

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, OCTOBER 10, 2002 AT 7 P.M.

Approved at the December 12, 2002 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Matson Haug	Louis Larson, Chair	Dennis Schmitz
Nick Tri	Richard Van Noord	Lon Wall, Vice Chair

Absent: Bart Rierson

Staff Present:

Barton Brierley, City Planner
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Larson opened the meeting at 7:00 p.m.

III. CONSENT CALENDAR

1. Approval of September 12, 2002 Planning Commission Minutes.

Correction to the minutes. The third paragraph changes. Commissioner Haug said he had sent a letter to the editor.

Motion #1:	Haug/Tri to approve as amended approving the minutes of the Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried (5 Yes/2 Absent [Rierson/Schmitz]).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

1. For items not listed on the agenda

None.

V. WORK SESSIONS

1. ADMINISTRATIVE VARIANCES

Mr. Brierley noted the changes in administrative variances and the criteria for adjustments. The difference in the process is that adjustments are a Type 1 review which requires submittal to staff and no public notice is required. Type 2 requires notice 300 feet around the subject site, a 14-day period to make comments, and public notice is required. Staff has authority to approve and any appeals would be heard by the Planning Commission. Discussion was held concerning lighting standards.

Commissioner Schmitz appeared at the meeting at 7:15 p.m.

Commissioner Haug said the idea is how we can make sure the appropriate number of people are aware of the change in environment (residential/commercial areas being affected). If pertaining to odor, noise or exterior lighting on non-residential property, the extent of the notice should include those affected by the decision. They could keep it as an administrative decision with 500 foot notices to keep people aware of what is going on. Hwy 99W with the auto dealerships (metro area auto rows) are out of character with the businesses in the Newberg area. That lighting went into effect with a glow in the back of his yard (Dodge and Chevrolet dealerships). He suggested having an increase in the administrative notice area to 500 feet for other surrounding residents. It should apply to non-residential properties. Another example would be allowing ten or more residential lots to be developed (unless a Goal 5 resource) from Type 2 to a Type 3 process. If we extend the notice area, it will provide better opportunity for input.

Commissioner Van Noord asked if other Planning Commissions or cities have a 500 foot notice requirement.

Commissioner Haug said he has not done research to find out and whether it is 100 feet, 300 feet or 600 feet, and what the most common distance is to be fair to the community regarding impact to surrounding properties.

Mr. Brierley said it is customary for the County to do 500 foot notice requirements.

Commissioner Haug said the Code is in flux and he would like to propose the 500 foot notice requirement.

Chair Larson asked how far Commissioner Haug lives from the Newberg Dodge dealership.

Commissioner Haug explained that it was approximately a mile or two. Discussion was held concerning "glows" that are appearing in a much larger area than 500 feet. Commissioner Haug said that he has a concern that it was a hardship case to allow the lighting at the Newberg Dodge facility.

Commissioner Larson asked if Berg Chevrolet received a variance on their lighting.

Mr. Brierley said no. Discussion was held concerning both dealerships competing for lighting.

Commissioner Haug said that Councilor Donna McCain has indicated that the lighting is appropriate. Further discussion was held concerning hardship cases.

Commissioner Haug said he is trying to figure out a practical way to resolve issues relating to lighting variances and the administrative process. Discussion was held concerning the lighting at Fred Meyer.

Commissioner Wall suggested that the Commission wait until after the beginning of the year (2003) to bring it up before the new Council.

Commissioner Haug said the discussion could be held at the 6:00 p.m. work session. Commissioner Haug reviewed the Newberg Dodge sign program approval by the Council at the October 7, 2002 meeting.

Commissioner Wall said as a preface, there will be a new City Council, but the Commission could line up what can be presented to the Council.

Commissioner Haug bring it to the City Council at the joint City Council/Planning Commission meeting.

City Manager Jim Bennett said he will be planning the joint meeting and he was pro-active in community involvement.

Chair Larson said that in Beaverton, any variance or subdivision or splitting of lots went to the Planning Commission for review and approval.

Commissioner Wall said there are other issues concerning Type 2 land use matters to be addressed before the Council. Discussion was held concerning past history of the Council/Planning Commission issues.

Commissioner Van Noord asked about the guidelines having any weight in determining the decision making process or interpreting the Code.

Mr. Brierley said they are guidelines and not ordinances and are used when evaluating proposals where there is discretionary criteria or where there is a point system. They just reviewed an apartment complex and one criteria/point system where we have to meet and get a certain number of points for various things, lighting of site being minimal or appropriate and the guidelines are reviewed in assigning points.

Commissioner Wall asked about issues dealing with signs and other things in which variances may be granted. Discussion was held concerning First Amendment issues. What is allowable for other things are not the same for signs.

Commissioner Haug discussed the City's most recent case involving Newberg Dodge and establishing the criteria for the sign program.

Commissioner Wall said City Attorney Terry Mahr's original concern about the sign involved the First Amendment and to regulate content was going to be a problem without being specific enough with applicable criteria. Amount of light emitting from a sign - is that content based? Discussion was held concerning the effectiveness of the sign program ordinance and it could be challenged.

Commissioner Haug said that he was concerned about possible First Amendment content base violations.

Chair Larson said that he would recommend that the Commission bring up the discussion of variances next year.

Motion #2:	Haug/Tri motioned to table to the first meeting in January to determine the manner to continue discussion and bring forth the resolution.
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Vote on Motion #2:	The Motion carried (5 Yes/2 Absent [Rierson/Schmitz]).
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2. WHAT IS THE ROLE OF A TRANSPORTATION ENGINEER?

Mr. Karl Birky, P.E. from Associated Transportation Engineering will give a presentation explaining the role of transportation engineers and will answer questions from the Planning Commission.

Mr. Karl Birky, PE from Associated Transportation Engineering provided a presentation explaining the role of transportation engineers.

Mr. Ernie Saffert asked about the memorial and flag pole that need to be relocated. Discussion was held concerning the flag pole that will be at the new intersection of River and Hancock.

Mr. Brierley said he will get back to Ernie Saffert.

Mr. Birky said he was available to answer questions concerning transportation issues. Mr. Birky gave a history of his experience as a civil engineer. He enjoys traffic engineering. The City of Lebanon received an application for a Wal-Mart to come to town. He reviewed the process in examining and preparing a traffic study. He said it was helpful to have the Planning Commission be knowledgeable about traffic studies. He recently moved to Newberg and felt it was a good idea to help the Planning Commission be more informed on this issue. He said that he will learn too in helping to bring out the results and questions that may arise in future meetings and his clients.

- Engineers and Planners complementing disciplines
- Engineers - hold paramount the safety, health and welfare of the public in the performance of their professional duties
- Engineers with probabilities (and numerical values)
- Engineering compliments other societal disciplines
- Engineers think they deal in facts

Commissioner Haug said that there are issues in challenging the facts of the engineering and traffic study. Discussion was held concerning making appropriate choices and testing the information presented.

Mr. Birky said that engineers work with probability.

Tape 1 - Side 2:

Mr. Birky said that there are a lot of engineers with different perspectives, but they do not have all the answers.

OBSERVATIONS:

- Why do cars during high traffic periods travel faster through Dundee than on the 4-lane approaching highway? Engineering explains what may not be intuitively obvious to other people. Discussion was held concerning trip generations and the standards.
- Won't more school crossings make it safer? In traffic engineering - no. The goal of the traffic flow is to keep it moving and not slow it down. Some people will disrespect too many stops.
- Medicine and Food - everyone is gourmet. People feel that they know traffic studies and the whole picture and they sometimes don't.

Commissioner Haug inquired about a safety device (embedded strobe lighting along crosswalks), and how new it is.

Mr. Birky said that he has recently has done some work at Spirit Mountain Casino. He said that he has not used them, but for older people or in dangerous situations, you will know there is a crosswalk.

Commissioner Haug said it does get your attention and causes you to slow down. Discussion was held concerning costs. Commissioner Haug addressed bike path lane on one side, but there is no edge at all. Sidewalk/bike path rather than a normal bike lane and the differences in which would be better. Discussion was held concerning Villa Road and the area around Hess Creek.

Mr. Ernie Saffert said that there are traffic counter systems on the project before projects are begun and the final affect on the project. Discussion was held concerning the value of importance.

Mr. Birky said that they do a lot of background before the study can be generated (turn lanes, accesses, etc.). Mr. Birky addressed the purpose of streets are to move people.

Mr. Van Noord addressed the congestion along College Street and how it could be better improved. Mr. Birky said one of the things that we learn is that street and roadways have a natural speed and when they set them according to the level of what people can travel. Discussion was held concerning reducing street widths, traffic calming devices (roundabouts).

Commissioner Wall said that one of the things that the Commission has had over the years deals with consultant advocacy dealing with traffic studies. He addressed some hidden problems in studies which may go undetected and are generally not challenged. Discussion was held concerning the Wilsonville Hwy/Wilsonville Road intersection.

Mr. Birky addressed the various city governments hiring their own traffic engineer rather than relying upon the applicant's study (which could be flawed). The cost would be built into the application fees. Mr. Birky addressed the level of service in "F" type intersections. Discussion was held concerning threshold criteria, and concerning SDC's not paying for needed services (incremental funding which are failing for future improvements). Discussion was held concerning Dolan v. City of Tigard in land use matters which did not deal with traffic studies.

Commissioner Wall said that there are some traffic studies which do not provide factual information.

Commissioner Haug addressed Oregon cities where the developer paid the City to have its own traffic study which would allow for a fair and honest evaluation and eliminate any built-in or accusation of it - second opinion.

Mr. Brierley said that Dan Danicic (City Engineer) does review the traffic studies. Mr. Birky presented the average bypass trips for a shopping center in the United States. Some information may be different depending upon who reads and/or prepares the study.

Commissioner Haug addressed the street maintenance utility and selected volumes and how do we resolve the issue of what percentages to charge based on traffic studies to establish the average.

Mr. Birky said that we are just dealing with probabilities.

Commissioner Schmitz addressed reasonable standards in arriving at the traffic studies (across the US in relation to vicinity).

Discussion was held concerning the number of companies that do traffic studies. On the average, or more, what percentage of the business is for private parties and what percentage is for public reasons. Mr. Birky said most of the work that is done in his business is for private developers. Mr. Birky said that he works with various companies.

Commissioner Haug said that if the Commission was presented with a big traffic study, how would the Commission best review the study.

Mr. Birkey said that if it makes sense, can it be trusted and do the numbers match up. Look at the intersections, how long does it take to get across, how many cycles does it take to get through, what are the standards you would like to see. Discussion was held concerning LOS scenarios and 20 year projections.

Commissioner Wall addressed trusting situations where there may be some probability that something may not be correct. We can't just trust that things may or may not be correct. If we don't, there is not anyone else that will.

Tape 2- Side 1:

Mr. Birky reviewed the cost of traffic studies from \$5000 - \$6000 for a single site with four (4) intersections with presentation to hearing body which could be more costly. To do a study, it takes about four (4) weeks.

Commissioner Haug addressed the challenge of Fred Meyer business practices and volume in relation to a fueling center. Mr. Birky reviewed a satellite office for Linn-Benton Community College and state offices (similar to Coos Bay) to be located in Lebanon.

Ernie Saffert asked how long it has been since traffic signals with plates for cars, to go over them to generate the traffic signals to activate action.

Commissioner Haug asked for information on pass by trips which seem to be guidelines in the books with a certain discounted amount.

Mr. Birky provided an example of a shopping center complex which are affected by various conditions. The data is made from person-to-person contact on where they are going to/from. The concept of pass-by discounted by the trips generated in relation to traffic studies in relation to transportation improvements to be funded in the City.

Commissioner Haug said he would like to have a follow-up discussion on do we want to propose that the City do the traffic study and collect fees from the applicant (independent study); and would the City be the one to provide appropriate criteria for the study.

Mr. Birky reviewed the normal peak hours dependent upon the location (normally 4-6:00 p.m. and 7:00 - 9:00 a.m.), except in areas where schools are, which could be affected at other times. Discussion was held concerning the pros and cons if Newberg contracts for the studies for the application to come in. Mr. Birky said that there may be some legal issues involved in having the City hire an outside contractor. Discussion was held concerning attempting to have a better quality and level of trust from an independent study.

Commissioner Wall addressed the issues concerning having the City hire traffic consultants and not having the applicant be able to shop for consultants that will produce a certain result - fairness to community.

Mr. Brierley addressed the consultant coming to the City before the traffic study was prepared to get background information. In dealing with the City select the consultant or the applicant, have the consultant - in often times the City has hired them previously for other studies. The names on the reports are generally going to be the same. Also, it is the applicant's burden of proof to do the best job to prove the application is correct. He said that generally the applicant would hire the consultant.

Commissioner Haug said it is not a requirement to review the details of the study and when the study comes in, there is no way to analyze the study (process). How do we get the studies "studied". Mr. Birky said that some engineers do get away with some things but their performance does get known.

Chair Larson adjourned the meeting at 9:00 p.m. The meeting re-convened at 9:15 p.m.

Commissioner Haug said there is an open issue on how we examine the traffic study and improve the process to better understand the study. They are complicated documents. Discussion was held concerning the City contracting out the review and laying out the criteria to be met in accordance with the specific site, 5-year projection, etc.

Commissioner Wall said he would like to have the City contract out the service rather than the applicant which ultimately requires a traffic study anyway. Some applicants may be disturbed but we then again should be concerned about why they would not - in light of legal aspects. Discussion was held concerning the Planning Commission assisting in selecting the traffic engineers for studies.

Commissioner Van Noord also addressed a checklist of standard guidelines which can be modified with respect to the specific project.

Commissioner Haug said it was not the Planning Commission's charge in selecting consultants. He suggested that the Newberg business community in the City hiring consultants and the pros and cons; and what do other cities do in situations such as this? Discussion was held concerning staff's review of the various traffic studies and how reliable are the staff's review in light of their already over-loaded schedule.

Commissioner Wall addressed the conclusions and summaries of the traffic studies.

Commissioner Haug said that the Commission does not get a clear view of the discretionary actions by the staff (bottom line number understanding). How do we set standards to make sure the data is not distorted and unfair. There will always be different viewpoints which can be administratively removed or eliminated. The Commission appears to not receive an analysis and understanding of the traffic study. Discussion was held concerning the various levels of service (LOS).

Commissioner Haug said that he would like to have more information on the analysis of the traffic study and who is responsible for hiring consultants for the studies.

3. IMPROVING CITIZEN INVOLVEMENT
File G-88-02
(Continued from the September 12, 2002 meeting)

Chair Larson said that he would propose that the citizen involvement item be tabled to next month.

Motion #3:	Haug/Wall to table the matter.
Vote on Motion #3:	The Motion carried (5 Yes/2 Absent [Rierson/Schmitz]).

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: November 14, 2002

Mr. Brierley said that Walgreens has put up a sign that is partially illuminated which is not exactly an animated sign. Mr. Brierley reviewed what is allowed and what is agreed. Two Planning Commission members terms expire dependent upon what happens at the November election, more positions may be available.

Commissioner Haug said that he feels a nine (9) member commission is better with a better variety of the viewpoints of what needs to be discussed.

VII. ITEMS FROM COMMISSIONERS

Commissioner Haug reviewed the Chamber Forum on the Improvement SDC and Storm Drainage Utility fee costing about \$4 per month dedicated to storm drainage on the streets to be placed before the Council to adopt the ordinance and then to establish a fee for each residential unit. The other is street maintenance for projects which could not be used for any other type of improvements. Other funds received from the State could be used for other projects. Also the City is looking at a change in the monthly bill due to increased water/sewer rates. How do we deal with deteriorated infrastructure? We need to decide how to pay for them. Some people have indicated that it should go to the vote of the people. Discussion was held concerning the public forums which invites participation.

Commissioner Wall addressed the request for public participation. Discussion was held concerning having more people participate in organizing and understanding the process.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 9:35 p.m.

Motion #4:	Wall/Tri to adjourn.
Vote on Motion #4:	The Motion carried (5 Yes/2 Absent [Rierson/Schmitz]).

Passed by the Planning Commission of the City of Newberg this 12 day of Dec., 2002.

AYES:

6

NO: 0

ABSTAIN:
(list names)

0

ABSENT: 1

(Van Noord)

ATTEST:

Peggy R. Hall

Planning Commission Recording Secretary Signature

Peggy R. Hall

Print Name

12-12-02

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 10, 2002 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 10/10/02
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
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Be sure to add file number by name
on each label

none