



**PLANNING COMMISSION
MINUTES
June 8, 2006, 7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street**

APPROVED AT THE JUNE 22, 2006 PLANNING COMMISSION MEETING

I. CALL TO ORDER

The meeting was called to order at 7:00 pm. Due to a lack of a quorum present at the beginning of the meeting, the agenda items were rearranged to best utilize the time.

II. COMMUNICATION FROM THE FLOOR:

Chair Larson asked if there were any other issues that people wanted to add to the agenda, especially since there was not a quorum present.

Nick Mackis, a Kemper Crest Dr. resident, came forward with a joint letter from other Kemper Crest Drive residents (seven were present when Chair Larson asked for a show of hands), and eight families signed the letter to enter into the record.

Jacinda Thomson, 410 W. Myrtlewood Street in Newberg, discussed the erosion problem that is affecting her property and garden. Two months of frustration still lack a long-term solution. All the neighbors want a solution that rectifies the erosion from water runoff.

Commissioner Foster asked what Mrs. Thompson would like of the Planning Commission.

In light of more future development coming to Newberg, she thinks that a wet land survey should be conducted prior to any other building and development. She doesn't want to be a home owner who is responsible for open waterways. It is very overwhelming turning responsibility over to the home owners, and she asks that the Planning Commission to think long term when it comes to maintenance on these waterways. Mrs. Thomson also shared how much she wants Newberg to be a kind, neighborly community instead of a suburb with people who don't talk to each other.

Nick Mackis, then added that the neighbors would like to propose a culvert as a solution. The current easement (see color pictures submitted with letter) has some safety issues for young children.

Commissioner Foster asked how the expense of a culvert would be compensated. Mr. Mackis would like to see DR Horton pay for the culvert installation.

Chair Larson thanked the Kemper Crest Dr. residents for coming and sharing the erosion issue. Mr. Larson assured them that he was not sure of an immediate solution, but he did promise to address the issue (See addition notes later in the minutes).

III. ITEMS FROM STAFF

Barton Brierley said that the City Council has adopted the plan for sign code change, the Sportsman Airport master plan, policy changes for interchange management area, and the zone change on Springbrook for disabled housing. Mr. Brierley then updated the commissioners on city water and the city water system. The water treatment plant has finished its upgrades and can now treat 9.5 million gallons/day. For perspective, the peak water use last summer was 6 million gallons/day. The addition water will be available from eight wells, with the latest well brought on line very productive.

The next Planning Commission meeting will be June 22, 2006, and the main discussion items will be an annexation near the river front area and an annexation near Sportsman Airpark.

Barton Brierley then handed out copies of letters that did not arrive in time for the agenda packets.

Commissioner Foster asked Barton Brierley if there is a simple solution to the problem of drainage mentioned earlier. Mr. Brierley responded that there isn't a simple solution at this point. If there was, then it would have been exercised. Environmental regulations may limit what could be done to the ditch. Most people understand creeks and pipes: ditches are unfamiliar to most people.

Commissioner Foster was not sure how the neighborhood of Kemper Crest Dr. was originally designated a wetland. Mr. Brierley said it is not always clear how far the definition of a wetland carries over to a designated drainage ditch. He doubts the culvert solution will be possible. If it is not, then the residents may need more bank stabilization, but that too could affect other properties.

Commissioner Foster hopes that the Planning Commission will do what it can quickly. **Chair Larson** wants to pass a recommendation to City Council right away

Commissioner Tri pointed out the picture of a culvert/drainage pipe opening that doesn't look very safe for young children.

IV. ROLL CALL:

Present:	Daniel Foster Nick Tri	Chair Larson	Phil Smith (arrived at 7:30)
Absent:	Matson Haug	Devorah Overbay	Cathy Stuhr
Staff Present:	Barton Brierley, Planning and Building Director Steve Olson, Planning Technician David King, Recording Secretary		

V. QUASI-JUDICIAL PUBLIC HEARINGS:

Chair Larson invited the public to fill out a public comment registration card/sheet if anyone wanted to add speak to an issue this evening. Mr. Larson then highlighted the steps for public discussion this evening. Mr. Larson then read public testimony requirements in ORS 197.763.

- APPLICANT:** Coyote Homes Inc.
REQUEST: NW Newberg Specific Plan Change
LOCATION: 1217 Henry Road

TAX LOT: 3208-3500
FILE NO.: CPA-06-003 **RESOLUTION NO.:** 2006-215
CRITERIA: NDC § 151.509, § 151.507, NDC § 151.122 (3)

Chair Larson then asked if there were any commissioners who need to abstain. After Chair Larson said that he lives 3.5 blocks from the property, no one believed that he needs to abstain.

Barton Brierley said the applicant has asked for an extension on their request.

Charles Harrell, an attorney for Coyote Homes, asked for an extension in light of discovering after 7:00 pm this evening that the Austins have made plans for adjacent property. Therefore, Coyote Homes would like to make sure the two plans jibe and provide for connectivity.

Motion #1: Tri/Foster to approve the Coyote Homes extension of their request until the August 10, 2006 Planning Commission meeting. (4 Yes/ 0 No, 3 absent)

2. **APPLICANT:** Jeff Conklin
 REQUEST: Annexation of two parcels and a comprehensive plan map amendment/zoning map amendment to change these two parcels and a third parcel to Medium Density Residential/R-2
 LOCATION: 3613 N. College St, 3617 Terrace Dr., 3709 Terrace Dr.
 TAX LOT: 3207AC-400, -102, -200
 FILE NO.: ANX-06-003/CPA-06-001/ZMA-06-002 **RES. NO.:** 2006-213
 CRITERIA: NDC § 151.262, § 151.122

Steve Olson summarized the annexation proposal for two parcels. This property is located at N. College and Terrace Dr. (see Agenda Packet pages P57 - 145).

End of Side A, Tape 1

From an aerial view presented visually, Mr. Olson showed the parcels exact locations and described the adjacent properties. From a contour map (P99) Mr. Olson showed the problem with bringing sewer service to the property that slopes southeast. Next shown was the Conceptual Development Plan (P100) with 31 lots, ranging from 5,000 sq. ft. to over 7,500 sq. ft, with an average of 5,400 sq. ft. for most of the 31 lots. The Concept Plan shows about 5.9 units/acre, though the maximum could be 8.8 units/acre for MDR/R-2.

The next presentation was the Comprehensive Plan map (P101) for the area and then the zoning map (P102) for the area.

All three parcels would be annexed and changed to MDR/R-2. The criteria for annexation are that the parcels have to be located within the URA (they are), contiguous to the city limits (they are), and city services have to be made available within three years from annexation. The difficult service to connect will be sewer, but the applicant is investigating bringing services up from Foothills Dr. along College Street.

Mr. Olson also explained how housing location policy would be affected. Most of the commute traffic would exit the area onto Terrace Rd. to go south to College St., but the school traffic would head west to Natalie Dr. and through the existing neighborhood to the west to get to Crater Elementary and CVMS.

To meet the comprehensive plan, the staff recommends approval of the annexation, but only allowing the southern parcel be medium residential R-2, and letting the northern two parcels be R-1.

Chair Larson asked for a summary of the late correspondences. Mr. Olson summarized that four were against the development and extra traffic, and only one for the development.

Public Testimony:

Jeff Caines, Land Use Planner for SR Design Consultant, representing the applicant Jeff Conklin, did concur with the staff recommendation of the two properties being annexed, but wanted to disagree with the zoning recommendations. Mr. Caines believes that this property is adjacent to College St. and therefore, able to sustain MDR/R-2.

There will be school traffic, but nothing as detrimental as the staff made it sound. There are commuters who leave in their cars each day that will likely be more prevalent as students walking, riding bikes, carpool, and/or driving to school.

Mr. Caines then used a color map, and accompanying handout of five black-and-white exhibits, that show five various through-streets in Newberg that travel through different residentially zoned areas (see Exhibit handout).

His final point referred to the attempt to spread out the lots evenly through the three parcels. There is a willingness on the part of the developer to have larger lots to the west so there is a transition of high density housing built to blend in with the existing housing to the west.

Chris Strange, 3800 Morris Street in Newberg, is an electrical contractor and likes to see development. However, changing the density close to where he lives is not what he supports. He has lived in high density neighborhoods in Newberg and didn't appreciate the consistency in housing and the low maintenance associated with such neighborhoods. He appreciates how the neighbors around him have low density living with a good concern for their properties. He is concerned that a developer with high density ambitions will do away with some beautiful white oak trees on the parcels. He believes that a cul-de-sac solution would be best.

Patrick Rice, 3513 N. College St. in Newberg, he is upset that he was not notified sooner so he too could annex his land in conjunction with those north and south of him. He is very much concerned about his access to city services, especially at a later date and a higher price. He doesn't want to be left out of the immediate plans for the adjacent land owners.

Allan Love, 436 Natalie Dr. in Newberg, he too is concerned about the access of city services, zoning, the preservation of the trees, and accessing of city services.

End of Side B, Tape 1

Lorraine Bevacqua, 3542 Morris St. in Newberg, does not want to see these parcels zoned R-2. She sees R-2 across College St. and doesn't like the negative effects that come with high turn over. She

believes the area around these parcels should stay R-1. She has experienced problems with developers adjacent to her that developed the lots “quick and dirty” and leave the problems for the home owners to work out. She would like a berm built by the developer to keep the water from any new development from draining into her yard.

Julie Walker, 3505 Burlington Dr. in Newberg, believes that her neighborhood on the east side of College Street will be affected as well and wanted it known for the record. She is concerned about higher densities.

Jeff Caines, addressed various issues brought up by the opponents. It is believed that property values will be affected. Mr. Caines doesn’t believe that people spending \$250,000 will treat their investment in a new house poorly, nor will such properties negatively affect adjacent property owners. He also believes that every last detail about city services is not known, but the developer has hired an engineer to study the situation. Mr. Caines would also appreciate Conklin not being lumped in with poor developers. He too wants the trees enjoyed but the trees should not be an issue tonight before the Planning Commission.

Commissioner Smith agreed about the process steps that Mr. Caines has followed to date. However, neighbors were heard loud and clear tonight. Would Mr. Conklin be willing to have a neighborhood meeting about the design concept of the proposed annexation? Mr. Caines believe so.

Commissioner Foster wanted clarity from Mr. Strange about his opposition. Mr. Strange reiterated that he would prefer for his neighbors’ sake and his, an R-1 zoning.

Final Comments from Staff:

Mr. Olson clarified annexation process steps for Mr. Rice. He knows that bringing city services to these properties require much more investigation.

Barton Brierley reminded the commissioners that there are two issues tonight: 1) A recommendation for annexing the land, and 2) A recommendation on changing the Comprehensive Plan.

*** **Chair Larson** asked for a five minute break.

<p>Motion #2: Smith/Foster to approve the request to annex the two parcels as part of Resolutions 2006-213 (4 Yes/ 0 No, 3 absent)</p>

Commissioner Foster knows that the public does not want to see MDR/R-2 for this annexation, and he believes there will be legitimate traffic concerns with the development as it is now planned.

Commissioner Tri knows that the city needs to find more land for LDR, and is leaning towards R-1 in all three areas. Chair Larson agrees.

Commissioner Smith reiterated that he wants to see R-2 in Newberg, and maybe in this development, but wondered about the traffic flow out on to Terrace Dr., which has to blend into College St. where cars are going 45 mph coming down the hill.

Motion #3: Smith/Tri to approve the other part of Resolution 2006-213 concerning zoning three parcels MDR/R-2 (0 Yes/ 3 No, 1 abstain (Smith), 3 absent)

Motion #4: Smith/Tri to approve the zoning of all three parcels LDR (4 Yes/ 0 No, 3 absent)

Barton Brierley believes that this recommendation will go to the City Council on July 17, but the printed Resolution 2006-213 will need to be changed to reflect what was decided to night, and adopted at the next meeting.

3. **APPLICANT:** Gregory & Kristina Fischer
 REQUEST: Annexation of a one acre parcel
 LOCATION: 3509 N. College Street
 TAX LOT: 3207AC-800
 FILE NO.: ANX-06-005 **RESOLUTION NO.:** 2006-214
 CRITERIA: NDC § 151.262

Chair Larson asked for any abstentions and there were none.

Staff Report

Mr. Olson summarized the request of the Fischers for the annexation of a one acre parcel just north of Foothills Dr. (see Agenda Packet pages P146 – 187). The long, narrow lot will have access from College Street with a concept plan of four properties.

The property has even a greater possibility of bringing services up from Foothills Dr. than the previous annexation request. Mr. Olson commented that it would be nice in the future if the two different developers could share the expense of accessing city services.

The fiscal analysis was difficult in light of the uniqueness of the proposed homes. He suspected that the four homes could sell in the ~ \$200,000 range. This parcel meets all criteria involved, but the exact details of connecting to city services is still not known. The preliminary recommendation by staff is to approve the annexation.

There were no late correspondences.

Greg Fischer, (had not filled out a Registration Sheet) 12251 NE. Dudley Rd. in Newberg, believes that his site plan is in compliance, and believes that his annexation request is in compliance with the necessary steps required of him.

Patrick Rice, 3513 N. College St, again was concerned with being left out the proposed annexations taking place around him. He is trying to figure out how to get involved at this late date.

Greg Fischer, stated that he is not a developer, but was told that his one access to College St. means that the property can only be divided into two tax lots, but would like to be able to divide it into four

tax lots in order to sell the homes separately. **Barton Brierley** pointed out that private streets are prohibited in Newberg, so it would be impossible to turn the property into four separate tax lots.

Steve Olson said that a condominium option does exist at this point for this property with a shared driveway.

Staff still recommends the annexation.

Deliberation:

Motion #5: Smith/Tri to approve the annexation of Resolution 2006-214 (4 Yes/ 0 No, 3 absent)

Barton Brierley believes that this recommendation goes to the City Council on July 17, 2006.

VI. CONSENT CALENDAR:

Motion #6: Tri/Foster to approve the May 11, 2006 minutes held with the Newberg City Council. (4 Yes/ 0 No, 3 absent)

Commissioner Smith thought that Mr. Rice had a good point about this much development having an impact on him without involving him. He would like to see this kind of property owner better involved in the process when the consequences have such potential to impact him.

VII. RETURN TO COMMUNICATION FROM THE FLOOR:

In light of Commissioner Smith's late arrival, the commissioners summarized the Kemper Crest residents complaint about erosion.

Commissioner Foster wanted to know what the Planning Commission can do for the residents. Mr. Foster said a resolution could be made to ask the city to find out if this is wetland area, and if not, have the options presented to the property owners. This would require the city to find out the options, and then present them to the property owners.

The Commission asked staff to prepare a resolution to present to the City Council on the issue.

Commission Tri brought attention to a *New York Times* article on toll roads.

Chair Larson was concerned about the first judicial hearing that was granted an extension. He also asked the other commissioners if they had a chance to see the Austin plan. He observed the presentation and was very pleased with the designers.

VIII. ITEMS FROM STAFF:

The next meeting will be June 22, 2006.

IX. ADJOURN:

The meeting was adjourned 10:17.

Approved by the Planning Commission this 22nd day of June, 2006.

AYES:

6

NO:

0

ABSENT:

1

(List Name(s))

ABSTAIN:

0

(List Names(s))

OVERBRY



Planning Recording Secretary



Planning Commission Chair

22 JUNE 06

Date