

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
WEDNESDAY, SEPTEMBER 23, 1998 AT 7 P.M.

Approved at the October 21, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby	Steve Hannum	Matson Haug
Myrna Miller	Lon Wall	Warren Parrish
Paula Fowler		

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Larry Anderson, Engineering Manager
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7:00 p.m. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

Commissioner Hannum said that he has a scheduling conflict and needs to leave at approximately 8:50 p.m.

Chair Miller discussed the additional handouts that were provided at the meeting. Chair Miller said she would give the Commissioners 5 minutes to review the handouts (a memorandum from David Beam, Economic Development Coordinator/Planner concerning downtown signs, and another memorandum from the Chair of the Planning Commission to the City Council dated September 21, 1998 concerning joint meetings).

III. COMMUNICATIONS FROM THE FLOOR

None.

IV. LEGISLATIVE PUBLIC HEARINGS

PUBLIC HEARING (#1)

1. **APPLICANT:** City of Newberg (*CONTINUED FROM 9/10/98 MEETING*)
- REQUEST:** Approval of an ordinance amending the Newberg Comprehensive Plan policies and Comprehensive Plan Map, and amending the Newberg Development Code and Zoning Map relating to residential needs.
- LOCATION:** City wide
- FILE NO:** GR-2-95 **RESOLUTION NO.:** 97-80
- CRITERIA:** NDC 10.20.030

OPEN FOR PUBLIC HEARING.

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

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Ms. Barbara Mingay** opened the discussion by reviewing the staff report. Ms. Mingay reviewed the sections that were revised and previously discussed by the Planning Commission and the recommendations of the City Council.

Preliminary Staff Recommendation: **Ms. Mingay** stated the Commissioners should adopt **Resolution No. 97-80**.

Mr. Friedman, Friends of Yamhill County, SW 7500 Lebold Lane, McMinnville, Oregon, 97128, reviewed his letter dated September 23, 1998 referencing issues with accessory dwelling units, design review and Comprehensive Plan text amendments. Mr. Friedman questioned the cost of the fees associated with conditional use permits versus the other fees in residential units to be allowed in R-1 zones. Mr. Friedman said that essentially, Friends of Yamhill County supports the recommendation as provided in the staff report. Discussion was held concerning changing the definition of the urban reserve area (URA) to a 30 year supply plan. We cannot assume the URA will build out in 30 years and that the City would be making the best use of the land. The land supply will last significantly longer than allowed sprawling. The City has not adopted population forecasts which causes a need for clarification of the proposed projections. The Department of Administrative Services issued much lower forecasts in Yamhill County and Newberg than what the City and County estimated. The County has the responsibility under state law. The State has been very firm and strongly encourages the jurisdictions to use the State numbers. The City should retain the flexibility to accommodate the 30-50 year range.

Opponent: None.

Public Agency reports: Letter from Sid Friedman and the Friends of Yamhill County.

Letters: Letter as stated above.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: **Ms. Mingay** suggested that the Commission approve the Resolution.

Hearing Closed. Chair Miller closed the public hearing.

Commission Deliberation:

Commissioner Haug requested the following:

1. To hear the arguments on why the change from 30-50 years to just 30 years.
2. Review the costs associated with permitted and conditional use.
3. Table certain items to clarify what items are tabled. (R-1 design standards, front porch requirements, etc.) To be revisited at a later time.

Mr. Brierley responded as follows:

1. The original urban reserve area study was a 50 year boundary. The state commented that they would not accept a 50 year boundary, but would accept a 30 year boundary. Commissioner Haug asked for documentation providing that the State mandated this requirement.

Mr. Sid Friedman said that at the time the City of Newberg looked at a possible urban reserve at a 50 year supply, the State was comfortable with the projection. He was not aware of any State rule that would not allow anything outside the 30 year time period.

Ms. Mingay said that Type I applications for residential additions have a \$250 application fee. The

conditional use permit fee would be \$1000. The results of the meeting and subsequent follow-ups provided a recommendations by staff of the population projections, affordable housing, needs analysis, jobs, and that discussions involving R-4 zoning was tabled at the discretion of the Commission, R-0 zoning was eliminated.

Commissioner Parrish discussed population projections and whether or not the City has arrived at a coordination with the County. Mr. Brierley said it has been difficult to coordinate with the County and that the projections adopted today will be good only for a couple of years, and with the year 2000 census, it will be done again.

Commissioner Wall asked where the danger was for the Commission in using incorrect projections. Mr. Brierley said that for future changes, it would be based upon the number used and the possibility that it could skew planning, including public facility planning. Ms. Mingay said if the City over or under estimates, it could cause problems (offset system development charges).

Commissioner Wall further said that if we reduce the time from 50 to 30 years and for practical purposes, it may be that the population projection should be reduced proportionately. Mr. Brierley said he would suggest that the Commission table item (H) (new standards for accessory residential units).

Commissioner Parrish said that at a NUAMC meeting which addressed the one mile expansion of the urban reserve boundary (URB) (area of influence). He is not sure who was behind pushing the change from 50 to 30 years.

Ms. Mingay said that the recommendation from the consultant was to go down to 20 years. It was staff's recommendation to keep it at 30 years. If the Commission chooses to table the decision, it could be done.

Mr. Brierley said the NUAMC agreement provides for notification of land use actions which occur within one mile of the City (area of influence). Because the City is not dealing just with the UGB, there are a lot of things happening inside and outside the UGB (City future expansion). Once the URA was adopted, the City could see where it intended to expand. The current policy provides for the area of influence and is a concern to the County and the City. With the URA, however, the importance of having that area of influence has gone been reduced.

Commmissioner Hannum said if UGB is all the land we will need for the next 50 years, then leave it where it is. If, on the other hand, if there are changes at a future date, and the UGB is for a maximum of 30 years, then any additional expansions of the UGB would be small. Policy could be that what we have represents 50 year growth, then we don't have to change.

Commissioner Haug said he would prefer to leave as it is and clarify which would best suit the City and which allows more flexibility. Discussion was held concerning the rationale and impacts in using 30 or 50 years.

Commissioner Wall said that he was in favor of controlling rapid growth, but in making population projections, 50 years a lot of things can change. The idea of having a population projection stuck out for 50 years does not appear to make sense. He does understand because of planning and infrastructure, it does make sense. He would prefer to reduce it to 20 years. He would still like to see the numbers first and see where the population projections will be used.

Mr. Brierley said that he would recommend tabling the matter and continuing until the rest of the presentation.

Commmissioner Haug said he would recommend to leave as it is and adjust it until such time the population projections are available.

Motion #1:	Parrish/Ashby to postpone the matter to the first meeting in November (the issue dealing with the 30-50 year period).
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Ms. Mingay said that the November calendar reflects an already full agenda.

Motion #2:	Parrish/Ashby to postpone the discussion on the 30-50 year period to the first meeting in December, 1998.
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Discussion was held concerning whether or not a motion was debatable. Commissioner Ashby (Parliamentarian) reviewed the Roberts Rules of Order.

Vote on Original Motion #1:	Withdrawn by Commissioner Parrish and Commissioner Ashby.
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Vote on Motion #2:	4 Yes [Ashby/Hannum/Parrish/Miller]/3 No [Fowler/Haug/Wall]. The motion carried.
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Ms. Mingay clarified the language for the 30-50 time periods.

Commissioner Parrish clarified the motion was to table the Commission's action only on the 30-50 year period.

Commissioner Haug said he was concerned about what the document would look like.

Motion #3:	Haug/Wall to clarify the understanding of what the Commission is trying to do. The two sections Page 14 and 15 are not part of the document. (Section B housing policy, item 1(C) and Section D urbanization policies and item (B)(8) are the two areas. Commissioner Haug said he was concerned about the manner in which the staff will present the Commission's recommendation to the City Council, and further requested that no recommendation be made to the City Council at this time until the tabled issue of 30-50 years has been resolved. (Also including (H) under Exhibit "A" and C(1).
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Vote on Motion #3:	5 No/2 Yes [Parrish/Wall]). Motion failed.
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Motion #4:	Hannum/Fowler to approve the Resolution with the following exception: The Comprehensive Plan language revisions (B)(1)(C) and (B)(1)(h).
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Discussion was held concerning the original motion and further clarification. Chair Miller suggested that it may be an idea to delay the entire issue until a later meeting rather than rush into something.

Commissioner Haug asked for clarification why 30-50 year change.

Commissioner Ashby said he has other issues concerning residential needs: what is the population, the policy of admitting land into the City and the policy on housing affordability. Commissioner Ashby said he felt that the City should not be adopting anything on residential needs unless the population growth projections are provided.

Commissioner Wall said he agreed with Commissioner Fowler's comments about the impact of not

having the population projections.

Commissioner Haug said the residential design standards are independent of density and discussed the importance of the level of criteria regardless of density (point system). He is interested in moving planned unit development (PUD) designations from out right permitted use to conditional use.

Motion #5:	Ashby/Fowler to table the prior motion.
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Motion #6:	Hannum to continue the hearing to October 21, 1998 and postpone the other items until the 21st.
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Mr. Brierley said that he will not have the population estimates available and did not see the urgency to place the matter on the agenda for the 21st. He recommended that the Commission indefinitely postpone the matter until the population projections are available.

Commissioner Haug said he recommended to uniformly table a discussion. Chair Miller said she felt that what the Commission needed to do was to reflect, look back, do some comparing and give direction to staff. Discussion was held concerning reviewing each item separately and voting on it.

Commissioner Parrish said his initial motion was to table the issue dealing with 30-50 year issue.

Vote on Motion #6:	Hannum withdrew his motion.
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Discussion was held concerning indefinitely tabling the entire issue and not setting a specific date.

Motion #7:	Haug to table the matter to a date certain (October 8, 1998) in order to discuss the issues that need to be addressed.
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Vote on Motion #7:	Motion failed for lack of a second.
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Motion #8:	Haug to table the entire matter to the second meeting in October and discuss residential needs.
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Vote on Motion #8:	Motion failed for lack of second.
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Motion #9:	Wall/Fowler to indefinitely table Resolution No. 97-80.
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Vote on Motion #9:	The motion carried (6 Yes/1 No [Haug]).
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Chair Miller adjourned the meeting for a break at 8:20 p.m. Chair Miller reconvened the meeting at 8:25 p.m.

PUBLIC HEARING (#2)

2. **APPLICANT:** City of Newberg (*CONTINUED FROM 8/27/98 MEETING*)
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan and Newberg Development Code relating to street standards, as required for compliance with the Transportation Planning Rule.
LOCATION: City wide
FILE NO: GR-4-95 **RESOLUTION NO.:** 97-83; 98-91
CRITERIA: NDC 10.20.030
TOPICS: Private Streets; Traffic Calming

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Mr. Brierley presented the staff report. The Planning Commission previously requested a traffic calming presentation. Mr. Larry Anderson City Engineer, presented slides/overheads to supplement the information contained in the staff report. He said it is an important subject to review at an additional meeting. He would have the consultant appear (who could not attend this meeting) or have a City of Portland representative appear to review what the City of Portland has done. The Commission could have a joint meeting with the Traffic Safety Committee which would help City staff to develop the reinforcement of design standards.

Mr. Anderson reviewed the background, the requests for speed bumps and the impact of redevelopment in Newberg and the surrounding areas which have additional traffic impacts. Discussion was held concerning the doubling of traffic on Haworth Street which is considered the "Hwy. 99W bypass" due to the large number of traffic on that street. Speed bumps are an objectionable solution for the most part. It is important to have clear guidelines, a step by step process and measurable criteria when an area warrants additional space and traffic control devices. Mr. Anderson continued the presentation referencing page IV-26-4 and the volume of traffic. Mr. Anderson discussed the fact that 85% of the cars on the streets are traveling at the posted speed or below. This is really not a problem and therefore, would not require traffic control device (speed bumps). Originally, the speed threshold would be 10 miles per hour or more (85th percentile), which means cars are traveling the speed limit or up to 35 mph and the street would still not be eligible for traffic control. The City thought it was too much restriction, but thought it could be reduced. Discussion was held concerning the computerized counting of vehicles. The 85th percentile means that 85% of the traffic is traveling the speed limit or below.

Mr. Anderson reviewed Table 7 and the correction to place another "X" under "new streets" for traffic diverters, circles and stop signs. Mr. Anderson further reviewed the following:

1. Serpentine alignment. (N. Main Street through the church property). The various subdivisions are built and creates some diversion, but it does slow down traffic. Discussion was held concerning the addition of stop signs. Mr. Anderson noted there has been some near misses and accidents at Melody Lane which would warrant a stop sign which was installed.

2. Speed humps. Mr. Anderson provided overheads of the design and accepted method of designs (14 feet long with 3" crown) which will reduce the traffic which would be more comfortable to drive at 25 mph. The City has to comply with the standard of allowing 25 mph speeds. The first device would be around \$5,000. The installation also requires signs and street markings. They will be placed in a series. Discussion was held concerning placing them around schools. They are not inexpensive, but they are effective. They need to be designed to not divert traffic to other streets. Discussion was held concerning Sitka and Hulet Street traffic problems (near the high school). The City wants to keep the cars moving, but at a safe speed.

3. Curb extensions. Mr. Anderson presented an overhead concerning curb extensions.

Tape 2 - Side 1:

Mr. Anderson reviewed serpentine alignment and the problems dealing with unsafe traffic problems. The curbs are sharp and the cars are cutting through the neighborhoods to avoid the traffic. An analysis reflected a resolution of the problem would be to bring the speed down in certain areas to 20 mph, which is below the state's requirement for residential zones.

4. Mr. Anderson addressed traffic problems in certain areas of the City which have traffic circles and serpentine alignments.

Commissioner Haug said that in France they use traffic circles and use "yield" signs without stop signs.

Commissioner Hannum left the meeting at 8:50 p.m.

Mr. Anderson said it would be valuable for a group from Portland come to speak with the Commission because their system and enforcement has worked. The installation process proposed requests \$20,000 a year to be collected by system development charges (SDC's).

Commissioner Ashby asked if the City of Portland could provide a simulation (portable speed bump). Mr. Anderson said that they are about \$15-\$20,000 to install. Commissioner Ashby asked if the use of "yield" signs would be least costly and still effective. Mr. Anderson said that they are not as effective as a stop sign.

Commissioner Haug asked about the plans for Hwy 99W (Springbrook to Villa Road). Mr. Anderson said that Haworth Street is expected to be a high volume street. Speed humps are not a solution due to the high volume of traffic and access for emergency vehicles. Most two way stops make an intersection fairly safe. The four-way stops are basically for traffic control. On Haworth, one solution would be to build bike lanes.

Commissioner Wall questioned shutting off access and that he has an issue dealing with Morton Street and the request for a reduction in speed.

Motion #10:	Haug/Fowler to adopt the recommended transportation calming methods.
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Commissioner Wall said he has practical objections if they led to a common place way of dealing with the problems (traffic circles, etc.). Commissioner Wall said that he recently visited Gettysburg in which they had numerous traffic circles and did not feel comfortable with how they were used and enforced.

Commissioner Parrish also expressed concerns about budgetary expense and how they will be placed around the City. He has seen one area in the east side of Portland (diamond shaped raised device) between Foster and Powell and was not sure if it really slowed the traffic down.

Commissioner Haug said that it is important to let the staff have tools in the planning process if they become misused or misplaced, but options should be available. Discussion was held concerning budget constraints.

Commissioner Ashby said he agreed with Commissioner Haug in which the City staff and the City Council should be able to determine the best use.

Commissioner Wall said for the most part, it does not address serious problems. Commissioner Wall referenced traffic problems (speeding) on Morton Street.

Commissioner Haug said the next step if traffic calming devices do not work, then alternatives will be

proposed and instituted.

Vote on Motion #10:	4 Yes [Ashby/Fowler/Haug/Miller]/2 No [Parrish/Wall]/1 Absent [Hannum]). Motion carried.
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Motion #11:	Fowler/Ashby to table the remaining issues under the Legislative Hearing and to step back and charge ahead at a later time. Postpone to October 21, 1998.
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Vote on Motion #11:	The motion carried (6 Yes/1 Absent [Hannum]).
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Discussion was held concerning urgency of the private street matter. Staff indicated that there appears not to be an issue. Ms. Mingay said the Wynooski Street project (north of the Catholic Church) is under way but was previously approved over a year ago.

V. ITEMS FROM STAFF

See Item VI. Below.

VI. ITEMS FROM COMMISSIONERS/STAFF

1. Type II Subdivision Review - delayed.
2. Update on Council items.

Mr. Brierley reviewed the Council agenda and issues presented. The Council approved the permit center which combines the permitting functions of the Community Development Department. The Council adopted an emergency action plan to be used by emergency public safety services in the event of emergencies (fire, floods, earthquakes). The Council also discussed water service outside the City limits (water districts).

Commissioner Parrish asked for clarification on what the motion was in tabling the remaining legislative issues. Commissioner Wall said it may be within the power of the Commission to bring something back up for discussion. Chair Miller suggested that the Commission continued with the staff presentation and then discuss the issue raised by Commissioner Parrish.

Mr. Brierley said the sign code revision will be reviewed at the October 5th meeting. The packet has been prepared to discuss each of the issues with them which are similar to those of the Planning Commission. One of the issues was the amortization schedule. Mr. Brierley discussed David Beam's memorandum concerning the joint meeting of the Planning Commission and the City Council. Mr. Brierley reviewed the Planning Commission's request that if staff makes a recommendation that is not consistent to what the Planning Commission approved or discussed, that the Commission should be notified prior to presentation at the Council.

Mr. Brierley also addressed another memorandum concerning the appointment of the two City Councilors and others to the Springbrook Oaks steering committee. The Planning Commission requested that the Councilors not be on the committee due to conflicts and ex parte contact. It was the decision of the City Council to appoint Fred Howe and Deborah Sumner to the steering committee. Deborah Sumner will probably not be on the Council at the time the committee becomes involved. The Planning Commission can convey that message to the Council meeting. Mr. Brierley said that he discussed with the City Attorney as far as them sitting on the steering committee. It would be advisable that they not participate in the quasi-judicial decision when it comes to the City Council. It may be an issue with Councilor Fred

Howe.

Councilor Haug expressed concerns about the Planning Commission requesting that communication from the Planning Commission, formulated by the staff, be made to the City Council addressing their concerns over the possible conflicts and ex parte contacts. Discussion was held concerning similar issues that were not communicated to the Council by the staff.

Mr. Brierley said this is the case where the information was presented to the City Council and the Council decided to do what they did. Chair Miller said that it was the Commission's position for staff to provide a statement to the Council. Chair Miller recommended that if the Commission as a body, not processed through staff, presents a memorandum to the City Council concerning a specific issue, that it should be done in person, or in writing, directly to the Council.

Commissioner Haug said that he feels that staff did not communicate properly.

Commissioner Wall said that it is not acceptable to him on how it was done. Chair Miller said that she has conducted herself in a business like manner and would not jeopardize anyone's professional position. When feeling uncomfortable with this, she asked Mr. Brierley to contact the City Attorney concerning the legality of Councilors Sumner and Howe's placement on the steering committee.

Commissioner Fowler said the Commission debated the issue and gave specific direction to staff to draft a letter to the Council to give clear direction. She personally feels that a Councilor on this type of a committee is inappropriate. She further noted that it was an important statement to place on the record.

Chair Miller asked if it would show more strength if each Commissioner would draft an individual letter to the Council. Discussion was held concerning potential conflicts of interest. Chair Miller discussed possibly jeopardizing City staff's position by representing both the City Council and the Planning Commission.

Commissioner Parrish said he attended the City Council meeting where it was discussed. He said that he asked Mr. Brierley if he felt that as a Commissioner, he could be on the committee. Mr. Brierley said that he felt it would be an ex parte contact and would have to relate every conversation which would be discussed at the Planning Commission level. Additional discussion was held concerning staff's participation in providing assistance to both the Council and the Commission.

City Councilor Charles Cox said spoke as his own perspective said that he feels it is a political struggle and how the process of selecting the committee members was handled (some appeared to have been selected prior to the City Council meeting). Councilor Cox noted that the Council is continuing the discussion of de-appointing some of the committee members.

Commissioner Ashby said that in the case like this, staff was to prepare a letter as a clerical function only and should have been done.

Chair Miller asked that the letter contain all members of the Commission for signature or, in the alternative, send individual letters and to show up at the meeting.

Commissioner Parrish said he appreciated and respected Mr. Brierley's candor. He requested that the Commission prepare a letter without involving staff.

Commissioner Fowler asked that staff perform the clerical task as directed by the Commission.

Commissioner Wall said that he cannot forward a letter questioning ethical issues but in the alternative,

question the quasi-judicial procedure.

Commissioner Haug said he recommends that staff and the Commission work together on handling future communications from the Commission to the Council.

Chair Miller said she plans on writing a letter to the City Council as a private citizen as well as a Planning Commissioner, but will not put her "chair title" in the letter, as it would infer that she was representing the Commission as a whole.

Motion #12:	Fowler/Haug to direct staff to prepare a letter go to the City Council with all the Commission members' names expressing discontent in having members of the City Council serve as members of the steering committee for the Springbrook Oaks Specific Plan due to the quasi-judicial nature of the proposed subject matter.
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Vote on Motion #12:	The motion carried (6 Yes/1 Absent [Hannum]).
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Mr. Brierley said he cannot write the letter due to conversations with City Manager Duane Cole and conflicts of interest. Discussion was held concerning Mr. Brierley's position as a City employee writing the letter on behalf of the Planning Commission to the City Council. Commissioner Parrish suggested that the Planning Commission appear in person and read the letter.

Chair Miller asked that the Commission allow her to represent the Commission before Mr. Cole and have a one on one discussion with him, stressing that the Commission are members who are volunteers, the need to have tools to do what they are set out to do, but they have ethical concerns about some of the steering committee members. Commissioner Fowler said that she approves Chair Miller meeting with Duane Cole and the Mayor, but would recommend starting with Mr. Cole first. Chair Miller said it bothers her that they are volunteers and when they are not taken seriously, they can lose their enthusiasm.

Commissioner Haug said that the Commission does have power, and are policy decision makers.

Commissioner Fowler expressed comments concerning recommendations of the Commission that are not being acted upon by the Council.

Chair Miller said she will report back to the Commission of her meeting and discussion with Duane Cole. Discussion was held concerning hold a work session concerning Chair Miller's discussion with Duane Cole to be held prior to the next Commission meeting.

Commissioner Haug said that the other issues from the public hearing not discussed at this meeting will be held at the next meeting, along with the additional clarification from staff of when the population projections will be addressed. Mr. Brierley said that staff does not have the information and does not intend to have the information until much later as it is not available. Ms. Mingay said that she has not received the information from the City Manager.

VIII. ADJOURNMENT

Motion #13 :	Haug/Fowler to adjourn at 10:10 p.m.
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Vote on Motion #13:	The motion carried (6 Yes/1 Absent [Hannum]).
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Passed by the Planning Commission of the City of Newberg this 21st day of October, 1998.

AYES: 6

NO: 0

ABSTAIN: 0
(list names)

ABSENT: 1
parrish

ATTEST:

Barton Brierley
Signature

Barton Brierley 10/26/98
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE SEPTEMBER 23, 1998 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 # GR-2-95 (Residential Needs Analysis)

1. Letter from Friends of Yamhill County, letter dated September 23, 1998.

LABELS FROM THE 9/23/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

Sid Friedman
Friends of Yamhill County
SW 7500 Lebold Lane
McMinnville, Oregon 97128