

**PLANNING COMMISSION MINUTES**  
**Newberg Public Library - Newberg, Oregon**  
**THURSDAY, OCTOBER 10, 1996 AT 7:00 P.M.**

**Approved at the November 14, 1996 Planning Commission Meeting**

**I. PLANNING COMMISSION ROLL CALL**

**Planning Commission Members Present:**

Jim Harney	Jack Kriz	Rick Mills
Steve Hannum	Richard Waldren	Matson Haug, Chair

Absent: Myrna Miller

**Staff Present:**

John Knight, Planning Manager  
 Barbara Mingay, Planning Technician  
 Susan Galecki, Recording Secretary

**II. OPEN MEETING**

Chair Matson Haug opened the meeting at 7 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

**III. CONSENT CALENDAR**

1. Approval of September 12, 1996 Planning Commission Minutes.

<b>Motion #1:</b>	Commissioners Mills, Harney to add the following clarification to the September 12, 1996 Planning Commission Minutes, page 5, under Abstentions/ex-parte contact: " ... there wasn't much support for the gazebo <u>at the Planning Commission Meeting...</u> "
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<b>Vote on Motion #1:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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<b>Motion #2:</b>	Commissioners Kriz, Hannum to approve the consent calendar items, approving the minutes of the September 12, 1996 Planning Commission Meeting with the change in Motion #1.
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<b>Vote on Motion #2:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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**IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)**

1. For items not listed on the agenda.
2. Presentation by Benkendorf & Associates regarding creation of a City of Newberg Institutional Zone (handout).
3. Slide presentation summarizing the Residential Needs Visual Preference Survey presented by John Knight, Planning Manager

V. SUBDIVISION SESSION (This is not a public hearing pursuant to ORS Chapter 197)

**APPLICANT:** St. Peter's Catholic Church  
**REQUEST:** Subdivision of approximately 8.67 acres into 13 lots to be known as "Trinity Meadows." Twelve (12) lots will be sold as single family dwelling lots; the remaining property will be used as a site for construction of a new church at a later date.  
**ZONING:** R-1  
**LOCATION:** North Main at Mountainview Drive.  
**TAX LOT:** 3207-02700  
**FILE NO:** S-7-96  
**CRITERIA:** Newberg Development Code 10.34.030  
**RECOMMEND:** Approve with conditions as proposed.  
**RESOLUTION NO:** 96-45

**Abstentions/ex-parte contact:** **Commissioner Hannum** drove by the site and felt the site description was accurate, **Commissioner Harney** also drove by the site, **Chair Haug** visited the site around the stream corridor and noted that it seemed to be off the property, but the trees appeared to be on the church property.

**Staff Report:** **John Knight, Planning Manager**, reviewed the staff report, criteria and conditions for approval.

**Preliminary Staff Recommendation:** Staff recommended that the Planning Commission adopt Resolution 96-45 approving "Trinity Meadows" Subdivision with conditions.

**Public Agency reports:** none

**Letters:** Two (2) letters were received. One letter received dated August 29, 1996, from Ken & Karen Lite, opposing the reduction of flow in the creek, and opposing the development of lot 1. The second letter received is dated August 29, 1996, from Nancy J. Reed, concerned about development of lot 8, due to the close proximity of the drainage to her home, the loss of privacy, shade, and beauty, and the possible adverse change in water drainage that will result from development.

**Staff Recommendation:** Staff recommended that the Planning Commission adopt Resolution 96-45 approving "Trinity Meadows" Subdivision with conditions.

<b>Motion #3:</b>	Commissioners Mills, Harney that the Commission not accept additional comments submitted after the deadline.
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<b>Vote on Motion #3:</b>	The Motion carried (5-1:Waldren). Absent: Miller.
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**Commission Deliberation:**

The commission discussed the impacts of the options presented; introduction of culverts or high flows in the stream. **Commissioner Hannum** was concerned over the poor quality of the current poplar trees stand and the associated maintenance problems and requested the trees be removed or replaced with a better quality tree. **Commissioner Kriz** suggest the conditions include a time frame for completion of the sidewalk, preferably at time of occupancy of the first home.

<b>Motion #4:</b>	Commissioners Kriz, Mills to adopt resolution 96-45.
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<b>Vote on Motion #4:</b>	The Motion carried (5-1:Harney). Absent-1: Miller.
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<b>Motion #5:</b>	Commissioners Haug, Waldren to amend Motion #4 by striking Option 2, pg. VI-16, from the storm sewer requirements.
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<b>Vote on Motion #5:</b>	The Motion failed(3-3). Absent-1: Miller.
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**Barb Mingay, Planning Technician**, read to the Commissioners draft Resolution #96-53 denying written comments outside of the 14 day comment period. The resolution was passed by commission consensus.

**VI. QUASI-JUDICIAL PUBLIC HEARINGS**

**OPEN FOR PUBLIC HEARING.**

Chair Haug entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

**PUBLIC HEARING (#1)**

**APPLICANT:**

**REQUEST:** Comprehensive Plan Amendment/Zone change from LDR/R-1 to MDR/R-2/PD and Planned Unit Development (PUD) approval on a 3.63 acre parcel to create a 36 unit PUD to be known as "Bay Creek Green."  
**LOCATION:** West of N. College Street, North of Crestview Drive.  
**TAX LOT:** 3218AA-3100  
**FILE NO.:** CPA-6/Z-6/PUD-1-96  
**CRITERIA:** Newberg Development Code Section 10.20.030 & 10.32  
**RECOMMEND:** Staff recommends the Planning Commission approve resolution 96-50 approving the PUD, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.  
**RESOLUTION NO:** 96-50

**Abstentions/ex-parte contact:** Commission and staff attended a presentation by Barry Smith at last months Planning Commission meeting; **Commissioner Hannum** drove past the site.

**Objections:** none

**Staff Report:** **John Knight, Planning Manager**, reviewed the staff report, criteria, conditions for approval and unresolved issues: landscaping, alternate 'A'

**Preliminary Staff Recommendation:** Staff recommended, in the absence of public testimony, that the Planning Commission adopt Resolution 96-50 approving the Planned Unit Development to be known as "Bay Creek Green."

**Commissioner Harney** asked if the Fire Department had been involved in the process. **John Knight** indicated that they had been involved. **Commissioner Harney** also asked if parking would be allowed on the streets. **John Knight** responded, not on the private streets, only on public streets, south side off College at front and the streets will be signed "no parking."

**Proponent:** Barry Smith  
621 SW Morrison, Suite 1237  
Portland, OR 97205

As architect for the Bay Creek Green project, Mr Smith felt he and the applicant had worked enough with the staff to justify the zone change and that the proposed project would increase the density without losing quality. Noting that the landscaping is difficult to complete until the master plan is set, Mr. Smith indicated it was not necessary to bring the landscaping plan back before the Commission; he could work with the planning and engineering staff to create an acceptable final landscaping plan. A summary of the project was distributed to the Planning Commission.

**Proponent::** Ruth Anne Hobbs  
PO Box 434  
Lake Oswego, OR 97034-0047

**Ms. Hobbs**, Bay Creek President, noted participation in many meetings with the city planning staff to discuss quality and plans to use community builders on the project.

**Proponent:** Randal Golding  
8400 NE Parrett Mt. Rd.  
Newberg, OR 97132

**Mr. Golding**, Wild River Construction, presented photos of Arbor Park as representative of the proposed development at Bay Creek Green.

**Undecided:** Roger Grahn  
23287 LaSalle  
Sherwood, OR 97140

**Mr. Grahn** is owner of the property north of the proposed Bay Creek Green and requested that the applicant be required to extend street access to the northern boundary of the property. He indicated that he and other developers have had to do this in the past and it would only be fair to require it for this project, especially since ODOT has precluded that there can only be one entrance onto College for all three pending developments.

**Opponent:** none

**Proponent Rebuttal:** **Mr. Smith** indicated that not extending the street to the north was not an economic decision, but an aesthetic one. He felt the decision was up to the Commission and indicated the possibility of reimbursement costs for the northern property owner once that property goes into development.

**Questions to Proponent:** **Commission Hannum** requested additional information on street parking from Barry Smith. At the suggestion of **Commissioner Kriz** the commission and Mr. Smith discussed the possibility of a CC&R requiring parking garages be available for parking cars, not just storage. Paving, access for garbage service and plant strips between abutting garages and the current lack of significant trees on the site were also questioned.

**Commissioner Mills** requested Ms. Hobbs reaction to Mr. Grahn's request for northerly extension of the street. Ms. Hobbs mentioned the expense of adding a turn lane on College, but deferred the issue to the Commission.

**Public Agency reports:** none

**Letters:** Two (2) letters were received: One dated July 18, 1996, from Marsha Hewitson, stating intent to sell the property. The other letter received, dated September 30, 1996, from Barry R. Smith, noting that the project goals vary from the minimum requirements of the Newberg Development Code.

**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommended that the Planning Commission adopt Resolution 96-50 approving the Planned Unit Development to be known as "Bay Creek Green" and requested the commission provide direction on the approval process for landscaping, the extension of the street to the northern property or the addition of sidewalks, and alternate "A".

**Hearing Closed.**

**Commission Deliberation:**

The commission discussed the various options for providing access to the northern properties and the prospect of additional access on College.

**Public testimony was reopened by commission consensus.**

**Ms. Hobbs** indicated ODOT would not give a definitive answer on whether additional access along College would be allowed, but did say they would prefer only one access.

**Mr. Smith** recommend putting in the access street as good policy, but preferred a green space until such time as the northern property is developed.

**Mr. Grahn** felt that the houses on the south side of Melody Lane would prevent a road from going through and Ms. Hobbs countered that she had heard the developer was planning on using one of the larger yards as a right-of-way.

**Hearing Closed.**

**Commissioner Hannum** summarized the commissions options as 1) leaving the northern access as a green space, or 2) paving the space in anticipation of through street to the north.

The impact of a paved stub road upon residents was discussed along with street widths and sidewalks.

<b>Motion #6:</b>	Commissioners Waldren, Harney to include a paved street stub to the northern boundary with a 25 foot width, subject to the Fire Department's approval, with no parking and a 1 foot reserved strip and a sidewalk on one side.
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<b>Vote on Motion #6:</b>	The motion was unanimously denied.
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<b>Motion #7:</b>	Commissioners Waldren, Harney to include a 32 foot wide paved street stub to the north (subject to Fire Department approval), with sidewalks on both sides, parking, and a 1 foot reserved strip.
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<b>Vote on Motion #7:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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<b>Motion #8:</b>	Commissioners Harney, Waldren to require the final landscape plan be presented at a future Planning Commission meeting as a new business item.
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<b>Vote on Motion #8:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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<b>Motion #9:</b>	Commissioners Kriz, Waldren to continue with additional agenda items past the 10:00 p.m. deadline and adjourn by 11:00 p.m.
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<b>Vote on Motion #9:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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<b>Motion #10:</b>	Commissioners Waldren, Kriz to exclude alternate "A" and accept the original plan.
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<b>Vote on Motion #10:</b>	The Motion carried (5-1: Haug). Absent-1: Miller.
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<b>Motion #11:</b>	Commissioners Hannum, Harney to accept resolution 96-50 as amended.
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<b>Vote on Motion #11:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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**5 minute break by consensus at 10:00 p.m.**

**PUBLIC HEARING (#2)**

**APPLICANT:** City of Newberg Planning Staff  
**REQUEST:** Comprehensive Plan Amendment and re-zoning of two parcels from R-1/LDR to R-2/LDR  
**LOCATION:** 2105 and 2115 N. College.  
**TAX LOT:** 3218AA-2901, 3218AA-2900  
**FILE NO:** CPA-8-96/Z-8-96  
**CRITERIA:** Newberg Development Code Section 10.20.030  
**RECOMMEND:** Staff recommends the Planning Commission approve resolution 96-52, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.  
**RESOLUTION NO:** 96-52

**Abstentions/ex-parte contact:** Commissioner Hannum drove past the site.

**Objections:** none

**Staff Report:** Barb Mingay, Planning Technician, reviewed the staff report, criteria and conditions for approval.

**Preliminary Staff Recommendation:** Staff recommended, in the absence of public testimony, that the Planning Commission approve resolution 96-52, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.

**Proponent:** Roger Grahn  
23287 LaSalle  
Sherwood, OR 97140

Mr. Grahn noted that the numbers staff used as criteria were misleading and that the amount of available land is smaller because most of the land zoned for R2 is not available.

**Opponent:** none

**Questions to Proponent:** none

**Public Agency reports:** none

**Letters:** none

**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommended that the Planning Commission approve resolution 96-52, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.

**Hearing Closed.**

**Commission Deliberation:**

At the request of Commissioner Kriz, Barb Mingay indicated that in an R2 zone there could be a mix of single family, duplex and triplex residences.

<b>Motion #12:</b>	Commissioners Kriz, Waldren to accept resolution 96-52.
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<b>Vote on Motion #12:</b>	The Motion carried unanimously (6-0). Absent-1: Miller.
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**PUBLIC HEARING (#3)**

**APPLICANT:** Cunningham Foundry Consultants, Inc.; James Fisher  
**REQUEST:** Comprehensive Plan Amendment/zone change from LDR/R-1 to MDR/R-2 and subdivision approval on a two (2) acre parcel to create a 12 lot subdivision to be known as "Ella Court."  
**LOCATION:** 732 and 1004 N. College  
**TAX LOT:** 3218DA-2400, -2500  
**FILE NO:** CPA-7-96/Z-7-96/S-8-96  
**CRITERIA:** Newberg Development Code Section 10.20.030 and 10.24.030.  
**RECOMMEND:** Staff recommends the Planning Commission approve resolution 96-51 approving the subdivision, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.  
**RESOLUTION NO:** 96-51

**Abstentions/ex-parte contact:** Commissioners Hannum and Mills drove by site and saw construction of a new street.

**Objections:** none

**Staff Report:** Barb Mingay reviewed the staff report, criteria and conditions for approval.

**Preliminary Staff Recommendation:** Staff recommends, in the absence of public testimony, that the Planning Commission approve resolution 96-51 approving the subdivision, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.

**Proponent:** Rick Lipinski  
P.O. Box 221  
Dundee, OR 97115

**Mr. Lipinski** indicated the site was previously approved for partitioning, but was caught in the middle of rule changes occurring after the partitioning adding new issues and requirements to the project.

**Opponent:** Cynthia Ziegenbein  
1018 N. College Street  
Newberg, OR 97132

**Ms. Ziegenbein** questioned why the street was currently under construction even through the amendment and zone change were not approved. She expressed concern over the density, increased traffic, children in the neighborhood, parking issues and the impact upon current neighbors.

**Proponent Rebuttal:** Mr. Lipinski explained that the current road construction is for the previous partition. He noted that ODOT has surveyed the sight and as a result he would remove trees for visibility, and the project would actually be reducing traffic by closing off two driveways that access College Street.

**Questions to Proponent:** none

**Questions to Opponent:** none

**Public Agency reports:** none

**Letters:** none

**Staff Recommendation:** Staff recommends, that the Planning Commission approve resolution 96-51 approving the subdivision, and recommending that the City Council approve the requested Comp. Plan Amendment and re-zone.

**Hearing Closed.**



**Commission Deliberation:**

**Commissioner Mills** expressed reservations over the density of the project, feeling a high density project would be more suitable, but indicated sympathy for the applicant in light of the rule changes affecting the project. **Commissioner Hannum** questioned the availability of garbage service access into the development. **Commissioner Haug** suggested a foot path at the end of the project to connect the development to other neighborhoods.

<b>Motion #13:</b>	Commissioners Kriz, Harney to amend resolution 96-51 to include under condition #3, page V3-17, dedication of a pedestrian access.
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<b>Vote on Motion #13:</b>	The Motion carried (5-1: Mills). Absent: Miller.
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<b>Motion #14:</b>	Commissioners Kriz, Harney to adopt resolution 96-51 as amended.
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<b>Vote on Motion #14:</b>	The motion carried (5-1: Mills). Absent: Miller.
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**VI. OLD BUSINESS**  
none

**VII. NEW BUSINESS**

1. The commission will set a date by phone for a work session to discuss Planning Commission goals and communication issues.

**VIII. STAFF AND COMMISSION REPORTS**

1. Update on Council Items (Development Code changes continued to the November City Council Meeting, decision by City Council to replace taped meetings with one half hour segment on TCI featuring an update on various meetings results. upcoming November 21st NUMAC meeting regarding the UGB amendment and cleanup of the urban reserve).
2. Next Planning Commission Meeting, November 14, 1996.

<b>Motion #15:</b>	Commissioners Harney, Waldren to adjourn.
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<b>Vote on Motion #15:</b>	The Motion carried unanimously.
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**VIII. ADJOURNMENT**

The meeting was adjourned at approximately 10:50 p.m.

Passed by the Planning Commission of the City of Newberg this 14th day of November, 1996.

AYES: 7      NO: 0      ABSTAIN: 0      ABSENT: 0  
(list names)

ATTEST:

Grace Dreher  
Planning Commission Recording Secretary Signature

Grace Dreher  
Print Name

11/14/96  
Date

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**INFORMATION RECEIVED INTO THE RECORD  
AT THE OCTOBER 10, 1996 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE  
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT  
PERTAINS TO.**

Handout provided by Benkendorf & Associates, "Neighborhood Meeting City of Newberg  
Institutional Zone"

PROJECT FILE #GR-2-95

Memorandum from Rick Browning, Browning-Shono Architects, regarding Residential Needs  
Visual Preference survey.

PROJECT FILE #CPA-6/Z-6/PUD-1-96

Summary of the Bay Creek Green Planned Development provided by architect Barry Smith.

Color photographs of Arbor Park provided by Randal Golding of Wild River Construction.

LABELS FROM THE 10/10/96  
PLANNING COMMISSION  
MEETING FROM THOSE  
WHO GAVE PUBLIC

Barry Smith  
621 SW Morrison, Suite 1237  
Portland, OR 97205  
CPA-6-96

Ruth Anne Hobbs  
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Lake Oswego, OR 97034  
CPA-6-96

Roger Grahn  
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