

## PLANNING COMMISSION MINUTES

August 12, 2004

7 p.m. Regular Meeting  
Newberg Public Library  
503 E. Hancock Street

APPROVED AT THE AUGUST 26, 2004 PLANNING COMMISSION MEETING

### I. ROLL CALL

Dwayne Brittell  
Matson Haug  
Richard Van Noord

Louis Larson  
Phillip Smith  
Dennis Schmitz

Absent: Nick Tri

### II. OPEN MEETING

**Chair Van Noord** called the meeting to order at 7:00p.m.

### III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of July 28, 2004 Planning Commission Meeting Minutes.

**MOTION: Haug/Schmitz** To approve July 28, 2004 minutes. (Unanimous). Motion carried.

**Chair Van Noord** – asked if there was any bias, exparte contact, or conflict of interest  
Non reported

**Chair Van Noord** - reviewed ORS197.763 public hearing process

Commissioner Brittell arrived at 7:06 p.m.

**Barton Brierley** – gave staff report application

The application is for conditional use permit to put four houses on one lot before the final plat is recorded for the subdivision. He commented that there are particular issues to look at were when you construct homes prior to the plat being completed. It is hard because the City services are not in place yet. Also, homes under construction are more vulnerable to fire than when they are completed. Case in point happened in east Portland where a complex burnt down during construction. Notes from the fire department did state that the development had fire hydrants in place and they had good access to subdivision which helped in fighting the fire. Because of these aspects we are putting certain conditions on the developer. We recommending modification to the following conditions on page 5.10 section 1.e change to the statement of 30 days to 90 days we feel this gives enough time since it takes over 90 days to construct home.

**Commissioner Smith** – clarify the water hydrants will be in place before construction starts.

**Barton Brierley** – that is covered in section 1.d.

**Commissioner Brittell** – could you clarify occupancy in section 2.c?

**Barton Brierley** – that is occupancy as a model home.

**Commissioner Haug** – even though the model homes are for show and tell do they need running water & services?

**Barton Brierley** – they could operate without services but I am concerned that restricting use of toilet facilities doesn't always work.

**Commissioner Haug** – Section 2.a & 2.b are for residential occupancy & 2.c is for model home occupancy.

**Commissioner Brittell** – recommend 2.c be moved to 1.j it fits in with the others better.

**Commissioner Schmitz** – is 90 days a reasonable time to put in water & sewer services? Are they far enough along with development right now to make this kind of commitment and did the developer agree to this?

**Barton Brierley** – yes the developer did agree and it will take longer than 90 days to put these services in. At some point during their construction the developer will have to tell us that they are 90 days out.

**Commissioner Haug** – is there a time limit on these conditions?

**Barton Brierley** – Section 3 deals with removal of sales office. It will be tough to remove homes once built if the plat is not approved that is why there is the hold harmless agreement.

**Commissioner Schmitz** – this developer has done a lot of other developments in this area. Were the others done like this for model homes?

**Barton Brierley** – the other developments either did just one home on one lot or it was a multi family zone so there were no problems no conditional use permits needed. That concludes report. Staff recommends approval of application as amended.

**Chair Van Noord** – open public testimony  
Procedural question reading of ORS 197 does it need to be for each hearing?

**Commissioner Haug** - it needs to be heard at the beginning of each hearing.

**Michelle Tyson 9600 SW Oak #230, Portland 97223** – I want to make sure you understand what our intent is we understand that we have to provide for fire, life and safety plans. I have concerns with 1.j putting it here would make applicant do it before construction. We want to make sure that they are done prior to occupancy but would be a strain to do before we can start construction. Water service for fire hydrants will be installed prior to construction.

**Commissioner Smith** – I want to clarify what you are saying, seems that it does need to be under 2, amend to read prior to public occupancy of model home.

**Commissioner Haug** – suggest that we make it item #4.

**Commissioner Brittell** – I read through requirements of conditional use permits, don't we need plans and elevations? They weren't included in the packet.

**Michelle Tyson** – There are elevations of the actual home that is being constructed.

**Commissioner Brittell** – we are usually adamant about having an idea of what type of house will be constructed.

**Commissioner Haug** – wonder if any conditions like that are assumed, they are supposed to be part of the application.

**Barton Brierley** – staff used some judgment on this. Before they get a building permit, there will be a review for homes, floor plans and elevations will be required. The reason this is coming before the Commission is because they are asking to build four homes on one plat and because of the zoning they need to have a conditional use permit. We did have them do a site plan. The main issues at question is timing of when the facilities will be in place when they start homes. Staff decided the elevations would not have an impact on conditional use permit.

**Commissioner Brittell** – wasn't easy to see plat map on small paper. Will you be putting sidewalks in as shown?

**Joe Shiewe 4386 SW Macadam #102, Portland 97239** - explained where sidewalks will be placed before open for access to the public. The other thing we like to do in regards to model homes is time between when realtor is there and when homes are being built there is danger. We feel that putting model homes and sales office in early in the process increases safety measures it allows someone to watch over things more. We are very committed to fire/life/safety issues. People will be less likely to be wondering around the site when sales office and model homes are present. Height restriction is a part of subdivision approval.

**Commissioner Brittell** – there is no subdivision approval yet?

**Joe Shiewe** – there is a preliminary subdivision approval just no final plat approval yet.

**Commissioner Schmitz** – does subdivision allow for residences for in-law houses or when it is platted finally each house will be on one lot?

**Barton Brierley** – yes there will only be one house per lot.

**Commissioner Brittell** – the process for platting is going on. When will final plat be coming?

**Joe Shiewe** – we should have it next week. They won't approve until substantial improvements have been completed and those won't be done until close to the end of December. We would like to start model homes mid September.

**Commissioner Smith** – we have discussed issues affordable homes, they are not part of this development.

**Joe Shiewe** – I would say yes most people would not consider this development affordable housing they will start at \$250,000. We do have another subdivision on Hayes west of Brucher and we consider those affordable homes.

**Commissioner Smith** – we need to keep balanced as a commission. Another question: Commission is working with many other agencies to work on bypass how have you allowed for the bypass?

**Joe Shiewe** – this development is completely on the East Side of the creek. The golf course is between us and the bypass.

**Mike Gougler, 5241 Windsor Terrace, West Linn** – there was a plan for affordable housing within the development when Springbrook Oaks specific plan was completed in 1998. The development would have average 10,000 sq. ft. lots as specified in plan. As result of effort with city we designed this particular development so it would have open space for public. Doing this allowed for 5,000 sq. ft. lots. Springbrook Oaks was designed not to accommodate any bypass as there was not supposed to be a bypass when designed.

So we designated a route for bypass to go through property. We lobbied early on to get an intersection but did not get it. So the bypass goes through our industrial land. The entire development has been designed around changing forces from city and county to accommodate changes.

**Commissioner Brittell** – looking at plat are these the smallest lots in the subdivision?

**Joe Shiewe** – we won't have a model home for a big lot along the golf course, because people usually want to have more say as to what the house is.

**Commissioner Haug** – I thought the question was what size lots were they.

**Joe Shiewe** – they will be 5,500 sq. ft. and 6,500 sq. ft.

**Commissioner Brittell** – almost looks like faulty advertising.

**Joe Shiewe** – that typically is a good thing that they want bigger lot than model home. Every lot and home will be evaluated, premiums and discounts will be added to lot prices based on location.

**Mike Gougler** - it is extremely difficult to sell space with out an example.

**Joe Shiewe** – when we started this process we talked to the City about creating a new ordinance for model homes, some other cities have done this. It gives staff ability to evaluate these things. It would be something to think about for the future.

**Commissioner Haug** – the concept of affordable housing - on this Springbrook Oaks specific plan, was there some?

**Mike Gougler** – Oaks 3 development, which is south of Fred Meyer, is going to have more affordable housing. The difficulty is affordable housing has government meaning. It will not have government subsidized housing.

**Commissioner Smith** – so the housing in the north is more affordable and the housing to the south is more expensive.

**Joe Shiewe** – yes and zoning reflects that.

**Chair Van Noord** – closed public testimony.

**Commissioner Schmitz** – I think it is an outstanding development.

**Commissioner Smith** – will these walking trails be good for joggers?

**Mike Gougler** – when Sumitomo was going to buy this property they were going to put in a park. When we went to do development everything has been done with a common theme between all of the different areas connecting them with walking paths. There is an intent to extend the golf course path from Corral Creek Rd. through the subdivision, using golf course bridge through the wetland. It will be shared with the golf course with access to hospital and Fred Meyer. We are working with Mr. Clements to get support of an 18-acre annexation. There would be room for a 10 mile loop around the entire development, the bypass will not provide impediment.

**MOTION: Haug/Larson** to adopt resolution 2004-187 Construct four model homes on a single lot planned for a subdivision Greens at Springbrook Subdivision (Unanimous). Motion carried.

**VI. PLANNING COMMISSION ROUNDTABLE DISCUSSION**  
Priority Setting

**Chair Van Noord** – lets take a 5 minute recess 7:55

Reconvened 8:00

**Chair Van Noord** – lets take five minutes and pick top five items they want to give priority.

**Commissioner Haug** – I have made my list, could we agree as to what we need mandated?  
I think #1 is already started. #2 is already started. #17 – part of periodic review. #14 mandated in that it was on transportation fee task force and we are ready. However the officials don't want to push because it is another fee. #18 ties into stuff that is going on. #23 - these are either in the works or game plan set.

**Commissioner Brittell** – I think we should lump 2,17, &18 under the comprehensive plan  
23-26 are absolutely essential and similar we could lump them together.

**Commissioner Smith** – clear that some of the things on the list are already in process. I identified some of them as very important.

**Commissioner Haug** – what are the optional items where we need to make choice? We don't want to group them too much. Some only need a little work.

**Commissioner Smith** – we as a commission already have steady flow of business and we are meeting once or twice a month. Now we are talking about extra projects we are going to put on our plate.

**Commissioner Haug** – that is why we want a priority list consensus.

**Commissioner Brittell** – lets tally our five and see where it comes out.

**Commissioner Larson** 6/7/8/12/17

**Commissioner Schmitz** semi Mandatory 7 /optional 3/4/7/9/

**Commissioner Larson** – we have a whole lot to get through before we get to optional projects we have limited staff and commission time. I think we need to focus on a couple of very important projects for the year.

**Commissioner Haug** – previously we have done long range planning every year .

**Commissioner Larson** – We don't want an argument, just shared feelings.

**Commissioner Haug** – let me reply to that.

**Chair Van Noord** - lets just finish the list.

**Commissioner Smith** – 1 & 2 very important my optional 7/8.

**Commissioner Brittell** – 23-26 needs staff attention more than ours my picks 1/7/8/9/2.

**Commissioner Haug** – it is fine that we can only work on one or two optional items but I think it's important that we have a consensus that is why we need to finish Prioritizing 3/5/6/8/9 don't want to revisit #11. Goal #1 needs citizen involvement - if we could get on cable tv residents would be more informed.

**Chair Van Noord** – 8/3/6/7/9

Everyone voted for 8 we are going to be discussing it in a couple of weeks. Everyone voted for 7. 3 had 3 votes. 9 had 4 votes.

**Commissioner Smith** – we have talked about bypass in a number of meetings. If it is built it will take a certain amount of traffic away from downtown. I think we have a window of opportunity to redirect traffic flow downtown, the only way it will happen is if we have a plan in place to go in effect when bypass opens. I think traffic volume will only be reduced for a few years.

**Commissioner Brittell** – 1/7/8 are extremely important and related can't study one without the other. 9 & 2 are equally important they appear to be the ones that won and will be most important in the next 20 years.

**Commissioner Larson** - did Mr. Brittell's tally match yours Mr. Chairman?

**Commissioner Schmitz** – comment on Lou's point about our joint meeting with council 1.5 years ago. A lot of our work wasn't really valued, felt it got a warm reception like our work really didn't matter. If we narrow it down we can get council opinion before we put in effort.

**Commission Haug** – I agree with that I object with Lou's approach of how we get there.

**Chair Van Noord** – clarified statements.

**Commissioner Smith** – It is important that council give their approval of list, they may want a different priority list.

**Commissioner Larson** – I like the idea of presenting list to council and taking their direction as a Commission. We are not a policy making group, we are an advisory group.

**Commissioner Haug** – I think they appreciate us giving our view, we need to be proactive in what we think, but react to what council wants.

**Chair Van Noord** – citizen involvement potential with tree program. There are resources besides ourselves or staff that would do some of this work. We don't have to do everything on the list there is help available with the other items.

**Commissioner Brittell** – I know a very active group in Newberg to take on #3.

**Commissioner Haug** - we have to do it in the sense that we have to make the recommendations for the modifications.

**Commissioner Brittell** – they could do the work and we could approve it.

**Commissioner Haug** – cell tower very biased group may not be a balanced effort.

**Commissioner Schmitz** – Barton what do you think

**Barton Brierley** - as long as you keep it to basic changes it can be simple process. On the tree ordinance - real possibility to have a good sub committee.

**Chair Van Noord** – do research to find out what community has a good cell tower policy in place.

**Commissioner Schmitz** –I think Barton already did that.

**Commissioner Brittell** – there is nothing wrong with assigning a commissioner to develop a committee.

**Commissioner Haug** – what it takes for both cell tower and tree is the Council will have to say yes we will pay for staff to help develop. We would need commitment from city council.

**Commissioner Schmitz** – It seems that we have broken it into three sections; mandatory, what we felt were next options after mandatory, and what we felt would be good for a subcommittee.

**Commissioner Haug** – even the subcommittees that don't have commissioners still takes a lot of staff commitment.

**Commissioner Brittell** – what are we planning for tonight? 2004 or 2005?

**Barton Brierley** – it is your decision on time frame.

**Commissioner Brittell** - so what we are doing is what we should have done at first of year.

**Commissioner Larson**- we are running out of residential land fast, the work load of development staff is extreme now and in the foreseeable future. Newberg is going to explode with growth the resources and time constraint is going to have to flow along. Need to get Council to direct us without biting off too much at once. Smith's comment about bypass downtown is valid, but downtown is going to change on its own with the growth.

**Commissioner Haug** – the job/housing balance a lot of issues going to happen that will need accommodation.

**Commissioner Smith** – understand what you are saying, growth stressing staff resources. But are you saying get on with it or is it just not possible?

**Commissioner Larson** – that is something we have to have direction on.

**Commissioner Schmitz** – downtown and bypass are critical I don't think we have any effect over it, it is a matter of funding the state and feds are going to direct it.

**Commissioner Brittell** – we do have a say in the planning of the bypass.

**Commissioner Haug** – we are going to go through a lot of bypass issues that we do have an influence on. ODOT said they will do what we want but submitted a letter of what they wanted changed.

**Chair Van Noord** – in reading minutes from last meeting the info received was inadequate or biased.

**Commissioner Haug** – a lot of material came at the last minute.

**Chair Van Noord** – is there a way of getting information to Commission in a more timely manner.

**Commissioner Haug** – in regards to the Riverfront plan David Beam was the expert on that plan. He came in last week to the meeting with changes that would weaken it by changing to what ODOT wanted. We held the public hearing over because of all the additional information submitted at the hearing.

**Commissioner Brittell** – question of staff – item #1 TSP we were told last meeting that Kittleson's work is pretty much done staff function now to review.

**Barton Brierley** – they submitted a draft, we reviewed made comments and returned. They are modifying and we hope to get revision back before planning in October.

**Commissioner Brittell** – the problem is October is too long to wait.

**Barton Brierley** – going to pull out bypass issues and show you at next meeting.

**Chair Van Noord** – we need to identify things to bring to Council

**Commissioner Schmitz**- do we think that bypass is actually going on can we affect it.

**Commissioner Brittell** – I think with proper planning you can capitalize on it. Frustrated with Council we didn't get any direction from Council, they hold the key.

**Commissioner Larson** – lets focus on developing consensus.

**MOTION: Larson/Schmitz** to develop consensus of priority items to send to Council (Unanimous). Motion carried.

**Commissioner Haug** – council should have our recommendation, and list that Barton provided.

**Commissioner Smith** – so we have a list to give to council

**MOTION: Smith/Schmitz** to send City Council a short list of projects to work on items #7, #1, #8, #9, #6 & #3 (Unanimous). Motion carried.

**Commissioner Haug** – Dennis' question we can't do anything about bypass, but we can do something to keep the district protected and not make changes that we feel need to be done. We can state specifics in comprehensive plan and development code. We can recommend, then let Council make decisions.

**Commissioner Schmitz** – I would like to have somebody to give me a gauge of the probability of the bypass going thru.

**Commissioner Brittell** – it depends on what the community and body feels is important.

**Commissioner Smith** – I think it is going to happen all the local jurisdictions are behind it, ODOT is behind, the necessary bodies are pushing for the funding. A certain part of the testimony in last meeting was to try and stop bypass still at this juncture but they also gave helpful comments.

Discussion that the bypass will probably happen and we need to plan for it.



**Commissioner Haug** - don't you think we have the responsibility to the community to make sure we make an effort to protect things.

**Barton Brierley** – staff load has been tremendous. We had enough in site to charge development application fees to offset the costs. We are getting another assistant planner. Council initiated cell tower amendment; you are authorized to work on it.

**Commissioner Haug** – has all of the info been received?

**Barton Brierley** – some, but I don't think all.

**Commissioner Smith** - It is important to have the parts of TSP that deal with bypass interchange zones.

**Commissioner Brittell** - also the northern arterial plan or rerouting of 219.

**Commissioner Larson** – question to city. Is CPRD now developing the golf course? An employee is working on the course and being paid by CPRD. It was my understanding that the developer was going to finish the golf course then donate it.

**Barton Brierley** – yes original plan between developer and CPRD they would build then sell. Under a new agreement, CPRD is building the golf course.

**Commissioner Larson** – This was totally without public review. The recreation district is building golf course now and public has had no input on this. The applicant tonight admitted that they will get premium for lots adjacent to course now citizens paying to build course.

**Commissioner Schmitz** – what I understood was they had annexed in property next to quarry for an 18 hole golf course.

**Commissioner Brittell**– that is still in the process.

**Commissioner Schmitz** – they ended up buying the land and building .

**Commissioner Larson** – what I am saying is that we have not had opportunity to voice opinion on it.

**Barton Brierley** – The CPRD golf course I believe it is being funded by revenue bonds.

**Commissioner Smith** - we voted on that?

**Barton Brierley** – revenue bonds don't require a vote.

**Commissioner Smith** - is that accurate that they were going to build and give or sell?

**Commissioner Larson** – Mr. Gougler gave historical perspective of Springbrook Oaks. In our packet is a different perspective – transportation survey in the Greens at Springbrook packet describes different plans than originally planned. Mr. Larson feels this went on without public knowledge. I'm not making value judgment. I'm not saying changes are bad, just saying the process not good.

**Commissioner Haug** – that means there are problems with the development code.

**Barton Brierley** – I would like to clarify your misperceptions of the information. I highly recommend you read Springbrook Oaks specific plan then compare everything going on is in conformance with the specific plan. That is the applicant's traffic study, it makes assumption of which use from the many options that were

allowed for that area. The developer made a different choice than the assumption, but the uses were still allowed by the plan. Talked about possible uses for property and the choices of the developers. It was allowed by the plan. It is the choice of the developer what they want to put in.

**Chair Van Noord** – Thank you.

**Commissioner Schmitz** – to summarize on what Barton said that it had met all of the criteria in previous meetings. The Bypass caused a need to rearrange things.

**Barton Brierley** – the statement by applicant that there was no bypass was incorrect. It was in City's transportation plan. One more thing: Parcel H has designation for average of 10,000 sq.ft. lots, not other areas within the plan.

**Commissioner Haug** – I thought I heard him say that he was able to reduce lot size because of concessions made for green way.

**Barton Brierley** – in considering parcel size some of the golf course is considered in the averaging.

**Commissioner Brittell** – the houses we approved tonight seem to be in stream corridor.

**Barton Brierley** - they are not.

**Chair Van Noord** adjourned meeting at 9:30p.m.

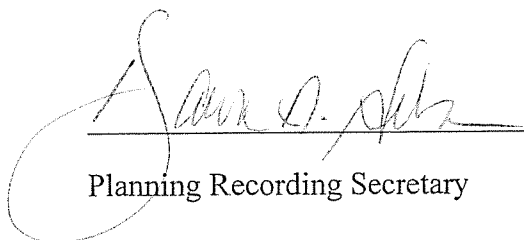
Approved by the Planning Commission this 26th day of August, 2004.

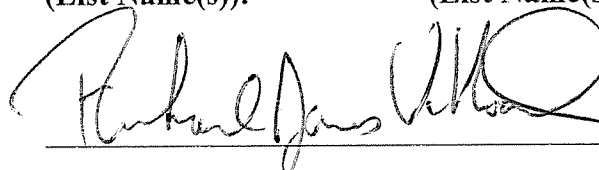
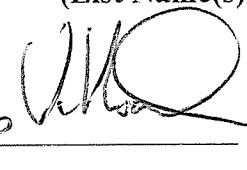
AYES: 7

NO: ☐

ABSENT: ☐  
(List Name(s)):

ABSTAIN: ☐  
(List Name(s)):

  
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Planning Recording Secretary

   
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