

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, APRIL 10, 1997 AT 7 P.M.

Approved at the May 8, 1997 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby
Jack Kriz
Lon Wall

Steve Hannum
Myrna Miller

Matson Haug, Chair
Richard Waldren

Staff Present:

John Knight, Planning Manager
Terry Mahr, City Attorney
Janet Yarbrough, Recording Secretary

II. OPEN MEETING

Chair Matson Haug opened the meeting at 7:05 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 March 13, 1997 Planning Commission Minutes.

Motion #1:	Commissioners Miller-Waldren voted to approve the consent calendar items, approving the minutes of the March 13, 1997 Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously (7-0).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

1. Legal Presentation by Mr. Terry Mahr, City of Newberg Attorney regarding ex-parte contact; annexation initiative; expedited land division process; and noticing. Mr. Mahr distributed a handout to the commissioners regarding the listed issues. The handout included the relevant development codes and a summary of the codes. Mr. Mahr reviewed the contents of the handout with the commissioners. The presentation included background information on the issue of annexation.

2. For items not listed on the agenda--**None**

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: City of Newberg

REQUEST: Revision of the Newberg Development Code Section 10.36 relating to processing annexation applications

LOCATION: City wide

TAX LOT: Various

FILE NO.: G-16-96

RESOLUTION NO.: 97-66

CRITERIA: Newberg Development Code, Section 10.20.030

Chair Haug said that John Knight, Planning Manager, would be available next week for workshops with the public to discuss the proposed annexation ordinance. The purpose of the workshops are to obtain sufficient, detailed input from the public. **Chair Haug** reviewed the process for approving the ordinance, suggested that the commissioners only discuss the ordinance tonight, leave the record open, and allow the public to meet with John Knight next week. He said next month the public could comment, giving the Planning Commission time to work through all the issues before making a decision. Regarding public testimony, he said all testimony would be five minutes, and then each person could have a two minute rebuttal. **Commissioner Ashby** asked if there would be additional testimony next month. **Chair Haug** replied yes, since the record would be left open. The commissioners agreed with the suggestions. **Commissioner Kriz** reminded the commissioners that they would not deliberate but only discuss the issues tonight. **Commissioner Miller** said this was a very important issue that would require that the commissioners reflect objectively on the issue.

OPEN FOR PUBLIC HEARING.

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

Abstentions/ex-parte contact: **Commissioner Wall** said he was one of the original petitioners for the annexation measure, but felt he could be involved in the discussion without a problem. **Chair Haug** said he helped gather signatures on the petition but did not think it would affect his ability to participate.

Objections: none

Staff Report: **John Knight, Planning Manager**, gave a presentation on the background and history of the ordinance. He reviewed the proposed components of the ordinance and explained the rationale behind them. He reviewed the staff report with the commissioners. He submitted a copy of the annexation ordinance of the City of McMinnville to the commissioners.

Preliminary Staff Recommendation: Staff recommended that the Planning Commission adopt Resolution 97-66 amending the Newberg Development Code to comply with the annexation initiative.

Opponent:

Mr. Sid Friedman
31909 NE Corral Creek Road
Newberg, OR 97132

Mr. Friedman is a member of the Newberg Citizens Advisory Committee, appointed by City Council. He submitted a written copy of his testimony for the record. Mr. Friedman is not in support of the ordinance proposed by the Planning Division staff. He distributed to the commissioners a draft of the proposed ordinance contained in a memorandum from Mike Soderquist to City staff. He also distributed a copy of the changes proposed by Commissioner Ashby.

Opponent:

Mr. Warren Parrish
30450 NE Wilsonville Road
Newberg, OR 97132

Mr. Parrish said he would like to know the typical time frame for an initiative to become an ordinance after a vote. He felt that the time spent by staff was simply for rhetorical purposes and this was not a good use of public resources. He was concerned with notification procedures, specifically that staff were not including a requirement for a newspaper advertisement regarding annexation elections. He said that the original ordinance included a requirement for advertisement. Mr. Parrish suggested that if staff was concerned with money they should use a smaller advertisement.

Opponent:

Mr. Johann May
312 N. Edwards
Newberg, OR 97132

Mr. May had reservations about the process because the requirements for the annexation ordinance requested by the people had been relaxed in the proposed ordinance. He was especially concerned with the development of islands since he did not think the proposed ordinance dealt with this. He also felt that any developer should have the opportunity to pay for a special election at any time, and that the deadlines should be flexible. The policies of this ordinance should be dealt with in the ordinance, not in the development code. He did not want City Council to have the right to change the zoning after an annexation was passed by the people.

Opponent:

Mr. Keith Hay
15775 Ribbon Ridge Road
Newberg, OR 97132

Mr. Hay distributed a written copy of his testimony to the commissioners and for the record. He reviewed his testimony with the commissioners. He distributed a draft of a proposed annexation ordinance from the town of Philomath. Mr. Hay did not support the proposed ordinance.

Opponent:

Ms. Pat Haight
501 E. Illinois #12
Newberg, OR 97132

Ms. Haight was concerned that the involvement of the public in initiating this process was being ignored. She was also concerned with the scarcity of water if growth were to continue. She said the annexation measure would not limit growth. She felt that staff had changed the purpose of the annexation ordinance from the purpose for which the public had voted. Ms. Haight said she knew that this would increase the costs to the City, and she attributed this to the City being the applicant in so many cases. She felt this was just a way to pass the costs on to the people. Ms. Haight felt that often the developments did not respect the natural design of the land. She cited one development which had moved a creek out of the way, and in her opinion, made a mess of the land.

Opponent:

Mr. Jim Morrison
717 E. Sheridan
Newberg, OR 97132

Mr. Morrison identified himself as one of the chief petitioners for the annexation ordinance. He said he wanted the comprehensive plan to remain unchanged because the goals of the community had not changed. He is concerned with the overall design of developments, especially with dead end roads and cul-de-sacs. He felt the old process didn't allow for public dialogue. The new process would allow the people to decide whether or not to allow developments to enter the City. He felt the City needed to develop

strong ordinances regarding bike paths and trees. He said the Corvallis ordinance dealt with these issues and had adapted the City development code to them. He asked for an expeditious process.

Proponent/Opponent Rebuttal: Mr. Friedman reminded the commission of the areas where the proposed ordinance was lacking. He urged the commission to direct staff to include the provisions in the ordinance. Mr. May addressed the question of quality development. He felt an ordinance similar to the annexation ordinance in Corvallis would benefit Newberg. Mr. Hay did not understand the merit in holding workshops without a new draft of the resolution being submitted first. Ms. Haight said she heard that the City Manager couldn't understand why the public wanted the annexation measure. She stated that the people of Newberg were watching the problems with water and transportation develop and wanted to take action. She felt this was a way to give the people priority over the developers. Mr. Morrison said the intent of the annexation measure was for an ordinance similar to the Corvallis ordinance and that the citizens wanted action on this measure.

The commissioners took a break at approximately 9:05 p.m.

Chair Haug called the meeting back to order at approximately 9:10 p.m.

Questions to Opponents: **Commissioner Wall** asked why the petitioners didn't spell out the specifics of the ordinance in the ballot measure. **Mr. Morrison** said they were limited by the space requirements. He said in retrospect they may have included more specifics. He still felt there was no question about the intent of the measure. **Commissioner Wall** asked if they anticipated these problems. **Mr. Morrison** replied no. **Commissioner Miller** asked for clarification of where the measure called for an ordinance. **Mr. Morrison** said the intention was contained in the statement by Keith Hay, but the word "ordinance" had not been used. **Commissioner Miller** said that even in the intentions there was no mention of the word ordinance. **Commissioner Kriz** asked Mr. Friedman where the current ordinance called for a needs analysis. **Mr. Friedman** replied this was not explicitly stated, but page 12 discussed the need requirement. He felt the staff proposal made this an optional criterion. **Commissioner Kriz** asked if there was a factor of scale in the project size and the application of the need analysis. Mr. Friedman replied there was, and that the level of analysis for different developments would be different. His proposed ordinance did not address this, but he was not opposed to this idea. **Commissioner Kriz** asked if Philomath had adopted an ordinance yet. **Mr. Friedman** replied the adopted ordinance was similar. **Commissioner Kriz** asked Ms. Haight how she felt about the annexations that had passed in Newberg in November, which did not include development plans. **Ms. Haight** said the developers needed to address the problems within the City and not take advantage of the City's benefits. **Commissioner Kriz** asked about the creek mentioned by Ms. Haight. **Ms. Haight** said it was near the BP gas station and across 2nd Street. The commissioners indicated that this was a development that they had placed restrictions on and were concerned about the state of that development. **Commissioner Ashby** asked Mr. Morrison if there had been any voter education programs to inform voters on what was included in the Corvallis ordinance. **Mr. Morrison** said the ordinance was available to the voters and the people from whom they collected signatures. **Commissioner Ashby** asked if the changes proposed by Mr. Morrison would have changed the outcome of the November annexations. **Mr. Morrison** said the issues weren't dealt with in the way intended by the measure, but their smallness kept the issues from becoming a problem. **Commissioner Wall** asked if Mr. Morrison experienced that most people had a more radical idea of how to control growth when he was collecting signatures. **Mr. Morrison** said he had. **Ms. Haight** said she had heard all kind of responses which favored growth restrictions. **Commissioner Hannum** said he was curious about the statement that Corvallis no longer needed its annexation ordinance because the other City ordinances had been adapted. **Mr. Morrison** said that the ordinances had been developed according to what the people wanted from the developers so the people's voices were already being heard in the development process. **Commissioner Miller** asked if he was calling for a multifaceted ordinance. **Mr. Morrison** said no, they just wanted an annexation ordinance and expect that in the future the development ordinances will reflect the voices of the people. **Commissioner Waldren** asked who pays for the parks required in the Corvallis plan. **Mr. May** said the developers were responsible. **Commissioner Waldren** pointed out that those costs were

passed on to the buyers. **Mr. Morrison** said that the people had to take the responsibility for growth. **Commissioner Kriz** asked how the measure addressed the requirement of a development plan when the annexation passed but the development plan failed to pass. **Mr. Friedman** replied his proposal allowed for changes and reapplication by the developers to be reviewed by the Planning Commission. **Commissioner Kriz** asked if zone changes in the distant future would have to go before the public for a vote on land that had been annexed and approved by the public in the past. **Mr. Friedman** said the ordinance should allow for changes in the public hearing process. **Commissioner Kriz** asked if there should be lock ins. **Mr. Friedman** said that they could not secure the financial stability of a development, so he suggested that changes go through a public hearing process. **John Knight, Planning Manager**, said that the process proposed would be similar to a subdivision review process or the Planned Unit Development process in Corvallis. There was some discussion about the Schneider application of the past. **Terry Mahr, City Attorney**, said there was potential for an annexation contract process which would provide that the plans be voted on before the development began and time limits placed on the property. **Commissioner Hannum** asked about the argument submitted by Friends of Yamhill County which indicated that Newberg was growing quickly. He asked if the ordinance was anti-growth. **Mr. Friedman** said it was not anti-growth, but moderate growth. **Commissioner Hannum** asked if Corvallis was a reasonable model for growth for Newberg. **Mr. Friedman** felt Corvallis was the best available model.

Motion #2:	Commissioners Kriz/Waldren to continue the hearing to the next Planning Commission meeting on May 8, 1997 and to leave the public testimony portion open.
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Discussion on the motion: **Chair Haug** asked if one or more planning commissioners would assist staff with the workshops next week. Commissioners Ashby, Haug, Waldren and Miller made themselves available. **Commissioner Miller** indicated her support for the process. **Commissioner Wall** suggested that some workshops be held in the evenings or early mornings to accommodate working people.

Vote on Motion #2:	The motion carried unanimously (7-0).
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VI. OLD BUSINESS

1. Workshop regarding residential needs grant (GR-2-95). **John Knight, Planning Manager**, gave a brief history of the project. He said the guidelines were intended to be incentive based. Mr. Rick Browning distributed a draft of the Newberg Residential Development Design Guidelines and a list of proposed site and building incentives. He gave a slideshow presentation of design examples which represented the most favorable and unfavorable designs. He said the draft was about 90% complete at this time.

VII. NEW BUSINESS

1. ODOT/99W Update: presentation by **Mark Shippen, Oregon Department of Transportation (ODOT)**. Mr. Shippen distributed and reviewed with commissioners the status on the ODOT project and listed things that the City of Newberg could do to assist ODOT. **Commissioner Hannum** asked if the goal of signal synchronization would be to keep the traffic moving. **Mr. Shippen** replied it was the goal and they should be able to do it. **Commissioner Wall** asked if there was anywhere else where this kind of synchronization worked. **Mr. Shippen** did not have an example. **Commissioner Waldren** said that synchronization should keep the traffic moving. **Mr. May** told the commissioners about the complex light system in Europe which worked well to keep traffic flowing. **Commissioner Kriz** asked why this was the first presentation to the Planning Commission when it was such a major project. **Mr. Shippen** apologized for the oversight. **Chair Haug**

asked for clarification on the median at Springbrook and Villa Roads. **Mr. Shippen** referred to the explanation in the handout.

2. Ordinance Amendments:
 - a. Resolution 97-63; Initiating an Ordinance Amendment relating to expedited land division requirements (G-25-97). Continued to the next meeting.
 - b. Resolution 97-64; Initiating an Ordinance Amendment relating to sign requirements (G-27-97). Continued to the next meeting.
 - c. Resolution 97-65; Initiating an Ordinance Amendment relating to noticing requirements (G-28-97). Continued to the next meeting.

3. Interpretation: Bay Creek Planned Unit Development (PUD) home design revisions (file: PUD-1-96) **David Bowles**, who is working with the final design stages of the project, said he had addressed the concerns of the Planning Commission. His intent was to inform the commissioners of the project status. He distributed some working drawings to the commissioners of what houses may look like. He asked for commission approval of the direction of the project. **Commissioner Miller** felt the design was much more appealing than the previous design. **Commissioner Wall** observed that there were no sidewalks in the picture. **Mr. Bowles** said they were in the plan, not the picture. **Chair Haug** asked what plans there were for protection of the landscape design from damage by wear and tear. **Mr. Bowles** said there hadn't been problems with other developments with similar designs and he reviewed some of the specific features of this design. He said the backyards would be landscaped. He disagreed that they should be cared for by a contractor because people need their privacy. **John Knight, Planning Manager**, said this issue was brought forward to give the Planning Commission some ownership in the project, since PUDs had been heavily criticized. He noted that the mix of units was broader in the plan and the project was still well under density limits.

Motion #3:	Commissioners Miller/Waldren to accept the design as consistent with the previous standards identified by the Planning Commission for approval.
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Vote on Motion#3:	The motion carried (5-0); (ABSTAIN: Ashby, Wall).
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Commissioners Wall and Ashby abstained because they did not know the full project history

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council items. Postponed.
2. Other reports, letters, or correspondence:
 - a. Review of Planning Commission Goals and Objectives. Postponed.
3. Next Planning Commission Meeting:
 - a. Joint City Council/Planning Commission Meeting April 21, 1997
 - b. Regular Planning Commission Meeting May 8, 1997

IX. ADJOURNMENT

The meeting was adjourned at approximately 11:15 p.m.

Passed by the Planning Commission of the City of Newberg this 8th day of May, 1997.

AYES: 6

NO: 0

ABSTAIN: 0
(list names)

ABSENT: Hannum

ATTEST:


Planning Commission Recording Secretary Signature

Barbara Y. Mingay 5-14-97
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE APRIL 10, 1997 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.**

PROJECT FILE Legal presentation by Terry Mahr (Planning Commission Correspondence file)

1. Information regarding ex-parte contact, notice and noticing, and annexation.

PROJECT FILE #G-16-96

1. A written copy of the testimony given by Sid Friedman.
2. A written copy of the testimony given by Keith Hay.
3. A copy of the McMinnville annexation ordinance, number 4636.
4. A copy of the changes to the proposed annexation ordinance suggested by Commissioner Ashby.
5. A copy of the draft annexation ordinance for the town of Philomath.
6. A copy of the annexation ordinance proposed by Mike Soderquist on December 30, 1996.

PROJECT FILE #GR-2-95

1. A draft of the Newberg Residential Design Guidelines.
2. A list of suggestions for site and building design.

PROJECT FILE ODOT Project (ODOT-99W alpha file)

1. A handout containing a status update on the Highway 99W improvement project and things Newberg can do to assist ODOT with the project.

LABELS FROM THE 4/10/97
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY

Jim Morrison G-16-96
717 E. Sheridan
Newberg, OR 97132

Pat Haight G-16-96
501 E. Illinois St. #12
Newberg, OR 97132

Sid Friedman G-16-96
31909 NE Corral Creek Road
Newberg, OR 97132

Warren Parrish G-16-96
30450 NE Wilsonville Road
Newberg, OR 97132

Johann May G-16-96
312 N. Edwards
Newberg, OR 97132

Keith Hay G-16-96
15775 Ribbon Ridge Road
Newberg, OR 97132

David Bowles PUD-1-96
6477 SW Parkhill Way
Portland, OR 97201

Ruth Ann Hobbes PUD-1-96
P.O. Box 434
Lake Oswego, OR 97304