

PLANNING COMMISSION MINUTES

August 26, 2004
7 p.m. Special Meeting
Newberg Public Library
401 E. Third Street

APPROVED AT THE OCTOBER 14, 2004 PLANNING COMMISSION MEETING

I. ROLL CALL

Commissioners:	Dwayne Brittell Matson Haug Richard Van Noord Nick Tri	Louis Larson Phillip Smith Dennis Schmitz
Staff:	Barton Brierley	Dawn Nelson

II. OPEN MEETING

Chair Van Noord called meeting to order 7:02p.m.

III. CONSENT CALENDAR

1. Approval of August 12, 2004 Planning Commission Meeting Minutes

MOTION: Haug/Schmitz To approve August 12, 2004 Planning Commission Meeting Minutes. (Unanimous).
Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR

None noted

VI. LEGISLATIVE PUBLIC HEARINGS

1. **APPLICANT:** Initiated by the Newberg City Council at the request of the Oregon Department of Transportation
REQUEST: Amend the Newberg Comprehensive Plan and Development Code relating to the Bypass, including certain measures relating to land uses near the bypass interchanges.
FILE NO.: CPA-24-04 **RESOLUTION NO.:** 2004-186
CRITERIA: Newberg Comprehensive Plan Policies; Statewide Planning Goals

Chair Van Noord opened public hearing.

Barton Brierley – this is the third meeting on this matter. The first 2 were for oral testimony and after the second meeting the record was held open for written testimony information. This received information was mailed in packet. I would like to clarify what you are being asked to do. You are not being asked whether there should be bypass or what the location of the bypass should be. You are not being asked to sort through federal criteria to fund this. There are other processes to that take care of that. This is not one last chance on how bypass should look or feel through the community. ODOT has said it will be 8-10 years before the bypass is built. In those 8-10 years Planning Commission will have an opportunity to make suggestions. You will have an impact during design process. At the last meeting you had a goal setting session in which you noted bypass impacts as an important issue. This is not the last chance to say anything about bypass. It is not amending the TSP right now, these policies can be decided independently. The TSP will be dealt with in October, you don't have to stop process on the item tonight to deal with TSP. You are being asked to make recommendation to council on a certain set of land use policies around the proposed bypass interchanges. Part of the policy does support the modified 3J bypass plan and asks for your recommendation on this. At the last meeting you asked staff to outline some different options on some of the issues. Staff has given you some in the report.

Issue #1: Maps – there is more information on the maps, and we did send some to people who indicated they had trouble reading them.

Issue #2: TSP – We included more information requested by Commission

1. What kind of crossings will be recommended at bypass - The map shows crossings discussed previously with the Planning Commission. Barton covered the crossings on the overhead map – this map also included in packet.

2. TSP near interchanges, Barton presented a draft TSP map. There are issues with Wynooski, 9th St, Wilsonville Rd, Springbrook Rd. When in the future process you deal with TSP update you will have to deal with these issues, but we recommend you wait until then to deal with them. Tonight the bypass interchange overlay is what you are being asked to deal with, staff recommends you deal with TSP later.

Issue #3: Riverfront master plan anticipated a bypass would go through the area. Most of the recommendations relate to future planning of bypass plan design. Some deal with the location of bypass in the riverfront area and having at grade intersection in that area.

Commissioner Haug – what does an at grade or not at grade intersection look like?

Barton Brierley – an at grade intersection both roads intersect at same grade, a grade separated interchange – one road goes over the other, usually a bridge with on/off ramps.

Commissioner Haug - talking about Riverfront interchanges there would be a cloverleaf?

Barton Brierley – the Riverfront policies recommend consideration of an at grade intersection.

Commissioner Haug – wasn't there some language about below grade at riverfront?

Barton Brierley – Riverfront plan recommends consideration of an at grade intersection, but also recommended that the bypass be below grade, maybe there would be a transition .

Commissioner Smith – 3J as proposed has crossings at the Riverfront.

Barton Brierley – they are grade separated crossings, 3J did not recommend an intersection at the riverfront, just those crossings.

Commissioner Schmitz – do we need to decide these things tonight or will we have chance in future to discuss this.

Barton Brierley – yes you will have a chance in the future to discuss.

Commissioner Haug – issue 3 deals with hidden part we need as much vision and clarity as possible.

Barton Brierley – 3J does not recommend an intersection in the Riverfront district, but it was considered, so this issue of the plan is fulfilled.

Barton Brierley – Issue #3. Policy e “ If the Southern bypass route is chosen, the bypass route should not bisect the medium or low density zones in the Riverfront District.” When we did Riverfront plan we knew a bypass was in planning so it envisioned it then. The alignment was not certain at the time, so we drew a line on a map so people would understand there would be a bypass in the general location. The 3J option is shown on map. Project Oversight Steering Team recommend that 3J be modified to lower impact on housing. By modifying the route they were able to impact 18 fewer homes in the area.

Commissioner Brittell – explain dash line on overhead map. Is that line that TSP recommending to follow?

Barton Brierley – no it is just a concept line from when Riverfront was designed.

Commissioner Haug – on this map it seems that modified 3J is encroaching in Riverfront district. Can you show us how much is consumed by bypass?

Barton Brierley – outlined Riverfront District on overhead.

Commissioner Haug – it seems that the bypass completely bisects the Riverfront District.

Barton Brierley – we have listed some potential options for you.

Barton Brierley – Issue #4 Socio-economic policies Planning Commission was concerned with, this is something you are welcomed to and encouraged to make recommendations on, but it is not necessarily something you have to deal with tonight. Again these could be future policy recommendations. Barton then covered staff created options requested.

Staff recommends that you work through these issues in order, then the Planning Commission can take action on this Resolution tonight to make a recommendation to council.

Commissioner Haug – there was significant info presented by the public in regards to 3J, that maybe it was not a good route.

Barton Brierley – the council didn't assign you to make decision on Bypass option, there are other process that have been gone through to make those decisions.

Commissioner Haug – what if we agree that 3J will have negative impact on City, and it is inadequately protecting that area. It feels that you are trying to steer us away from that.

Barton Brierley – you could make a recommendation if you want to, it is just not your assignment.

Chair Van Noord– recommendation is to go through list item by item and have someone bring up a motion.

Issue #1

Commissioner Haug – I think what is not clear on these maps, is original proposed bypass and where it is going, because the modified 3J is most likely route it is going to have a serious impact on Riverfront Plan, we need to let people know that we are not going to have to have the same opportunity in with the Riverfront plan as originally planned.

Commissioner Smith – I disagree, it seems Modified 3J was made to save housing. It is not that far from the original plan. Depending on design, the dream of the Riverfront could be preserved well. I disagree with the statement that 3J will destroy Riverfront. It will depend on design.

Discussion of how we need to put in place criteria to develop appropriate design.

Commissioner Haug – talking about historical presentation of how these maps changed, I want to make sure that the council sees all of the information on the maps, clarity of maps is what we are talking about.

MOTION: Haug/Smith To have staff retain original maps that clearly show the riverfront area presented as information for City Council. (Unanimous). Motion carried.

Commissioner Haug – want to make sure that we don't remove old lines from the maps.

Commissioner Smith – the map I think is most clear in attachment I.

Commissioner Haug – want Riverfront shown clearly with lines.

Commissioner Schmitz – I have a question on map from ODOT clearly looks quite a bit different from overlay map.

Commissioner Tri – it looks like 3J not modified 3J.

Barton Brierley – correct

Issue#2

Chair Van Noord - read issue

Commissioner Haug – I think we can communicate to council some view points, I don't think there is enough clarity to what we want for bypass crossing. I think we could be much more clear in what we want for safety, and to minimize noise. I'm not comfortable with an at grade intersection because it conflicts with a bypass. It is not going to happen unless we start now.

Commissioner Smith – you mention noise for surrounding area and connectivity. Again this is a goal that these local neighborhoods should have good traffic flow despite the bypass. So that residents don't have to go out of there way.

Commissioner Haug – buffer between fast moving cars, wouldn't want pedestrians to have too close of access to that. Maybe fencing in addition to sound barriers.

Commissioner Smith - motion send to council proposal that we ask designers of bypass to consider the following as high priorities: safety of pedestrians, desire to reduce noise.

Commissioner Brittell – I believe it is already there item 't' in the recommended amendments to Newberg Comprehensive Plan Ordinance 2004-2602

Commissioner Smith - the word that isn't there is 'safety ' but I will go along with that.

Commissioner Haug – I would want to add physical barrier to prevent people from walking down to highway.

Commissioner Brittell – I'm not sure what that means.

Commissioner Haug – physical barrier to prevent access to highway.

Commissioner Larson – I think that has already been discussed by ODOT in the designing.

Commissioner Brittell – ODOT very familiar with the problem: it is listed on their log.

Commissioner Smith – unnecessary to make motion.

MOTION: Haug/Brittell To add wording to section 't' of Recommended Amendments to Newberg Comprehensive Plan 8-20-04 to say 'add physical barrier'. (Unanimous). Motion carried.

Commission Brittell – I have concerns with TSP the way they recommend changes. The way it is worded that we will have 2 parallel state highways running through Newberg. I don't think Newberg is a big enough city to put 2 highways through it. The current plan says we need to make room for highway that will cut down on downtown traffic..

Commissioner Haug – item I talks about high speed. Tell us implications of highspeed at this point.

Barton Brierley – Any time a traffic engineer designs a highway they have a certain speed in mind. The highway is designed to accommodate that speed. Some things that effect it is the radius of curves, a lower speed facility will accommodate things like at grade intersections, high speed would have not at grade.

Commissioner Haug – moving from 3J to modified 3J is a move to a high speed facility. Is Dundee going to have same provision what sort of collaboration do we have with them.

Barton Brierley – the whole bypass is designed using one speed.

Commissioner Haug – There should be correlation between modifications.

Barton Brierley –The change to Modified 3J was a move south to avoid houses.

Commissioner Haug – I brought up to staff that perhaps 'h' was inappropriate I think there is a significant part of the community that should be heard.

Commissioner Brittell – if we do it as recommended by staff Modified 3J?

Commissioner Haug – 'h' and 'i' deal with TSP.

Commissioner Smith - I have pretty strong views about this in terms of process. I think it would be inappropriate for Commission to revisit decisions made by prior public meetings by a long process. I think we ought to decide about the interchanges about this proposal here. If we reopen the bypass I think we are opening up to a 3 year process. I don't want to do it.

Commissioner Schmitz -- I think staff made great recommendation. If Commission feels that they can't make a decision without adopting a new TSP plan it should simply forward to council without making recommendation.

Commissioner Haug – there is concept difference here if you look at the Riverfront the bypass was conceptually more north than now in Modified 3J it cuts further south and is high speed. There are expressed concerns about residents not wanting another high speed highway. I think 99W is a terrible mess if you put 3J through we will never have a riverfront. Expressed personal feelings that we should speak up and vote on it and let community hear what we have to say.

Commissioner Haug - I move to recommend eliminate h & I, let's not push the Modified 3J option, we are letting ODOT shove bypass through.

MOTION: Haug/Smith To eliminate 'h' and 'I' from Recommended Amendments to Newberg Comprehensive Plan 8-20-04 . (1 Y/6 N). Motion failed.

Commissioner Schmitz – I can see you are passionate about Riverfront, the recommendations from staff were to move bypass as far away from river as possible if that was the case would we lose the Riverfront plan.

Commissioner Haug – in looking at maps we have been given it cuts down dramatically on commercial area. We need to replace Scott Leavitt park. We can't have a park next to a highway.

Commissioner Larson – I understand Commissioner Haug's argument but I think Commissioner Smith brought up good point, I have lived here since 1999 attended 6 meetings they were well attended. I think a lot of the concerns that Haug has raised were raised in those meetings it is well documented. I cannot support Commissioners Haug's contention to eliminated those items. I support Smith that we are not here to rewrite the plan.

Commissioner Smith – forward option change 'h' to include 3J along with modified 3J to leave open motion/Brittell Unanimous

MOTION: Smith/Brittell To add to item 'h' of the Recommended Amendments to Newberg Comprehensive Plan Ordinance 2004-2602 the wording option 3J to go along with modified 3J . (Unanimous). Motion passed.

Commissioner Brittell – change 'i' to be medium to high speed.

Commissioner Smith – simply says city isn't locked into one speed.

Commissioner Haug – there are people in the community that would prefer lower speed

Commissioner Smith – what this does is gives option.

Barton Brierley – the most appropriate wording would be moderate.

MOTION: Brittell/Tri To change wording in item 'i' of the Recommended Amendments to Newberg Comprehensive Plan Ordinance 2004-2602 from high speed to 'moderate to high speed'. (Unanimous). Motion passed.

Commissioner Haug – freight route as defined what does it mean

Barton Brierley – it is defined in the Oregon Highway Plan.

MOTION: Brittell/Tri To delete from item 'i' of the Recommended Amendments to Newberg Comprehensive Plan Ordinance 2004-2602 the wording 'Oregon 99W' and "Dundee". (Unanimous). Motion passed.

Commissioner Smith – item 3 -Adopt staff proposal that say bypass should be located with in study area referred to in 5.1-5

MOTION: Smith/Tri In relationship to the Riverfront District and the Recommended Amendments to Newberg Comprehensive Plan Ordinance 2004-2602 a very high priority needs to be set to maintain pedestrian, bicycle and vehicle connectivity between downtown and Riverfront . (Unanimous). Motion passed.

MOTION: Haug/Smith To add to consolidate Riverfront residential and commercial land south of bypass (Unanimous). Motion passed.

MOTION: Smith/Haug To remove item 'b' wording from Issue #3. (Unanimous). Motion passed.

Commissioner Haug – would like to see 2 times compensation for park land replacement.

Commissioner Smith – we have to have general language.

Discussion of what could be done how to phrase it

Commissioner Haug – Barton can you help us?

Commissioner Schmitz – I have question the on motion it gives us versatility?

Barton Brierley – for wording: "Impacts to Scott Levitt park shall be mitigated to significantly enhance function of the park after construction of bypass."

MOTION: Haug/Tri To adopt the wording "impacts to Scott Levitt park shall be mitigated to significantly enhance function of the park after construction of bypass.". (Unanimous). Motion passed.

Commissioner Smith – item 'b' on issue 3 recommend that we go with staff recommendation because there is no intersection here on bypass.

Commissioner Smith – item #4 - In testimony we have from Mr. Kriz and Mr. Friedman. They have quoted a one to one housing replacement ratio: ODOT would have to replace one house for each house they take down. Staff recommendation seems a little weaker.

Commissioner Haug – why would you prefer the weaker?

Commissioner Smith – the problem is financial.

Commissioner Haug – it needs to be one to one.

Commissioner Schmitz – Barton, what does federal law require?

Barton Brierley – the bypass will likely be funded with gas tax revenues and there are restrictions on what you can spend those on.

Commissioner Haug – if we say one to one now they will have to take in to consideration in planning for revenues, do you want to say to the community we are going to plan ahead and provide land for this.

Commissioner Schmitz – if you make it that restrictive it may kill the whole deal. They need to come up with a plan for replacement homes.

Commissioner Haug – we only have periodic review so many years; we need to make sure we are planning for it now. We need to let the council know what we want.

The Planning Commission discussed how to word the motion.

MOTION: Haug/Tri to replace proposed policy s. under Goal 4 of the Transportation Chapter with the following policy:
"Housing displaced by the bypass shall be replaced at a one to one basis within the community"

Discussion of the degree of displaced families and defining one to one.

The definition should be one to one housing unit replacement, not necessarily creating a new structure for each family where more than one family occupies a housing unit. The Commission discussed how housing could be improved.

Commissioner Schmitz – we need to have that much more land in urban growth boundary, now that there will be some taken away by bypass.

Commissioner Smith - I think we shouldn't try to adjust that right now. We need to meet with ad hoc committee.

Discussion of how during the displacement process we need to improve the whole city, not just replace the same quality of housing.

VOTE ON HOUSING POLICY MOTION: Motion passed 6-1. (Brittell)

Discussion on main motion

Commissioner Haug – I will vote no because I don't want to divide city and I want to be heard. The southern bypass is too destructive the bypass needs to be in an other place.

Commissioner Larson – on one hand I echo Haug's opinion, I think most reasonable option would be McKay road. I think the idea of bypass going through Newberg will have both advantage and disadvantages. I would love to run bypass where there would be no displacement of anything, but that is not feasible I am going to vote yes.

Commissioner Brittell – we are voting on this what about the bypass overlay. Are we in agreement that we should have moratorium on quarter mile area.

Commissioner Haug – I have seen Hwy 18 through McMinnville, if we want to keep congestion out of city you don't want to put a lot of commercial access along that strip. I am fully comfortable with those restrictions. I think this overly as stated is very important.

Commissioner Brittell – Barton have you done map indicating how much land we are putting moratorium?

Barton Brierley – it is not a moratorium on building. There is a bypass overlay proposal. There will be a limit on plan

MOTION: Smith/Schmitz To adopt **RESOLUTION NO.:** 2004-186 to Amend the Newberg Comprehensive Plan and Development Code relating to the Bypass, including certain measures relating to land uses near the bypass interchanges. (6 Y/ 1 N(Haug)). Motion passed.

Barton Brierley – this resolution will go to the Council at their September 7th meeting.

Commissioner Brittell – we applaud Alan Fox for his response to our request.

VII. ITEMS FROM STAFF

1. Update on Council items
None Noted
2. Other reports, letters, or correspondence
None noted
3. Next Planning Commission Meeting: September 9, 2004

Barton Brierley - Next meeting September 9th, there will be a hearing for proposed amendments to the temporary merchant ordinances. Ad hoc committee held public workshop 2-3 weeks ago some of the Commissioners were present, but I suggest at next meeting they bring presentation in.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Haug – Lou & I were at meeting Tuesday – storm drainage issue may not have good set of standards, we may need to develop ordinance language to City Council. Initiate an opportunity to get ahead of curve for design of storm system

Commissioner Larson – what Matt said is appropriate, we need to design future development to mitigate runoff. Leonard Rydell presented strong case Newberg is going to grow, his idea start to build for where we are going to be years down the road.

IX. ADJOURN

Chair Van Noord adjourned meeting at 9:20p.m.

Approved by the Planning Commission this 14th day of ^{October} ~~September~~, 2004.

AYES: 5

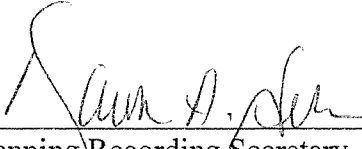
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ABSENT:

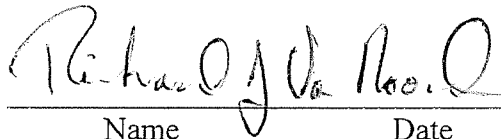
(List Name(s)): Tri
Schmitz

ABSTAIN: 0

(List Name(s)):



Planning Recording Secretary



Name Date
Richard Van Noord