

PLANNING COMMISSION MINUTES

January 11, 2007

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE FEBRUARY 8, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL:

| | | | |
|----------|---------------|-------------|---------------|
| Present: | Daniel Foster | Matson Haug | Chair Overbay |
| | Phil Smith | Cathy Stuhr | Nick Tri |
| | Lon Wall | | |

Mayor: Bob Andrews

Student (non-voting)

Commissioner: Benjamin Shelton

Staff Present: Barton Brierley, Planning and Building Director
Steve Olson, Assistant Planner
Jessica Nunley, Assistant Planner
David King, Recording Secretary
Dan Danicic, Public Works Director

II. OPENING:

Chairman Overbay introduced Benjamin Shelton as a student commissioner from Veritas School. Mr. Shelton is a senior, who will be able to serve until August 2007.

III. CONSENT CALENDAR:

Chair Overbay brought to the floor two issues. The reelection of Overbay as Chairman and Foster as Vice Chair for 2007 was the first issue, and the approval of the January 12, 2006 minutes was the second issue.

Motion #1: Haug/Tri to approve the election of new officers and the approval of the minutes. The motion passed by unanimous consent. (7, Yes/ 0, No)

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Overbay invited the guests (25 present at the beginning of the meeting) to bring forth any new topics for the agenda. Nothing from the citizen audience was brought forth. Mayor Andrews invited the commissioners to attend a Council Work Session if there were items they wished to discuss with the Council.

V. QUASI-JUDICIAL PUBLIC HEARINGS:

Chair Overbay stated the requirements for this public meeting, according to ORS 197.763.

1. **APPLICANT:** City of Newberg
REQUEST: Reclassify Crestview Dr. from Springbrook Rd. to 99W from a minor arterial to a major collector with certain traffic calming features, and redesignate Springbrook Rd. from Crestview Dr. to 99W as the Northern Arterial.
LOCATION: Springbrook Rd. at Crestview Dr. to 99W
FILE NO.: CPMA-06-002 **RESOLUTION:** 2007-228
CRITERIA: Newberg Comprehensive Plan Policies

Chair Overbay asked for any commissioners who needed to abstain or declare any previous involvement with this development. No one mentioned a reason to abstain from this hearing.

Commissioner Haug did point out the procedures for such a hearing are listed on the wall

Staff Report:

Barton Brierley presented the information on the reclassification of the Crestview Drive to Hwy. 99W. With various colorful and detail slides, Mr. Brierley explained the current transportation plan. He noted the history of the plan, and mentioned that there has been various discussions with the residents concerned with the project. Over the past year many residents, city staff, and county representatives have had productive meetings, resulting in an agreement that is being discussed this evening.

Two things have been true: there has been a need for the road, and residents have been concerned with the roads. Neighbors have been concerned about the speed of traffic, the kind of traffic, and the environmental impacts. The answer to these questions, that found agreement for everyone involved, is as follows:

Step One—reclassify Crestview Drive from a minor arterial (46' wide street) to a major collector (34' street). To avoid an undue amount of trucks, traffic calming devices were chosen.

Step Two—implement some traffic calming devices. Specifically, two traffic circles would be utilized, these would serve to slow down traffic and discourage large trucks from traveling through this area. Other calming features would include signage prohibiting truck traffic, and sound walls to mitigate the noise of the traffic on the new road.

City staff, with approval from the residents, hired a traffic consultant to study the entire proposal. The findings from JRH Transportation Engineering (see Agenda Packet, beginning at P39) were that the size of the road would not divert undue traffic from Crestview Dr. to Springbrook Street and other streets, and that the traffic calming devices (i.e., a lower speed limit) would have virtually no effect on the regular operation of Springbrook Street. JRH also found that costs of the additional traffic calming would be offset by the savings from narrowing the road. Mr. Brierley concluded his presentation with the recommendation to approve Resolution #2007-228.

Public Comment:

John Trudel, 4303 NE Birdhaven Loop in Newberg, speaking on behalf of the Oxberg Estate residents (see outline of his comments). His comments comprised the issues of clear legal history, piecemeal planning in Newberg, the Five-Party Agreement, and current TSP.

The residents found some documents missing, including a letter written by Will Spangler, who helped create Oxberg Estates. Residents are willing to cooperate with this Crestview solution, though some residents are convinced that they will be worse off.

Dick Petrone, 4301 NE Crestview Drive in Newberg, as President of the Oxberg Lake Homeowners Assoc. wanted to recommend a change to the TSP to clarify the paying for the improvement of Crestview Dr. (cf. Agenda Packet P67). The recommendation is to move line item 15.1 figures from the New Development column to the SDC column. Many words of thanks were given for the parties that have helped make this a win-win situation.

Joe Schiewe, 4386 SW Macadam Ave in Portland, and representing JT Smith Co. as one of the six parties, clarified that the Crestview Drive will vary in width. . . .

End of Side A, Tape 1

. . . along the course of the street during the improvements. The road will be wider at 99W to accommodate turn lanes at the traffic signal. The timing of the improvements is crucial. If the Gueldner property does get developed, but the traffic calming devices are not in, what will this mean for the other improvements on Crestview? He also discussed the funding and agreed that a good percentage of the new development funds be moved to SDC. Finally, he recommends that the traffic circle built on the Gueldner be made smaller.

Commissioner Haug wanted to know more about the look of the proposed traffic intersection at Crestview Dr. and Hwy. 99—will it look like Springbrook and Hwy. 99? Mr. Schiewe fully expects left turn refuges, and extra lanes to get cars in and out of Hwy. 99.

John Bridges, 515 E. First St. of Newberg, is representing the property east of the Gueldner property. He has seen some wonderful cooperation done in the city. This project has area-wide significance for the community and strongly recommends the commissioners of this project.

Gene Kennedy, is son of Paul and Rachel Kennedy, who live at 1909 N. Springbrook Rd. Newberg. He and his parents are concerned about the traffic effects that will result on the Springbrook Rd. from reclassifying Crestview Dr. He and others are concerned for the safety of students on Springbrook, and even consider traffic calming devices on Springbrook Rd. Furthermore, he would like to see the Springbrook Rd. residents involved with the process, even if it means postponing any decision until such residents are involved.

Commissioner Haug requested Mr. Kennedy to show on the map where his parents live—he did—and then to share timeline of his parents being informed of the five-party meetings. They knew nothing of the meetings until a public notice was sent to them to attend this Planning Commission meeting.

Commissioner Haug also asked about the workshops that the residents of Springbrook Rd. attended in relation to previous issues involving the TSP for the area. Mr. Kennedy said that they worked together from 2000 to 2005.

Commissioner Wall was not certain if a postponement would be granted, and if it wasn't, then Mr. Wall wondered what Mr. Kennedy's next step might be. Mr. Kennedy would not like to pursue any legal ramifications to ensure the rights of Springbrook Dr. residents were not violated.

Commissioner Foster asked directly how long Mr. Kennedy had known of the five-party meetings. He only learned of them once he received the Agenda Packet for this Planning Commission meeting.

Barton Brierley commented about the SDC numbers. He would like to see the figures refined before the issue goes before the City Council. Mr. Brierley then addressed the funding of the project, who would have to pay, and who would not. SDC fees and the developer will cover much of the expense, and the Oxberg Lake Estates residents will not have to pay. This reclassification plan will leave Springbrook Rd. as a minor arterial. He also mentioned that some people in the room want to see this plan to move forward in a timely fashion. However, he also suggested that the record could be open until Jan. 25th.

Public Testimony Closed

Commissioner Smith asked how a change to Crestview Dr. could not affect the traffic on Springbrook Rd., and wanted a representative from JRH to explain it.

Dan Danicic, 414 E. 1st St, City of Newberg Engineer, explained that traffic engineers use various traffic flow models. Such models help answer questions of the amount of traffic that will use another road if a speed is decreased, for example.

Commissioner Haug explained how the northern arterial—Crestview Dr.—would divert truck traffic to use Springbrook Rd. This is an important why Mr. Kennedy and other residents of Springbrook Dr. deserve some time to digest the issue.

Commissioner Foster wanted to know if residents were informed of the five party meetings. Were there public notices of such meetings? **Mr. Brierley** mentioned that they were not public meetings with prior notices sent out.

Commissioner Wall asked questions about the use of the traffic calming devices.

Mr. Danicic responded that traffic calming devices don't necessary reduce the traffic as much as they slow the traffic down. A well built Crestview Dr. will allow less traffic to cut through on Victoria Way.

Mr. Danicic added that large trucks primarily travel up Springbrook to the Austin industrial area. The roundabouts will discourage trucks from using Crestview Drive.

End of Side B, Tape 1

Commissioner Haug asked what would be fair, due process for the Springbrook Rd. residents, especially in light of the like increase of traffic flowing by their homes.

Barton Brierley suggested that conversations could take place for the next two weeks.

Commissioner Shelton asked if traffic model studies allowed for the additional traffic heading to the Austin properties.

Mr. Danicic responded that the figures were reckoned for traffic flows in 2025.

Barton Brierley added that traveling on Crestview will be faster due to it being a shorter distance compared to traveling down to Hwy.99 and Springbrook, and turning north up Springbrook Dr.

Commissioner Stuhr asked for an explanation on P68. Why were changes to Wareham Lane being proposed.

Barton Brierley said that it was certain language used to clean up from previous changes in the TSP.

Commissioner Smith restated the proposal of reclassifying Crestview Dr. He questioned what effect designating Springbrook Road as the northern arterial would cause.

Barton Brierley did not think any substantive change on the ground would be noticed.

Chair Overbay asked staff personnel about the financing issues on P67, especially the segments of Springbrook Rd. to Robin Ct. versus Robin Ct. to Hwy. 99W.

Barton Brierley, while pointing to a map, showed where new roads and higher costs would occur, versus current right-a-ways which will only need improvements. Essential with developing a new area, the developer is liable to supply the new road(s).

Chair Overbay also asked if all these issues are negotiable, and **Mr. Brierley** said they were.

Chair Overbay questioned staff on solutions for the Springbrook Rd. residents. **Barton Brierley** said that Springbrook will stay a minor arterial, and that traffic will continue to flow on this road.

Chair Overbay asked for the history of the term "northern arterial." **Barton Brierley** said the term has been used in planning sessions only. There will not be signage calling it "northern arterial."

Mr. Danicic added that the term is purely a reference to get people from the east part of town to the northwest part of town.

Commissioner Haug keeps hearing people say that no changes will occur on Springbrook Rd., but he is convinced that there will be significant changes.

Barton Brierley responded that staff decided that four options could not be pursued at this time. This proposal tonight is truly the best solution. The traffic study concluded there would not be significant changes to Springbrook.

Commissioner Haug recommended that the commissioners take a short break.

*** Chair Overbay allowed a five minute break ***

Commissioner Foster asked how many residences live on Springbrook Dr. north of Hwy 99W. **Barton Brierley** replied that he knows of three or four homes, with one slated to be demolished. However, there are various apartment complexes as well.

The commissioners deliberated how best to amend the motion to approve the proposal. **Barton Brierley** suggested staff meet with the single family home owners and property owners fronting directly on Springbrook Rd. between 99W and Crestview Dr. to discuss noise barrier possibilities.

Motion #2: Haug/Smith to amend Resolution 2007-228 to add a second item: that staff meet with residents and property owners along Springbrook Road south of Crestview Drive to discuss noise barriers. Motion passed (7 Yes/ 0 No).

Commissioner Smith pointed out that car traffic from the proposed Crestview Dr. will divert some car traffic from using Springbrook Rd. However, the residents of Springbrook Rd. will still have to endure truck traffic, which might completely go against their expectations for this new road. He also believes that the many years in

Commissioner Foster is disappointed that the Kennedys were not included in light of their involvement with city meetings since 1990. He is also impressed that the traffic study from JRH has pleased the Oxberg Lake Estates.

Commissioner Haug was again concerned for people like the Kennedys. **Mr. Brierley** assured the commissioners that the Kennedys and others will have opportunities to submit their perspective before the issue reaches City Council.

Commissioner Wall is assuming that the Kennedys will have the opportunity to be involved. Mr. Wall also pointed out that most of decisions have been made prior to this meeting. A quasi-judicial public hearing is held so parties with a financial interest do not

End of Side A, Tape 2

Chair Overbay reminded the commissioners that a commitment was made on behalf of staff to double check some figures. She wondered if such an obligation should be included in more definite language prior to voting on the proposal. The commissioners decided extra language was not needed. She also applauded the citizens who made difficult decisions for the betterment of the community even at an expense to their neighborhood.

Motion #3: Haug/Smith to approve Resolution 2007-228 as amended. Motion passed (7 Yes/ 0 No).

Barton Brierley said that this issue will probably go before City Council on February 20, 2007. The record will remain open for further input until that time. He also suggested that the commissioners consider the agenda be quickly reconsidered in light of the time.

Motion #4: Haug/Tri to approve the postponement of Agenda item V.3. to January 25, 2007.
The motion passed by unanimous consent.

2. **APPLICANT:** NewB Properties LLC
 REQUEST: Annexation of three parcels totaling approximately 30 acres and zone change from County AF-10 to City R-1, R-2, and C-2
 LOCATION: 4505, 4813, 4821 & 4825 E. Portland Rd.
 TAX LOT: 3216-900, -1000, -1100
 FILE NO.: ANX-06-011 **RESOLUTION:** 2007-229
 CRITERIA: NDC § 151.122(3), NDC § 151.261, NDC § 151.262

Chair Overbay asked for any commissioners who needed to abstain or declare any previous involvement with this development. **Commissioner Haug** mentioned that his involvement on NUAMC has already given him opportunity to discuss the issue, and **Commissioner Wall** checked that his business was not involved with any of the property owners or applicant.

Staff Report:

Steve Olson summarized the staff report by using a visual presentation that first showed the three plots on a map. This area was designated as a location for commercial development by the Ad Hoc Committee on Newberg's Future, as long as the applicant supplies a suitable buffer with the residential area to the north and east.

There is a pending Urban Growth Boundary amendment on the site, as well as the Gueldner property to the west. To annex this property it will have to complete the UGB amendment process, and the county will hear the UGB amendment on January 24, 2007. This property complies with the comprehensive plan for residential and commercial development. Various options were visually explained how the internal roads could connect to either Benjamin Road or the frontage road along the bypass and comply with the TSP.

In light of the stream in the northeast corner, there will have to be a Stream Corridor zoning overlay applied to protect the stream. City water would connect from 99W, city sanitary sewer would connect through Crestview Drive and Klimek Lane, and would be connected within three years. Drainage ditches on the site would have a wetlands determination completed before any changes in the on-site stormwater system would be made. The stormwater culvert under 99W will need to be upsized. The sanitary sewer pump on Fernwood Road may need to be upsized. There were other conditions placed on the property at the UGB amendment stage regarding buffering that have been carried forward to the annexation stage.

An amended spreadsheet estimating the Annual Fiscal Impact was handed out to replace P129. In conclusion the Planning staff recommends annexation of this property as conditioned and as amended with the new Annual Fiscal Impact statement.

There was a letter added to Agenda Packet from the Svendsens (P157), requesting that their property be brought into the UGB as well. However, their property is not contiguous to the City limits, so it would not be eligible at this time. The process would also have to start all over again to include another property in the UGB/annexation process under review. An additional letter was sent in

by the Palmers (P158), requesting at least a 50 foot setback for any new development, as well as expressing their concerns about safety, possible traffic congestion, and property value fluctuations.

Public Comment:

John Bridges, 515 E. First St. of Newberg, spoke representing the applicant. This is a well conceived project that would be developed with conscientious concern for the neighbors as well as meeting long standing commercial needs for Newberg.

End of Side B, Tape 2

Mr. Bridges also discussed the bypass ramifications and connections with this property using a large, colored aerial picture of the area. The development of this property at this time will also save ODOT the expense of building at least one road, the east-west connector.

Commissioner Stuhr asked how mindful the client is to the fact that this development will be the eastern gateway to the city. Mr. Bridges said the applicant is very aware and concerned for this aspect of the development. The subdivision application in the future will be the opportunity to make sure something aesthetically pleasing is assured.

Dick Petrone, 4301 NE Crestview Drive in Newberg, as President of the Lake Homeowners Assoc. has appreciated working with Mr. Bridges and Tim Speakman of NewB Properties. Conversations have already begun to discuss and work on the best possible buffer between the current residents and future development.

Commissioner Haug asked where the included letter (from the Palmers) wanted the buffers. Dick Petrone explained his understanding by using the map.

John Trudel, 4304 NE Birdhaven Loop in Newberg, spoke on behalf of the Oxberg Estate residents and is in agreement with city staff on this development's conditions. Of course, not everything about the future bypass is totally known today. Therefore, he repeated his concerns regarding future roads/traffic flow, protection of their water systems, and proper wetlands assessment.

Staff recommends the approval of this resolution as conditioned with the amended change to the spread sheet from P129.

Commissioner Stuhr asked where in the big picture the capacity of the treatment plant is considered for this, or any, new development. **Barton Brierley** responded that there is a built-in buffer due to former food processing plants in Newberg. However, the buffer is shrinking. There is a master plan for the sewer plant that is currently collecting system development charges that will fund an expansion in the future. The bigger concern currently is the down stream capacity of the collection pipes. Within a year, the city will know which pipes will need to be replaced or where second parallel lines are added.

Public Testimony Closed

Motion #5: Haug/Tri to approve the Resolution 2007-229 with the amended figures. Motion passed (7 Yes/ 0 No).

Barton Brierley said that this issue will probably go before City Council on February 20, 2007.

VII. ITEMS FROM STAFF:

City Council has approved the UGB amendment for the NewB property.

At their next meeting, commissioners will deliberate the number of the Planning Commissioners.

A stricter attendance policy is to be considered. **Commissioner Haug** discussed the difference between more members versus more stringent requirement of attendance.

Mayor Andrews asked if the issue should be removed from the next City Council meeting. The commission said no, but their recommendation was to keep the Commission at 7.

The next meeting is scheduled for January 25, 2007.

VIII. ITEMS FROM COMMISSIONERS:

Commissioner Stuhr pointed out the map quality on various pages in the agenda packet needs more clarity.

IX. ADJOURN:

Chair Overbay adjourned the meeting at 10:47 p.m.

Approved by the Planning Commission this 8th day of February, 2007.

AYES: 7

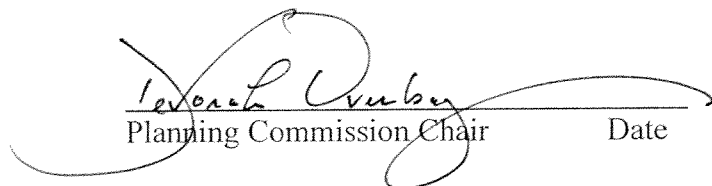
NO: 0

ABSENT: 0
(List Name(s))

ABSTAIN: 0
(List Names(s))



Planning Recording Secretary



Planning Commission Chair Date