF MINUTES

Motion: Haug/Post to approve the minutes of the July 14, 1994 Planning Commission Meeting.
Motion carried (6-0).

Chair Kriz reviewed the public comment registration card procedure. ORS 197, relating to the public hearing process, was entered into the record.

IV. PUBLIC HEARING

APPLICANT: Iryl Crisman
REQUEST: Comprehensive Plan Amendment/Zone Change from R-1 Low Density Residential to R-2 Medium Density Residential on a 3.75 acre parcel within the City limits
LOCATION: 600 Dayton Avenue
TAX LOT: 3219AC-5200, -5800, -5900, -5990
FILE NO: CPA-1-94
ZONE: R-1 Low Density Residential to R-2 Medium Density Residential

Chair Kriz requested abstentions, ex-parte contact, or objections to jurisdiction. None were given and none were received.

Staff Report: Mrs. Mingay reviewed the staff report. She mentioned the proposed use is for an 18 lot subdivision. It was noted the Planning Commission has an advisory role and City Council will have final approval of this request. She indicated preliminary staff recommendation, prior to public testimony, is to approve the zone change request.

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Proponent: Ken Paulsen, 5638 SW Hanes Street, Portland, OR, thanked the Commission for their time and the Planning Department for their help during this process. Mr. Paulsen felt this property was a primary candidate to help meet the need for R-2 land. He discussed the slope of the land and indicated he would be available for questions.

Opponent: Stacey Jensen, 516 Dayton Avenue, Newberg, OR objected to this request and indicated she had not received notification. She shared her concerns regarding the traffic along Dayton Avenue and the lot sizes of the subdivision. Ms. Jensen also felt these new homes would decrease the value of her home, which she recently remodeled.

Opponent: Rebecca Simpson, 518 Dayton Avenue, Newberg, OR stated she also had traffic concerns, felt there was very little policing in area, and doesn't think the lot is large enough for 18 homes.

Other Respondents: None

Questions to Proponents: Commissioner Worrall questioned what the proposal was for the open space and general hazard areas. Mr. Paulsen stated the intent is to have those areas as part of the lots but not allow any building on those areas.

Questions to Opponent: Commissioner Sumner asked the opponents if they have had contact with other owners in the area. Ms. Simpson stated everyone she has talked to is against this zone change.

Public Agencies/Letters: None

Proponent/Opponent Rebuttal: Mr. Paulsen thanked the residents for sharing their concerns and indicated the development of this property would most likely increase the value of the existing homes. Mr. Paulsen stated he did not consider Dayton Avenue to have any type of traffic problems.

Staff Recommendation: Mrs. Mingay indicated staff recommendation was to approve the request for the comprehensive plan amendment and zone change.

Hearing Closed.

Commissioner Discussion.

Commissioner Worrall felt the Commission needs to address those concerns of the citizens and take a close look as to how the City should grow. He felt that other parcels might be better suited that would be better suited for a zone change.

Commissioner Sumner stated it is a good idea to make sure of development areas and look at what properties we are affecting, however she was unsure whether this is where we should start.

Mr. Scoles commented that this is a comprehensive plan amendment and is not a subdivision request. He stated the concerns expressed are legitimate, however this is not the time to discuss them. He mentioned if the Commission is not sure which way to vote, there is a procedure where the record can be left open for an additional 7 days to receive any written testimony, then at the next Planning Commission meeting the record would be closed immediately and the Commission would

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be in deliberation. It was confirmed that the citizens would not be allowed to speak at the next meeting.

Motion: Haug/Gigandet to leave the record open for 7 days to allow for further oral testimony and continue at the next scheduled meeting.

Amendment to the Motion: Worrall/Haug to amend the motion by deleting the word "oral" and inserting "written" as the only testimony that can be received at this point. Amendment carried by voice vote.

Vote on main Motion: Aye-Gigandet, Haug, Post, Sumner. No-Worrall, Kriz. Motion carried (4-2).

V. PUBLIC HEARING:

APPLICANT:	Roger Grahn - Nielsen Grahn, Inc.
OWNER:	George and Ruth Piper
REQUEST:	Annexation/Zone Change for an 11.62 acre parcel within the Urban Growth Boundary.
TAX LOT:	3207AC-100
FILE NO:	ANX-7-94
ZONE:	County Low Density Residential to City R-1 (Low Density Residential)
COMP. PLAN	
DESIGNATION:	LDR (Low Density Residential) within the northwestern boundary of the UGB.

Staff Report: Mrs. Mingay reviewed the staff report and indicated the property location on the map. She referred Commissioners to the letters in the packet from the public agencies. She mentioned the property in question is in the Urban Growth Boundary and stated the preliminary staff recommendation, prior to public testimony was to approve the annexation.

Proponent: Roger Grahn, 9035 SW Sagert Road, Tualatin, OR stated he has purchased the property and wants to develop it into much needed housing. He has been told by Yamhill County that in order to develop this lot it must be annexed into the City of Newberg. There was discussion about Terrace Lane being the access road.

Proponent: Ralph Hodges, 3613 N. College, Newberg, OR stated he is not at all in opposition to the development but he does have a concern with his property being annexed if it becomes an island.

Proponent: Norm Witherbee, 301 Hilltop, Newberg, OR is not in opposition to the annexation but wanted to be on record as stating there are some serious drainage problems that he felt might get worse unless they are addressed during the course of development.

Proponent: Jennifer Parenteau, 3615 Morris, Newberg, OR stated the City needs to look at having a light installed in the area. She also agreed with Mr. Witherbee about the drainage concerns.

Opponent: Carol Endicott, 3509 N. College, Newberg, OR informed the Commission that she had to install a sump pump because of drainage problems. She is also concerned with the development having access off of Terrace Drive as traffic is so bad in that location already.

Vote on Motion: Motion approved unanimously.

VI. PUBLIC HEARING:

APPLICANT: NSP Development, Inc.

REQUEST: Subdivision of a 1.45 acre parcel into 7 lots to be known as Emery Orchards Phase IV.

LOCATION: Between East Second and Third Streets, east of Emery Orchards Phase III

TAX LOT: 3220-1700

FILE NO: S-7-94

ZONE: R-2 Medium Density Residential

Chair Kriz requested abstentions, ex-parte contact or objections to jurisdiction. None were given and none were received.

Staff Report: Mr. Scoles reviewed the staff report and highlighted the Exhibits. He reminded the Commission this is the fourth phase of this development and reviewed the location on the map. Mr. Scoles mentioned the drainage area and noted the wetland area on the property. He mentioned staff recommendation, prior to public testimony, is to approve this request.

Proponent: Mart Storm, 560 Parks Street, Dundee, OR agreed with the staff report. He apologized for the disturbance of the wetland area in the last phase and explained that it was caused by someone moving brush, and had nothing to do with digging in the area. He stated his company has bonded for the improvements of that area and plans to redo it.

Other Proponent: None

Opponent: Arthur Brownrigg, 308 S. Airpark Way, Newberg, Oregon wants to know what is going to happen with the LID.

Commissioner Worrall questioned whether all conditions are disclosed at the time of sale. Mr. Storm indicated everything is disclosed to the buyer at the time of purchase.

Other Opponent: None

Public Agencies/Letters: None

Opponent/Proponent Rebuttal: None

Staff Recommendation: Mr. Scoles indicated staff recommendation is to approve the request based on staff report findings.

Hearing Closed.

Commission Deliberation.

Commissioner Worrall was concerned about protecting the wetland areas once they are sold to the property owner.

Commissioner Haug was concerned with the transportation plan for the area as well as making sure

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the wetland area is rehabilitated before the approval of this request.

Commissioner Sumner stated she is confident that the wetlands area would not be disturbed again.

Chair Kriz had a concern regarding Third Street Improvements. Mr. Scoles indicated that the improvements along Third Street would extend from Everest Road to the end of the lots, not quite to Third Street. Mr. Scoles confirmed that the engineering consultant is working on the LID.

Mr. Scoles mentioned to the Commission that they may want to continue this discussion until further review of the roadway design.

Motion: Haug/Post to continue deliberation and direct staff to develop the roadway design alternatives for phase IV.

Vote on Motion: Aye-Gigandet, Haug, Post, Sumner, Kriz. No-Worrall. Motion carried (5-1).

Other Comments: Mart Storm stated he has tried several designs for the roads and hasn't found anything staff likes or that will work. He noted that, if Commission had any ideas, he would greatly appreciate hearing them.

VII. OLD BUSINESS

It was stated that the Abbott Subdivision request has been withdrawn.

There was a discussion regarding the Open Space Committee. Commissioner Worrall reminded staff that they were to find a location for the next Open Space meeting. Mr. Scoles mentioned that this had not been done yet. He requested the Planning Commission to wait until the Planning Manager is hired to set the meeting date. The Commission agreed to wait.

Mr. Scoles reviewed the Urban Reserve Area Study. He mentioned staff is working on it and hopes to have it for review by the Planning Commission in September. The Commission was reminded that the deadline is January.

Mr. Scoles stated that Horizon Construction was back at City Council with their proposal for an apartment complex. He stated they are finishing up the deliberation portion and reviewing some new evidence.

VIII. NEW BUSINESS

- a. Revisions to Development Code - Limited Land Use Decisions (Discussion Only).

Mr. Scoles stated there is a hearing process that will propose amendments to the Newberg development ordinances. This is being done to bring City Ordinances into compliance with State Statutes. He stated he would have the draft to the Commission in the next couple months.

It was noted that at the last meeting there was some discussion about the Planning Commission Study session on August 18, 1994. This session will be on hold until we have our new Planning Manager on board.

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IV. COMMUNICATIONS FROM THE FLOOR.

V. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.

NEWBERG PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon

Thursday, 7:00 PM

September 8, 1994

Subject to P.C. Approval at 11/10/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Mat Haug
Mary Post
Debbie Sumner
Roger Worrall
James Gigandet

Staff Present:

Greg Scoles, Community Development Director
John Knight, Planning Manager
Heidi Hess, Recording Secretary

Citizens Present: 11

II. OPEN MEETING

Mary Post called the meeting to order. Mat Haug proceeded with discussion regarding nominations of a candidate for the vacant position of Vice Chair.

Motion: Haug/Sumner - to appoint Mary Post as the Vice Chair of the Planning Commission.
Ms. Post declined and the nomination was withdrawn.

Motion: Haug/Post - to nominate Roger Worrall as the Vice Chair of the Newberg Planning Commission and that nominations be closed.

Vote on Motion: Motion carried unanimously.

As the newly elected Vice Chair, Roger Worrall then chaired the meeting.

III. APPROVAL OF MINUTES

Motion: Sumner/Haug - to approve the minutes of the August 11, 1994 Planning Commission Meeting.

Amendment to Motion: Worrall/Post - to approve and accept the minutes as submitted with the correction that the statement on page 2, paragraph 1 was made by Haug, not Worrall.

Vote on Motion as Amended: Motion carried 5-0.

IV. PUBLIC HEARING

APPLICANT: Iryl Crisman
REQUEST: Comprehensive Plan Amendment/Zone Change from R-1 Low Density Residential to R-2 Medium Density Residential on a 3.75 acre parcel within the City limits
LOCATION: 600 Dayton Avenue
TAX LOT: 3219AC-5200, -5800, -5900, -5990
FILE NO: CPA-1-94
ZONE: R-1 Low Density Residential to R-2 Medium Density Residential

Planning Commission Minutes

September 8, 1994

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Vice Chair Worrall reviewed Mr. Crisman's application. It was noted that the Public Hearing was closed and public input was received.

Written testimony was left open for 7 additional days, as noted by Mr. Scoles. Mr. Scoles further described the Crisman application as going from Low Density Residential to Medium Density Residential. The Staff Report and criteria, as well as the discussion which was held, was outlined previously in the minutes of August 11, 1994. This information is still applicable.

Staff Report: Mr. Scoles reviewed the staff recommendations as set forth in the Staff Report. He noted that the Comprehensive Plan and amendment to the Zoning Ordinance is, in fact, the issue before the Commission. The Commission will need to consider additional criteria as listed in the Staff Report, such as a review in the determination and deliberation of the criteria. Mr. Scoles read portions of the Staff Report and described the issues set forth. Both the City Zoning Ordinance and Comprehensive Plan have specific policies outlined regarding criteria. For the record, Mr. Scoles noted that the policy has been amended regarding new developments (which was listed under Criteria #1 in the Staff Report). He urged the Commission to consider the amendment, as it changed the classification in their deliberation of the application.

It was noted that some testimony was heard previously by both proponents and opponents of this evidence. Significant evidence in support of the amendment is needed for consideration and deliberation of the application. Mr. Scoles pointed out that the final paragraph on page 6 of the Staff Report summarizes the criteria. Given the amendment criteria, the staff recommendation is that the application be denied. Mr. Scoles noted again that he wished for the record to be clear in the matter.

Commissioner James Gigandet arrived at this time.

Hearing Closed.

Commission Deliberations:

Commissioner Haug discussed some comparisons to other properties where alternatives were given for review. He emphasized that there were no alternative plans submitted with this application.

Commissioner Sumner questioned what the position of the Commissioners was to say "no" to the development, other than the fact that there is a zone change amendment.

Commissioner Haug commented that he had never seen a zone change of this caliber. He noted that he feels this is a massive change with the effects that it has to the intersection, etcetera. Since it is a core part of the city, he urged that the Commissioners seriously consider a comparison to other higher density changes in their findings.

Vice Chair Worrall commented that most of the activity of the previous year has been the request of annexation, whereas this request is a change of density in a location where there are established homes. The home owners bought to be in a low density area and this change to the existing Comprehensive Plan is a rare consideration that has not, to his recollection, been considered in years past.

Commissioner Sumner noted that she felt this discussion an important part of the record.

Commissioner Gigandet said he had reviewed the application but had no comments.

Motion: Haug/Post - to deny the application.

Vice Chairman Worrall noted that the surrounding property owners have testified that the application is not in accordance with the Comprehensive Plan.

Mr. Scoles recommended that the criteria, in three parts, be addressed in the motion being made so the action indicates that all criterion was considered. Additional issues were provided with some suggested findings, as outlined in the Staff Report. The September 8, 1994 Memorandum outlines the staff's findings of the application.

There was a general discussion held among the Commissioners regarding the following three-fold criteria:

- Criteria #1 - need for consistency with Comprehensive Plan and Zoning Ordinance
- Criteria #2 - there is a need for this type of change
- Criteria #3 - the need is best served by changing this property rather than other available property.

Citizens have noted to the Commission that their concern is towards property values decreasing due to density and so forth.

Vice Chair Worrall noted that he felt there is not a need for a three-part discussion of the criteria. Mr. Scoles indicated that findings need to be clearly shown for each individual criteria. The action of the Commission should be based on this.

Commissioner Haug asked that Mr. Scoles repeat the staff findings for Criteria #1. Mr. Scoles noted that consistency needed to take place between the Comprehensive Plan and the Staff Report. The inappropriate policy is not to be so considered, it is the criteria which is most important. Mr. Scoles referred to Exhibit 5, Page 1 and the criteria set forth there. Dayton Ave. is indicated as a collector street in the Comprehensive Plan. The collector street is designed and intended to collect traffic from additional abutting streets. There is a full range of public facility and services - this criteria is met. The utilities in that particular area are suitable for the application. He further noted additional consistencies and inconsistencies with the Comprehensive Plan as set forth as part of the Staff Report.

Vice Chair Worrall continued by saying his feeling is that the application does not meet the standards of the Comprehensive Plan. The property is zoned as R-1 - Low Density Residential.

In an attempt to summarize the discussion, Mat Haug reiterated the Commissioners' findings as follows: Criteria #1 - conditions met; Criteria #2 - conditions have not been met; Criteria #3 - conditions met.

Commissioner Sumner said that there is a need for R-2 but not in this area. Each Commissioner summarized his/her position on the application for zoning change.

Motion: Haug/Post - to deny the applications, based on the consideration of the letters received and reviewed by the Commission and the deliberations held since then. The Planning Commission indicated that Criteria #2 could be met but not #1 or #3. The findings are as follows:

- Criteria #1 - not consistent with the Comprehensive Plan;
- Criteria #2 - there is, in fact, a need for R-2 housing;
- Criteria #3 - based on the findings received by the staff in the memorandum of September 8, including the specific language listed as finding number 3, conditions of Criteria #3 cannot be met.

Vote on Motion: Motion carried unanimously 5-0.

Mr. Scoles declared that no further action will be accepted on this application.

V. PUBLIC HEARING: [Continued to October 13, 1994]

APPLICANT: NSP Development, Inc.

REQUEST: Subdivision of a 1.45 acre parcel into 7 lots to be known as Emery Orchards Phase IV

LOCATION: Between East Second and Third Streets, east of Emery Orchards Phase III

TAX LOT: 3220-1700

FILE NO: S-7-94

ZONE: R-2 Medium Density Residential

VI. OLD BUSINESS

John Knight was introduced as the new City Planning Manager. Mr. Knight talked a little bit about his background and past employment experiences in California. He said that he is excited to get involved in the community.

A. OPEN SPACE

Mr. Scoles noted that John Knight will be working on the open space issue. There is a need for discussion of the grant application and Mr. Knight can get involved in the issue. The mission and goals of the sub-committee were discussed briefly. Mat Haug and Roger Worrall are Commissioners who are presently on the sub-committee.

Wet lands are among some of the current issues which are a part of the open space preservation and ordinance that needs to be dealt with, as noted by Mr. Scoles. The consensus of the Commission is that the Staff may set the meeting of the sub-committee. Mr. Knight confirmed that the Staff would do so.

B. URBAN RESERVE

Mr. Scoles outlined the Urban Reserve Area project. He noted that an extension of time was granted - through January 1995. The issue needs to be brought forward to the City Council as recommended to the Commission by NUAMC (Newberg Urban Area Management Commission). This may be done as early as the next meeting. The Council and the County Commission would need to act on this.

There is some training available - Commissioners who wish to attend training sessions will be given the opportunity to do so.

C. REVISIONS TO THE DEVELOPMENT CODE

Mr. Scoles discussed previous discussions regarding this matter. There have been some changes in the State law regarding procedural changes. There were some procedural deficiencies which the previous Planning Manager had been working on.

The other project which is currently underway is a new zoning code. This will consist of a compilation of the current zoning and subdivision ordinances into a code format. There is currently a lot of cross referencing, etc. It is the hope of the staff to compile the two documents (ordinances) into a more "user friendly" format. Former Planning Manager, Clay Moorehead, is the consultant working on the project. Mr. Scoles passed out an outline of the Zoning Code. It is the goal of the staff to have the document completed and presented to the Commission at the November or December meeting. The key features of this project are two-fold. (1) to take care of deficiencies in standards and State practices and (2) the editing of text - combining the documents so they flow. This will be a cleaner, much better way of doing business, enabling the property owners

and developers to work together with the City with a better understanding of what is expected of them. Areas where major changes will be occurring will be highlighted in an Executive Summary.

VII. NEW BUSINESS

Leadership Newberg is sponsoring a public forum in order to look at Newberg issues. "Newberg in Transition" - the visioning process was briefly discussed. The Commission should calendar this event, said Mr. Scoles.

Mr. Worrall expressed a need for the Planning Commission and the Newberg City Council to have a joint meeting on an annual basis. This requirement has not been complied with and the Planning Commission would like for that to happen.

Vice Chair Worrall called for additional New Business.

Debbie Sumner noted that local resident, Bonnie Newman, suggested that a block program be adopted where various service organizations adopt a block with a "theme" to clean up the downtown area, making it look better. Vice Chairman Worrall noted that the Chamber is heading up some activities which sound similar to this. Vice Chair Worrall advised Commissioner Sumner to inform Ms. Newman that she should talk to the Chamber of Commerce regarding the matter.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
November 10, 1994
Thursday, 7:00 PM

Approved at December 15, 1994 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Mat Haug
Jack Kriz
Mary Post
Roger Worrall

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Tabrina McPherson, Recording Secretary

Citizens Present:

1

II. OPEN MEETING

Chair Kriz opened the meeting.

III. APPROVAL OF MINUTES

Mr. Knight stated the October meeting was cancelled do to lack of quorum, but the September 8, 1994 minutes need to be approved.

Motion: Worrall/Post to approve the minutes of the September 8, 1994 Planning Commission Meeting. Motion carried (4-0).

IV. PUBLIC HEARING

APPLICANT: NSP Development, Inc.
REQUEST: Subdivision of a 1.45 acre parcel into 7 lots to be known as Emery Orchards Phase IV.
LOCATION: Between East Second and Third Streets, east of Emery Orchards Phase III
TAX LOT: 3220-1700
FILE NO: S-7-94
ZONE: R-2 Medium Density Residential

Staff Report: John Knight reviewed the staff memorandum informing the Commission that NSP Development has requested the subdivision request be tabled indefinitely in order to finalize the intersection design of Third Street and Hwy. 219. The Commission did not feel this should be tabled indefinitely but rather should be brought back in approximately 6 months for review.

Motion: Worrall/Post to table the application until the May 1995 Planning Commission meeting. Motion carried (4-0).

V. OLD BUSINESS

1. Revisions to Development Code

John Knight handed out a draft copy of the Development Code for the Commission to review. He listed some of the major changes included in the Code which combines the Zoning Ordinance, Subdivision Ordinance, Annexation Ordinance and other miscellaneous provisions.

There was a brief discussion regarding the content of the Code, such as the public hearing section and the section pertaining to council action items. Chair Kriz suggesting having an alpha index. Mr. Knight indicated staff will be making some of those changes before they bring it back to the Commission for a formal review next month. At that time staff will be looking for a recommendation to Council for approval of the Code.

VI. NEW BUSINESS

None

VII. COMMUNICATIONS FROM THE FLOOR

1. Agenda Format

There was a brief discussion of the agenda format. Chair Kriz questioned why certain items were listed in the section of COMMUNICATIONS FROM THE FLOOR if they were, in fact, items brought up by the Commission. Mr. Knight stated the items listed were not action items so staff listed them here. He indicated staff could rename this section OPEN COMMUNICATIONS to eliminate some of the confusion.

2. Open Space Committee Update

Commissioner Worrall updated the Commission on what the Open Space Committee has been discussing. The Committee, at their last meeting, developed a Mission Statement to help outline the purpose of the Committee. During the next few meetings, the Committee will be deciding on a specific direction they want to take. Mr. Knight is meeting with the consultant next week to discuss their scope of work. He indicated a grant has been awarded for \$20,000 to help pay for the consultant and the survey work.

3. Schneider Proposal

Mr. Knight reminded the Commission that this item has been tabled indefinitely and it might be a good idea to put a time frame on it. Mr. Knight has had some contact with the applicant and they hope to have some information back to the Commission by January 1995. The Commission briefly discussed the history of the application.

Question From the Floor: Sid Friedman felt the CUP request should be closed if the annexation has not been approved. He recalled that staff was waiting on more site specific information in order to complete the site review process.

4. Planning Commission Handouts

Mr. Knight supplied the Commission with new zoning and comprehensive plan maps. There was a request to have a smaller scale map available for distribution. The Commission briefly discussed the Planning Commission Training Classes and the vacant positions.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:30 p.m.

file

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
DECEMBER 8, 1994
Thursday, 7:00 PM

Approved at January 12, 1995 Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Matson Haug
Jack Kriz
Mary Post
Roger Worrall
Debbie Sumner

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Larry Anderson, Engineer
Darla Baldoni, Recording Secretary

Citizens Present:

21 citizens were present.

II. OPEN MEETING

Chair, Jack Kriz opened the meeting at 7:02 p.m.. He announced a new procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

III. APPROVAL OF MINUTES

Chair Kriz opened the meeting by reviewing the November 10, 1994 meeting minutes.

Motion: Worrall-Post voted to approve the minutes of the November 10, 1994, Planning Commission Meeting.

Vote on Motion: Motion carried (5-0).

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

none

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: George Rice/Owners Vary (see application for complete list)

REQUEST: Comprehensive Plan Amendment and Zone Change for approximately three (3) acres of industrially designated land within the City limits, from M-2 Zone to R-2 and from Industrial to Medium Density Residential. Location: Between N. College and N. Howard, E. Franklin, and E. Vermillion.

LOCATION: Between N. College and N. Howard, E. Franklin and E. Vermillion.

TAX LOT: 3218DD-1900, 2000, 2100, 2200, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 7300, 7400, 7500, 7600, 7700, 7800, and 7900.

FILE NO: CPA-2-94/Z-9-94

ZONE: M-2 (Light Industrial) to R-2 (Medium Density Residential)

PLANNING COMMISSION MINUTES
DECEMBER 8, 1994

OPEN FOR PUBLIC HEARING

Chair Kriz entered ORS 197.763, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: Commissioner Haug visited the site over this week. He drove around the perimeter of the area (stayed in his vehicle). He wanted to understand the neighborhood.

Commissioner Post stated that she lives across the street, and therefore, is familiar with it.

Objections: none.

Staff Report: John Knight, Planning Manager, asked people to read the testimony and evidence requirement if they plan to speak (on the back of the agenda). He noted that the applicant is making a request to change the zoning of approximately three (3) acres of industrially zoned land from M-2 (Light Industrial) to R-2 (Medium Density Residential). A corresponding amendment of the Comprehensive Plan from "Industrial" to "Medium Density Residential" is also included. The existing property is currently developed with single family residential homes on lots averaging just over 5,000 square feet, ranging in size from 3,000 square feet to about 9,000 square feet. Although currently zoned for industrial uses, none of the lots are being used for industrial purposes. John then summarized the staff report and criteria for the audience. He noted that existing properties are used as single family residential for the most part, and that two properties have not signed their consent to rezone forms. He also noted that resolution 94-1 (see staff report), included a property owner (Posatto), who has since signed a petition for consent to amend the zoning.

Preliminary Staff Recommendation: Approval of Resolution 94-1. Recommendation to the City Council of the requested rezone.

Proponent: George Rice, 4600 Blue Herron Court, Newberg. He moved in and planned to use this property for commercial use. It is no longer ideal for his use. He believes it would be a real plus for the neighborhood to return this back to residential.

Proponent: David Markovich, 514 N. School, Newberg. He would like change, due to the children in this area. It is a well established neighborhood, and it would be a real plus.

Proponent: Jane Markovich, 514 N. School, Newberg. People have added to their homes to make it a nice family neighborhood and would like to keep it this way.

Opponent: None.

Questions to Proponents: No commissioner questions.

Public Agency reports: No reports.

Letters: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: Approve as indicated in staff report.

Hearing Closed.

PLANNING COMMISSION MINUTES
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Commission Deliberation:

Commissioner Haug stated that it did appear to be a well established neighborhood. He agrees with the testimony tonight, he saw no negatives on this issue.

Commissioner Worrall directed his question to the staff. He asked about the other lot, Dupont, Richard and Fay, if staff had any contact with these people? John Knight responded that they had not, but they had been noticed.

Commissioner Sumner agreed with testimony.

Commissioner Post also agreed and felt it would be good to change it.

Chair Kriz asked staff if this requested change would negatively impact the industrial land needed by the City? **Barb Mingay**, Planning Technician indicated that it would not.

Commissioner Worrall agreed with criteria 1, 2 & 3, and said to call it residential, it serves the public needs.

Commissioners concurred that the request was reasonable.

John Knight indicated that Resolution 94-1 should be revised to delete reference to 3218DD-3800, as the owners have now signed the request. Commissioners concurred that the request was reasonable.

Motion: Worrall-Haug to adopt resolution 94-1 as amended and include the two parcels in the re-zone to make consistent boundaries.

Vote on Motion: The motion carried (5-0).

Motion: Worrall-Post to recommend to the City Council that they approve the requested re-zone (comprehensive plan amendment).

Vote on Motion: The motion carried (5-0).

John Knight, Planning Manager, indicated that this item is tentatively scheduled for the City Council Meeting on January 3, 1995. There is no appeal process at this point. The item will move forward to City Council.

PUBLIC HEARING (#2)

APPLICANT: Pacific Empire Builders, Inc.

REQUEST: Subdivision of a 51,481 square foot parcel into 6 lots to be known as Arbor Park

ZONING: R-3 High Density Residential

LOCATION: Sierra Vista and Hoskins

TAX LOT: 3218DA-00105

FILE NO: S-9-94

CRITERIA: Newberg Subdivision Ordinance 2294

Chair Kriz Opened the Public Hearing.

Abstentions/ex-Parte Contact:

Commissioner Haug visited the property by car this weekend, observed that there was an open space. He

PLANNING COMMISSION MINUTES
DECEMBER 8, 1994

did note two large oak trees as indicated on the map.

No other comments by commission members.

Objections: none.

Staff Report: John Knight reminded attendees that ORS-197 (Public Hearing Process) is the procedure for testimony and evidence. He reviewed the staff report, noting that the item is submitted as an R-3, multi-family structure and the lot meets criteria. The applicant has revised plans from 26-28 units down to 12 units. Staff recommendation is to approve with conditions as noted in the staff report.

Proponent: Curtis Walker, 29500 N.E. Benjamin Road, P.O. Box 498, Newberg, OR 97132, with Pacific Empire Builders (applicant). He noted that Pacific Empire Builders has designed 28 apartment units, have reviewed, have designed six duplex lot units, and are in agreement with these conditions. He recommended approval.

Proponent: Jerry Green, 780 Commercial Street S.E., Suite 302, Salem, OR 97301 (representing applicants). The six lots are an average of 7,200 square feet, and are sized for duplexes. All are within design codes. The site is basically flat, with a few mounds. There are various trees that the builders will try not to disturb and will try to incorporate into the scheme. He indicated that the applicant is aware that the Spaulding Oaks residents are concerned about drainage. He wanted to assure that development will not cause any drainage problems. He reviewed a soil survey done by John McDonald Engineering, stating April 1, 1992 findings. The main problem was the surface water. His recommendation was to remove the sod and organics, and add some fill to get the crawl spaces up to where they can drain. **John McDonald Engineering recommendations were submitted to the recording secretary.** Mr. Green shared with the commissioners a drawing indicating where the trees and low places are, and how it would drain. All the backs of the buildings at Spaulding Oaks are about a foot higher than the low spot of 95.6. They plan to fill the three lots that are low, so that they will drain into the street and area drains. He believes this plan will clearly settle any concerns for the residents regarding the drainage.

Opponent: Howard Harmon, 1100 N. Meredian, #17, Newberg (representing 52 families from the Spaulding Oaks). He noted they have nothing against having six duplexes there. Their concern was the water problem. Regarding the report from the planning committee, #1 is the elevation and the perk test. He suggested if there are objections, that this could be delayed a week. The report said that the existing property has a drainage problem. Mr. Harmon shared pictures of the site, taken last week, with the commission. **Pictures accepted by recording secretary.** Mr. Harmon also suggested that we resolve, not just "try" to resolve the water issue. He requested that the percolating test be studied before a permit is issued. He noted that the residents are frightened that the water problem is going to become their problem. Mr. Harmon distributed to the commissioners, for the record, his comments. On the positive side, he commented that residents are looking forward to the blackberry bushes being taken away from the fence.

Opponent: Mel Schroeder, 1208 Hoskins, Newberg. He indicated he is not really an opponent, and that the property is somewhat of an eye sore. The last set of duplexes put in has a problem. When they put in the utilities on his side of the street, they didn't quite fill up the trench. He was referred to the Engineering Manager, Larry Anderson, relating to this issue. He also commented that when these structures are first built they look nice, but after awhile they often don't look so good. If the area isn't taken care of, it is a concern.

Opponent: Phil Phillips, 1100 N. Meredian #40, Spaulding Oaks, Newberg. He asked who is going to develop. Is the property going to be filled and raised, or are units going to be built there? Chair Kriz indicated that Mr. Phillips should ask questions of proponent during that portion of the hearing process allowing questions.

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Questions to Proponents: **Phil Phillips, 1100 N. Meridian #40, Newberg.** He asked who is going to develop, and is the property going to be filled and raised, or are units going to be built there?

Curt Walker responded that their intent is to develop the six duplex units as they are designed. They may build or sell the lots.

Commissioner Worrall asked if the conditions and drawings, with regards to the drainage, have been worked out with the City Engineering Department.

Larry Anderson, City Engineering Manager answered "yes."

Curt Walker stated that he also is concerned about this.

An **audience member** asked what happens to the rain, with the building and fill.

Curt Walker responded that as a developer, the streets and sidewalks are designed with slope for the rain to move into the storm system and not sit.

Mr. Green explained how the drainage system works as it goes to the public drainage system.

Howard Harmon stated that our suggestion was to have drainage at the current level. Mr. Green indicated that he was not a soils engineer and that is why we hired the engineers to give their recommendations.

Commissioner Worrall suggested that this discussion be continued with the City Engineers at another time.

Mahlon Macy, 1100 N. Meridian, #41, Newberg. He indicated that he didn't have the benefit of seeing the drawings. He asked if there would be drainage around the perimeter. Mr. Green pulled the drawing and pointed out the proposed drainage and how it would flow.

Muriel Boucher, owner of Spaulding Oaks, 1100 N. Meridian, #14, Newberg. She stated that she walks this area coming down Hoskins and Pennington. They are both down hill to this area and the water drains into this area. Several times during the year she has checked the drain and it wasn't draining. This is probably a City problem. She wonders if the City's drainage system is good enough to handle this. Larry Anderson, City Engineer, indicated the City could check the lines to be sure they are clear.

Commissioner Haug asked Mr. Green to clarify the saving of the oak trees. He responded that only a few Hawthorne trees would be removed and no others. They have tried to lay the lot lines out to save them and will make their best attempt.

Public Agencies: none.

Letters: The Soils Report dated April 21, 1992, submitted to the record by Mr. Green. Three other letters submitted: letter #1 dated December 5, 1994, in favor, from Ila F. Johnson; letter #2 dated December 1, 1994, in favor, from John A. Backlund; and letter #3 dated December 8, 1994, in favor of resolving the water pooling problem that may originate from development. **These were distributed to the commissioners and taken into the record.**

Proponent/Opponent Rebuttal: **Mr. Green** stated that he understands the concern of the residents of the Oaks. He recommends an approved grading plan, submitted to the City Engineering Staff.

Proponent Rebuttal: **Curtis Walker** stated that in his experience, the drainage and water problems are

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solved through the Engineering and Public Works Departments. He indicated he would be happy to talk to those neighbors to solve the problems.

Staff Recommendation: Staff recommends approval of the request.

Hearing Closed.

Deliberation:

Commissioner Haug commended the applicants for their efforts to preserve the trees.

Commissioner Sumner felt that Pacific Empire Builders has tried to address the issues, and thinks this may even save them from the water problem, if the conditions are followed.

Commissioner Worrall felt the audience concerns could be better handled in the City Engineering Department for implementation, rather than in the public hearing process.

Commissioner Sumner asked who the residents from the Oaks could talk to at the City regarding their concerns. John Knight, Planning Manager, stated they should come to the Community Development office to talk with staff if they are not getting the issues answered by the developer.

Commissioner Haug requested that condition #4 be revised to require resolution of the water problem.

Commissioner Worrall asked for clarification on condition # 7 Water Rights. Barb Mingay, Planning Technician responded that the property either has water rights or it does not, and verification of this issue is required as a condition of the subdivision.

Motion: Worrall-Post to continue to the next scheduled meeting in January for written testimony only, and to keep the record open for seven calendar days for written testimony.

Vote on Motion: Motion carried (5-0).

John Knight noted that any written testimony should be directed to the Community Development Office, 414 E. First Street for mail, or drop by the office at 719 E. First Street.

Recess was taken at 8:25 p.m. and the meeting reconvened at 8:30 p.m.

PUBLIC HEARING (#3)

APPLICANT: Pacific Empire Builders
CONTACT: Curtis Walker - Pacific Empire Builders
OWNER: 3 M & L Investment
REQUEST: Annexation/Zone Change of an 11,200 square foot parcel within the Urban Growth Boundary and NW Newberg Specific Plan
LOCATION: North of Henry Road; East of N. College Street
TAX LOT: 3207DD-00190
FILE NO: ANX-8-94/Z-10-94
ZONE: LDR 9000 to R-1/SP Low Density Residential/Specific Plan
PLAN
DESIGNATION: LDR/SP

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Hearing opened.

Abstentions/ex-parte contact: none.

Objections: none.

Staff Report: Barb Mingay reviewed the project and referred the Commissioners to the staff report. She noted that the staff recommendation is to approve the annexation based on the staff report, findings, testimony, and conditions.

Proponent: Curtis Walker, 29500 N.E. Benjamin Road, representing Pacific Empire Builders. He noted that the property was purchased from Mrs. Sasse, a year ago. This parcel wasn't included in the previous Specific Plan Annexation because of Mrs. Sasse's desire to keep her home until her new retirement home was built. The other lots were developed. He requested approval of this request.

Opponent: None.

Questions to Proponents: None.

Public Agency Reports: No additional.

Letters: None.

Staff Report: Recommend approval of request to council.

Proponent/Opponent Rebuttal: None.

Closed Hearing.

Deliberation:

Commissioner Haug asked if an island was being created. **Barb Mingay, Planning Technician**, noted that staff is recommending incorporating the entire piece, including the street row.

Commissioner Worrall asked if we approve this, are we approving the annexation of the potential island? Barb Mingay replied that, in effect, property surrounded by the City is required to be annexed within a year of creation of the island. Staff recommends that the site and the right-of-way connect to the city limits on both sides so there is not a small strip of County property in between.

Commissioner Worrall asked if this annexation is creating an island with Henry Road and some other property? **Barb Mingay** noted that staff is not requesting annexation of the rest of Henry Road at this time.

Commissioner Sumner asked if people are being forced to become part of the City?

Barb Mingay noted that in the future, annexation of the potential island will enable the continuance of the Specific Plan development in a timely fashion. She added that staff is recommending that the annexation include the right-of-way. She also noted, that the property owner of the adjoining parcel is aware of the Specific Plan and has received notice of this hearing.

Amend the Motion: Commissioners Worrall-Haug to approve the annexation ANX-8-94/Z-10-94, based on criteria and the findings as stated in the testimony and staff report. Further, we recommend

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withdrawing the property from the Newberg Rural Fire Department District, based on staff reports, findings, and testimony.

Vote on Motion: The motion carried (5-0).

Staff noted that this item was scheduled for the January 3, 1995 Council hearing.

PUBLIC HEARING (#4)
APPLICANT/

OWNER: Henry, Stephen and Beverly Rosen
CONTACT: Henry, Stephen and Beverly Rosen
REQUEST: Annexation/Zone Change of a 217,800 square foot parcel within the Urban Growth Boundary and NW Newberg Specific Plan
LOCATION: 3504 N. College
TAX LOT: 3207AD-01100
FILE NO: ANX-9-94/Z-11-94
ZONE: AF10 Agricultural/Forestry - 10 acre minimum to R-1/SP and R-2/SP Low Density Residential and Medium Density Residential/Specific Plan

PLAN

DESIGNATION:R-1/SP and R-2/SP

Report: **Barb Mingay, Planning Technician**, requested that the Planning Commission open the hearing for testimony and then continue it to the next Planning Commission Meeting. She also commented that notice was given, but the date was in error. John Knight stated that the City re-noticed the property owners with the correct date and no new additional notice will be mailed.

This item is to be continued at the next meeting.

Abstentions/exparte contact: None.

Staff Report: **Barb Mingay**, Planning Technician. The corrected public notice did indicate that the meeting will be open with a continuance to January 12, 1995. She then displayed an overhead and reviewed the request, highlighting Specific Plan applicability and criteria.

Commissioner Worrall asked if this annexation creates an island. Staff indicated it did not.

Barb Mingay noted that the property owner would like to subdivide after he has the approval. Staff is recommending approval, but would like this to continue/forward to the next hearing.

Proponent: **Stephen G. Rosen, 3504 N. College, Newberg**. He stated that he was a part of the specific study, has lived on the property for 20 years, agrees with the staff report, and would like to see the Planning Commission approve his request.

Questions of the proponent: None.

John Knight said it would be inappropriate to deliberate until we hear all public testimony, and we may hear additional testimony at the next meeting in January.

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Motion: Worrall-Post to continue to the next scheduled January 12, 1995 meeting.

Vote on Motion: The motion carried (5-0).

PUBLIC HEARING (#5)

REQUEST: Development Code: Revisions to the Development Code (continue to 1/12).
FILE NO: G-10-94

Opened by Chair Kriz.

John Knight: Staff requested that the Planning Commission open the hearing and then continue it to the next meeting.

Abstentions/ex-parte contact:

Commissioner Worrall has personal, direct benefit derived with adoption of this development code. He felt he could not sit in on this debate. John Knight suggested that he discuss concerns with the City Attorney.

Commissioner Worrall stepped down.

Motion: Post-Haug to continue at January 12, 1995 hearing.

Vote on Motion: Motion carried (5 -0).

VI. OLD BUSINESS (none)

VII. NEW BUSINESS (none)

VIII. STAFF AND COMMISSION REPORTS

1. Update from Open Space Committee:

Commissioner Worrall stated that the Open Space Committee held an initial meeting with consultant Clay Moorhead. The committee is working on what will be presented at a future time. The committee wants have something for City Council by mid year.

Haug: The committee is considering a joint meeting with Open Space, Planning Commission, and the City Council in February.

2. ANX-1-94/Z-1-94/CUP-1-94, Schneider application status report:

John Knight noted that the applicant has withdrawn application at this time. The City anticipates that they will submit a new application with plans.

3. Update on Council Items:

John Knight reviewed the status of the Grahn annexation. He noted that the Urban Reserve Area,

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a boundary on a 20-50 year span for the development of Newberg, will go before the City Council on January 3, 1995. This is a State requirement, we are following the State process. The Council's action will not be the final action on this. The City Council and the County Commission both need to concur on this issue.

4. Planning Commission Vacancies - status report:

John Knight introduced Darla Baldoni, as our new Office Manager and Recording Secretary.

He distributed a memo regarding the Planning Commission vacancies, and encouraged those interested in a position to contact the City. Roger Worrall and Matson Haug have expressed interest in re-appointments.

Motion: **Commissioners Worrall-Post** to recognize and thank Ms. Debbie Sumner for her service and contributions. Motion carried. John Knight stated that we have enjoyed having Debbie here.

5. Other Reports:

Commissioner Kriz said that he appreciates the two staff reports that were very clear and easy to follow .

John Knight said that we are reviewing staff reports to see how others are doing them and we are attempting to improve on these.

VIII. **ADJOURNMENT**

The meeting was adjourned at approximately 9:13 p.m.