



## PLANNING COMMISSION MINUTES

July 28, 2004

7:00 p.m. Regular Meeting  
Newberg Public Safety Building  
401 E. Third Street

APPROVED AT THE AUGUST 12, 2004 PLANNING COMMISSION MEETING

### I. ROLL CALL

Dwayne Brittell  
Matson Haug  
Nick Tri

Louis Larson  
Phillip Smith

Absent: Richard Van Noord  
Dennis Schmitz

### II. OPEN MEETING

Vice Chair Smith called the meeting to order at 7:00p.m.

### III. CONSENT CALENDAR

1. Approval of July 8, 2004 Planning Commission Meeting Minutes.

**Commissioner Tri** - correct joint minutes to delete people that were not there.

**MOTION: Haug/Tri** To approve July 8, 2004 minutes. (Unanimous). Motion carried.

**Roger Grahn** - I have property near the issues that are going to be discussed tonight if you are going to reopen testimony I will wait until then.

**Chair Smith** – The record was kept open for written testimony and the Commission can decide to reopen oral testimony if it wants.

**Commissioner Haug** – can we get a head nod that testimony will be re-opened.

**Commissioner Chair Smith** - read ORS197.763.

**Commissioner Larson** - at the last public hearing we became aware that there was not a definitive map we had a couple of people who could not discern whether their property was in the bypass corridor. Do we now have a definitive map?

**David Beam** – I am not aware of any map that has been created with tax lots on it.

**Commissioner Haug** - I would suggest that Lou you go ahead and state a objection based on that then it will be in the record.

**Commissioner Larson** – I am raising an objection since the public does not have clear map. I object to this hearing based on the fact the people affected don't have the proper information.

**David Beam** - reviewed staff report. As a recap of last public hearing the public testimony was closed and written testimony was left open until July 18, 2004. Staff recommends that if you re-open oral testimony that you only allow new testimony not others that have previously testified.

Council will look at this item on August 18, 2004. They would like to have your recommendation at that time. Instead of going over all that was covered in the last meeting I am going to review what changes have been made since our last meeting. If you review page 5.4 of the packet there is a letter from the DLCDC regarding recommended language changes.

Mr Beam then covered language recommendations and staff's response to them this information was provided in the packet. We also added to the list of prohibited uses in the development code listed on page 5.22. Of course the Commission has the discretion to add more or change.

Staff recommends that you adopt resolution 2004-186 which includes changes as described tonight.

**Commissioner Haug** - you said there is a deadline for us to make a decision, I want everyone one to know how much time we have to work on this.

**David Beam** - I do not have dates but I do know how the process works.

**Commissioner Haug** – but you said we have deadlines.

**David Beam** - Maybe the City Manager can answer that question. I can explain the process that needs to happen the County is going through goal exception process and will not finalize until all the cities affected adopt their code changes. Then the County will complete their goal exceptions. Then the Newberg Dundee Transportation project can be finalized. Once they add the record of decision it will allow ODOT to spend funding on design work on bypass then they also have to have the funding. The key is if we don't have this done in certain time frame ODOT's budgeting could be delayed for additional budget year. The Newberg City Council meeting on August 16<sup>th</sup> is an important date.

**Commissioner Haug** - basically if we don't pass this resolution the bypass could be pushed off for a year.

**Alan Fox, Project Manager Newberg Dundee Bypass for ODOT** – The point about not being able to spend funds on design for a whole other year is not exactly correct. There is some flexibility in starting the design process, but practically speaking we don't want to get too far into designing if record of decision is not passed. We are going to start preliminary design. We have a schedule sort of set based on Yamhill County and the cities completing their work by the end of August 2004. There is no hard deadline forcing you to make a decision.

**David Beam** – statement directed to Mr Alan Fox, I was told that if schedule does get pushed a different direction funding would also get pushed.

**Alan Fox** - we have enough funding to continue the process through environmental research stage.

**Commissioner Haug** - we are looking at a lot of code changes and this is almost the first of August. I want to make sure that we don't rush the community. I would like to see a month or so to make a decision.

**Alan Fox** – It is not appropriate for me to say how long the Commission should take in making their decision. I feel ODOT has been generous with their time and have spent over a year working with staff we certainly don't want to rush you and would be glad to help answer any questions you may have.

**Commissioner Brittell** – on page 5.6 of packet in regards to Riverfront it seems we are going further north.

**David Beam** discussed with Commissioner Brittell the area that was being requested to be put as far north in the Corridor plan as possible and explained that they wanted to keep as much of the medium residential area in the Riverfront plan as possible.

**Commissioner Brittell** had concerns that moving it north would break it apart from the residential connectivity to the north.

Mr. Beam explained that they didn't want to break it off of the Riverfront area because the original plan for the Riverfront was to have mixed use, commercial and residential.

**Commissioner Brittell** – did the overlay occurred after the bypass?

**David Beam** - Riverfront adopted in 2002. The bypass comprehensive plan was originally developed in 1992 the definitive 3J plan just occurred last year.

**Commissioner Haug** - comment on Riverfront plan - it's purpose was to be established before the bypass to limit the exposure of the Riverfront to the bypass.

**David Beam** – that was one of objectives.

**Commissioner Brittell** - question on procedure, if public testimony was opened there should be a majority of votes?

**Chair Smith** – staff will cover written testimony, do we have a motion to open oral testimony?

**MOTION: Haug/Tri** To re-open oral testimony for resolution 2004-186 . (Unanimous). Motion carried.

**Chair Smith**- do we want to put any limitations on the testimony?

**Commissioner Haug** – I think we should put a reasonable time limit on each speaker.

**Chair Smith** - opened testimony.

**Mike Gougler, 5241 Windsor Terrace, West Linn Developer** – I respectfully request the planning commission to approve 2004-186 without adding the more specific language as proposed by DLDC. Mr. Gougler went on to explain how he felt that if the Commission followed through with changing the wording as DLDC had requested that they would be limiting commission's ability to govern themselves later and these changes may not be reversible in the future.

**Commissioner Haug** - this relates directly to content David Beam mentioned?

**Mike Gougler** – the items on page 5.4.

**Commissioner Haug** - they made changes to prohibited use.

**Mike Gougler** – I'm just saying be careful what you ask for or agree to.

**Chair Smith** – Are you speaking generally?

**Mike Gougler** – I'm asking that we don't add the language as asked by DLDC. We have a Council and a Planning Commission and they are in charge of making these decisions.

**Commissioner Haug** - discussed the impact of high traffic counts in developed areas.

**Mike Gougler** – within Springbrook Oaks we had a zone next to the new hospital, that zone allowed service stations, bowling alleys, roller rink, light industrial use but even though it shared a border with hospital the it didn't allow medical buildings. The more general you can make the codes and ordinances the better you can control your environment rather than be controlled by outdated codes.

**Sid Friedman, 1000 Friends of Oregon** - previous submitted written testimony - don't intend on going into all of it want to cover key points. The Riverfront plan is in conflict with the bypass, would like you to look at what we proposed for language for Riverfront. Need to look carefully at compatibility between Riverfront and bypass. Need to think about what is best for Newberg now and in the future. Mr Friedman went on to talk about the fact that the bypass is designated as a highspeed expressway and that 1000 Friends recommends that the Commission change it to moderate to high speed to leave some flexibility they believe it would cut down on noise and for safety reasons.

My next point that he raised in his letter was the allowed uses in industrial zones more specifically the allowance of movie complexes. We feel this would create high traffic in M-3 zone we would suggest to add to list of prohibited uses.

Finally I would like to address points raised in DLDC letter and Mr Gougler's concerns. What staff is recommending will in no way take things out of the Commission's hands. You can always go back and amend the policies just as you are doing now. I would like to submit into the record what we submitted at the County hearing.

**Commissioner Larson** – you made a comment about a below grade road 2 weeks ago at the meeting.

**Sid Friedman** - we suggested a couple of weeks ago that you adopt a policy of a depressed below grade road in the Riverfront district. I think it is consistent with current Riverfront plan.

**Chair Smith** - what is the difference between moderate and high speed expressway?

**Sid Friedman** - high speed is designated 45-55mph I'm not sure of actual description of moderate speed but I believe it would be something below 45mph.

**Jack Kriz** – first I would like to deliver written testimony from Friends of Yamhill County. I want to thank you for chance to talk tonight. I want to make it clear that I am against current proposal. I have lived in Newberg since 1961 and was involved with the planning commission during Riverfront District development. While the bypass is on the comprehensive plan, the language doesn't specifically refer to 3J. I ask that record remain open since I have not seen the new comments made by planner tonight. I want to make sure that you received my letter of July 18<sup>th</sup> if it was not in your other packet. I would like to submit to record my testimony at Yamhill County meeting last week. I also have a new letter today addressing that process. The public will not have any chance to rebut because county will take what cities make as their policy.

He presented letters to staff for copies. He then reviewed information in letter handed out.

**Commissioner Haug** - you are requesting that we keep record open because of the new information from staff? Would you be prepared to respond by next meeting?

**Jack Kriz** - yes

**Cathy Lincoln, Attorney for ODOT** – ODOT has reviewed all changes in staff report and thinks it strengthens policies. This hearing is about amending policy not moving proposed location of bypass. ODOT does not recommend changes proposed by 1000 Friends of Oregon. She then talked about freeway design and the federal and state regulations that ODOT has to follow. There is no access to the bypass so there are limited safety issues. Sound is the only consideration in certain areas and can be dealt with in the design phase. The design phase is also the place to deal with issues of access to Riverfront and depressing the road around the Riverfront. You don't want to limit yourself now; a lot depends on the environmental statement. As far as the issue that the location will displace low income residents - in the studies done it doesn't look like there will be a lot of displacement. There are only 5-6 Latino households that will be displaced. ODOT is required to pay displacement costs. As for the rural land issues those are not concerns of Newberg. Those are Yamhill County concerns. There was talk of the impact to Scott Levitt park.

**Commissioner Haug** – I remember when the mobile home park at Wilsonville Rd, 219, and Springbrook Rd was permitted because it would provide affordable housing, there is no place else to move for the money that those people will get.

**Alan Fox** - there are federal rules that govern how our relocation process works we have to find or create the housing.

**Commissioner Haug** – just suppose highway goes through your neighborhood and removes a park. What are your feelings on the fair way to handle it? You say ODOT has no responsibilities because it is not a federal park.

**Cathy Lincoln** - we do have an obligation to purchase the right of way.

**Commissioner Haug** – in regards to bypass having no access. The access I'm concerned about is say you have a 6 year old girl on 9<sup>th</sup> street and she wants to get to Riverfront. How is she going to cross safely?

**Cathy Lincoln** - I think Alan Fox can help with that it would be a design issue.

**Commissioner Brittell** - is this appropriate we are not designing the bypass.

**Chair Smith** - we have proposals to give general directions. We need to address connectivity of the City to Riverfront. I think the 6 year old represents the issue well.

**Commissioner Haug** – I think the question is pertinent because of the changes we are being asked to make to the comprehensive plan.

**Alan Fox** - we have broad level planning process to amend plan to identify streets you want to see over or under the bypass. The issue of design of the road is something we have already taken under consideration.

In the context of design we have already committed to depressing road through that section of road. That being said there are many environmental issues to look at, we would like the opportunity to develop alternatives. We are committed to a design process that has public participation.

**David Beam** - connectivity questions for the Riverfront plan refer to page 5.42 of policies #c.

**Commissioner Haug** - do you know difference between should and shall and that should is the weaker word.

**Commissioner Brittell** - concerning what we should be talking about in revised comprehensive plan. High speed versus medium speed if we vote tonight the way it is worded we will have high speed. I would like to know where the info is on public concerns.

**Alan Fox** - what I said about design we are committed to sound and speed issues. We are trying to follow state policies about expressways. Keep in mind I heard a lot of good comments at previous planning commission meeting about the effect on downtown. This expressway is highspeed and more efficient at reaching the goal of deterring traffic from downtown. If you lower speed fewer people use as bypass. As for noise there are federal guidelines on how we have to protect people from noise we will be compiling with those guidelines that we have to. We have to assess noise impact in every project we do. There are other options besides sound walls, landscape berms, and depression. We will actively assess with the public's opinion.

**Commissioner Brittell** - why do we not have public input before us.

**Alan Fox** - it honestly didn't occur to me to bring them to land use meeting we can certainly get you those comments. The issues you raised tonight are raised by a lot of people we will evaluate them.

**Commissioner Brittell** - because of the changes to amendments we are being asked to make and because they are specific I think we need that info.

**Alan Fox** - we will certainly make them available it sounds like you are leaving record open until August, but can email them tomorrow.

**Commissioner Larson** - observation question, we did work on transportation plan for Newberg it was our understanding to get done for bypass. It seems that the work we did has died someplace. We are considering changing comprehensive plan but don't have an updated transportation plan.

**David Beam** - I haven't been involved in the project I don't know how to respond.

**Mike Soderquist** - staff is still in the process of reviewing changes to transportation plan they are still working on it.

**Commissioner Larson** - do you have an idea when it will be complete?

**Mike Soderquist** - I would expect a month or so.

**Alan Fox** - A suggestion, we are happy to comply in design phase with what streets you want to cross the bypass. If you want to add wording to amend that is fine.

**Commissioner Larson** - when we build a road through a neighborhood we effectively take away from neighborhood. How is the social cost of bisecting neighborhood addressed?

**Alan Fox** - that is a factor we evaluate in design along with the environmental issues we are committed to seeing evaluated in design processes.

**Chair Smith** - I would like to receive testimony from Roger Grahn then we will take a break at 9:00 then questions after the break.

**Cathy Lincoln** – we have the study on Latino residents if you would like a copy of it. I can also leave a report that shows the amount of acreage used by the bypass broken down by zone.

**Roger Grahn** - in the staff report it is my understanding they are trying to put a distinction between commercial and industrial.

**David Beam** - yes

**Roger Grahn** –in regards to the high speed /low speed issue to ask for moderate speed is inconsistent with intent and with reality. I concur with Mr. Gougler about planning and allowing the DLCDC to dictate what we are going to do. I submit to you that pretty good argument could be made legally for a defacto condemnation as it pertains to me it will become issue. I have heard about a rerouting of Wilsonville Road and it pertains to my newly annexed property. I went to the last ODOT meeting at the Friends church and asked about the Wilsonville Road project they said they have nothing to do with it is a county road. The minutes from the July 8<sup>th</sup> meeting quotes Mr Alan Fox about property acquisitions I say his statement is false I have talked with ODOT about a proposal for my property. They know exactly what they have in mind but they won't share it with us. You are asking for trouble if you comply with DLCDC requests. I am for the bypass but could we get ODOT to be honest and tell us what you are trying to do.

**Chair Smith** - you have property inside the quarter mile zone of 219 interchange.

**Roger Grahn** - no but they want to put Wilsonville road through my property.

**Commissioner Haug** - Roger are you suggesting to keep record open?

**Roger Grahn** – I suggest we find out, “What does ODOT really have in mind?”

**Alan Fox** – I am the project manager for that project also. Your property acquisition is a separate project from the bypass, we have made no contact to people about property for the bypass. I have authorized staff to look at options since you raised objections.

9:05 Chair called 10 minute break resume at 9:15

reconvened 9:15

**Chair Smith** – are commissioners ready to ask questions?

**Commissioner Tri** - proposed a motion decide not to adopt resolution tonight and hold testimony open until August 4, 2004 and deliberate it on August 14, 2004. Motion not voted on.

**Commissioner Brittell** - can we close public testimony?

**Chair Smith** – we will close testimony at the end of the meeting.

**Commissioner Haug** - what is the length to leave written testimony open?

**David Beam** - 7 days

**Alan Fox** - regarding the map it showed tax lot lines but not tax lot numbers. We drew boundaries using those tax lot lines. Industrial use around interchanges is not really a problem it's which commercial uses are needed to attract industrial uses. As part of financing strategy we are looking at economic development issues and what industries will be drawn to interchange areas. We are trying to keep open commercial uses to make industrial areas more attractive.

**Commissioner Haug** - what uses are you trying to prohibit? What is incompatible that we need to protect ourselves from?

**Alan Fox** - It relates to the goal exception process. I don't want to get into particular uses. The proposed limits on trips associated with different uses. Our interest is insuring that the interchange is not overloaded with strong trips of a commercial nature.

**Commissioner Haug** - make sure our zoning is such that we can live compatible with bypass. With respect to comprehensive plan changes relative to the riverfront. Suppose the Council rejects those, lets say it stays the way it is, what difficulty will that pose to you?

**Alan Fox** - while we support changes we are happy with the draft submitted before.

**Commissioner Haug** - we want to protect the Riverfront the same way you are concerned with the weakening of the bypass's effectiveness.

**Chair Smith** - discussed wording on placing the bypass within riverfront area.

**Alan Fox** - I interpret that to be within the corridor we cannot change the corridor at this point. But we have the latitude to shift within the corridor.

**Chair Smith** - you need new language; the old language is too specific.

**Commissioner Haug** - It seems to be a significant weakening of what we did to protect the Riverfront and ODOT and staff supports it. In my view we are instantly dismissing all we developed because we are being told that we have a time constraint to make this decision. The Riverfront plan was already in place, you needed to work within rules. It is unnecessary to destroy plans for the Riverfront.

**Alan Fox** - I respect your feelings, take the time you need to consider this revision maybe we need some more time as far as the location within the corridor on the south side it is going to have some kind of impact.

**Commissioner Haug** - we are citizens appointed to protect city.

**Ms. Dorman** - the two plans were being developed at the same time.

**Commissioner Haug** - I believe the Riverfront was here first.

**Alan Fox** - ODOT respects your view need to look at the policy .

**Commissioner Haug** - please look at the draft as is and the revisions and submit what you would really need.

**Jack Kriz** - with respect to Riverfront policies the selected routes - ODOT was aware of the policies in the Riverfront district.

**Commissioner Haug** - perhaps ODOT can provide documentation that this provision was considered and not ignored.

**Alan Fox** - page 4.21 environmental impact statement - we need to look at it between now and the next meeting. We will try to respond how much this was considered in the process. We knew that there were access issues, but we felt they could be dealt with TSP.

**Sid Friedman** – I have a procedural question. Is Alan Fox going to respond by August 4, 2004 in writing?

**Alan Fox** - yes

**Sid Friedman** - if new evidence is presented we would like to have opportunity to review and respond.

**Commissioner Larson** - direct staff that you get the information when it comes in.

**Chair Smith** – staff please provide info to 1000 Friends after it is submitted.

**Commissioner Brittell** - clarification - this next meeting we had several important items. How are we going to fit this in?

**Chair Smith** - it will come first.

**Commissioner Larson** - I don't know if it is possible to come to quick determination I'm of opinion we don't have much time to deliberate tonight. There is a vast amount of testimony to consider, a definitive map is missing, the transportation plan is missing. It is my opinion that even if we devote all of 12<sup>th</sup> we still may not be ready.

**Commissioner Haug** - when we have been busy in past have we started to meet twice a month.

**Chair Smith** - wait and see what happens.

**Mike Gougler** - issue mentioned several times I don't want my comments to impugn staff because they are citizens also and are held long term accountable for their actions. My purpose in testifying was to advocate the passing of comprehensive plan as proposed in its original draft.

**Chair Smith** - hypothetical question - Around interchanges, we want to defend industrial uses?

Open discussion of how not to make plans too restrictive.

**Alan Fox** - question of clarification so that when we can respond in writing that we are all talking about the same thing, page 5.107 what we will address is Riverfront district policies.

**Commissioner Haug** – it is my understanding that you supported changes on page 5.2 - 5.4 5.6 & 5.7

**Chair Smith** - Closed public testimony

**David Beam** – staff recommends that you go through the process you suggested earlier.

**Chair Smith** - we need to deliberate.

**Commissioner Haug** - issue of transportation master plan when completed and adopted we want ODOT to abide by what is in there .

**Commission Britell** - a lot of questions about TSP. I would ask the same thing of goal #4.

**Commissioner Haug** - recommend staff address issue for next meeting.

**Commission Britell** – we need to ask ODOT to respond to all these issues also.

**Commissioner Haug** – lets give ODOT a copy of goals and policies and ask them to reply to them.

**David Beam** - which policies in goal 4?

**Commissioner Brittell** - all except g.

**David Beam** – do you want a joint city staff and ODOT memo? You want to know how these policies are being dealt with in the bypass plan?

**Chair Smith** – Nick you have been quiet tonight. What are you thinking?

**Commissioner Tri** – I think there is a lack of having certain information that should be in front of us now to decide on the interchanges. How do you make an educated decision?

**Chair Smith** - what is missing that is most important?

**Commissioner Tri** - TSP we should have that as part of our decision making process it's a transportation issue.

**Commissioner Brittell** - I can't rightfully recommend to council without reviewing all the facts. We need to consider agenda for next meeting.

**Chair Smith** - we can't promise to make a decision; we can only promise to deliberate.

**Commissioner Brittell** - encourage Kittlson to get TSP to us soon.

**Chair Smith** - how far along do you think it needs to be to make rational decision?

**Commissioner Tri** - it's nothing but a big cloud in our mind.

**Commissioner Larson** - it has been months since we worked on it.

Discussion of how important it would be to have draft of TSP before they could make informed decision there are issues that we don't have information on that is in the TSP. The bypass will impact TSP as far as connectivity.

**Commissioner Haug** - we are asked to make changes to comprehensive plan they are general issues not specific plans. If we had TSP in front of us would it really have an effect on our changing these plans?

**Commission Brittell** - I would say yes, there is some wording that has been changed substantially.

**Commissioner Haug** – lets ask Mr. Soderquist how far away information is from us.

**Mike Soderquist** – this is Barton’s project I would not expect us to be going before council before October. If you have specific areas of question I could ask Barton to have a summary for next meeting.

**Commissioner Haug** - anything dealing with Riverfront or bypass we want to make sure we are comfortable with them. Is it reasonable to extract that?

**Mike Soderquist** - I will convey request to Barton.

**Commissioner Haug** - City staff has recommended some changes they have heard us express our concerns maybe they can come up with alternatives.

**David Beam** - alternatives for just the Riverfront?

**Commissioner Haug** - anything we seemed to have problems with.

**David Beam** - I heard that you want summary of how TSP is related to changes in comprehensive plan. Do you want two different memos prior to next meeting?

**Commissioner Haug** - if it doesn’t have to much effect maybe we can postpone to the following meeting, written record would be open until week before meeting to give breathing space.

**MOTION: Tri/Haug** to move deliberation to a special planning commission meeting to be held on August 26, 2004 and to hold written testimony open until August 19, 2004. (Unanimous). Motion carried.

**Commissioner Haug** – I think we need to strengthen the message that there needs to be affordable housing.

**Chair Smith** – make it a planning commission priority matter, we want affordable housing maintained or built-up. This is a general planning Commission and council problem.

The commission discussed affordable housing being displaced and the need to provide for land for urban growth.

**Commissioner Larson** - when we displace people because of a project they need to be made whole not just compensated. I don’t know how to do that in the planning stage, but when you tear up a neighborhood it needs to be put back as good as it was. A whole lot of social things go into this besides dollars or cents.

We can add things to comprehensive plans to make all efforts feasible to help with this issue. Maybe staff can come up with some wording to deal with social costs intangible things and the residual effect on the neighborhood.

**Commissioner Haug** - how many homes altogether being displaced? around 20?

**Chair Smith** - my own view is that while we need further info on specifics I am pretty close to approving proposed resolution. This resolution makes the City say what we want specifically out of the bypass. Because of testimony tonight I am of two minds, I think the changes are slight weakening but I am ok with them.

**Commissioner Haug** - I am of the same mind but I want the time to digest all of the material that came in. I don't think we are causing a hardship in delaying.

**Commissioner Tri** - I would prefer to error on the side of delaying for a few weeks.

**MOTION: Tri/Brittell** To adjourn at 10:36p.m. (Unanimous). Motion carried.

Approved by the Planning Commission this 12th day of August, 2004.

**AYES:**

**NO:**

**ABSENT:**  
(List Name(s)):

**ABSTAIN:**  
(List Name(s)):

  
\_\_\_\_\_  
Planning Recording Secretary

\_\_\_\_\_  
Name Date 8/12/04  
Richard J. VANNOED  
CHAIR  


**INFORMATION RECEIVED INTO THE RECORD  
AT THE JULY 28, 2004 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 #

CPA-24-04