

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, JANUARY 12, 1995
7:00 PM

Attest:

Approved at February 9, 1995 Meeting

Darla Baldoni
Recording Secretary

PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney
Matson Haug
Rick Mills
Jim Morrison
Mary Post
Roger Worrall
Jack Kriz, Chair

Staff Present:

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

Citizens Present:

Four citizens were present.

II. OPEN MEETING

The Work Session began at 6 p.m. in the Community Development Office (minutes are attachment a). Chair, Jack Kriz reconvened the meeting at the Library at 7:02 p.m.

III. APPROVAL OF MINUTES

Chair Kriz reconvened by reviewing the December 8, 1994 meeting minutes.

Motion: Commissioners Haug-Worrall voted to approve the minutes of the December 8, 1994, Planning Commission Meeting.

Vote on Motion: The Motion carried (7-0).

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person): none

Chair Kriz then announced the procedure of testimony, ORS 197.763 relating to the Public Hearing process. Citizens must fill out a public comment registration card to give testimony at the meeting.

V. PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPLICANT: Pacific Empire Builders, Inc.
REQUEST: Subdivision of a 51,481 sq. ft. parcel into 6 lots to be known as Arbor Park
ZONING: R-3 High Density Residential

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LOCATION: Sierra Vista and Hoskins
TAX LOT: 3218DA-00105
FILE NO: S-9-94
CRITERIA: Newberg Subdivision Ordinance 2294

Staff Report: John Knight, Planning Manager, stated that this item was continued from the December 8, 1994 Planning Commission Meeting. The Public comment section was closed but the record remained open an additional seven days for written testimony. Comments were received during this period, and now open for questions.

Abstentions/ex-parte contact:

Commissioner Haug suggested that the new members be asked if they have had time to review the record.

Chair Kriz directed the question to the new members.

Commissioner Morrison stated that he reviewed the record and drove by the site to see how much water was there on a rainy day.

Commissioner Harney stated that he also reviewed the record.

Commissioner Mills also reviewed the record and noted that Oregon Statutes state that the record must remain open for testimony for seven days.

Objections to jurisdiction: none

Preliminary Staff Recommendation: Staff recommended approval of the subdivision request with the findings and conditions as noted in the staff report.

Commission Deliberation:

Commissioner Haug asked staff if conditions were met regarding neighbors consulting with staff to resolve conflicts on the drainage problem.

John Knight stated that the condition remains the same from the last meeting, and noted that they should direct their question to the applicant who was in attendance. A motion was not made to change this condition and the item was continued. Refer to Item #4 on resolution 95-1 stating that the developer would work with the neighboring property owners to try to resolve the drainage problem.

Commissioner Worrall recalled that the concerned citizens wanted to know who to contact, and at the last meeting they were informed that they could talk with staff at the Community Development Office for more information, or to voice their concerns.

Commission Haug asked that we change item #4 to read as follows: The developer shall work with the neighboring property owners and the Community Development office to resolve the drainage issue.

Commissioner Worrall responded that we had gone through this in detail at the last meeting and that the proponent had done the appropriate degree of engineering analysis. If citizens have questions, they should talk with the City Engineer at the Community Development Office.

Commissioner Haug stated that he wanted the citizens to have an impartial review.

Commissioner Mills asked for clarification on the expectation of the Planning Division Staff on this issue.

Commissioner Haug responded that at this point it is for the proponents and opponents to discuss at the public hearing. The development code is proposing that the Planning Staff have the role of negotiating concerns of opposing parties.

Commission Morrison voiced his concern that the development might cause the drainage problem to be shifted to the Spaulding Oaks.

Commissioners Worrall and Kriz responded that discussion was held about this at the last meeting. Commissioner Worrall also stated that it was not a condition, rather an opportunity that citizens go to the Community Development Office to discuss any concerns on this issue, prior to the final decision.

Commissioner Mills stated that he felt the issue of drainage had been addressed properly with the developer.

Motion: Commissioners Haug-Post to remove the last sentence of condition #4 regarding the developer working with neighbors on the drainage issue.

Vote on Motion: The Motion carried (6-1).

John Knight stated for the record that the City has received two additional letters; one from the applicant, and one from Mr. Harmon, a neighboring property owner. They both realized that the public hearing was closed, and there were no new concerns addressed.

Note for the record: the new commissioners, Harney, Morrison, and Mills reviewed the letters and materials on the public hearing and felt they could give an impartial view.

Commissioner Mills stated that the drainage issue was resolved, so there seemed to be no reason for the commission not to adopt the recommendation by staff.

Motion: Commissioner Mills - Harney to adopt the motion as stated and to include the amendment to strike the last sentence of item #4 of Resolution 95-1 findings.

Vote on Motion: The motion carried (7-0).

John Knight noted that there would be 10 days for an appeal from the applicant or anyone that gave testimony at the hearing.

PUBLIC HEARING (#2)

APPLICANT/

OWNER: Henry, Stephen and Beverly Rosen

REQUEST: Annexation/Zone Change of a 217,800 sq. ft. parcel within the Urban Growth Boundary and NW Newberg Specific Plan

LOCATION: 3504 N. College

TAX LOT: 3207AD-01100

FILE NO: ANX-9/Z-11-94

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ZONE: AF10 Agricultural/Forestry - 10 acre minimum to R-1/SP and R-2/SP Low Density Residential and Medium Density Residential/Specific Plan

This item was continued from the December 8, 1994 Planning Commission Meeting. The Planning Commission is still in the public testimony portion of the hearing, and no new additional information had been received.

Chair Kriz asked staff if the public hearing is open.

John Knight, Planning Division Manager, replied that it was open to hear testimony.

Commissioner Mills indicated that he must step down due to a conflict of interest. Commissioner Mills stepped down.

Abstentions/ex-parte contact: none

Objections: none

Staff Report: **Barb Mingay, Planning Technician**, stated that there was no additional information since the December 8, 1994 Planning Commission Meeting staff report, and commented that map exhibit #4 had been revised.

Preliminary Staff Recommendation: Staff made recommendation to adopt Resolution 95-2 in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing.

Proponent: **Steve Rosen, 3504 N. College, Newberg, Oregon 97132.** He stated that he had been waiting to develop this, and the land next to it is being developed. He expressed that he would like to see it passed.

Proponent: Roger Grahn, 9035 SW Sagert, Tualatin, Oregon 97062. He stated that he is on each side of this proposal, and is in favor of the annexation, for it is needed and within the Comprehensive Plan. He expressed two concerns: 1) He has worked with the City on an annexation, and stated the requirements were very stringent and hoped that all applicants would be held to the same standards; 2) There is no sewer at this site. If the current sewer line was taken across College and connected to the Main Street trunk, then he would be an opponent. The trunk line on Main Street is fundamentally at capacity with other development planned. The infrastructure will not be adequate to meet the future growth.

Opponent: none

Questions to Proponent: none

Public Agency reports: Barb Mingay commented that there were no new reports.

Letters: none

Proponent/Opponent Rebuttal: none

Staff Recommendation: Barb Mingay stated that the recommendation was as stated in the staff report, to recommend approval to the City Council, and move to adopt Resolution 95-2.

Hearing Closed.

Commission Deliberation:

Commissioner Worrall commented that the staff report states that water is addressed for fire protection, but didn't find any comments in the report about sewer capacity. He went on to say that this is just one area of the annexing of the Specific Plan and this raises the question of a trunk line.

Barb Mingay responded that the request was addressed to the City Engineer for his review. She noted that water is available, but the sewer is not at this time, and that the road right-of-way and improvements (includes sewer) will be needed at the point of development. This property is in the Specific Plan area and the development will take the efforts of all the property owners. When the annexation and subdivision come on line they will need to connect to the existing system. The City Engineering Department will need to determine future capacity of the system.

Commissioner Worrall expressed concern about the issue raised by testimony from Mr. Grahn.

Barb Mingay stated that the developer will need to work with the City Engineering Department.

Chair Kriz reminded Commissioner Worrall that this is an annexation not a subdivision.

Commissioner Morrison commented that he is not very familiar with the specific plan, but he wanted clarification that this is land available to develop into the City, and that the City will determine what the developer will need to do.

Barb Mingay referred the commissioners to look at the staff report enclosed that addressed this. She went on to say that generally the developers want to comply, for they have been key players in this plan. The intent was to plan a larger area with the street layout in place so each parcel could then develop within the Specific Plan.

John Knight noted that in that area there are already annexations and subdivisions approved and they will be developed this spring. They will be putting in some additional infrastructure in accordance with the City Sewer Master Plan.

Chair Kriz asked if the new commissioners received the specific plan. The recording secretary stated that they were distributed, and that the commissioners were also given the Subdivision Ordinance, Comprehensive Plan, Zoning Ordinance, Planning Commission Training Manual, Transportation Plan, By Laws, and the Zoning and Comprehensive Plan maps.

Commissioner Harney wanted to confirm that all the services (fire and police), would be covered with this annexation.

John Knight stated that the utilities issue had been reviewed and covered in great detail, and during the routing process no comments were received by the departments. The Specific Plan was adopted by our City Council in April of 1994 (through a public hearing process).

Commissioner Harney commented that he only saw four exits on the map.

John Knight responded that this was planned to have only exits at the signals that would be installed.

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Commissioner Haug stated the question does come up on how rapidly the Specific Plan comes up and how rapidly we can accommodate it.

Motion: Commissioners Post-Haug moved that we adopt Resolution 95-2 as stated.

Vote on Motion: The motion carried (6-0), Commissioner Mills abstained.

Barb Mingay commented that the process would go to the City Council for a public hearing scheduled for February 6, 1995, at 7:30 p.m.

PUBLIC HEARING (#3)

REQUEST: Development Code: Revisions to the Development Code
FILE NO: G-10-94

This item was continued from the December 8, 1994 Planning Commission Meeting, and will be continued to the February 9, 1995 Planning Commission Meeting.

The hearing was re-opened by Chair Kriz.

Commissioner Worrall stated that he would step down for this hearing, and stepped down.

John Knight noted that development codes were distributed to all commission members along with an index. City staff felt that since there are new City Council and new Planning Commission members, this item should be continued to allow more time for review. He also commented that the Development Code is a legislative action, and staff's intent is to bring the Newberg Development Code up to date with Oregon Statutes relative to permit processing, and to combine the Subdivision and Annexation Ordinances into one document.

John commented that the most extensive changes are in the first 50 or so pages of the document and relate to permit processing. He then explained that Limited Land Use decisions are criteria based items that are administratively approved, and new items will now require that notice be sent to neighbors of the intent to approve the project, giving them the opportunity to appeal. There are four types of procedures for determination of processing (as noted on pages 32-35 of the Development Code).

John Knight opened the hearing for questions from commissioners on permit issuing.

Commissioner Haug stated his concern that neighbors of an applicant may currently voice their concerns at a public hearing at no cost, and in the new code they would need to appeal to the Planning Commission and pay a fee for that appeal.

John Knight stated that the current appeal cost is \$250, and in the amendment to the Development Code the Planning Commission or City Council would be able to appeal, so citizens would have the opportunity to talk with commissioners for their potential appeal.

Commissioner Harney asked why it would cost the public and yet a commissioner would not have to pay to appeal.

John Knight responded that this is the way it is stated in the code, the Planning Commission could amend this.

Commissioner Mills felt that the new process would cut out some of the frivolous appeals.

Commission Haug stated that in his experience on the Planning Commission, the public hearing process had been very valid for the citizens to state their concerns. He didn't feel that there had been any frivolous appeals. He also expressed his concerns regarding the \$250 charge for an appeal.

Discussion continued on the need to allow avenues for citizens to express their concerns.

John Knight stated that on an administrative decision, there is currently a 14 day period for written comment prior to a final decision being made. The proposed change would have a fee for an appeal to get a public hearing, some appeals would go from a public hearing to an administrative decision. It was also noted that the appeal fee of \$250 was set by City Council on an Administrative decision for types 1 and 2). John went on to say that the statute wants to take criteria based decisions and allow them to be processed through an administrative decision.

Commissioners Harney and Morrison reserved their comments, as they had not yet had time to review the document.

Public Testimony: Roger Grahn, 9035 S.W. Sagert, Tualatin, Oregon 97062. He commented that a considerable amount of the available lands are owned by two families. The bulk of what is left is in little parcels that are relatively small, and until there is a change in the Urban Growth Boundary, Newberg is close to saturation point.

Commissioner Haug wanted to comment that we had one commissioner that stepped down because of financial impact. There will be hidden costs in the new proposal. It was suggested that staff put together a cost analysis for the different types in the development process (current costs versus proposed changes in costs). After discussion, it was decided that this was not necessary at this time.

John Knight stated that there had not been an attempt to change the fees for each type of request. The costs that would possibly change, are the attorney fees, design fees, time spent in meetings, etc. The State appears to be attempting to make the process more efficient, therefore more cost effective.

Public Testimony: Roger Grahn, 9035 S.W. Sagert, Tualatin, Oregon 97062. He stated that his belief was that it would make things easier on something like a subdivision. If there was a complex proposal, it may generate a lot of controversy in this community, therefore the impact would be greater for the applicant (i.e., attending meetings, legal council, etc.).

John Knight recommend that the Planning Commission spend a session/meeting discussing fees. At the next meeting he would prepare an addendum including comments received, and plan to discuss this document in more detail. He would then draft the document with changes as decided by the Planning Commission. Commissioners were directed to provide any comments to John within two weeks.

Chair Kriz closed the public hearing.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS (none)

Election of new officers:

Motion: Commissions Morrison-Harney nominated Jack Kriz for Chairman. Commissioner Haug moved to close the nominations.

Vote on Motion: The motion carried 6-0, Commissioner Kriz abstained.

Motion: Commissioners Post-Haug nominated Commissioner Worrall for Vice Chair.

Vote on Motion: The motion carried 6-0, Commissioner Worrall abstained.

VIII. STAFF AND COMMISSION REPORTS

1. Update from Open Space Committee:

Commissioner Worrall was absent at the last meeting and asked Commissioner Haug to report. Commissioner Haug wanted to define the Open Space goal: to define, preserve and enhance the existing Open Spaces of the City and to recommend changes to the governing party prior to July 1, 1995.

Commissioner Worrall provided some history on Open Space for the new commission members. There were conflicting names to the same pieces of ground. Ordinances were found to be vague, and one side wanted to preserve open spaces and the other side wanted to build in the area. So a group came together as an adhoc committee, and received a \$20,000 grant for Open Space. Consultants will begin mapping on Wednesday, January 18, 1995, and they will make recommendations to the Planning Commission and then to the City Council.

John Knight stated that the Open Space Committee is holding a work session with the Planning Commission and the City Council on February 1, 1995, at the library.

Commissioner Haug submitted the goals into the minutes(from the Minutes of the Open Space Committee on October 19, 1994).

2. Update on Council Items

John Knight reported that the State is requiring us to look outside the City limits for possible future inclusion into the City within 20-50 years. There had been some discussion by the County, and the Council had a hearing on Tuesday, January 3, 1995. At that hearing three diverse opinions were stated: one wanted to remove all of the resource lands (agricultural and forestry); the second wanted to remove and not approve the proposal; and the third wanted to remove a small area in Oxberg estates, but to approve the other areas. No decisions were made and this item will go back to City Council.

The annexation sent to City Council was approved, and the re-zoning by Rice was continued to the January 17, 1995, City Council Meeting.

A study session will take place on the Comprehensive Plan on January 17, 1995 (it will begin approximately at 8:00 p.m.). The Planning Commissioners were invited to attend.

3. Other reports, letters, or correspondence

John Knight stated that a member on the Open Space Committee indicated that they may not be available to be as active on the committee. Mr. Mart Storm, a developer and a builder, expressed interest in this

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committee. The committee is an adhoc committee of the Planning Commission. The balance of the committee is: Roger Worrall, manager at Intel; Matson Haug, engineer; Don Halbrook, contractor/developer; Dean Werth, retired engineer; Ken Lite, hydrologist; Sid Friedman, landscaper; and Keith Hay, retired consultant. It was stated that a balance was needed on this committee and Commissioner Worrall felt that it was light on the development side.

Commissioner Haug recommended Mart Storm's representation on the committee.

Motion: Commissioners Mills-Harney moved that Mart Storm be added to the committee.

Vote on Motion: The motion carried (7-0).

Handouts Distributed:

A handout was distributed for a Planning Commission Training Session on February 25, 1995. John recommended that the new commissioners should consider attending. The City would pay for it and reimburse mileage. Contact Darla if interested in attending.

An informational handout on a tree ordinance was distributed. This is an example of where a city had adopted a tree ordinance. Commissioner Haug was interested in knowing what the actual ordinance was. John Knight stated he would check with our consultant, Clay Moorhead regarding this.

Commissioner Worrall felt there was an ongoing need to discuss environmental issues, and wanted to address them one at a time. He suggested that a standing subcommittee was needed.

John Knight was requested to create a list of potential subjects for future study sessions.

4. Next Planning Commission Meeting, February 9, 1995

A meeting schedule will be mailed to the new committee members. It was noted that we do not call to remind for meetings.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 9:20 p.m.

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