



PLANNING COMMISSION MINUTES

February 9, 2006

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

APPROVED AT THE MARCH 9, 2006 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Daniel Foster	Matson Haug	Chair Larson
	Devorah Overbay	Cathy Stuhr	Nick Tri

Absent: Phil Smith

Staff Present: Barton Brierley, Planning and Building Director

Steve Olson, Assistant Planner
Elaine Taylor, Associate Planner
David King, Recording Secretary

II. OPENING:

Chairman Larson moved right into the consent calendar.

III. CONSENT CALENDAR:

Chair Larson brought to the floor the approval of the January 12, 2006 minutes.

Motion #1: Tri/Overbay to approve the January 12, 2006 minutes. (5 Yes/0 No, Stuhr abstained, Smith absent).

Chair Larson then addressed the approval of a correction to the November 10, 2005 Planning Commission minutes. Commissioner Overbay inquired why the correction was needed, and Barton Brierley mentioned that the need arose from the City Council. The Council was reviewing the annexation amendment and asked why it didn't meet the criteria. Barton Brierley said that the minutes were recorded incorrectly: this kind of property "normally" did not meet the criteria. Barton Brierley wrote a memorandum, dated January 27, 2006 (a copy is on page P17 of the Agenda Packet). Commissioner Haug brought up his concern about the number of homes not covering the cost of additional city services.

Chair Larson asked if the change in the minutes is needed, especially since the minutes have already been approved. Mr. Brierley said the change is necessary to reflect what was said at the hearing, and since it is a change to the staff report given by Barton Brierley, the commissioners were willing to vote on the change.

Motion #2: Haug/Tri to approve the correction to the November 10, 2005 m minutes. (6 Yes/0 No, Smith absent)..

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Larson invited the guests (14 present at the beginning of the meeting) to bring forth any new topics for the agenda. No new topics were added to the agenda. **Chair Larson** then read ORS 197.763 prior to the public hearing. He then reminded the audience members to fill out a request form if he or she would like to participate.

V. QUASI-JUDICIAL PUBLIC HEARINGS:

1. **APPLICANT:** George & Joan Austin
REQUEST: Annexation of 20.27 acres to the City
LOCATION: 2908 N. Aspen Way
TAX LOT: 3208-1100, 3208AD-900, 3208AD-1000
FILE NO.: ANX-05-039 **RESOLUTION:** 2006-207
CRITERIA: Newberg Development Code § 151.262

Chair Larson asked for any commissioners who needed to abstain or declare any previous involvement with this development. No one mentioned a reason not to be involved with the hearing.

Assistant Planner Steve Olson presented a summary of the staff report using a visual presentation (See Agenda Packet, pages P25 – P80). The presentation showed the location in the northeastern part of Newberg via both a plot boundary picture and aerial photograph (P38, cf. P52). The property south and west of the site is zoned R-1. The applicants are asking for the property to be annexed into the city and rezoned R-1. Criteria/conditions for annexation include:

The site must be contiguous to city limits

The property must be within the UGB

The site must comply with the comprehensive plan

The site must have an adequate level of urban services (sewer, water, roads). Currently, utilities are not available but they are planned and will be constructed before or at the time of development

There must be improvement to the frontage on N. Aspen Way at time of development

There must be adequate fire, police, school and park service to serve the site

Mr. Olson then showed the site concept plan (Exhibit G, P41). This plan is only a proposal—actual lot layouts and sizes could vary by the time of construction.

The nearest utility services were then displayed. Water and sewer both are as close as the intersection of Mountainview and Aspen Way, about a third of a mile away. To supply water, however, an additional reservoir will be required, which was displayed in the Water System Plan for the future.

Mr. Olson recommends the follow conditions to be put on the property:

1. Zoning designation of R-1-0.1/A
2. A master plan for the vicinity, including this site, must be approved prior to development of the property.
3. Any newly created lots must be connected to City water and sewer at the time of development.

4. Transportation improvements, including improvements to the N. Aspen Way frontage and internal street or streets, must take place at the time of development.

The staff does recommend the annexation of this property as conditioned.

Chair Larson asked if there were any late correspondences. Mr. Olson referenced a letter added late to the packet submitted by the applicant regarding the availability of utility services (see P 197).

Public Comment:

Mimi Doukas, with WRG Design, spoke on behalf of the applicants. She appreciated the staff presentation and is in complete agreement with it. Annexing this land would be a key component to bringing about the Austin master plan for their property in northern Newberg. The greatest concern with this annexation is the water pressure. The services are available on other property owned by the Austins, but the hope is to see the water master plan developed to service this property and surrounding area.

No questions were asked of Mimi Doukas, and no opponents stepped forward from the audience. Public comment was then closed.

Questions for Staff:

Commissioner Haug asked Mr. Olson if every property owner presented on P35 who lives on Roberts Lane was notified. Mr. Olson replied that the Planning Department depends on the applicant to have their title company generate mailing lists from property tax data of all the property owners within 500 feet of the site, as well as posted public sign(s) on the property, and a notice in the *Newberg Graphic*. The applicant included a copy of the mailing list in their application, and it was unclear if every property owner on Roberts Lane was included. It was suggested that this annexation discussion be tabled for a short time in order for verification to be secured concerning which neighbors were actually contacted.

2. APPLICANT:	Coyote Homes	
REQUEST:	Annexation of 5.4 acres	
LOCATION:	2200 Block of E. Third Street	
TAX LOT:	3220-01300	
FILE NO.:	ANX-05-041	RESOLUTION: 2006-206
CRITERIA:	Newberg Development Code § 151.262	

Chair Larson asked for any commissioners who needed to abstain or declare any previous involvement with this development. No one mentioned a reason not to be involved with the hearing.

Staff Report:

Barton Brierley summarized the staff report by using a visual presentation that first showed the five one-acre lots via a site plan (see Agenda Packet, pages P81 – P178). Next presented was an aerial view. An R-2 zoning is request for these properties. Water and sewer services are both currently available from Lynn Drive for these lots.

The Planning staff recommends annexation of this property.

Public Comment:

Jeff Caines, SR Design LLC and representative of Coyote Homes, spoke first of two properties that were once included in this annexation that have since been withdrawn.

Commissioner Overbay, wanted to know more about the withdrawn lots. Mr. Caines explained why

End of Side A, Tape 1

each lot was dropped since the original application. The property owners had requested that they not be included. Then the discussion moved to the two lots (“the gap”) in between the other five lots.

Commissioner Stuhr asked how the street development/improvements will proceed. Mr. Caines was not certain because some of it will depend on the Planning Division’s requirements for such infill, if and when it happens.

Commissioner Stuhr also questioned how their proposal from P102 complies with the density requirements. Mr. Caines responded with the possible future plans of high density duplex use, but for now, their development layouts are proposals only.

Commissioner Haug wanted to ask about the transportation plan, and he wanted to identify the white rectangle on Exhibit E—Aerial Map on P93. The later was answered first—Mr. Caines was not sure. Mr. Caines mentioned that certain street development may have to be delayed until the lots in between are developed properly. Later the white rectangle building was better seen on P110, and it was observed set back from the property border. Public hearing was now closed.

Final Comments from Staff:

Barton Brierley pointed out and reminded the commissioners that these same lots were divided into one acre plots thirteen years ago. There is difficulty in annexing these smaller lots, and mentioned that is why this property is hopefully going to stay part of a bigger, master plan.

Commissioner Stuhr wanted to know when, in the larger process, the Planning Department will make recommendations for higher densities to meet the long range density plans for the city. **Barton Brierley** said that a set of development codes changes will address the density goals. If this annexation were on the May 2006 ballot, then there is the possibility that this annexation could be developed prior to such density changes taking affect. Mr. Brierley suggested then that the commissioners could recommend this annexation with a high density requirement.

Commissioner Haug asked how the concept development plan is brought into play for property being annexed. **Barton Brierley** said that the concept development plan show what could go in the development of any given property but it is not binding. Mr. Brierley then clarified his recommendation to the commissioners that instead of delaying this annexation proposal, then could send it to City Council with a recommendation of having a certain density requirement as a condition tied to it.

Deliberation:

Commissioner Tri was in favor of the annexation, wishing only that the two lots in the gap could be included.

Commissioner Foster is for the annexation and understands Stuhr's concerns about density.

Chair Haug favors the annexation and believes density is a major discussion to be had but perhaps not at this point.

Commissioner Stuhr is also in favor of the annexation, but wants to move from suggesting a higher density to enforcing a higher density for such annexations.

Commissioner Overbay would also like to see the annexation, and would appreciate the two lots in the gap included, but land owners are free to do as they chose. She supports the market influences on density, but also wants to be able to encourage higher densities in conjunction with market forces.

Chair Larson asked the staff to explain the general intention of City Council in regards to density. Have they adopted any policies on density? **Mr. Brierley** said that City Council has adopted the recommended density policies recommended by the comprehensive plan. They have asked the Planning Department to develop a process to devise code amendments that would bring about these new policies.

Chair Larson then asked staff for clarity on when the Planning Department does ask for higher densities from developers, especially in light of the two different annexation proposals brought forward at tonight's meeting. **Mr. Brierley** responded with a summary of the Ad Hoc Committee work. The recommendations would not do away with the R-1 zoning, which is now targeted at 7,500 sq. ft. lots. They recommended that R-2 land be developed at densities closer to 9 units/acre.

Commissioner Haug commented on densities versus livability. He recounted how Main Street was developed as large lot R-1s, and then R-2, and in light of such history, he is hesitant to force such higher densities into this area. He is concerned that higher livability often goes down when density goes up. He would prefer higher density properties closer to the traffic corridors that can handle the higher volume of people.

Commissioner Stuhr added that her request is not a dogmatic enforcement, but a general willingness from everyone to strive towards higher densities.

Chair Larson wanted to know if each of the commissioners would support an amendment to the resolution to add the requirement of a higher density. After individual responses were given, it appeared that it would not be an amendment added at this time.

Chair Larson then asked for a roll call vote on the annexation.

<p>Motion #3: Haug/Tri to approve the annexation of 5.4 acres, ANX-05-041. (6 Yes/0 No, Smith absent)..</p>
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A five minute break was allowed at this time by the Chair.

End of Side B, Tape 1

1b.

APPLICANT: George & Joan Austin
REQUEST: Annexation of 20.27 acres to the City
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FILE NO.: ANX-05-039 **RESOLUTION:** 2006-207
CRITERIA: Newberg Development Code § 151.262

Assistant Planner Steve Olson presented a revised portion of Agenda Packet information. The first sheet showed P35 from the original Agenda Packet with marks indicating that all neighbors within 500 feet had been notified by mail of the proposed annexation. The additional pages included the actual mailing list used by the applicant for notification, which verified that the applicant had correctly completed the mailed noticing. The mailing list questioned by Commissioner Haug had been the draft mailing list included in the original application, which is attached to the staff report.

Chair Larson asked the Planning Department in the future to have these notations completely taken care of before such hearings.

The Commissioners then voted on ANX-05-039.

Motion #4: **Haug/Tri** to approve the annexation of 20.27 acres, ANX-05-039. (6 Yes/0 No, Smith absent)..

VI. PUBLIC WORKSHOP:

1. **FILE NO.:** ZMA4-05-029

Chair Larson asked if anyone needed to abstain, and Commissioner Foster said he did, but would prefer to stay present in the meeting. **Commissioner Haug** then asked for clarification of the rules for abstaining during a workshop and Mr. Brierley replied that there are no certain rules, but it is good to abstain when there is even a possible conflict of interest involved.

Staff Report:

Elaine Taylor reviewed the need for additional R-3 housing units; the comprehensive plan policies related to location of affordable and higher density residential areas; the criteria for R-3 properties; the history of the College/Illinois rezoning proposal; the rezoning proposals; the results of a property owner survey; the benefits of the rezoning proposal; and six possible options for responding to the Committee's recommendation, as follows:

Have a hearing on the changes as shown on the map;

Have a hearing on the changes for those owners that want the zoning changed;

Have a hearing on changing **plan** designations but not the **zoning** until owners request a change;

Select areas/portions most suitable for rezoning and hold hearing on those;

(**Commissioner Haug** asked how this would comply with the airport master plan, as well as the plan once made for the river front property.);

Continue the matter for six months to give owners time to create their own proposal;

Recommend no action at all to the city council.

Commissioner Haug asked staff for a quick review of other properties proposed for R-3 zoning.

Elaine Taylor briefly described four other areas around town that the Ad Hoc Committee on Newberg's Future proposed high density residential development.

Commissioner Haug wondered whether the Ad Hoc Committee had considered high density development close to the bypass interchanges. Staff replied that property near the interchanges was proposed for light industrial instead of high density residential.

Public Comment:

Rick Lipinski, a Dundee resident and an owner of small piece of real estate in the proposed area, believed that this is a great opportunity to increase the density of the area close in to the heart of the city.

Ken Bunn, a Sherwood resident and representative of a property owner on College Street, opposes the changes primarily because of the large parcel of land between Illinois St. and Mission Dr. In light of all the people he has talked to in reference to the larger property, he is not in favor of R-3 zoning because of the difficulties of accessing the property with only 58 feet of curb space on College Street.

Roger Grahn, owner of the large parcel of land between Illinois St. and Mission Dr., read a letter he had written for Terry Mahr, Newberg City Attorney.

End of Side A, Tape 2

The letter was written by an attorney on behalf Mr. Grahn. He believes that rezoning this area will not solve the city's need for higher density. All of the vacant property in town, according to Mr. Grahn, doesn't amount to 10% of the Austin's 600+ acres. If the commissioners really want to deal with density, then he encourages the commissioners to deal with the Austin's future development plans and require the higher densities. He also explained how his land was not suitable for high density apartment living, and even if it was, then high volume access becomes a problem. He concluded with his stated belief that government cannot tell him what to do with his property, short of a safety issue. He would like to do something with it, but he doesn't want city government telling him—via rezoning—what to build on the property.

Commissioner Overbay asked if he was opposed from going from R-1 to R-2 instead of from R-1 to R-3. Mr. Grahn first said that he is opposed to any rezoning, but he also added that he has promised the new owners on Clifford Ct. that he would not place apartments on the western end of his property that abuts the Clifford Ct. properties. He knows that developers will build with a profit motive, and small lots sold to single family dwellings bring more money much faster than any other kind of development.

Commissioner Haug wanted to confirm with Mr. Grahn that there is no proposed R-3 abutting Clifford Ct. Mr. Grahn held to his point that he has promised the Clifford Ct. property owners no adjacent apartments.

Chair Larson noted that the public opinion in the survey does not seem to be in favor of such changes at this time. He then asked for individual contributions from the commissioners.

Commissioner Haug discussed his desires for the northern pan-handle piece of property to truly go from R-3 to R-2 to protect and support the development around it. He then mentioned some other proposals by referencing the map in his hand. He also discussed the other spots around town that could support higher densities, concluding with the Austins having to be encouraged to adopt higher densities. Finally, he wanted to encourage affordable housing, which doesn't seem addressed at all in the issues brought before the commissioners this evening.

Commissioner Overbay asked staff about the density of the housing at Brutscher and Hayes. Barton Brierley said it is an R-3 zone with 12 units per acre, and the R-2 lots are 8 units per acre.

Commissioner Haug asked about Springbrook Oaks. How did density work out in that area? Barton Brierley didn't think the densities came in too low, and there are a few acres still undeveloped that will develop apartments.

Commissioner Stuhr thought that the overwhelming lack of support spoke loudly against these changes at this time. Perhaps greater support will be found in other potential areas.

Commissioner Overbay agreed that the Planning Department runs the risk of spot zoning if this land is rezoned.

Commissioner Tri concurred that the lack of positive support went against making changes at this time. He opted for option six at this time.

Commissioner Haug suggested turning the property at Illinois and Deskins into a greater C-1 commercial hub.

Chair Larson concluded that the lack of public support requires an option six of *no action at all to the city council*. He then asked if the commissioners were interested in pursuing the R-3 to R-2 rezoning of the northern panhandle land. None of the commissioners were willing to explore amending their decision. Neither was there support for creating an expanded C-1 zone at Illinois and Deskins.

Commissioner Overbay wondered how the public that spoke in favor of some changes could still get the changes made. **Chair Larson** then said that such owners could go to their neighbors, drum up support for change, and proceed on their own. He reiterated that the majority of neighbors have spoken and they are not in favor of such changes at this time.

The Public Workshop was concluded.

Commissioner Stuhr commented that increased density can't just be put on the Austin master development. If the Planning Commission will not encourage it at the annexation stage, then when will higher density be encouraged? **Commissioner Haug** said he knows that the Ad Hoc Committee and the community may want higher densities, but the question of livability needs to be discussed more.

Commissioner Overbay wanted to have access to affordable housing and high densities further discussed.

Commissioner Tri was not sure how to get developers to build affordable housing.

Commissioner Foster concurred that affordable housing is not likely, at least not in abundance, even though the term affordable is subjective. Newberg is affordable for some but low income renters are likely priced out of buying even small homes in Newberg. Furthermore, developers and realtors will listen to density encouragements and recommendations, but they probably won't build affordable housing unless it is backed up with legislative support.

Commissioner Haug recapitulated his point made to Sam Farmer and the Ad Hoc committee that. . . .

End of Side B, Tape 2

. . . . higher density livability will only come about with a master plan.

Chair Larson noted that Portland has higher densities that are livable. He referenced Orenco Station in Hillsboro and Villebois in Wilsonville as good examples. He concluded with the need to be good neighbors by fostering well-designed, well-zoned, livable neighborhoods.

VII. ITEMS FROM STAFF:

The City Council did approve the UGB amendments for the Chehalem Drive and Aspen Way properties.

They initiated changes to the sign code for institutions that will be brought during the next meeting.

At the next meeting there will be a representative from a Portland neighborhood association.

Barton Brierley mentioned that the next meeting will be March 9, 2006.

There are two scheduled Newberg neighborhood meetings on Feb. 16 and 28. in the Public Safety Building.

Commissioner Haug asked for an alternate representative of the Planning Department/Planning Commission to be present at NAUMC meetings. He also wants to the know laws for public meetings will be posted at these meetings. Mr. Brierley said they are made and will be at the next meeting.

Commissioner Foster asked what the proper procedure(s) is when he is approached by neighbors with questions for the fact that he is a planning commissioner. He was instructed by staff to have the people call Barton Brierley at the Planning Department. He also wondered how complaints by DR Horton could be better handled, for it seems to him that the Planning Department is not highly esteemed in the minds of many citizens because of the complaints by some that aren't truly founded when all the details are explored. Barton Brierley reported that regular meetings are held with developers to keep the dialogue open between the two groups.

VIII. ITEMS FROM COMMISSIONERS:

Commissioner Overbay asked how the sidewalk project is progressing with Fred Meyer. It was promised to Barton Brierley that a proposal will come be forth coming. She also asked when she could attend a follow-up conference/workshop on density, and when to write a grant.

IX. ADJOURN:

Chair Larson adjourned the meeting at 10:25 p.m.

Approved by the Planning Commission this 9th day of March, 2006.

AYES:

5

NO:

0

ABSENT:

1

(List Name(s))

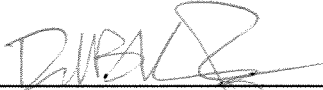
STUHR

ABSTAIN:

1

(List Names(s))

SMITH



Planning Recording Secretary



Planning Commission Chair

3-8-06

Date