

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, October 14, 1999 AT 7 P.M.

Approved at the November 10, 1999 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Bob Andrews Steve Hannum, Chair
Matson Haug Warren Parrish Lon Wall Rob Molzahn

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Amy Waterman, Recording Secretary

II. OPEN MEETING

Chair Hannum opened the meeting at 7:00 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 August 12, 1999, Planning Commission Minutes.

Motion #1:	Parrish/Wall voted to approve the consent calendar items, approving the August 12, 1999, minutes of the Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried (5 Yes/1 Abstain [Haug]/1 Absent [Ashby]).
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

V. ROUNDTABLE DISCUSSION - "DENSITY POLICY" FILE G-47-99 / RESOLUTION 99-122

Ms. Mingay introduced the proposed Resolution 99-122. The resolution is an outgrowth of Planning Commission discussions on residential density and growth policies. The resolution would open density issues for public hearing.

Commissioner Andrews asked if there should be a 15-20 year forecast in looking at the urban growth boundary. Mr. Brierley explained that the Comprehensive Plan's current forecast, to 2010, was the result of a twenty-year plan for the boundary done in 1990. Commissioner Wall explained that a controversy over the quality of current population projections made long-term forecasts difficult.

Chair Hannum opened the discussion to general comments by each of the commissioners.

Commissioner Haug presented his philosophy on the issue. Because density policy is a function of both rate of growth and available buildable land, collecting information on both of these subjects is necessary before trying to design density policies. The commission should not begin to try to make recommendations until they have growth rate scenarios updated by the county.

Chair Hannum explained that he saw the proposed resolution as opening a discussion of what we would like to have in our city as it exists today. The goals resulting from discussion could then be applied to the hard facts of density issues.

Commissioner Wall argued that lack of information isn't a reason not to act in this case, due to the lack of reliability and bias of most information on these issues. The city ought to encourage increases in density, but this must be done on top of a foundation. The foundation should be the answer to the question: If we were a citizen in town, where would we want to live and what would we want to buy?

Commissioner Parrish noted that expansions of urban growth boundaries and urban reserves are often politically motivated and cautioned there can be some wrong decisions made on density.

Ms. Mingay explained Resolution 99-122 further. Passing such a resolution is necessary in order to initiate the public hearing process, but simply initiating public hearings doesn't mean the commission will or is approving all the proposed amendments to the Comprehensive Plan. The proposed changes are merely options for the commission to consider, gleaned from previous discussions. She explained that many of the changes reflect the concern by the commission that driving forces in planning should not be market demands and that the residential character of the community remain the same while remaining committed to low-density housing developments.

Commissioner Wall expressed concern about the first added language in the Plan. He suggested changing the "are" to "should be." Market demands and the fact of their influence on development exist. The sentence should express the desire that market demands not be the primary concern. Commissioner Andrews agreed.

Motion #2 :	Haug/Wall to adopt Resolution No. 99-122.
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The resolution was opened for discussion.

Commissioner Haug returned to the language issue. He said he'd almost prefer that the sentence weren't there, and Commissioner Wall agreed. Mr. Brierley said the changes could go back to the staff for revision, but Commissioner Haug didn't think this was the best next step. He questioned whether the changes in general would have much impact. The changes open many difficult issues. He stated that he'd be concerned about moving toward a public hearing without enough background information to answer the questions that would be raised.

Chair Hannum asked if the changes as described in the packet were sufficient enough to open it up for a public hearing.

Commissioner Wall stated that he believed it was; however, speaking as private citizen, he wasn't currently comfortable handing these issues over to the City Council. Commissioner Parrish agreed; he stated that if the commission is going to make any changes, the changes must be well-specified and defined.

Commissioner Andrews asked if any other significant changes have been proposed aside from this one on market demand, and the various editorial changes. Chair Hannum directed attention to points (a) and (b) on Density Policies, which set a vision for Newberg's future in housing.

Commissioner Haug suggested that those points were contradictory, one seeking to maintain the status quo and the other seeking to increase more low-density housing. He also drew attention to the lack of information on the consequences of either of those policies.

Commissioner Wall also added that the editorial changes to the Comprehensive Plan were significant,

because language such as "will," "shall," or "may," often provides legal loopholes.

Commissioner Parish recommended tabling the discussion so the commission may have a chance to review the minutes from their April 22, 1999 meeting on this subject. Chair Hannum turned the question over to the committee to decide if they wanted to continue to proceed with the discussion.

Commissioner Andrews said he would be cautious to move this on at this time.

Commissioner Haug said he would vote against any changes to the Comprehensive Plan at this time, because we're very close to a periodic review, after which we're going to have better growth population numbers.

Commissioner Parrish asked if the changes to the Comprehensive Plan would change the urban growth boundaries that go with it, and vice versa. Mr. Brierley explained that the proposed changes to the Comprehensive Plan would change only the text, not the urban growth boundary, but any changes of the urban growth boundary would change the Comprehensive Plan. Commissioner Parish concluded that were the discussion to move on, the wording of some of the changes would have to be addressed.

Commissioner Haug suggested changing the focus from making wording changes in Comprehensive Plan to developing policies that can function as a tool kit to deal with the problem of density.

Commissioner Andrews stated that though he was not adverse to going through the Comprehensive Plan and updating it to reflect the vision the commission has through more work sessions, he didn't think the commission was prepared to resolve issues that might come up at a public meeting.

Chair Hannum called for a vote.

Vote on Motion #2 :	The motion did not carry (5 No/1 Abstain [Molzahn]/1 Absent [Ashby]).
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VI. ITEMS FROM STAFF

1. New Business Items
 - a. North Side Road Update:

Commission Haug presented the progress of the Northern Arterial Road project. A task force of unaffiliated citizens has been working for the last six months on finding ways to relieve traffic congestion, and Commissioner Haug presented their conclusions.

Funding is the biggest issue. Currently, gas tax revenues from the State are used for street maintenance. Were a street utility fee implemented to cover maintenance, the gas tax revenues would be sufficient, along with other sources, to complete the Northern Arterial Road.

The group plans to schedule approximately eight meetings, one in each voting district, one with the county commissioners, another with business groups in town, to brainstorm possible solutions for congestion and get community feedback on the proposed project. From there, the task force would conclude in early January with a presentation to the City Council on the essence of the proposal.

Commissioner Parrish asked what happened to the streets in the original plan that the contractor agreed to use as connectors. Ms. Mingay explained that because not all of the property has been developed, roads have yet to be built.

Commissioner Haug explained that the Northern Arterial will relieve traffic that currently uses 99W to go through town once the 99W connection is made. It will take traffic from Victoria Way up through Oxford Estates.

Commissioner Wall expressed concern that the street utility fee might be used as a fee levied against property owners along the right-of-way. Commissioner Haug said that was an option, but it isn't adequate to fund all the needs; furthermore, it would be unfair, because those people would be paying for a route that many others would benefit from.

Commissioner Wall stated that people along the route seem to be opposed to this, perhaps because the Northern Arterial can be used as a bypass but is not being called one. Commissioner Haug explained that was why the task force is having the community meetings, to give out information and solicit feedback. The Northern Arterial can be used as a bypass, but it is not the one the State has been talking about. The Northern Arterial has been on the Roadway Master Plan for a long time.

Commissioner Parrish asked if the easements have been purchased. Commissioner Haug explained that they're having a lag in implementing the purchase of the connection to 99W, and not all the other properties have been purchased. Ms. Mingay followed up the question, stating that the property has been dedicated from Mountain View to College.

Commissioners Haug and Parrish both concluded that the Northern Arterial is necessary to relieve traffic congestion, and this point should be communicated to the public.

Commissioner Wall suggested that the public might be concerned about the Northern Arterial because it is so clearly a project that the City has already decided will happen, rather than a grassroots effort.

Commissioner Haug reiterated that the time has come for the road. There is a very specific recommendation proposal, and all that's needed are the funds.

Commissioner Molzahn asked if any other districts have a fee like that. Commissioner Haug explained that Tualatin does. Grants Pass and Lake Oswego are considering it.

b. Riverfront Update:

Mr. Brierley gave an update on what's happening with Baker Rock Crushing Company's request for a zone change for the asphalt plant. There will be an October 28, 1999 meeting by the Yamhill County Board of County Commissioners, which will only take testimony regarding air quality issues. The City Council will place a levy to purchase property from Baker Rock on the November ballot. Mr. Brierley directed attention to the location of the property between Roger's Landing and the old Yamhill County landfill site. It would make a nice river-front park or open space were it in the City's hands. A request for proposals for the whole area (all currently designated industrial) resulted in sixteen entries; the average would cost \$60,000.

Commissioner Haug noted that the text of the ballot measure seems to suggest that any funds can only be used for planning on the acreage purchased, not on lands outside the Baker Rock area. Mr. Brierley said that the summary does state that it would be for that entire area, which includes about 200 acres in the Industrial Comprehensive Plan district.

Commissioner Haug asked what would happen if the plan to purchase the land failed. Mr. Brierley explained that they do have a grant request to do the river-front planning there, and that they'll keep pursuing those plans. In the case that the Baker Rock Crushing Company retained the land, there would need to be a design review in order for the plant to be built, which would require public notice.

Commissioner Haug asked if there are any city-related activities that would need to be involved with this. Mr. Brierley replied that there's a potential for redesignating truck routes in the area, and Ms. Mingay suggested a trip tax by city council in the future.

Commissioner Haug stated his concern that the Baker Rock Asphalt Plan will need some sort of planning approved by the Planning Department that will be administratively approved. If that happens, the average citizen will neither know about it nor be able to comment. Yet in the Development Code there is a process whereby a concerned citizen could bring up the plant's visibility by asking for a public hearing. Mr. Brierley replied that the biggest thing for the plant's approval will be the design review, which is a Yamhill County decision.

c. Planning Commissioner reappointments:

Mr. Brierley explained that everyone needs to get letters in. Commissioner Ashby is not seeking reappointment. He asked everyone, if they know people who could represent the community well on this position, to encourage them to apply. They will have to reside inside the city limits.

d. 7 Day Hearing Extension Update:

Mr. Brierley explained that the state law says that at the end of the initial evidentiary hearing, anyone who participates in the hearing can stay after the hearing's done; however, he would like to see them have a chance to submit additional testimony. State law requires that they be allowed that opportunity. Mr. Brierley explained the options. The hearing can simply continue to a certain date to accommodate additional oral testimony. The other option is to close the oral testimony at the end of the hearing and leave the record open for written testimony for seven days, at the end of which, if testimony is submitted, the record would remain open for another seven days for responses. The process would continue for a total of 21 days in which people could submit written comments.

A third option occurs when someone submits a complete application, such as for a subdivision or zone change. The city has to process the application completely within 120 days. If time runs short, oral testimony could be closed and a decision rendered, given that the record remain open for additional written testimony, to be used if the decision gets appealed to the City Council. In most circumstances, however, the oral testimony will be closed and decision delayed for a month to take account of additional testimony.

Chair Hannum asked if a hearing was extended to a continued date, if it would still be possible to request opportunities to testify. Mr. Brierley said that it was, and that's why they recommend the hearing be closed. Commissioner Haug presented an argument in favor of extending the hearing for additional oral testimony: continuing on to the next meeting provides time to digest and think through arguments that have been presented.

Commissioner Andrews asked if the request to testify has to come at the lectern or if it could be written. Mr. Brierley said that either will work.

E. Additional Business:

Mr. Brierley also noted that a Sign Code Ad Hoc Committee has been formed to make recommendations for enforcing the revised sign code. The committee, beginning with the downtown, has recommended actions on about 20 signs in that area. They're trying to encourage those people to comply through a gently-worded letter.

Staff have received three grants to do some changing to the development code. One grant will create

more specific aesthetic standards for facades and other aspects of the downtown. The second grant will look at the boundaries of the downtown itself and ask if they should be expanded to encourage downtown development. The third grant deals with the appropriate front yard setback for the Highway 99W widening. The grant money will fund hiring a consultant to help develop the code language. Drafts will be sent to both the Planning Commission and City Council.

Mr. Brierley also updated the commission on where we are with wells and water.

2. Update on Council items

Mr. Brierley noted that the two annexations that went through Planning Commission, City Council, and the voters passed them on September 22, 1999 with a vote of roughly 70% in favor. The issue will be at the next Council meeting to ratify the vote. The City Council adopted all of their recommendations regarding bicycle traffic, with the only amendment being the deletion of bicycle parking for parks. The recommendation on Central School's change to an institutional zone went through.

The City Council is considering vacation of certain streets near George Fox University. They've postponed action on it due to concerns about provision for parking.

Counselor Howe's vacant City Counselor position was filled by Noel Wilson.

3. Other reports, letters, or correspondence
a. Type II Hearings Request

Commissioner Parrish solicited feedback on the issue of the Planning Commission getting approval from City Council to hear Type II hearings in order that any subdivisions of 12 or more houses come before the Planning Commission. The City Council denied this request with a 5-1 vote. Despite this response, Parrish would like to raise the issue with the Council.

Commissioner Wall supported raising the issue with the Council again. He noted that the Planning Commission only ceased hearing those types three years ago, and that function fits well with the Planning Commission's role.

Commissioner Haug gave some background. Changes at the State level about what the rules should be resulted in a set of changes at the local level that made subdivisions that don't have Goal 5 resources administratively approved; any with Goal 5 resources would be under public hearing. The Planning Commission strove to recapture more of their decision-making ability by asking the City Council for the ability to hear subdivisions that are large enough to have significant public visibility. The City Council decided against this. Commissioner Haug concluded that it would be redundant to ask City Council again at this time.

Commissioner Molzahn asked if there was any other review point at which the Planning Commission could give input before a proposed subdivision gets reviewed as a specific plan. Commissioner Haug noted that there's no mandate that it has to go through specific plans. Ms. Mingay also explained that any individual can request a hearing with the planning commission on that within the time period.


Commissioner Haug expressed dissatisfaction with the way the Planning Commission is kept informed on proposed subdivision projects. Mr. Brierley explained that staff keeps the Planning Commission informed of all subdivisions. Commissioner Haug replied that the information needs to contain street addresses and number of units as well as the code number.

Commissioner Andrews asked if the issue here was more one of due process, a lack of sufficient review

when it became an administrative process rather than a hearing process. Commissioner Parrish explained that the focus for the Planning Commission was not to slow the process down, but rather provide reasoned input on a major subdivision that will affect the character of the City. Commissioner Haug added that public hearing brings out issues that often only arise under deliberation. Without large projects coming under review, the Planning Commission doesn't have the opportunity to critique its own rules.

Commissioner Parrish pointed out that meetings set between the City Council and Planning Commission to establish better relations were not well attended by City Council members. Commissioner Haug also noted the isolation between the Planning Commission and City Council.

Commissioner Parrish requested that the Chair meet with the mayor and ask the City Council why they voted as they did. Chair Hannum approved the request.

4. Next Planning Commission Meeting: WEDNESDAY, November 10, 1999 

VII. ITEMS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of November, 1999.

AYES: 6

NO: 0

ABSTAIN:
(list names)

ABSENT: 1
(Haug)

ATTEST:



Planning Commission Recording Secretary Signature

HEIDI D. HEES 11/10/99

Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 14, 1999 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 #

none

LABELS FROM THE 10/14/99
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

none