

PLANNING COMMISSION MINUTES
December 14, 2006, 7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

APPROVED AT THE JANUARY 11, 2007 PLANNING COMMISSION MEETING

I. CALL TO ORDER

The meeting was called to order at 7:00 pm, by Phil Smith.

II. ROLL CALL:

Present:	Cathy Stuhr	Lon Wall	Phil Smith
	Matson Haug		

Absent:	Daniel Foster	Chair Overbay	Nick Tri
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Staff Present:	Barton Brierley, Planning and Building Director
	Steve Olson, Assistant Planner
	Jessica Nunley, Assistant Planner
	Luke Pelz, Assistant Planner
	Ruth Schlachter, Planning Division Secretary

Since both the Chair and Vice Chair were absent the first item was to select a Planning Commission Chair for tonight's meeting.

Motion #1: Wall/Haug to elect Phil Smith as Chair pro-tem for tonight's meeting. Motion passed (3 Yes, 0 No, 1 abstain - Smith)

III. CONSENT CALENDAR

Seven people were present in the audience at the start of the meeting.

The first item on the consent calendar was the acceptance of the minutes from the November 9, 2006 meeting.

Motion #2: Stuhr/Haug to approve the November 9, 2006 minutes w/corrections of changing the word "questioned" to "asked" or "inquired" in several places. Motion passed (4 yes/0 no)

IV. COMMUNICATION FROM THE FLOOR:

Chair Smith asked if there were any other issues that citizens wanted to discuss that weren't on the agenda. No one spoke.

- V. **QUASI-JUDICIAL PUBLIC HEARING** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

APPLICANT:	Jeffrey Smith	
REQUEST:	Annexation of 14.74 Acres, Zone change to C-2, R-1, & R-2	
LOCATION:	North of 99W and the Newberg Hospital	
TAX LOT:	3216AC-13800	
FILE NO.:	ANX-06-009	RESOLUTION NO.: 2006-227
CRITERIA:	NDC § 151.262, § 151.122	

Jessica Nunley presented the staff report. The applicant is requesting annexation and zone change of 14.75 acres north of Providence Hospital. The parcel is currently in the Urban Growth Boundary. It is bordered by Hwy 99W and the new hospital to the south, Oxberg Lakes Estates to the north, and undeveloped land to the east. The zoning is currently County AF-10. Applicant requests change to R-1, R-2, and C-2. The Comprehensive Plan design is LDR, MDR, and COM. The requested zoning matches the current Comprehensive Plan designation. Urban services sewer and water are easily accessible. Crestview Drive will extend South through the property to Hwy 99W. Newberg Police and Fire Departments will service this parcel. Transportation improvements have been planned in the Newberg Transportation System Plan.

Staff recommends adoption of Resolution 2006-227 with conditions.

Questions for staff:

Commissioner Stuhr asked what regulations are for the potential increase in storm water drainage which currently goes to adjacent property and through a culvert to Hwy 99W.

Mr. Brierley stated that normally these types of issues are addressed by increasing storm drainage capacity or by adding a detention pond. The culvert under Hwy 99W needs to be replaced.

Commissioner Smith referred to the condition stating the developer will contribute his share to improvements along Hwy 99W. Smith asked how this amount is determined.

Mr. Brierley stated that this condition is important because the traffic study showed deficiency. We did this with the hospital. This is a special condition, above and beyond standard conditions. It will be determined using a formula similar to the one used with the hospital, and will consider the development's traffic generation through the intersection.

Commissioner Stuhr noted that the other end of Crestview is a gravel road. When will that be addressed? Now, or when the roundabout is developed?

Mr. Brierley this abuts Austin properties. They will likely improve the road when they develop their property. The timing is still in question.

Discussion was held regarding SDC charges, who contributes, when will the developments to the system actually occur?

Brierley the storm drain is an issue, because it is a combination of existing problem and a new development problem.

Public Comments:

Jeffrey Smith, Applicant 4386 SW Macadam Ave, Portland, OR 97239. This project was started 1.5 yr ago. We're working with all our neighbors and with City staff. He had a question on the condition that the transportation plan amendments. When will they be considered? Will we be able to meet the May ballot deadline?

Mr. Brierley said the Transportation System Plan amendment will come before Planning Commission in January and City Council in February.

Commissioner Smith that's optimistic. Will this affect your project?

Jeffrey Smith said the worst would be to delay it to the next vote which is September.

Commissioner Haug: are there wetlands on the property?

Jeffrey Smith said yes. The wetlands are mostly in the buffer area along the north. The depression area is towards the south of the property.

Joe Scheiwe 4386 SW Macadam Ave, Portland, OR 97239 an agreement between the neighborhood and Austins is on page 166 & 167. Oxberg Lake Estates neighborhood is concerned with speeds and volumes of traffic on Crestview. We did a study and came up with this option... a traffic circle. Traffic circles have been shown to slow traffic. This is a positive result of working with the neighborhood.

John Trudel – (handouts) 4303 NE Birdhaven Loop, Newberg, OR 97132. Oxberg Lake Estates resident. We've worked closely with Smith and his team to create and agree upon a "5 party team agreement." This addresses road design. It was designed by an engineer design, and we sought legal counsel. The agreement has been signed by City, Austins, Oxberg Lakes, Mr Smith, Yamhill County and New B properties developers (to the East). We believe this should be a pre-condition for this resolution. Another issue is our unique water issue. Oxberg Lakes Estates has an Aquifer. We request that a condition is made that protects our water supply.

Commissioner Haug asked Mr. Trudel if he was comfortable with the 4 conditions of approval.

Mr. Trudel requested that the Commissioners put 'best practice' into conditions to protect Oxberg Lake's water supply. The 5 party team agreement should be a condition. Also additional studies should incorporate the 5 parties.

Dick Petrone, 4301 NE Crestview Dr, Newberg, OR 97132 we worked with both developers and are pleased with their helpfulness. We put a couple things in the record 1) Best Practices Letter and 2) 5 Party Agreement. Oxberg Lakes is concerned with the protection of our water resource. He handed out a map showing the location of their well. We would like "best practices" to be used to protect our well.

Commissioner Wall Asked if the Five Party Agreement is an actual legal contract.

Mr. Trudel stated that it is a legal contract. We have excellent legal council if we need to utilize them. We hope all the parties will continue to work together.

Commissioner Haug asked if Mr. Petrone agreed with the conditions of approval.

Mr. Petrone would like the best practices, and 5 Party agreement to be added as conditions of approval.

Rebuttal from applicant:

Jeffrey Smith would like to add that his company develops all over the state. You just simply honor agreements made with neighbors, or you don't get anywhere as a developer.

Staff final comments: we are fully committed to honoring agreements. It is legally binding. It's morally binding. Question before you tonight is should this property be annexed or not? We recommend that Yes it be annexed.

Deliberation:

Discussion was held regarding how to handle the new information handed out at tonight's meeting.

***A 5 minute break was taken to read the new material ***

Commissioner Haug would like to move to Adopt R2006-227 with findings.

Commissioner Wall stated his main concern is for citizens of Oxberg Estates. They are putting a lot of faith in the 5 party agreement.

Commissioner Stuhr agrees to approve as is. Commends all parties involved in working as a team and having successes.

Commissioner Smith we need a Northern Arterial. Oxberg Lakes objects because they don't want 45 mile/hr traffic streaming through their development. Compromises have been made so there is still a way people can get around and preserve the Oxberg Lakes community.

<p>Motion #3: Haug/Wall to approve Resolution 2006-218. (4 Yes, 0 No)</p>
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VII. ITEMS FROM STAFF:

1- City Council had suggestion that Planning Commission should become a 9 member board. City Council asked staff to bring this before them at the January 16th meeting. What are your feelings on this?

Discussion was held regarding whether Planning Commission should remain a 7 member board or grow to 9 members.

Commissioner Haug said this would allow greater participation on the Planning Commission. He would like to see what other cities do.

Commission Wall stated a concern that raising the numbers could result in having too many garrulous people on the commission.

Commissioner Haug raised a concern about attendance of planning commissioners. He suggested that if a commissioner is absent for two or more consecutive meetings, they should be removed from the Commission.

Commissioner Smith summarized the commission feelings that the current number of Planning Commissioners works well. They would like a policy prepared by staff regarding Planning Commissioners meeting attendance.

2- Memo to update City Council on discussion on access. The Commission accepted the memo prepared by staff.

3- NUAMC meeting approved Gueldner UGB.

4-Next meeting will be January 11, 2007.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Haug would like to organize a raft trip this summer for the Planning Commission and staff.

VIII. ADJOURN:

The meeting was adjourned 9:00 pm.

Approved by the Planning Commission this 11th day of January, 2007.


AYES: 7 NO: \emptyset

ABSENT: \emptyset
(List Name(s))

ABSTAIN: \emptyset
(List Names(s))



Planning Recording Secretary



Planning Commission Chair



Date