

PLANNING COMMISSION MINUTES

August 11, 2005

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

TO BE APPROVED AT THE SEPTEMBER 8, 2005 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Louis Larson Devorah Overbay Chair Smith
Cathy Stuhr Nick Tri

Absent: Daniel Foster Matson Haug

Staff Present: Barton Brierley, Planning and Building Director
Harper Kalin, Assistant Planner
David King, Recording Secretary

II. OPENING:

Chairman Smith began with a quote from the late 20th century philosopher Karl Popper: "*Our knowledge can only be finite, while our ignorance must necessarily be infinite.*" Meeting began at 7:00 PM

III. COMMUNICATION FROM THE FLOOR

Chairman Smith asked for the people who would like to speak to sign in on the blue sheets. There were ten citizens present at the beginning of the meeting.

IV. CONSENT CALENDAR

Approval of the July 14, 2005 minutes from last Planning Commission meeting.

Motion #1: Tri/Larson to approve July 14, 2005 minutes with seven corrections as noted. Motion carried unanimously.

Approval of the joint meeting minutes with City Council on July 21, 2005.

Motion #1: Larson/Tri to approve July 21, 2005 minutes. Motion carried unanimously.

V. COMMUNICATION FROM THE FLOOR

Chairman Smith asked for the people who would like to speak about items not on the agenda. No one commented at this time.

VI. QUASI-JUDICIAL PUBLIC HEARINGS Public testimony was closed during the last meeting discussing the same subject, and therefore, Chair Smith did not reread the rules for public hearings. Chairman Smith asked Barton Brierley for clarity on ex parte contact.

Any contact of a commissioner with a party related to the issue of the hearing should declare such contact before the discussion. This allows everyone (commissioners and public) to be privy to the same knowledge in judging the case. This is true for quasi-judicial (acting as a jury of sorts) hearings. It is not required for a legislative hearing.

Chairman Smith mentioned that he has had contact with a fellow employee who lives east of Springbrook Rd. along Crestview. The party was concerned about the development that could eventually affect the traffic by his house.

Commissioner Larson asked if Chair Smith individually expressed any opinion on the issue to his contact. Chair Smith believed that nothing was shared that had not been shared publically during the last meeting.

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|----|-------------------|--|---------------------------------|
| 1. | APPLICANT: | City of Newberg | |
| | REQUEST: | Crestview Mountainview Connection Appeal | |
| | LOCATION: | Crestview Drive and Mountainview Dr. | |
| | TAX LOT: | 3217-100, 3209-2690, 3216BB-400 | |
| | FILE NO.: | G-113-05 | RESOLUTION NO.: 2005-194 |
| | CRITERIA: | NDC § 151.700 | |

2. **Staff Report: Presented by Barton Brierley**

Mr. Brierley restated the progress from the last meeting (July 14, 2005) and mentioned the public comment that has been received since the last meeting (see copies of letters in the packet pp.P 47 - P69). He summarized five main themes that surfaced from the letters as noted in his report on pages P28, P 29.

Barton Brierley recommends that the commissioners accept resolution R2005-194.

Questions for staff:

Commissioner Larson asked what the zoning was for the land north of the proposed site. Barton Brierley used a PowerPoint map of the area to answer the zoning question visually. There is some land zoned commercial, a parcel of R-2, some R-1, and ~ 15-20 acres industrial. Commissioner Larson was concerned for the industrial traffic, and if other roundabouts in Oregon were acceptable for freight traffic. Barton Brierley said that he thought such roundabouts, at least the one mentioned in Astoria, are able to handle freight traffic.

Commissioner Larson then asked what the outside possibility was for the city of Newberg to hook up the Oxberg Lake Estates to city water.

Barton Brierley repounded that the homes are outside of the UGB, which typically are not connected to city water, therefore it typically is not done except for hardship cases. The City has worked out an

agreement to provide water to another subdivision, Aspen Estates, that is outside the UGB. City staff could probably work out a similar arrangement with the Oxberg Lake subdivision if they requested.

Commissioner Stuhr asked Barton Brierley for a recap of the pros and cons of establishing a roundabout compared to a traditional intersection.

He answered that a roundabout allows for a smoother connection when various roads/legs meet at something other than perpendicular angles. Regular intersections have traffic signals. Their expense and maintenance are avoided with a roundabout. Roundabouts also provide a nice aesthetic for the area, though such landscaping maintenance comes with a cost. Overall, studies investigated by Brierley seem to indicate a net increase in safety when utilizing a roundabout.

Commissioner Stuhr asked about the safety of students going to school, pedestrians, etc. She wanted clarified that the sidewalks cut straight across the legs and not across the roundabout itself. She also wondered if staff had investigated the use of pedestrian over/under passes.

Barton Brierley said yes, sidewalks go around the roundabout, not through the middle. A very high volume of traffic is necessary to make such overpasses effective.

Commissioner Stuhr also wondered if the Crestview Mountainview Connection project would be a precedent-setting action for the future use of Crestview to the east. Would it stay a gravel, county road if the northern arterial is established somewhere else?

Barton Brierley stated that it would not be precedent setting, but only following a precedent that has already been set in the transportation plan. He also added that some day the gravel road would be paved. All future discussions concerning the northern arterial should include public input on sound wall, future alignment, etc. He believed that such discussions will be sooner than later, probably within the next year.

Motion #2: Tri/Larson moved that the commissioners adopt R2005-194, with the included adopted four conditions in the packet (pages P30, P31).

Commissioner Deliberation:

Commissioner Stuhr summarized her thoughts on the connector project. She sees the need for City of Newberg to align this roundabout prior to progressing on the northern arterial project. She is pleased that the city of Newberg is willing to hear public input before the final design stage, and that the city is willing to be concerned with the water quality issue even though it is outside of the project area. She again voiced her concern for safety for everyone using the roundabout, with a speed limit of 20 mph for the safety of all involved.

Chair Smith wanted to stress the importance and need of a northern arterial, and how this project will push that northern arterial project forward. However, much of the public testimony is against the northern arterial since he joined the Planning Commission. Chair Smith was wondering where the exact location of the northern arterial is to be built. Worst case scenario may be that the northern arterial has to use Springbrook Rd. Chair Smith, therefore, endorses the idea of further discussions with the community that could be affected.


Chair Smith addressed the ease that comes with using a roundabout and referenced pages P43-45. He wanted to stress that his experience are that roundabouts are easier to use than regular intersections. This project needs to press on with or without the northern arterial project.

Commissioner Tri concurred with Chair Smith with his experience with roundabouts. The roundabouts in Europe and Washington DC lead him to believe that another one in Newberg would be helpful for the traffic and pedestrians using it.

Commissioner Overbay too found walking through a roundabout easier than a normal intersection, and they typically slow the vehicular traffic down. She also addressed the noted concern for water quality concerns and the beneficial involvement of the residents with the design process to help address their concerns up front. She also sought clarity on whether the connector project would be precedent setting--it seems to her that the second design was advantageous for the residents in regards to truck traffic.

Chair Smith pointed out that truck traffic currently is heavy on Crestview to the west, with none on Crestview to the east.

End of Side A, Tape 1

 **Commissioner Overbay** questioned if a northern arterial would encourage truck traffic on Crestview to the east. Chair Smith noted that truck traffic will have to come up from Hwy. 99 on Springbrook Rd.

Vote on Motion #2 (Resolution 2005-194) 5 Yes/0 No, Foster, Haug absent. Motion passed.

Barton Brierley said the decision is final and an appeal needs to be made in the next fourteen days.

VII. LEGISLATIVE PUBLIC HEARINGS

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|----|-------------------|--|
| 1. | APPLICANT: | Initiated by Newberg Planning Commission and City Council of Newberg |
| | REQUEST: | Amend the Newberg Development Code relating to development review procedures |
| | FILE NO.: | G-116-05 |
| | | RESOLUTION NO.: 2005-195 |

Barton Brierley summarized that the planning commission asked for some possible changes that would allow for more public input. The three main issues are in the packet on P129-133.

1. Subdivisions--should there be more public hearing process? There are three options possible.
2. Allowing for another 100 feet (above the current 500 ft. radius limit) of residents to be notified of public hearings.
3. Changes in Specific Area Plans

Chair Smith pointed out that the current discussion of such legislative changes to be proposed to the City Council would welcome public participation. He invited the citizens to testify on the issue of subdivisions.

Dwayne Brittell, 620 East First, didn't believe that a Type III process was necessary for every subdivision. He concurred that option B or C could/would do just fine.

Questions for staff:

Commissioner Overbay, not present for the workshop, asked about the additional 100 feet of public notice. Will the impact make a difference, or should it be more than 100 ft? **Commissioner Larson** responded that back in 1999 the limit was 300 feet, but little public input was gained. The boundary was expanded in hopes of greater public input. Previous experience in Beaverton was also mentioned (see longer discussion below). The additional 100 feet would be an extension of that desire to gain more public input. Goodwill is also fostered in the community the more people know that a project is taking place without surprising any of the neighbors.

Commissioner Stuhr concurred that her experience with the Ad Hoc committee showed that many in the community believe that their input is not heard on a planning level.

Chair Smith questioned how citizen input was fostered in Larson's previous town (Beaverton). The city was divided into regions that had association meetings for everyone within a certain region who were notified to discuss the future plans and changes for that region.

Commissioner Overbay wondered if the cost of additional 100 feet is cost effective.

Much discussion ensued about the advantages of public input and how the Beaverton model of associations could possibly be implemented in Newberg.

Chair Smith didn't want to abruptly end the free-flowing discussion on area associations, but wanted to steer the commission back to deciding on the legislative issues before them.

Commissioner Overbay finished her questions about subdivision. She wanted to know the time line of a development - beginning to end. Barton Brierley responded that a subdivision project typically takes four to six weeks from application to plat approval, with an additional two or three months for construction drawings and permits. Breaking ground is at least a four month period (or longer) from the time of the application. Adding a Planning Commission hearing would add an additional two weeks. This would also result in an additional \$1,200 cost to the developer.

Chair Smith asked the commissioners to consider the options sequentially as amendments to the final proposal and vote.

1. Subdivisions

Commissioner Stuhr asked if any public citizen always has the right to ask for a public hearing. Barton Brierley said yes. She stated support for option C.

Commissioner Larson added that changes that took place with Oak Knoll evolved from the beginning to the end. He favors options A or B. He also added that annexation votes should adhere to a master plan for the area affected.

Commissioner Tri asked Barton Brierley if there is a recourse for residents who believe that changes have occurred that residents were not informed of. Barton Brierley said yes. Much discussion continued about the park in Oak Knoll that is an example .

Commissioner Larson then discussed his observation of a development on Henry Rd. Current land owners wrote a letter about future lot sizes that were substantially smaller than the current lots already established in the area. The signed letter was sent, but the concerns were never addressed.

Motion #3 Tri/Overbay moved that the commissioners adopt Option 1B concerning subdivisions.

Commissioner Overbay wondered about the number of eight lots; should it be less?. Barton Brierley said that one to three is a partition, and four lots or more is a subdivision. Chair Smith said it is important to pick the number wisely in light of the wide range of developers and their various financial resources. Commissioner Tri referred to P138 for clarity in the reason for the number eight in the proposal. The commissioners chose six.

Vote on Motion #3 subdivision amendment, with a change to six lots: (5 Yes/0 No, Foster, Haug absent)

2. Allowing for an additional 100 feet radius for property owners to be notified for public hearings.
End of side B, Tape 1

Motion #4: Overbay/Tri motioned to change the required notice radius to 600 feet.

Vote on Motion #4 (notice radius): (3 Yes/2 No, Foster, Haug absent)

3. Changes in Specific Area Plans

Commissioner Larson stated that he liked A.

Larson/Tri motioned adopt to option A, which would not allow Type I zone changes within specific plans.

Vote on specific area plans: (3 Yes/2 No, Foster, Haug absent)

Chair Smith asked **Commissioner Larson** to consider what would be involved to implement regional or area associations in Newberg. Commissioner Larson thought it would involve a huge overhaul, but Chair Smith was willing to start small and see what would work. He saw it has very advantageous for Newberg.

Commissioner Larson suggested that the planning staff show regions/districts already in existence for Newberg, as well as to see what similar-size cities use for the same cause.

Some discussion pursued on what constitutes a Design Review Board. Barton Brierley answered with a summary explanation that a design review board is like a small planning commission, sometimes a sub-

committee of the planning commission, with people on it with certain expertise, and collectively they review designs for future construction so that developments are consistent with city standards.

Commissioner Stuhr thought that a board would help garner public input.

Chair Smith thought that much fruitful discussion had been shared about the benefits of a design review board.

Dwayne Brittell then added that in the city of Cornelius a design review board can slow down progress, if not outright stifle it.

Barton Brierley said that a design board could still be used positively in the intricate balance between a developer/land owner's right to do what he wants with his land and the surrounding public good.

Commissioner Larson added that a design review board could be used profitably to keep the community to certain standards.

Commissioner Overbay asked if staff could also investigate what cities use RDB, and who has a set of guidelines, especially in the area of "small town feel". Chair Smith shared his experience with Leavenworth, WA setting stringent Bavarian design standards that totally revolutionized the town, all because the town was willing to adhere to a standard.

Vote on Resolution R2005-195: Motion carried unanimously.

***** A break was given for ten minutes.

VIII. WORKSHOP: Planter Strips: Parking and Maintenance (see pages P145ff of packet)

Barton Brierley mentioned that since the commission asked for an investigation on the planter strips, the discussion is being held with City Council as well. The pros of planter strips include: People walk further from the street, and there is room for trees, mailboxes, and street signs, and they are aesthetically pleasing. The cons: Some people use them for parking spots, and there is additional maintenance involved. Furthermore, the difference between planter strips and street shoulder is not always clear. Mr. Brierley illustrated all of his points with a PowerPoint presentation of pictures taken from around Newberg (see pages P157 - 161). Key findings are that current city ordinance is not clear on who maintains planter strips (especially with those where the resident has not access to the strip), where a shoulder ends and planter strip begins, and where can people park who live on a street with no curb side parking. Mr. Brierley did add that 90 - 95% of planter strips are well maintained by citizens.

The planning commission is being asked to consider the draft listed on P146.

Commissioner Overbay wondered who would maintain the landscaping with the proposed roundabout. Barton Brierley was not sure but would investigate the issue.

She also thought that the requirement of a gate might be intrusive. It was then suggested that it only apply to new construction. Barton Brierley wasn't planning to retroactively make homeowners comply.

Discussion pursued on how to balance the city getting involved with planter strip maintenance versus getting

End of Side A, Tape 2

homeowners to comply to an acceptable agreed-upon standard.

Barton Brierley summarized that the commissioners accept the draft, with exception of the requirement of the backyard fence gate to gain access to the planter strips, and that some further investigation should be pursued in getting landowners to comply or pay a service fee (as opposed to a fine) for others to do it for them.

Commissioner Stuhr asked how a developer initiates a homeowners association with dues. **Commissioner Overbay** answered how it worked in her neighborhood. Then **Commissioner Larson** asked how the City of Newberg will be able to maintain a worthy standard when it barely maintains its own property.

Barton Brierley pointed out that the draft has a maintenance standard level built in. It is basically to control nuisances, not to make sure it is highly maintained. (see P147).

Stuhr motioned the draft proposal with the exclusion of gates, and Larson seconded the motion.

Vote on planter strips draft changes to Development Code: (5 Yes/0 No, Foster, Haug absent)

Chair Smith asked for further staff investigation on service fees for planter strip maintenance.

IX. ITEMS FROM STAFF:

A. Update on council items--

Marie's Meadow subdivision will go to the council on August 15, 2005.

Fred Meyer is still putting together a plan for a pedestrian walk way.

Inmate labor for work in city parks has been taking place for ten years, though always supervised. CPRD has received very few complaints about the inmates used for such work.

B. The next meeting is scheduled for September 8, 2005 with a workshop, and then maybe September 22, 2005.

X. ITEMS FROM COMMISSIONERS:

Commissioner Overbay will follow up with Don Clements on the conditions of the park close to where she lives. She also wanted to know who is to maintain the roundabout near her neighborhood. She also wanted to know where the City Council was on zone changes for the property near her house. **Barton Brierley** responded that the bypass has grounded all other issues to a halt.

XI. ADJOURN:

Chair Smith adjourned the meeting at 10:02 p.m.

Approved by the Planning Commission this 8th day of September, 2005.

AYES: 6

NO: 0

ABSENT: 1
(List Name(s)) Stuhr

ABSTAIN: 0
(List Name(s))

Norma L. Alley
Planning Recording Secretary

Philip D. Smith 9/8/05
Planning Commission Chair Date