

PLANNING COMMISSION MINUTES

July 12, 2007

7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE AUGUST 9, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Daniel Foster (Vice Chair)	Matson Haug	Cathy Stuhr
	Philip Smith	Nick Tri	Lon Wall

Student Planning
Commissioner: Benjamin Shelton

Absent: Devorah Overbay (Chair)

Staff Present: Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
David Beam, Economic Development Coordinator/Planner
Terence Mahr, City Attorney
Luke Pelz, Assistant Planner
Jessica Nunley, Assistant Planner

II. OPEN MEETING:

Vice Chair Foster opened the meeting at 7:00 p.m. by asking for roll call. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

No communications from floor.

Vice Chair Foster read ORS 197.763 which is required by the State of Oregon for Legislative and Quasi-Judicial Public Hearings.

IV. PUBLIC HEARINGS Commissioner Foster: (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.

REQUEST: Approval of the Springbrook Master Plan, a development agreement, a comprehensive plan amendment, a Development Code amendment, a comprehensive plan map amendment to change the designation of the property to "Springbrook District", a zone map amendment to change the property to the "Springbrook District" zone, preliminary plat approval for a subdivision including 94 tracts and 34 lots, and stream corridor impact review

LOCATION: Properties generally north of Mountainview Drive and Crestview Drive, and properties east of College Street south of Mountainview Drive, as shown on the attached map.

TAX LOT: Various

APPLICANT: Springbrook Properties, Inc.

OWNER: Springbrook Properties, Inc.

RESOLUTION: 2007-240
(continued from the June 10, 2007 meeting at point of public testimony)

Abstentions, Bias Ex Parte Contact, or Objections to Jurisdiction: Commissioner Stuhr stated that her mother owns property immediately adjacent to the north of this property.

Staff Report and Preliminary Staff Recommendation: Barton Brierley presented the staff report which recommended adoption of Resolution 2007-240. Tonight is focused on public testimony. A special meeting has been called on July 26, 2007 where additional deliberation will take place if needed. The project is on the north side of Newberg and encompasses approximately 450 acres mostly to the north of Mountainview Drive. It also includes property that extends to College Street on the south side of Mountainview Drive and properties north of Crestview Drive and an area on the south side of Crestview Drive on the east side of Springbrook Road. This is a proposal that the applicant has made to the city and the request has eight parts. All the property is in the city and currently has Comprehensive Plan designations and is zoned for urban development. The question tonight is, should the plan designation zoning be changed so the property can be developed in this matter, as opposed to what is currently planned. Barton continued by giving a brief overview of the project with a map of the Master Plan. No additional correspondence has been received since the meeting of July 10, 2007.

Vice Chair Foster asked if the Proponents have anything further to add. The response was no.

Questions of Proponent by Commissioners: None.

PUBLIC COMMENT:

Dave Van Bossuyt comes representing himself as a citizen who lives off Benjamin Road to the east, and also as a representative of Portland General Electric. He has dealt with a number of different projects over the years throughout the service area and many times you can judge a project and how it will turn out in the future by how it's planned and carried through. The Springbrook project, which the company has been working with over the last year or two, has to be viewed as first class. All commitments have been made and it's been an excellent working relationship. As a resident of the

Newberg area, he has watched development go on for 23 years and there's always some concern on what Newberg is going to look like down the road, but he can honestly say he knows of no other development in the Greater Portland Metro area, Salem, or the areas in between that he would be more pleased to have in this area.

Rick Rogers is a resident of Newberg and represents Habitat for Humanity. As has been said, this is a wonderful project for Newberg. The question of affordability is our [Habit for Humanity] interest and David Beam and Barton Brierley have also brought this forward as an issue. We're [the city] not making the affordability guidelines or density requirements and there is no end in sight. The new homes that are selling here are \$450,000. The Planning Commission is now looking at a series of tools to address this problem. Mr. Rogers shared a story concerning a board member from Habitat for Humanity who is trying to find affordable housing in Newberg and has looked for months and can't find anything and is now moving to Dayton. We want to encourage all to look at an increase of 80 units and would like to see all levels of income in the village.

Commissioner Smith: asked what 2 or 3 tools are appropriate for this project.

Mr. Rogers stated that density is one hope, but is not necessarily translated into a lower cost. Deed restrictions may possibly work or tax benefit programs.

Lisa Rogers is a resident of Newberg and represents a non-profit developer in the community. Her hope is that if they are going to make changes that they be not just for this proposed Master Plan but would be available to the rest of the community as well. If codes are going to be changed, they need to be across the board for the entire community. Her concern is the traffic impact on Bell Road and the number of accidents that have taken place already in that area.

Alan Sparks submitted written testimony concerning the need for sidewalks along College from Mountainview to Crestview and asked how that will be addressed.

Susan Osborne came to the meeting on Tuesday night fully in favor of this development, but came tonight with some concerns. She lives on Crestview Drive and her concern is the traffic flow and asked that whatever goes in the employment acreage across the street from her home not access Crestview Drive. Another concern is the minimum wage workers who can't afford to live there and would like there to be affordable housing for the workers. Also, the street lights will be environmental lights and she likes the idea of the parks, but right now she's surrounded by renters and it has lowered the standard of living. She stated no desire to move and feels protective of the area and how they live. The public park issue was not answered on Tuesday night about public access/private ownership.

Commissioner Haug asked her to identify where she lives.

Mrs. Osborne right off the round-a-bout.

Loraine Sarnacki is speaking for herself and her husband. They both feel the proposal is too large in its scope. According to the 2000 census figures there were 6,435 homes in Newberg. This

proposal would add 1,200 homes. This would be transforming Newberg and the quality of life they enjoy in a small city with the additional problems of a large city, including crime, traffic, drug and gang problems that come up in cities. It seems to us the results of the annexation bills that came up earlier this year provide a good feeling on how the voters of Newberg feel about this project. Shortly after this project was revealed in the Oregonian, a couple other significant annexations were proposed and put to a test. On one of the proposals the vote came in 55% against and the other almost 60% against. This proposal is over thirteen times the size of those two proposals. This proposal is planting an entire town into the northeast section of Newberg and then expecting the traffic, utilities, roads, and schools to absorb these many new residents. The sidewalks are a concern.

This proposal repeatedly emphasizes keeping the rural feel of the town, but it does not do that. Rural means open land relating to the country and agriculture. This proposal removes the majority of open land. Ms. Sarnacki attended a meeting at the school at the end of the 2006 school year and that school is full. The traffic on 99W and surrounding roads do not accommodate the traffic increase. Children play in the roads and it will become more dangerous for them. Springbrook is a good plan but too ambitious for Newberg. It needs to be scaled down.

Commissioner Smith asked if she wants the project turned down and zoning to stay as it is.

Ms. Sarnacki replied the project as a whole, yes.

Commissioner Smith asked if she realized that all this property is already in the city and is zoned to be built.

Mrs. Osborne stated that she understands that, but this project is for a 7 - 10 year period.

Commissioner Smith stated the importance of recognizing the land owner and the property owner's right to develop the property within the city unless they overstep certain boundaries.

Mrs. Osborne acknowledged that she understood that is the case, but the project as a whole is too large. She is simply stating her opinion.

Commissioner Wall stated that in this community you do have various tools such as the right to vote on future annexations. This decision was made a long time ago and the Austin's stated about ten years ago that they had no immediate plans for this. If the land had been parceled off and sold to different developers, and developed like projects in other parts of the city, we would probably have just as many there right now or maybe more. Commissioner Wall expressed that he is sympathetic with her point of view.

Ms. Sarnacki stated she understands but wanted to voice her opinion.

Commissioner Haug asked if she has taken the opportunity to apply for positions such as this [Planning Commission and other groups], since she has such a passion for the community.

Ms. Sarnacki stated she is heavily involved in volunteer work and is employed full time.

Mark Boumann agrees with Ms. Sarnacki. He has 3 children and lives in the College and Mountain View area. Traffic is getting worse every month and there are no sidewalks. He asked that the housing be scaled down a little bit. People move to Newberg because they enjoy the country and a smaller town. The project will happen but asked to have it scaled down with a small town feel. The roads can't handle it and asked that the roads be widened.

Commissioner Haug asked how long he has lived in Newberg.

Mr. Boumann replied 14 years.

Vice Chair Foster asked the commission concerning proponent's who are not the principal proponent, but who have just turned in blue sheets, asking to be heard.

Motion #1: Commissioner Haug/Commissioner Tri moved to cut of the receipt of any more blue sheets.

Motion #1 was withdrawn.

Matt Meinert stated that his parents have been a large part of this community for many years. He is not speaking on their behalf, although this does impact his family who live in the area. Mr. Meinert moved away after high school and moved back to Dundee with his 12 year old, 3 weeks ago. He loves Newberg and the quality of life that is here. If you live here consistently, you may not see the amount of growth that he now sees. It will occur whether we like it or not. The plan is well thought out. He has been in the building industry for 8 years and has never seen such a good plan. This proposal has an opportunity for national attention. Affordability of housing is a statewide and a national issue. There is a mix of condos and attached dwellings with this project. He asked for approval for this proposal.

Mike & Michele Wagner submitted written questions asking if utilities will be underground and will they be extended to their property.

Dave Dailey is in favor of the project. It's well thought out and will be an asset to the City of Newberg. This land is zoned to be built on whether this project goes forward or not. Mr. Dailey commented on the park areas and methods of enforcement on Tuesday night and commended the Austin's for pre-thinking that. One concern he has is that the city has no Erosion Control Ordinance as all this land develops.

Mark Wheeler has lived in Newberg for 30 years and currently lives on Crestview Drive. Traffic is a concern and wants to know if the roads under construction can handle it. The employment area is right next to residential, one being his and the construction going on right now will close the crossing at Crestview Drive that heads west. This will be congested with traffic and would like to see the traffic minimized in that area as well as the employment traffic encouraged to use the new alignment that's being put in.

Marianne L. O'Connor submitted written comments concerning the streets going through on Dartmouth and is against that street being cut through.

Kathryn Seelye submitted written comments opposing putting Dartmouth through.

Angela and Jack May submitted written comments in opposition and are concerned with the high density of homes proposed in this plan. The roads cannot handle the current population. How then will they handle the population explosion? According to an article in the Graphic, City Representatives want to increase the density of townhouses over what was proposed which they feel is a very bad decision.

Joe Sarnacki asked how and where are the people going to work. They'll be driving to Tualatin, Sherwood, etc., and can't see how the roads can handle the traffic proposed by this development. The town will grow, but this is not a good fit for Newberg. It will affect the quality of life here in Newberg. The development needs to be scaled down, although it is a good plan.

Deborah Vanoord submitted written comments asking what was the recent election about and what is the impact on this project, and will there be any future elections and what will their impact be, if any.

*****15 minute break*****

Vice Chair Foster announced the receipt of additional blue cards. Also, Deborah VanNoord asked him to clarify her comments. Deborah was wanting to know the effects of the last vote that we had regarding the annexation of the properties along Crestview. She was under the impression that by voting down those annexations she believed that was putting a stop to this development.

Michael Wagner submitted written comments stating, that by denying access to the city utilities for neighboring properties, for example north of Aspen Way, this will create a lot of animosity. Why not plan for the future development while the trenches are open and put in stub lines for future growth. It's more affordable than later.

Principal Proponent: Representative: Mimi Doukas for Rebuttal:

Ms. Doukas appreciates the testimony tonight and understands the very serious consideration by the community and the commission. Mr. Meinert brought up one of the better points by reminding us of the Newberg City Motto: Newberg: It's great place to grow. The commission makes sure that Newberg handles growth responsibly. You want to make sure there is the right kind of housing, and making sure that the infrastructure is adequate for the growth. The Austin family has approached this much different from some developers and guarantee they will not put the City of Newberg at risk. We have spent much time looking at the impacts that this development will have and making sure that we are either mitigating those impacts or addressing those impacts through our design. When it comes to affordable housing, part of the components to affordable housing is making sure you have enough land and enough houses for people to move in to. Scarcity hurts available housing and I believe that's what you've seen in the Newberg market. You need to accommodate the growth of your community and this plan will do that. Density is a way to address that. Different price points

will be provided. There have been serious considerations by the Austin family to accommodate Newberg. They will continue to think through and address those issues. Timing will depend on the market and how much the community needs. This development will grow at the right pace with Newberg. Based on market components, looking backwards, the time frame was in the seven year time frame. We asked for the development agreement to be 15 years. This land will not develop tomorrow but over time. We hope the citizens understand this is a long-term vision. Concerning the schools, the family is concerned about that and we have checked in with the school district and there is a letter in Exhibit K that talks about capacity and have accounted for this land and have sufficient schools to address it. In terms of extending utilities, the Aspen Way utilities will be accounted for to the north and is easy to address. In terms of the roadway system and making sure there is a sufficient road network for this development starts with connectivity, which gives many options. The other component to traffic is improving the other roads in Newberg and alternate routes through Newberg. As part of our requirement for development, we did a Transportation Analysis completed by Lancaster. That looks into the absolute build-out of this development. Any impacts we have need to be mitigated. The mitigation will occur at various stages. Sidewalks along College will be included at that time that the commercial development takes place.

When the Master Plan was started, they looked at the mixture of uses and want to make sure that Newberg is a place unto itself. It's a place to live, work, go to church, etc. Because we are providing jobs and services within this community, we are trying to reduce the traffic impacts by providing those avenues. Regarding the question about the vote and the impact and denial of the annexation of this development. No commercial development will occur on the land east of Newberg. That land is within the UGB and are able to build the roadway because it's on the TSP. The vote said there will be no commercial development on that land. A road connection is not necessarily urban. That vote does not stop all development. Regarding the question about the Dartmouth connection, we're open to other ideas on the connection. It only extends a half a block and enables good connectivity. The final question was about the parks. They are proposed to be under private ownership with full public access. George Fox has a similar situation next to the creek. It won't be public dollars responsible for these facilities and that allows flexibility of what goes into those parks. If a park fixture is not used, they can change it out, and decide what happens if equipment is vandalized.

I have had the honor of working with a fantastic development team and a family that has a completely different motivation than other developers. We ask for approval of the plan.

Commissioner Stuhr asked about minimizing through traffic in the residential area for the employment areas to use the new alignment.

Ms. Doukas answered by stating that access for that employment area will be addressed when we know what the actual development will be. Realistically, the primary roadway will be the new "S" curve and that is already zoned industrial land.

Commissioner Stuhr asked about the traffic problem that stresses roads. Are there ways of getting people who are living in this new development to go through the new roads instead of using the old ones?

Ms. Doukas explained that part of what will happen with development of this land is improvement of the roadway network. The impact on rural roads is a struggle and has been a struggle for Newberg. What will draw people internal to this development is through the improvement of those existing roadways. Mountainview is a great example of that and will be brought up to standard. Brand new roads are used because people are drawn to them. A new north/south connection will provide an alternate route and will hopefully take trips off Aspen Way. Through those improvements trips will be drawn to those routes.

Commissioner Smith You made very clear on Tuesday night and again tonight that due to the failure of the annexation, code does not prohibit a road to extend Crestview to 99W which is important to the overall plan. Who will pay for the road?

Ms. Doukas explained the cost will be paid for by the development and System Development Charges.

Commissioner Smith asked about deed restrictions on some of these properties. Would you be willing to discuss this with staff?

Ms. Doukas answered yes.

Commissioner Wall asked about schools and if there are adequate ways to deal with it and is the property dedicated for public schools sufficient.

Ms. Doukas answered yes. To the south is an excellent school complex.

Commissioner Wall asked if there is property within the proposed development for public schools.

Ms. Doukas answered no, it would be redundant. There are schools already there.

Commissioner Haug asked about the concerns on transportation.

Dan Danicic: explained there is some discussion on improvements on Villa Road between Mountainview and Crestview that is being triggered in part by this development and part by the George Fox Sports Complex that is underway. There was a meeting Wednesday night with the public out there to talk about some of the options and the issues and how do we construct that segment of road. Some adjacent property owners are going to have to pay for that because they have waivers of remonstrance regarding frontage improvements. Villa Road is a major collector in our TSP that means it is larger than a residential street and there will be systems development money going towards these projects, as well.

Ms. Doukas stated there was one question in her notes that she didn't answer concerning erosion control. That is part of the Geo-Technical Report.

Vice Chair Foster closed public testimony.

Barton Brierley: Addressed a few comments in response to what Ms Doukas said. There was a question concerning utilities and would they be underground and the answer is, nearly in all cases, yes. There may be a facility or two you may not be able to get underground for some reason. On the utilities, especially in the Aspen Way area, the developer will be required to extend those utilities to the ends of their properties along the frontage roads. On Aspen, as you go up that hill, you reach the limit of our existing reservoir system. A plan is in place for a second reservoir that will be placed further up the hill. Some of the property will have to be served by that upper level reservoir. In this particular development, the custom lots area is an area that will be served by the upper reservoir. Aspen Way is the boundary between the upper and lower reservoirs. In a few cases, there may be a water line in front of or close to your property but won't be able to use it. There were some comments on the scope of the project: This area is in the city and it does have zoning. In fact, the proposal has quite a bit less housing than would be allowed if they were developed under the existing zoning and in some cases, has been scaled back to some extent. Staff's concern was that it was scaled back too much and recommended more housing for the specific issues, such as the need for affordable housing. Looking at this issue, the two main ways under a market system to promote affordable housing is to reduce the size of the lots and houses. With this proposal, there will be an appropriate density for this area and opportunities for affordable housing. As Mr. Brierley stated in his previous presentation, there will be a good spectrum of housing with an opportunity for all ranges of housing in the area. The question then is what size of house will be built and how affordable will it be built, and those things are not controlled by the plan. The family has been willing to work with those issues.

Most of the comments were regarding traffic and how this will tie into the system. Mr. Brierley reiterated some of the points that Ms. Doukas said, including a major facility that needs improvement now being Mountainview Drive and improvements have been looked at beyond the property. The developer will be improving all the roads on the interior and on the edge. In some cases, there will be cooperative agreements between different parties to participate in doing improvements. College Street is an example where they will be doing a significant amount of sidewalks and they were asked to do a cooperative project to extend that down to Crestview. On other facilities, they will be doing improvements such as to the Haworth/Springbrook intersection because of the direct impacts there. This development will be generating quite a bit of System Development Charges that will go toward improving other facilities. On the Dartmouth issue, it is good urban planning to have a connective road system for a number of reasons and it is logical to have Dartmouth go through.

In summary, they have done a great job of planning and should be commended. This is what urban and comprehensive planning is about. Staff recommends that the Commission recommend to the City Council approval of the plan.

QUESTIONS OF STAFF

Commissioner Smith asked about Newberg not having an Erosion Control Ordinance.

Mr. Danicic explained that Newberg has a minimal ordinance for erosion control. We follow state requirements and for any development over an acre, obtain an Erosion Control Permit from DEQ and work with DEQ concerning enforcement and inspection of those.

Commissioner Wall asked staff to shed light on how the public access with parks will work.

Mr. Brierley stated he knows of private parks within the community that do have public access, but most are small parks. It is a condition that they have to be publicly accessible.

Mr. Mahr explained it would be open to the public.

Commissioner Wall asked in the long term, what should the public's expectation be in accessing the parks?

Mr. Mahr replied that he knows that Chehalem Park & Recreation is doing the park planning for our area and they have characteristics of not liking the small neighborhood park because of the maintenance issue. This may very well be a solution that works both for the Chehalem Park & Recreation District and for the city as well, that there is a private area.

Commissioner Stuhr asked about the text amendments for the development code on pages 66 -67.

Mr. Brierley explained that under the existing code, if you do any type of zone change or change to a Comprehensive Zone District, there must be hearings and approval. For the most part that's the case for this development. We recognize the difference between moving a line in the grass and moving a line next to someone's house. The greater ability has been given to moving the line a little bit when there is no development yet. Mr. Brierley went on to explain in detail.

MOTION #2: Commissioner Haug/Commissioner Tri moved to adopt resolution 207-240 to recommend to City Council the approval of the Springbrook Master Plan. Motion passed 6 - 0.

V. ITEMS FROM STAFF

Barton Brierley stated the July 26, 2007 meeting is cancelled. The next scheduled meeting will be on August 9, 2007 and will be on a proposal to construct a resort hotel on the hospitality property.

V. ITEMS FROM COMMISSIONERS

VI. ADJOURNMENT

Vice Chair Foster adjourned the meeting at 9:38 p.m.

Approved by the Planning Commission this 9th day of August, 2007.

AYES: 6

(List Names(s))

NO: 0

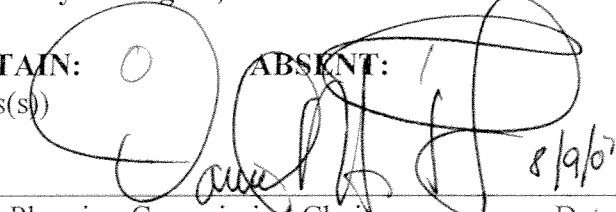
(List Names(s))

ABSTAIN: 0

ABSENT: 1


Recording Secretary

09 AUG 07
Date


Planning Commission Chair

8/9/07
Date