

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, JUNE 12, 2003 AT 7 P.M.

Subject to Approval at the September 11, 2003 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Dwayne Brittell Matson Haug Louis Larson Dennis Schmitz
Philip Smith Nick Tri, Chair Richard Van Noord

Staff Present:

Barbara Mingay, Planning Technician
Dan Danicic, City Engineer
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Tri 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 April 10, and the May 8, 2003, Planning Commission Meeting Minutes.

Motion #1:	Haug/Schmitz voted to approve the consent calendar items, approving the minutes of the Planning Commission Meeting.
-------------------	--

Vote on Motion #1:	The Motion carried (unanimously).
---------------------------	-----------------------------------

IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** City of Newberg
 REQUEST: Amend the City limits boundary to include the Fernwood Road right-of-way from Springbrook Road to the eastern fork of Springbrook Creek
 LOCATION: Fernwood Road
 TAX LOT: n/a
 FILE NO.: ANX-26-01 **RESOLUTION NO.:** 2003-166
 CRITERIA: Newberg Development Code Section §151.262

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact: None.

Staff Report and Preliminary Staff Recommendation: Mr. Brierley was not in attendance. Ms. Barbara Mingay presented the staff report. The Council and County Commissioners approved the UGB amendment. The City boundary does not include the Fernwood Road right-of-way and this would allow the City to maintain jurisdiction. It is approximately 3.17 acres (roadway with creek crossing currently used as right-of-way). The repairs are expected to commence in July 2003.

Proponent: None.

Opponent: None.

Commissioner Schmitz noted the criteria concerning how the improvements would be made.

Ms. Mingay said that Mr. Danicic, City Engineer, would be able to discuss the cost of the repair. Mr. Danicic said the failed portion restoration cost is shared with the Springbrook Oaks Development. The remainder of the road repair would be done at the City's expense. Discussion was held concerning the time-line for improvements and construction allowing for permit applications.

Commissioner Haug said the road has been out of service for some time. Purpose of annexation?

Mr. Danicic said the annexation request is not to cure any deficiencies in the road.

Ms. Mingay said rights-of-way are pieces of land that are not generally thought of in the annexation process. Any kind of work, access, road crossings, and utility installations are controlled by the County. If annexed, the City would have control over these activities and require future improvements be made to City standards, with costs of development paid by the developers. If we annex the property, we have jurisdiction over the property. Discussion was held concerning fixing the parts that are in need of repair and other improvements that will be made at the time of development to City standards.

Commissioner Brittell asked about the required road easement standard being 60 or 80 feet.

Ms. Mingay said the 40 foot right of way is less than current standard and is a more conservative to take into the City through the annexation process. Prior to the early 1900's, the road was brought into the County jurisdiction at 40 feet. Over time, the County has changed the standards to a 60 foot right-of-way. The property on the north side along the length of the annexed property is already in the UGB and a portion of the northern property will be included in part; in essence the golf course portion.

Commissioner Schmitz asked about the repair to the road and would it be made under County standards at the time it is annexed to ease the permitting process.

Mr. Danicic said that fixing the road to City standards takes a bigger process. Discussion was held concerning the costs associated with the improvements and also the impact of the bypass.

Commissioner Brittell said the annexation is not being made to accommodate the repair. The purpose is to bring the property into the City and repair the creek crossing and to have the improvements for the future be to City standards.

Ms. Mingay said it will allow the City to have access control to the road and at time of development, the City will require development to City standards. Ms. Mingay said there were no additional letters received.

Hearing Closed.

Commission Deliberation:

Motion #2:	Smith/Haug to adopt resolution 2003-166.
-------------------	---

Vote on Motion #2:	The motion carried (unanimously).
---------------------------	-----------------------------------

Ms. Mingay said it will go before the City Council at its first meeting in July, 2003.

VI. NEW BUSINESS

1. Workshop - Transportation Plan Text Amendments, File GR-25-01.

Ms. Mingay introduced consultant Daniel Heffernan.

Mr. Daniel Heffernan, Angelo Eaton & Associates, consultant for the City for the amendments. Kittleson & Associates through a grant from LCDC and ODOT, will be preparing an updated transportation system for the City. We are a sub consultant dealing with the land use policy work in connection with the amendments. His role is to facilitate a discussion in advance of any action taken place. He addressed the changes and gains by adoption of the items. The draft transportation System Plan will be revisited with the Planning Commission in September/October, 2003. They will also provide the implementation procedures. Most of the changes in the Transportation Plan are a result of an audit. The City does have discretion and latitude in compliance with the rule. They have provided draft policies and submit the plan for approval by the State Planning Rule requirements. There is a strong regulatory framework for the recommendations. The money is coming from the state and there is a requirement to develop a plan that complies with the Transportation Planning Rule. The Code recommendations given to City staff and modified, started from the model code developed and used in other areas around the state and the regulatory framework. They are trying to limit the discussion dealing with transportation and not have impacts on land use in other areas in the Code (driveways and sidewalks). There are two missing sections from the Development Code (proposed): 1) set of typical cross sections for each type of street we have within the City (expressways, collectors and aerial. It is conceivable there will be more than one. The city could adopt a cross section and boulevard cross section and more landscaping; and 2) new overlay district as part of the development code around the bypass and Hwy 219. There is some tug of wars on how to put the district together and making it work, access control and regulating the control or restricting land uses within the overlay district.

Tape 1 - Side 2:

Members of the Transportation Committee were in attendance. Discussion was held concerning Goal 1 (citizen involvement). Discussion was held concerning various issues dealing with transportation and public input which eventually works into a code. Mr. Heffernan said the discussion tonight is more of a facilitator discussion and other public meetings to discuss the concept. How is it related to a periodic review process (supply requirements for periodic review).

Ms. Mingay said that the City is not currently in periodic review. It is scheduled for some time in the future, but the policies are continuously in flux. There are policies to be modified and the state has provided grant funds to update the plan as it relates to today's events rather than when first adopted. Discussion was held concerning addressing topics and issues.

1. Code Revisions.

A. Access Points.

B. Transportation Facilities and Improvements. Mr. Heffernan suggested that they be put back in there (construction, reconstruction, or widening of highways, roads and bridges, or other transportation projects that are not designated improvements in the TSP.

C. Vertical Clearance.

D. Park and Ride Facility.

Discussion was held concerning the technicality of the definition of an allowed use in R-1, R-2 or C district so someone could not object to a transit district placing a transit stop. It makes it an allowed use.

Mr. Leonard Rydell, 601 Pinehurst, Newberg, OR 97132-1625 asked why are we excluding airports and railroads as having to have conditional use. Mr. Heffernan said they are allowed as a conditional use. Most codes require modifications with this type of use. The airport would not be able to expand the runway without a conditional use. The Commission could allow as a permitted allowed use. Mr. Heffernan said there is a provision that a planning director can recommend to the Council that in industrial zones railroads can be an outright permitted use. Would it take a conditional use to do a commuter rail? Discussion was held concerning federal funds. Mr. Heffernan said the development defines transit facilities that are limited on the list as not requiring further land use review because the uses would be allowed outright in a particular district. The park and ride facility would have to go through a conditional use approval. "Transportation facilities and improvements" are permitted as an outright use.

Discussion was held concerning adoption of policy decisions adding the following to the list of conditional uses: park and ride lots, transit centers, state transportation system facility or improvement projects and transportation facilities not included in the adopted Transportation System Plan.

Jim Salyer, 413 N Canyon Ln, Newberg, OR 97132, works for the Hospital and there is a heliport in the plans for the new hospital.

Ms. Mingay said the heli-pad will be processed through a conditional use permit which would allow the neighbors to register complaints and mitigation measures could be addressed. The conditional use hearing process allows for this process.

Mr. Heffernan addressed ODOT transportation changes and not otherwise addressed with STIPs. Projects dealing with transportation can go through a conditional use. DLCD and ODOT were arguing about TSP amendments.

Ms. Mingay said Mr. Brierley's concerns about the bypass not showing all intersections not identified in the TSP, it could imply that a particular intersection may have to go through a conditional use permit process.

Commissioner Smith said they are trying to identify where the issues are over the next few months.

Mr. Mike Gougler, 5241 Windsor Terrace, West Linn, OR 97068, said they wanted a generic statement. He is a developer and is concerned about conditional use. If conditions are such that a wider or narrower road is required, is the narrower road covered under the conditional use process or is it excluded, not allowed? Private drives cannot accommodate any more than two lots. Any more, is it a conditional use application or an un-allowed act?

Ms. Mingay said that two lots are the maximum that can be served by one driveway, with no exception.

Mr. Mike Gougler said there are some contradictory statements. However, there are series of standards for private walkways. The standards are more stringent for private than for public walkways. His primary concern is that the document errors in inflexibility. They do not extend so far as roadways. You may find that on a hillside, a developer does not want to have uphill lots, only downhill lots. Should he be required to build a 60 foot wide road to be able to make sure that he has parking on both sides even though he cannot build on both sides? He suggested engineering and planning work with a developer that if the case can be made for the best interest of the community, it should be an exception or a variance allowed

in the process. The request should be considered. The flexibility should be allowed, through a PUD process or giving discretionary review by the Director.

Block Length Example #2:

Mr. Heffernan, said there are 3 landlocked parcels wrapped around one long rectangular parcel that connects College and the building lot that fronts Hemlock Lane. He said it would be difficult to create a scenario having one driveway servicing two lots in some areas.

Commissioner Haug said on Hwy 219 from St. Paul, there is a driveway to serve two lots (make it a public street or a private street would require a second driveway). The rules in place now were adopted by the City Council because of situations occurring in the community and trying to clarify the rule. How do we get to the historical content.

Mr. Gougler asked that the requirements regarding private walk-way construction be made out of concrete or bricks to comply with ADA requirements (only two building materials). Asphalt streets or walkways should not be disregarded.

Tape 2 - Side 1:

Discussion was held concerning ADA requirements in walk-ways and cul-de-sacs and not in streets, public transportation and ADA requirements and service to 99% of the public population (building access without constraints of ADA). Mr. Gougler asked that where possible, staff make decisions at staff level, then move it to a conditional use opportunity to modify through a formal process.

Mr. Leonard Rydell said the City has too much pavement to maintain. He has done a lot of projects in Newberg. Mr. Rydell addressed private driveways and access. He encouraged the Commission to read Neighborhood Street Guidelines for reviewing when trying to make amendments. There is a table reflecting 28 foot streets with parking on both sides. Why can we not have a Charbonneau development in Newberg. Mr. Rydell addressed the accident rates of certain types of streets in conjunction with street widths. He reviewed the statistics. If we talk about safety and not raising fees for more asphalt, we should follow recommendations of the pamphlet.

Commissioner Haug said that street standards can be adjusted away from the standards through a specific plan and planned developments.

Mr. Rydell said that his clients have problems with being allowed their rights and following the process, running up expenses. Let's build flexibility. The chamber has a video "Walkable Community" for use and he recommended the ODOT seminar to see what makes a community livable.

Commissioner Haug asked for specific topics which would address flexibility rather than go on with the discussion.

Mr. Heffernan said he understands what the City is doing already and he is a regulator of what is needed. He can bring forward a position where the City should loosen up the regulations in a way the City Council perceives the things that should be done. He will return the revisions, downplaying the regulatory activities and improving livability. He said that Mr. Rydell's statement is much more persuasive.

Chair Tri called for a break at 8: 48 p.m., the meeting reconvened at 8:55 p.m.

Mr. Dan Schutter, 414 N Meridian, Newberg, OR 97132, said that more specific development requires more expense. Mr. Schutter said that the Austin property did not provide for public access across the property (16 foot path requirement). He has a concern with the City adding more requirements (more

miles of streets). Be careful that the restrictions are not more onerous and the City cannot really afford the additional building requirements.

Commissioner Larson said the discussion about more flexibility is for a better community. He suggested that they drive to Oak Knoll and Foothills drive and view a private driveway which shows the advantages of a private driveway. In a perfect world, we can always talk about greater flexibility, etc. They all sound good when it comes down to the hard results, take the drive on the private road and what we are talking about it and have a conversation on how far to go. Discussion was held concerning private and public streets.

Commissioner Haug said the bottom line is public safety and livability, and these come together. What we don't have and what we may need is a point system on what a subdivision needs to satisfy (aesthetics in design). There should be a list of criteria based on the design and if we have enough criteria, we should have administrative approval with flexibility. There are some bad and good examples. Discussion was held concerning the win-win situation without extra work.

Access:

Mr. Heffernan said that one of the problems in the small communities around Oregon, is they don't have easy to develop parcels left, only the hard ones appear to be left.

Block Length:

Mr. Heffernan discussed higher density development with longer block lengths. There are more cars for high vehicular density. The necessity for shorter block lengths increase as the density goes up. He said that in commercial zones, the existing zone allows for long uninterrupted blocks, strip development and it really is in the commercial business's advantage to have corner lots. They intend to increase property values. We have no access allowed on major arterials, state facilities for local streets. There is some flexibility through ODOT which allows, in certain areas of urban development, some modifications to create an overlay zone to create an access area. The City can shorten the maximum block length and provide some discretion for having longer blocks subject to the Planning Director's review. A common complaint is "cut through" traffic. The state will require a bigger grid pattern. Discussion was held concerning the limits on residential block length.

Commissioner Haug asked for advantages to a developer for unlimited or longer maximum lengths. What are the pro's and con's, negative impact on the community and who benefits from the longer blocks? **Mr. Heffernan** said that when access is difficult, a developer can get more lots with a half street and cul-de-sacs.

Ms. Mingay addressed the Charbonneau district having a livable community.

Mr. Rydell said that we should consider other forms of transportation and innovative ways to move around and we should be flexible on where they go.

Public Walkways:

Mr. Heffernan addressed better right-of-way and having allowances for discretionary review. If you look at the cul-de-sac designs, making some connections would be difficult. There will be extensive comments from the citizens, consultants and the state. We should encourage connectivity. **Mr. Heffernan** provided an example of a child wanting to get to a school (off Sitka). He said it is only about two blocks away and has to go about eight blocks to get to that school (connection to Marie and Oak). There is a connection already. Discussion was held concerning providing for pedestrian access. Bikes are not dealt with in the private walkway. He said he would provide for better bicycle circulation. Discussion was held concerning not having to provide for extensive widths. **Mr. Heffernan** said the model code recommendation is a

minimum of 5 feet, there is no guidance for right-of-way. The 16 foot right-of-way may be difficult to accommodate.

Ms. Mingay said the 16 foot width is part of the NW Newberg Specific Plan that was adopted for the specific area and not city-wide.

Discussion was held concerning the NW Newberg Specific Plan pedestrian walk-way from Juniper.

Mr. Rydell also suggested public walkway easements to be allowed.

Tape 2 - Side 2:

Section 151.028 - Traffic Impact Study.

Mr. Heffernan said that his advice is that they would be better off to put in minimum requirements for a traffic impact study. It is clear what the contents are and what they provide. There could be general requirements made and as prescribed in the City of Newberg design standards. The code should provide the standards and criteria. There is suggested criteria taken from the model code.

Discussion was held concerning administrative flexibility.

Mr. Heffernan said that when we get to a point, we have to draw a line on a development impact and the results that are expected. Mr. Heffernan provided an example of mitigating expenses in comparison to other developments. One way to address this whole argument about traffic impact studies is to determine what are they going to be used for.

Ms. Mingay reviewed Mr. Brierley's recommended two tier system for traffic study requirements.

Mr. Heffernan recommended criteria to provide for clear and objective standards.

2. Comprehensive Land Use Plan - Revisions to Transportation Policies.

Not discussed.

Mr. Heffernan said his role is that of a consultant. He is a middle man position and has two clients city and state, and the state is paying the money. He is not going to edit the City's comments. They want the two drafts to merge and he would suggest that they come back to the Commission with alternatives. Discussion was held concerning the Council participating throughout the process. One work session will relate to lanes, how much traffic would be generated and physical plan, and another session would address policy issues.

Commissioner Haug asked about the livability aesthetics involved in the process.

Mr. Heffernan said it is his recommendation to not have one for each functional class. There should be 2-3 typical cross sections of what that street could look like, landscaping options and frontage. We have to be careful on how we apply the various treatments. The east-west arterial may be a boulevard type development.

Ms. Mingay said there are landscape design standards for streets as part of partitions and subdivisions.

Mr. Heffernan said that when cross sections are reviewed, street trees will be revisited with a more detailed level of review.

VII. ITEMS FROM STAFF

1. Update on Council items - The Council has adopted the drive-up window recommendation. July 15, Lewis & Clark College\NUAMC hearing; Council hearing on the golf course project from NUAMC. Valley Meadows Phase 2 has come in with modifications with a street that comes in through an angle with dead end streets. They are moving forward on the project. The school has come in with the plans for remodeling and a new school. Fred Meyer is expanding their building to the west. There is a design review approval for a new bus barn and office building by airport to the east. Milroy Golf has submitted an application for an office and warehouse space.

2. Other reports, letters, or correspondence - none.
3. Next Planning Commission Meetings: 1) Special Meeting "Smart Growth Workshop" on June 26; and 2) regularly scheduled meeting on July 10, 2003.

VIII. ITEMS FROM COMMISSIONERS

None.

IX. ADJOURNMENT

The meeting was adjourned at approximately 9:50 p.m.

Passed by the Planning Commission of the City of Newberg this 11th day of Sept., 2003.

AYES:

5

NO:

0

ABSTAIN:
(list names)

ABSENT:

Ivan Noord
Schmitz

ATTEST:

Peggy Hall
Planning Commission Recording Secretary Signature

Peggy Hall
Print Name

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE JUNE 12, 2003 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