



PLANNING COMMISSION MINUTES
August 10, 2006, 7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE SEPTEMBER 14, 2006 PLANNING COMMISSION MEETING

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

(The quality of the tape recording was inaudible for nearly all three hours of the meeting)

II. ROLL CALL:

Present: Matson Haug Chair Larson Phil Smith
 Cathy Stuhr Nick Tri

Absent: Daniel Foster Devorah Overbay

Staff Present: Barton Brierley, Planning and Building Director
 Steve Olson, Planning Technician
 David Beam, Assistant Planner (part of audience)
 Elaine Taylor, Associate Planner (part of audience)
 Jessica Nunley, Assistant Planner
 David King, Recording Secretary

III. OPEN MEETING:

Three people were present in the audience at the start of the meeting though two of them were from the Planning Department staff.

IV. CONSENT CALENDAR:

1) The first item on the consent calendar was the acceptance of the minutes from the July 27, 2006 meeting.

Motion #1: Tri/Stuhr to approve the July 27, 2006 minutes with the corrections to Commissioner Haug's last name. (Yes 6, No 0, Absent 1)

2) Springbrook Oaks Zone Change findings. **Barton Brierley** explained that at the last hearing, the Commission approved an oral motion to accept the change to the Springbrook Oaks Specific Plan. The resolution in the packet is intended to be the written decision, capturing what the Commission approved. Included in the resolution is the limited use overlay for the bypass. The resolution also includes a limit on the height of structures within 50 feet of area F-3.

Commissioner Haug asked if there was still the ability to do Type I changes to the zoning.

Barton Brierley said they did.

Commissioner Tri asked if the Type I process could be used to make changes to LUBCO (the limited use overlay).

Barton Brierley replied that he felt the provisions for adjustments to the zoning would apply to LUBCO.

Commission Haug said he would only vote for the resolution if it was clarified that administrative zone changes were not allowed.

Barton Brierley said the Planning Commission made an oral recommendation at the last meeting. The Planning Commission would need a motion to reconsider if they wanted to make a substantive change to the resolution.

Chair Larson asked for clarification on what ramifications exist if the Commission reconsiders their motion. Would they have to re-open the hearing?

Barton Brierley said they would not have to, but they could if they wanted to. We have not noticed for the hearing, so we could not re-open tonight. A motion to reconsider would have to be made by someone on the prevailing side. Chair Larson voted against the resolution, therefore he cannot make the motion to reconsider.

Commissioner Haug moved to reconsider the resolution.

Commissioner Smith explained his point of view against the reconsideration and **Commissioner Stuhr** agreed with Smith.

Commissioner Haug wants to have the reconsideration in order to have the zone change better clarified as a Type 3 change.

Commissioner Tri agrees with Haug.

<p>Motion #2: Haug/Tri to reconsider the Commission's oral decision to approve the Springbrook Oaks plan change (2 Yes/ 3 No, 2 absent) Motion failed.</p>

Commissioner Stuhr asked Barton Brierley about the height limit as discussed on Agenda Packet P-71. She thought the 30-foot height limit applied to the area between Oak Meadows and the Bypass.

Barton Brierley responded verbally with the use of a visual map presentation. Industrial zoning laws require a 30-foot height limit next to residential (within 50 feet). This same concept was applied in the resolution. Another concept also was discussed to limit the height to 30 feet east of Oak Meadows subdivision.

Commissioner Haug stated that opening up to public input allows more consideration of the item.

Chair Larson noted that there has not been proper public meeting announcements made in order to open it up to public comment at this time.

Commissioner Stuhr repeated that what was approved at the last meeting is not what is recorded in the minutes. She believes that the agreement was for Area F-3 to extend across to the east and incorporate some of Area F-2.

Barton Brierley referenced page 71 and suggested a possible motion.

Motion #3: Commissioner Smith moved to adopt a change to (6) (c) to add “An exception is for those parts of Areas F-1 and F-2, **except those areas east of Area F-3**, which shall have a maximum building height of 50 feet.” Motion passed unanimously.

Commissioner Haug wants City Council to know that he will vote no because of the administrative zone change provision, not because of the project as a whole.

Commissioner Stuhr pointed out a clarification on page P73, Exhibit C: point (a). The gist should read more like 2 (5) below. It was recommended to simply add the word “by” after the word “purchased.”

Motion #4: Commission Stuhr moved to add the word “by” on page 73 after the word “purchased.” Motion passed unanimously.

Commissioner Smith stated he agreed with **Commissioner Haug** on not allowing administrative changes, but agrees with **Commissioner Stuhr** in not holding up the process.

Commissioner Haug didn't believe that the Planning Commission would cause a delay. Secondly, administrative zone changes need to be handled like any other zone changes. He prefers important changes be in writing.

Motion #5: Approve Resolution 2006-221 as amended. (4 yes/1 no-Haug) Motion passed.

3) Table CPA-06-003. **Barton Brierley** said the third item on the consent calendar needed to be tabled for this meeting in light of on-going discussions for the applicant and the need for time to revise the proposal.

Commissioner Haug asked when the 120 day rule starts. **Barton Brierley** said the 120 rule does not apply to comprehensive plan amendments.

Motion #6: Haug/Tri to table CPA-06-003. Motion passed unanimously.

V. COMMUNICATION FROM THE FLOOR:

Chair Larson asked if there were any other issues that people wanted to add to the agenda.

Mike Gougler, 4729 Masters Drive in Newberg, is the developer of land previously discussed, and he came forward with questions/concerns about the reconsideration. He has heard of

neighborhood flairs up about administrative zone changes. He mentioned that the Springbrook Oaks original planning only . . .

End of Side A, Tape 1

. . . . required a certain percentage of industrial land use. An exchange of zoning was requested by staff. Mr. Gougler then did notify everyone in the neighborhood of the change in regards to the industrial planning of the land. He would like to see the same consistency from the Planning Commission in regards to administrative changes that the Planning Commission demands of him as a developer.

VI. WORK SESSION:

1) Subdivision Review Processes

Staff recapped the details of Res. 2005-195 voted on in November 2005. The resolution allows for three main changes. It requires all subdivisions over 6 lots to go to the Planning Commission. The second change is to send notices to neighbors within 600 feet instead of 500 feet. The third change removes Type I zone changes from the Springbrook Oaks Specific Plan.

Commissioner Haug questioned eliminating items one through five.

Commissioner Haug brought up item three, especially with one citizen present who might want to discuss the issue.

Commissioner Smith most wanted to know about the condominium issue.

Barton Brierley reported the criteria 1-5 related to an expedited land division. The exceptions mirror those in one through five. None of these change the review criteria, but just say what process is required.

Commissioner Haug would like to keep items one through five, but add number six, saying that subdivisions with six or more lots require a Type III process.

Commission Stuhr added that she thought citizens had adequate opportunities to participate in the process, they just need to be educated to take advantage of those opportunities and be more engaged in planning.

When Commission Smith asked for clarification, **Commissioner Stuhr** responded that she felt that citizens needed to be more engaged. If having hearings for subdivisions was a way to get them engaged, she would support it.

Commissioner Haug pointed out that the public discussion at a Type 2 hearing and Type 3 hearings are different.

Commissioner Smith asked staff how many more Type 3 hearings will take place in light of this resolution. **Barton Brierley** responded that there are about eight subdivision requests a year, about two of which go to the Planning Commission already. So this motion would add about six more to the Planning Commission agenda.

Mike Gougler suggested that another criterion be asked of developers. Have the developer make a presentation to the adjacent home owners associations.

Commissioner Smith asked Mr. Gougler how this requirement could be facilitated in light of no neighborhood associations that are easily accessible. He believed that concerned neighbors within 600 feet should be invited when they are informed of the subdivision.

Commissioner Haug suggests that a public workshop could be a fruitful alternative to solicit public discussion.

Chair Larson asked about Mr. Gougler's requirements in Lake Oswego and West Linn. Both cities require neighborhood associations.

End of Side B, Tape 1

Commission Stuhr asked Mr. Gougler if a Type 3 process would be redundant. He fears every subdivision becoming a Type 3 process. Developers need to be able to rely on staff.

Barton Brierley offered one other model for public discussion. Neighborhood mediation meetings could be used that are run by staff during the public comment period.

Commissioner Haug cautioned that such meetings need impartial leaders running the meeting.

The commissioners agreed to promote more workshops to discuss the issues of public involvement. They could invite developers and others interested and might get good ideas.

Motion #7: Commissioner Haug moved to promote a workshop to discuss neighbor involvement and table sending Resolution 2005-195 to the Council. Motion passed unanimously.

*** Five minute break ***

2) Access Standards for Condominium Development

Barton Brierley reported on behalf of staff due to the request from the Planning Commission. He began with a definition, explained that the condominium plat comes after the regular design review process. Next discussed was the importance of condominium associations. The discussion then came to access standards. These were illustrated with accompanying pictures from condominiums in Newberg (see pages P50 – P53).

Are there access problems to condominiums? It seems to **Commission Smith** that condominiums are using parking lots as private streets, which the city of Newberg discourages.

Mr. Gougler said that there are three benefits to a city having condominiums. They increase density, allow for more affordable ownership, and allow for maintenance of common areas.

Commissioner Haug reminded the commissioners that private streets are discouraged to avoid gated communities. It was learned that the city can prohibit gates. The city should also have some flexibility on street design, especially to promote higher density areas.

Commissioner Tri repeated that the access constraints seem to work against fire trucks and personnel accessing condominium neighborhoods. It was pointed out, however, that the fire department must have approved the design for their purposes.

Commissioner Smith wondered if there were any other issues that the commissioners needed to cover in regards to access standards to condominiums. If city streets have certain public safety requirements, then why are such standards applied to the "private streets" that are being allowed as driveways?

Elaine Taylor, as a resident of Meridian Heights, added that the residents police themselves.

Barton Brierley mentioned that the condominium association is an important piece of the puzzle. Such a structured association is beneficial and provides accountability that some home owner associations do not.

Commission Smith discussed the need to maintain connectivity in an area. If private streets are allowed, they should not detract from the connectivity of the street system.

Motion #8: Haug/Stuhr motioned for public workshop to consider the details of outlawing the use of gated streets in residential areas of Newberg, and also addressing street connectivity standards. Motion passed unanimously.

VIII. ITEMS FROM STAFF:

- 1) Update on Council items

The council approved the annexation on Third Street and the Riverfront area, and both proposals will go on the ballot for the November election.

- 2) The next Planning Commission meetings will be September 14 and 28, 2006. The Hazelden Zone Change, a subdivision on Third Street with a stream corridor, and a bed and breakfast will be brought forth.

IX. ITEMS FROM STAFF:

Commissioner Foster's absence was a concern. Missing three meetings in a row is alarming. Barton Brierley will double-check attendance standards.

Commissioner Stuhr asked about CPRD's stream corridor mitigation plan.

Barton Brierley said there have been extensive discussions between CPRD and the Planning Division. They have an approved stream corridor mitigation plan that involves retaining some natural areas.

Chair Larson asked Kemper Crest concerns.

Barton Brierley said the developers have been contacted, and have been moving fences, stabilizing the banks, providing weed control. The state was asked if the open drainage could be piped, and the answer was no.

Chair Larson pointed out that Beaverton denied a Wal-mart proposal. He wondered whether a community should outlaw a retailer because they provide low-cost goods.

X. ADJOURN:

The meeting was adjourned 10:00 pm.

Approved by the Planning Commission this 14th day of September, 2006.

AYES: 4 NO: 0

ABSENT: 1
(List Name(s)) STUHR

ABSTAIN: 2
(List Names(s))
FOSTER
OVERBAY

D. WALD
Planning Recording Secretary

Lou C Larson 9-14-06
Planning Commission Chair Date