

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

Thursday, 7:00 PM

February 20, 1992

Subject to P.C. Approval at 3/19/92 P.C. Meeting

I. OPEN MEETING

Vice-Chair Jack Kriz opened the meeting.

II. ROLL CALL

Planning Commission Members Present:

Jack Kriz
Rob Molzahn - excused to 8:00
Mary Post
Sandra Prewitt - excused to 8:00
Carol Ring
Steve Roberts
Wally Russell
Donald Thomas

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

CAP Members Present:

Lou Brillas
Sid Friedman
Alan Meyer
Chris Anderson

Citizens Present: 35 Citizens

III. ELECTION OF CHAIR - moved to later in the agenda

IV. APPROVAL OF MINUTES

Motion: Thomas-Roberts to approve minutes as distributed. Motion carried unanimously.

Planning Director Egner read ORS 197 requirements for public hearings into the record.

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V. PUBLIC HEARING:

Applicant: Powell Industrial Builders, Fae & Tim Wright, Bruce Longstroth, et.al.
Request: Approval of a 31 lot residential subdivision on 3 parcels totalling 520,977 sq. ft.
Zoning: R-1 Single Family Residential/M-2 Light Industrial District
Location: North of 1802 Villa Road, South of Mountainview Drive
Tax Lot: 3217-1800, -1801, -1804
File No: S-1-92
Criteria: Newberg Subdivision Ordinance, Section 24

No abstentions, objections to jurisdiction or ex-parte contact were identified.

Staff Report: Planning Director Egner identified the site location and site plan on an overhead. He reviewed the Subdivision and Zoning Ordinance criteria and Comprehensive Plan policies which apply to the site. He noted that the application was for a 31 lot residential subdivision on 3 primarily undeveloped parcels. He reviewed street width standards. He noted that one of the parcels has been recently partitioned to separate the existing house from the remainder of the parcel. He then discussed surrounding uses through a slide presentation of the site. He noted that Villa Road and Mountainview Drive are currently substandard widths for collector streets. He noted that a previous subdivision application for this site was reviewed by the Planning Commission. He reviewed the staff referral comments from the Engineering Department relating to sewer and storm sewer location, street intersection locations, cul-de-sac radius design, and non-remonstrance requirements. He also noted School District concerns relating to additional development. He noted that the subdivision substantially meets Subdivision criteria and Comprehensive Plan goals and policies. He reviewed staff recommendations as identified in the staff report.

Questions to Staff: Commissioner Roberts asked why the area identified as N.A.P. extends into the right-of-way. Planning Director Egner indicated that this site is not part of the subdivision but at the time of improvement of Villa and Mountainview, the right-of-way dedication at that location would need to be obtained. Mr. Egner noted that Mountainview Drive would likely be improved in 5-10 years. Public Works Director Teitzel noted that improvement of Villa Road would occur within 0-5 years.

Commissioner Roberts asked about drainage concerns for the property owner to the east. Planning Director Egner indicated that this development will not drain directly onto the adjoining property.

Commissioner Roberts asked if the larger parcels within the subdivision could be further divided in the future. Planning Director Egner indicated that it depended upon where the

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house was situated on the lot. He noted that based on the location of the drainageway to the south of the site, it was not feasible to extend a road to the south and that redevelopment of the larger parcels to the south would require sharing a driveway.

Proponent: Roy Powell, 1709 Villa Road, indicated he was representing the property owners and offered to answer any questions.

Opponent: None

Questions to Proponent: Commissioner Roberts asked Mr. Powell what impacts relocating the intersection had on the development. Mr. Powell indicated that relocation of the intersection was acceptable. Commissioner Roberts asked why the two large southerly parcels were not further divided. Mr. Powell indicated that the eastern-most large parcel on the southern boundary of the subdivision had a limited building envelop. The abutting large parcel to the west was designed based on marketability and road design feasibility. Mr. Egner noted that based on the slope in the area, the lot shape of the large parcel to the west would be awkward if redesigned.

Commissioner Russell asked if Mr. Powell agreed with the conditions in the Staff Report. Mr. Powell concurred.

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

Proponent Rebuttal: None

Staff Recommendation: Planning Director Egner recommended that the Commission approve the subdivision site plan with a Thorne Street realignment subject to staff report conditions 1-9 with deletion of the first sentence in condition 9, "Sidewalks shall be shown on the final plat".

Hearing Closed.

Commission Discussion:

Commissioner Roberts felt this design was very appropriate to the site.

Commissioner Ring asked about the improvement requirements for the rear yards of lots 16 and 17. She was concerned about the vision clearance requirements and limited visibility on the road intersection.

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Planning Director Egner noted that the vision clearance requirements and proposed setbacks would improve visibility at this location. He further noted that when Mountainview was completed there would be a stop sign at Villa.

Motion: Russell-Roberts to approve the request based on staff report findings and conditions 1-9 as modified. Vote on Motion: Aye--Kriz, Post, Ring, Roberts, Russell, Thomas; Nay--None. Motion carried 6-0.

Planning Director Egner reviewed the appeal procedure.

Commissioners Prewitt and Molzahn now present (7:48 PM)

VI. PUBLIC HEARING:

Applicant:	Gerald Norman
Request:	Modification to the right-of-way standard and partition of an 89,043 sq. ft. parcel into two parcels of 35,685 sq. ft. and 53,358 sq. ft.
Zoning:	R-1 Low Density Residential
Location:	3000 Crater Lane
Tax Lot:	3207-3200
File No:	P-2-92
Criteria:	Newberg Subdivision Ordinance, Sections 24 and 66

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Staff Report: Planning Director Egner identified the site location and site plan on an overhead. He noted that the application was for a 2 lot residential subdivision with modifications. He reviewed the history of a previously proposed partition of the site. It was noted that the partition requirements revealed that a portion of the house is located in the existing right-of-way. He reviewed the modification and partition criteria. He reviewed the Subdivision Ordinance requirements identifying the City's ability to require additional street right-of-way for street extension and future subdivision criteria. He noted the applicable Comprehensive Plan policies as identified in the staff report. He pointed out the location of the proposed school site to the north. He asked Bert Teitzel, Public Works Director to identify the research being done by the school district. Mr. Teitzel noted that a task team for long range facilities needs has presented a report to the school board, with no action yet taken. Mr. Egner noted that there is potential access to the site from Foothills Drive. Staff referral comments from the Engineering Department and City Manager relating to the need for additional right-of-way were reviewed. Mr. Egner presented a possible shadow plat for the site. He indicated that to preserve development potential, the partition should be realigned as indicated in exhibit 3 of the staff report to allow for improved future development of the site. He indicated that the partition would

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satisfy criterion 1 if a shadow plat deed restriction were placed on the property. Street dedication would be required for safe access to the school site. He reviewed a 34 ft. street layout and he indicated that the front steps of the existing structure are currently in the existing right-of-way. He noted that utilities would be required to be extended to the site upon development of the second parcel. He noted that a non-remonstrance for improvements would be required. He indicated that a dedication would not result in a hardship that does not currently exist. He noted that the structure was constructed partially in the public right-of-way. He commented that an alternative would be to purchase right-of-way from the property owners to the west in order to provide adequate right-of-way at this location.

Questions to staff: Commissioner Roberts indicated he has read the schools facility study. He asked about the condition of Foothills Drive. Mr. Egner indicated that Foothills Drive has a 34 ft. improved width within a 60 ft. right-of-way. Commissioner Roberts asked if that would be the primary access to the proposed school site. Mr. Egner noted that it would be likely. Commissioner Roberts asked about Chehalem Drive as access to the school site. Mr. Egner noted that Chehalem Drive is a rural county road. Commissioner Roberts asked if Crater was a city street. Mr. Egner noted that Crater was still an unimproved county road. Mr. Egner noted that as properties develop along Crater, non-remonstrances would be required of developers and Crater would be improved at one time. Commissioner Roberts asked if the Crater Lane improvements could be completed in two years. Mr. Egner felt it was unlikely. Mr. Teitzel responded that Crater was partially outside of the City and the City has no jurisdiction to improve the County portions of the roadway. He added that the west side of Crater is outside the UGB and an adjustment to the UGB would also be required. He noted that an improvement discussion with the school district would be required. Commissioner Roberts asked if Chehalem Drive was considered to be a reasonable access. Mr. Teitzel indicated Chehalem Drive was a 20 ft. paved road with no shoulders. Commissioner Russell asked what was across the street from the site. Mr. Egner noted that lots across the street were relatively undeveloped acreage.

Proponent: Mike Gunn, 201 N. Meridian, indicated that he was an attorney representing Mr. & Mrs. Gary Norman. He distributed an aerial photo together with other photographs to the Planning Commissioners for their review. He noted that the house is approximately 70 years old and his clients purchased it in recent years. He noted that there are few houses on Crater Lane. He indicated that the school district does own the property to the north and he felt it was conjecture at this point as to whether the Crater site would be developed as a school. He didn't feel there would be any development along Crater in the next several years. He indicated that the Normans are not interested in subdividing the site. He noted that the Normans have recently discovered that the house is located partially in the existing right-of-way. He indicated that relocation of the house is cost prohibitive. They want to sell the house separate from the balance of the parcel. He

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indicated that the porch can be removed to eliminate the non-conforming use. He indicated that if Crater Lane is widened in the future and the Normans do not partition the property, the City would be required to purchase the additional right-of-way the distance of the entire parcel. He noted that the Normans would dedicate the required 10 feet along the length of parcel 2 if the modification for parcel 1 were allowed. He indicated that it would impose a severe financial impact on the applicants to require the moving of the house and dedication of 10 ft. of right-of-way along parcel 1. He felt their request was not unreasonable based on the circumstances. He noted that buying right-of-way from the property to the west was not feasible and the owner of that property was not interested in selling. He felt there were no other options except to subdivide the site and they are not interested in doing that at this time.

Opponent: None

Question to Proponent: Commissioner Molzahn asked if the house had a full perimeter foundation. Mr. Norman indicated that it does have a full foundation. Mr. Gunn indicated that if they are required to dedicate the 10 feet with a deed restriction, they will not be able to sell the site and no bank would finance them; however, it can currently be financed with the encroachment.

Commissioner Prewitt asked what the reason was for the partition. Mr. Norman indicated he would like to sell the portion with the existing home and keep the vacant parcel. Commissioner Prewitt asked if the future use included subdividing the site. Mr. Norman added that he had no current plans for the vacant parcel.

Letters/Public Agencies: Michael Gunn, attorney representing Gary Norman, in support of the proposal.

Staff Recommendation: Planning Director Egner recommended that the Commission approve the partition and deny the modification subject to staff report conditions 1-6.

Hearing Closed.

Commission Discussion:

Vice-Chair Kriz noted that there are really two requests, one for a partition and the other for a modification to the provision. He asked Mr. Egner about water and sewer service to the site. Mr. Egner noted that it could not be developed until water and sewer were provided.

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Commissioner Post asked if the applicants would be required to remove the porch in order to sell it now. Mr. Egner indicated that removal of the porch steps would be required to improve the road in the existing right of way.

Commissioner Post indicated that if parcel 1 did not have a dedication now, it would need to be purchased by the City later.

Commissioner Ring commented that it would be better to obtain part of the right-of-way dedication rather than none.

Commissioners discussed the modification limitations and the ability to finance the property if the modification were not granted.

Commissioner Roberts expressed concern about the residents on Foothills being negatively impacted by being the only feeder road into a school site.

Commissioners discussed traffic impacts of the new school site on Crater Lane, Chehalem Drive and Foothills Drive.

Commissioner Prewitt indicated that the school site would probably remain vehicle rather than pedestrian oriented for quite some time. It was noted that the proposed school would serve about 500 students.

Commissioner Russell asked about street access from the east. Mr. Egner commented that the property to the east, all the way to College, was under two primary ownerships.

Vice-Chair Kriz asked Commissioner Molzahn whether financing this kind of property was feasible. Commissioner Molzahn declined to comment.

Public Hearing reopened only to allow applicant testimony relating to saleability.

Mr. Gunn indicated it was conjecture as to whether there would be a school built there. He noted that the Normans structure can be financed and if the steps are in the right-of-way, they will be removed. Mr. Egner noted that another door entrance could be created.

Commissioner Russell felt that the City is required to plan ahead but he felt this was double jurisdiction. He asked where the UGB was located. Mr. Egner was unsure which side of the road the UGB was on. Mr. Egner noted that development of the southern parcel would require right-of-way dedication.

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Commissioner Roberts asked if the right-of-way were condemned at some future time, would the City be required to pay for the removal of the house. Mr. Egner indicated it would.

Commissioner Russell felt that some compromise now was justified.

Commissioner Kriz asked where the paved portion of the street would be along the northern parcel if additional right-of-way were not dedicated. Mr. Egner indicated that if the paved portion of the street were shifted to the west, utilities would need to be placed either under the sidewalk or in the street, not in a utility strip.

Commissioner Roberts asked if the house were destroyed by fire, whether it could be rebuilt or whether it could be remodeled. Mr. Egner indicated that pre-existing non-conforming uses could not currently be rebuilt if they were more than 50% destroyed and non-conforming uses could not be further expanded.

Commissioner Russell asked for clarification of the right-of-way identified in the shadow plat proposed for the southern parcel.

Mr. Gunn was asked if a 10 ft. right-of-way dedication on parcel 2 and a shadow plat on parcel 2 for future road purposes was acceptable to the Normans. Mr. Norman indicated that it would be.

Public Works Director Teitzel was asked if Crater Lane was in the City or County and who maintained it. Mr. Teitzel indicated it was a County road apparently maintained by the County.

Commissioner Russell asked where public utilities currently were near the site. Mr. Egner indicated they were in Main Street.

Commissioner Russell was asked to describe his proposal. He proposed that the request be approved with a required deed restriction on Parcel 2 as per exhibit 3 and 10 feet of dedicated right-of-way along parcel 2, together with a split of the parcel along the restricted right-of-way.

Commissioners discussed proposed layouts for the parcel.

Vice-Chair Kriz concurred with the staff report findings and conditions.

Mr. Norman was asked how long ago he purchased the site. He indicated 7-8 years ago.

Vice-Chair Kriz indicated that eventually the area would be developed.

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Motion: Roberts-Russell to approve the modification to the right-of-way and preliminary approval of the partition based on the staff report, conditions 2, 3, 4, and 6 and modified conditions 1 and 5 as follows:

1. A 10 foot right-of-way dedication along parcel 2 adjacent to Crater Lane must be provided.
5. The applicant and the City shall enter into an agreement in which the existing structure is permitted to encroach into the right-of-way until such time that the right-of-way is improved. The owner shall agree to remove the portion of the building in the existing right-of-way at the City's request for street improvement purposes. Costs shall be borne by the owner. The agreement shall be filed as a covenant and deed restriction and shall apply to future owners of the land.

Vote on Motion: Aye--Molzahn, Post, Prewitt, Ring, Roberts, Russell, Thomas; Nay--Kriz. Motion carried 7-1.

Planning Director Egner reviewed the appeal procedure.

VII. Election of Chair

Vice-Chair Kriz thanked Roger Veatch for his service on the Planning Commission

Motion: Thomas-Molzahn to nominate Commissioner Russell as Chair. Nominations were then closed. Motion to appoint Commissioner Russell carried unanimously.

Commissioner Russell assumed the Chair.

VIII. Public Housing Agreement with the Housing Authority - G-20-91

Discussion with Paul Colbert, Executive Director of the Housing Authority

Planning Director Egner reviewed the proposal and introduced Paul Colbert, of the Yamhill County Housing Authority.

Mr. Colbert indicated that the reason for the request was based on the need for affordable housing units in the County. He noted that the private market has a difficult time developing housing for low income (family of 4 making less than 32,000 per year or 80% less than the median). There are approximately 800 families in the County waiting list for affordable housing. Section 8 programs allow families to rent through private landlords. The housing authority also owns 30 houses in Newberg. There is almost a crisis situation for rentals, especially in Newberg. This program coincides with some of the recommendations for development of low and moderate income housing. This is

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basically a no cost program that the City can benefit from. The cost is borne through grants and loans from the federal government. The number of affordable housing units needed is likely far greater than the requested 125. He would be very happy to receive funding over the next 10 years for 80-90 units.

Commissioner Roberts indicated to Mr. Colbert that he was concerned about grouping the units in a single cluster rather than spreading the units throughout the city. Mr. Colbert noted that typically the housing units were scattered throughout the City, but there may be specific requirements for selected groups that would be better served by grouping units in apartment complexes, etc. Mr. Colbert added that one of the goals of Housing Authority was to work with other agencies and the private system to try to create home ownership by the rental unit occupant. He felt the funds could then be recycled to create additional first time home ownership opportunities.

Commissioner Roberts continued to express concern about clustering. Mr. Colbert indicated that about 200 people on the waiting list are elderly, disabled or handicapped. Commissioner Roberts asked if the availability of the clustered units could be limited to those that were among the 200 people listed as elderly, disabled or handicapped. Mr. Colbert indicated that the intent of the clustered units would be to assist those identified as elderly, disabled or handicapped. He noted that historically all of the grant applications have only been for family housing, not group housing.

Commissioner Thomas asked if any plans were currently in place. Mr. Colbert indicated that plans have not been developed for any specific sites at this time and that the Housing Authority was subject to the same development criteria as any other developer.

Chair Russell asked how many of the existing 35 units were not yet completed. Mr. Colbert indicated 5 are left. Mr. Colbert felt that additional funding would be more likely if more units were available. He was asked about property tax liability. He commented that they were exempt from property taxes but a certain amount of the rent is set aside for taxes to be returned to the community. He felt that the tax liability was approximately 25% of the amount which would normally be collected. Mr. Colbert was asked if limiting the grouping of units to a specific maximum would inhibit obtaining grants. Mr. Colbert indicated that a separate memorandum of understanding could be entered into relating to this request.

Staff was asked if the Planning Commission would see each project. Mr. Egner indicated that design review by staff would be required on the projects greater than single family.

The Commissioners discussed the number of units that could feasibly be allowed.

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Paul Colbert was asked why the ten year period was selected. He indicated that in ten years the need may be even greater for affordable housing, and if anything, the Commission might consider expanding the number of units rather than limiting them. He felt 125 units would allow development of a major elderly complex and still work within a reasonable time frame.

Motion: Kriz-Post to recommend that the Council approve the new housing agreement for 125 units with a recommendation to limit the clustered units to only apply to elderly housing. Motion carried unanimously.

IX. Rural Growth Policy Study - G-12-91 - Discussion

Planning Director Egner reviewed the revised URA proposal including service areas and the Newberg-Dundee corridor, the decision-making process and shadow plat criteria. He introduced Public Works Director Bert Teitzel who described the areas serviceable by water. Mr. Teitzel reviewed engineering staff reports comment regarding serviceability based on existing service and extension of new service.

Commissioner Roberts asked if the school district proceeded with development of the Crater Lane site, whether a pump station would be required. Mr. Teitzel noted that the school would be required to provide pumping. He noted that a pump station would be built which could serve area "J" this year. The size of the pump station would be based on how much area would be included in the urban reserve area. He added that URA selections in the Dayton Avenue area should be identified within the next 180 days to allow size planning for the required Eighth Street pump station. He noted that water could be extended into the area as well. He was asked if the City has the gallonage with the present water system to service areas beyond the existing UGB. He commented that the City has water rights to service the existing UGB and any expansion will probably require some means of reducing peak flows or some means of getting additional water. He noted that several options are being reviewed. He was asked if there was enough water pipe capacity to expand the system. He indicated that pipe expansion would be appropriately sized.

Planning Director Egner suggested that perhaps the school district should be advised to relocate the school site to a more central location. He indicated that some exceptions lands were included in the "M" area in order to surround the proposed school site with residential development likely to use the site. Mr. Egner asked what kind of recommendation the Commission felt should be made relating to area "J" specifically. He noted that based on a 50 year population to accommodate 45,000 people, the land area would need to include areas "A", "B", "C", "D", "E2", "F", "J", and something the size of area "M". He noted that this is calculated at 4.4 dwelling units per acre and did not provide any cushion for industrial or commercial land.

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Chair Russell noted that LCDC will have a hearing February 28 at which draft rules will be discussed. He reviewed the process by which LCDC has selected Newberg as one of the areas to address URA's. He reviewed the process staff has completed relating to development of URA's. He indicated that the audience may be interested in commenting on the rule making process.

CAP Comments:

Sid Friedman indicated he would comment at a later time.

Chris Anderson indicated that the process has been informative.

Lou Brillas was concerned about the boundaries between Newberg and Dundee and how the area would be developed. He was concerned about what role the County would be playing in it.

Planning Director Egner noted the February 28 hearing date at LCDC relating to rule definition. He commented that the only difference between LCDC's proposed rule and that presented by City staff appeared to relate to upzoning in the URA. He reviewed the LCDC rule, noting that it puts a two year moratorium on land use action within the exception areas and requires that the City and County work out URA's. He noted that any land divisions should not impede future urbanization of the URA's and exception lands. He added that once an URA is put in place, the moratorium is lifted. It goes under the assumption that 2.5 acre parcels are very difficult to redevelop in the future without shadow platting.

Chair Russell reviewed portions of the proposed Rule.

Mr. Egner noted that the City started discussion of the URA in October and that the City's proposed rule and the proposed LCDC rule were very similar in style. He noted that it would be likely that the State would adopt their rule before the City had a URA in place.

Mr. Egner noted that once the Commission has arrived at a proposal, the proposal will go to the County for input, then back to City Council for public hearing and then NUAMC for public hearing for recommendation of adoption.

Chris Anderson, 708 E. Third, asked Mr. Egner to clarify upzoning and what it means.

Mr. Egner indicated that most of the exception areas are currently planned at a VLDR plan designation which would allow zone changes to 1-2.5 acre minimum lot sizes. There is a zone change process that is permitted. The URA would not allow that kind upzoning. resulting in the existing zoning remaining in place.

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Larry George, 15195 NE Ribbon Ridge Road, administrator for Oregonians in Action, described a recent trip he made through 3 cities which will also be subject to LCDC's URA requirements. He noted that originally 25 cities would be subject to the new rule. He commented that DLCD recognized the intense political pressure and reduced the amount to 8 cities. He commented that the upcoming meeting on February 28 will probably be a very heated meeting. He felt the lands outside the URA should be taken into the UGB's right now to prevent infringement on property owner rights because of the URA restrictions. He expressed concern about the serious implications of this kind of long range planning and he felt the Commission was taking a great leap of faith and taking on some legal liability by putting URA's in place.

Commissioner Molzahn asked why the UGB can't just be expanded to include the areas most likely to be developed. Mr. Egner felt that the URA process will give the County some idea where the City is expected to grow.

Larry George stated that everyone outside the UGB would be restricted and that the Commission would have a lot of liability.

Commissioner Roberts stated that DLCD would set the liability and that scare tactics to the Commissioners were not appropriate. He indicated that the City is not taking property rights but defending property rights of those who don't want to see development of ag land.

Larry George indicated that DLCD setup rules to create a UGB around a city for a purpose and that the URA doesn't give them the same rights and representation. He requested that the City plan for the future growth through UGB's, not URA's. He felt the properties under discussion should be included in the UGB.

Sid Friedman, 31909 NE Corral Creek Road, indicated that despite political opposition in Medford, DLCD has not backed off its stand in Medford. He commented that the URA proposal does not take away any property owners rights that exist under current zoning regulations but that it may make it more difficult to change the zoning. He did not feel it affected property rights in any fashion.

Steve Terjeson, Newberg resident and local realtor, noted that he has been following the URA proposal. He commented that a study has been made which discusses URA's and their impacts on development and he added that Bryce Fendall would be sending copies to the Planning Commissioners and Planning Department. Mr. Terjeson reviewed the document which indicated that URA's cause urban land to become more expensive and rural land to become less valuable; housing prices would increase in all categories and the supply of affordable housing would decrease.

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Commissioners Molzahn and Kriz asked for a designated adjournment hour.

Motion: Thomas-Molzahn to adjourn at 11:00 pm. Motion carried unanimously.

Julie Codiga, 16200 NE Leander, Sherwood - expressed concern about being annexed into the URA of Newberg if she was a Sherwood resident. She questioned whether she would be able to vote on Newberg issues and who would be representing her citizenship.

Mr. Egner replied that she would not have representation in Newberg.

Leslie Lewis, 9805 Hendricks Rd. Carlton has a business in Newberg and pays City taxes. She felt there were a lot of problems in the City and she would like to see more diversity of jobs in the community. She commented that she would like to see staff plan for current problems rather than spending so much time and resources on plans 50 years out. She agreed with Mr. George that the URA proposal was the taking of rights of the property owners and she felt it was unconstitutional. She indicated that the county planned for the exception areas to be 1-2.5 acre parcels. She noted that many people purchased land based on the investment potentials, and that if the ability to upzone was taken away, the value of the land drops some 50-60%. She commented that was a taking of property rights and there would be many legal challenges to this. Many taxpayers are being taxed on the ability to divide their land. She noted that if an individual wanted to move out into the rural area and have a rural lifestyle, the opportunity was being taken away. The only opportunity for such a lifestyle was in the rural residential areas. She felt that the URA would be locking up the exceptions zones and that instead, the land should just be brought into the UGB. She felt the difficulties of development in 50 years was way overblown. She added that the City always has the power of condemnation, and that local improvement districts could be used for water and sewer lines. She felt there should be some compromise between the City and County.

Commissioner Prewitt responded to Ms. Lewis, indicating that the Planning Commissioners are unpaid and are interested in all the issues of the community.

Ms. Lewis indicated that it appeared the Planning Staff was spending too much time on this project and it appeared they were egging LCDC on. Mr. Egner responded that he took his direction from the City Council.

Mr. Egner pointed out that Ms. Lewis is on the Yamhill County Planning Commission and NUAMC.

Commissioner Kriz indicated that this kind of planning helps the City to conserve city resources for the future.

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Ms. Lewis felt there were other ways that the City and the County could cooperate and she urged the Commissioners to come up with some other way.

Roger Veatch, 29550 NE David Lane, thanked Commissioners Kriz and Russell for their kind words. He noted that he is a property owner in area "C" and represents clients of property in other areas. He focussed his comments on area "J". He reviewed the status of property west of Chehalem Creek. He indicated that the owners petitioned for city services and were unsuccessful. He commented that now the owners have applied to the county for a zone change to allow 2.5 acre parcels. He added that now the City is indicating they can provide service to the site within 2 years. He noted that development cost for subdivision of their property is around \$1.5 million. The City of Dundee is now extremely concerned that Newberg will be encroaching in this area and the property owners are very confused. Mr. Veatch felt that it was the responsibility of both the cities of Newberg and Dundee to get together to achieve some kind of assistance for these people. He urged the Planning Commission to get the affected property owners into the meetings to voice their feelings so that all the individuals concerned could be heard. He indicated that by including the exceptions land in the URA, some other land should be given back to the people.

Roy Powell, Newberg contractor and developer, indicated he believes he is the only one in the State who has agreed to comply with the process that the Planning Commission was discussing now. He indicated he was confused about where the rules are coming from and whether the State was making the decisions or whether the Planning Commission was making the decisions for the people in this community. He indicated that he had come to an agreement with the City for shadow platting his rural property. He thought it was good for the developers, it didn't stop people from developing their property, and there were some really good things in it. He felt that if the owners work through the process, it wouldn't really be that bad.

Gary George, 15195 NE Ribbon Ridge Rd, Newberg, indicated he was a member of the State Gov. Affairs, Farm Bureau, and OIA. He felt many members of the Farm Bureau need to be represented and many of them are going to be disturbed. He felt every affected land owner should be notified. He indicated that two people from DLCD have indicated that Newberg is the mover and shaker behind the development of an URA and Newberg says DLCD is. He commented that Newberg didn't have the water to expand and didn't have the road system. He noted that there appeared to be a move toward multi-family, multi-story structures in the future. He reiterated that every land owner should be properly informed. He indicated that the Farm Bureau's primary concern is to protect prime agricultural farm land and Newberg is in the middle of prime agricultural farm land. He added that the Farm Bureau is going to pursue that point of view.

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Lou Brillas requested that the Planning Commission form a commission between the areas of Newberg and Dundee to discuss this area and resolve the conflicts. He also asked why areas "O" and "P" were on the map if they are not considered to be needed in the future UGB.

Chair Russell indicated to the audience that the time for formal public hearing and input had not yet occurred.

Mr. Egner noted that study areas have been so broad that no specific areas have been identified for specific property owner notification.

Chair Russell noted that the URA discussion outline will be the subject of the next meeting.

Roy Powell indicated that the issue of the area between Newberg and Dundee should be discussed immediately.

Commissioner Roberts felt that the Planning Commission should make a decision about the area between Newberg and Dundee. He felt that the next meeting should be a closed meeting at which material should be forwarded to Council for public hearing.

It was noted that the meeting could not be a closed meeting but would be open to the public.

The Commissioners by consensus agreed to meet on next Thursday, February 27 at 7:00 pm to discuss the issue.

X. Planning Commission Membership Revisions - G-13-92

Planning Director Egner reviewed the discussion relating to residency of the Commission.

The Commissioners briefly discussed the issues which were relevant to living in the city or county.

Motion: Kriz-Post that the 2 members who may reside outside the City should live inside the UGB or URA and that this requirement was applicable to all new applicants. Motion carried by voice vote.

The Commissioners then discussed their professional status and the state requirements which apply.

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The Commissioners recommended a statement to be included in the application relating to what profession the applicant was employed in.

The Commissioners discussed successive reappointments and limits on the number of terms. No consensus was reached as to a limit on the number of successive terms an applicant could serve.

Motion: Thomas-Post to approve draft with recommended changes. Motion carried by voice vote.

XI. OLD BUSINESS:

Commissioner Kriz asked Mr. Egner the status of the school issue relating to further development. Mr. Egner noted that he is obtaining information from a land use attorney relating to the issue and will forward it.

XII. NEW BUSINESS:

A. County Referrals

1. **Vermulm Subdivision.** Planning Director Egner indicated he will be attending a meeting relating to this subdivision and will be suggesting that they shadow plat the site.
2. **Zone change on north side of Dayton from AF10 to VLDR 2.5 on 12.5 acre parcel.** Planning Director Egner will be requesting preservation of urbanization options.
3. **Replat of Fruitland Subdivision.** - Planning Director Egner indicated that this area is outside of any proposed URA's.

B. Planning Commission Training Workshop. Planning Director Egner indicated that the workshop was open to any of the Commissioners wishing to attend. He noted it was scheduled for March 14, 1992 and interested persons should contact the Planning office for details. Chair Russell indicated that he had attended a past workshop and he recommended that Planning Commissioners attend.

C. Transportation System Development Charge - G-8-92. Planning Director Egner briefly discussed system development charges for the proposed transportation system development charge and how it would apply in various examples.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 11:43 pm.