

PLANNING COMMISSION MINUTES

July 10, 2008

6:00 p.m. Early start to Regular Meeting
Newberg Public Safety Meeting Room
401 E. Third Street

TO BE APPROVED AT THE AUGUST 14, 2008 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Thomas Barnes	Derek Duff	Phil Smith
	Nick Tri	Teanna Rice	
Absent:	Chair Cathy Stuhr (arrived 6:15 PM)		
	Matson Haug (arrived at 6:43 PM)		
	Lon Wall (arrived at 6:56 PM)		
Staff Present:	Steve Olson, Associate Planner		
	Luke Pelz, Assistant Planner		
	Jessica Nunley, Assistant Planner		
	David King, Recording Secretary		

II. OPENING:

Mr. Olson alerted the eleven citizens present at 6:00 PM that the meeting was scheduled to begin, but a few extra moments will be given for other citizens and commissioners to arrive. **Commissioner Smith** indirectly opened the meeting at 6:11 PM by asking for a motion to elect a pro-tem Chair in light of Ms. Stuhr's absence.

Motion #1 Smith/Barnes to elect a pro-tem Chair in order to start the meeting. Commissioner Tri nominated Commissioner Smith, and by unanimous voice vote, Smith was elected.

As soon as Pro-tem Chair **Smith** took charge, **Chair Stuhr** arrived and took over.

III. CONSENT CALENDAR:

Some discussion was had about the May 22 minutes, but no changes were required.

Motion #2 Tri/Duff to approve the minutes from the Planning Commission meeting of May 22, 2008 (5 Yes/0 No, 2 Absent).

Chair Stuhr did have a concern about some discussion of ex-parte contact missing on P16/ 217 of the June 12, 2008 minutes. Additional language was inserted to solve the issue.

Motion #3 Tri/Duff to approve the amended minutes from the Planning Commission meeting of June 12, 2008 (5 Yes/0 No, 2 Absent).

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Stuhr did inquire of the thirteen citizens now present if anyone had additional items they would like to see on tonight's agenda. No one suggested new agenda items.

V. QUASI-JUDICIAL PUBLIC HEARING:

1. **APPLICANT:** Coyote Homes (Gish Property) – continued from 6/12/08
 REQUEST: Annexation of 18.5 acres w/zone change to R-1, R-2 and C-2
 LOCATION: 4505 E. Portland Road
 TAX LOT: 3216-1100
 FILE NO.: ANX-07-003 **RESOLUTION:** 2008-252
 CRITERIA: NDC § 151.261 – 151.267

Chair Stuhr read from ORS 197.763 (see Agenda Packet P29/217).

Staff Report:

Steve Olson reminded the citizens and commissioners that this meeting is a continuation of the June 12 meeting, specifically so that ODOT could respond to an unresolved traffic study issue. ODOT submitted comments on July 3 and July 10, 2008. Also by way of reminder, **Mr. Olson** revisited the location and facts of the Gish property (see P31-35 of Agenda Packet). The proposed zoning will be very similar to the Gueldner property to the west, which will include R-1, R-2, and C-2. The similarity in zoning is pictured on P60, 61 of the agenda packet. Transportation impacts were the unresolved issue that postponed the June 12 discussions until tonight.

The Transportation System Plan for Newberg includes the Newberg-Dundee bypass, and the State Highway Plan also includes the bypass. The bypass is not funded at this time, however, so ODOT does not consider it a planned facility. The applicant therefore cannot rely on the bypass to mitigate traffic impacts. This has an impact on traffic studies for the affected intersections involved with this property in particular, as it is the largest of the three proposed annexations. The revised transportation impact study for this annexation does not rely on the bypass, and concluded that the traffic impact at Springbrook Road intersection (4 % increase), and the Crestview Dr. intersection (7 %

increase) will not be significant after mitigation is completed. ODOT's 7/3 comments stated that the transportation study methodology was now acceptable to ODOT.

The Planning staff recommends that the annexation be approved as conditioned (see conditions below, and on P52/217 of Agenda Packet). **Steve Olson** read a late (7/10) email correspondence from ODOT (see handout #1), where ODOT stated that they find the findings acceptable and have no further objections to the three annexations. ODOT also added a willingness to work with the city of Newberg in the future in their 7/3 comments.

Conditions:

- * Refined TIS out to 2025 upon development
- * The development shall pay an impact fee for future Springbrook/99W capacity improvements
- * A 30-foot setback along northern border
- * Wetlands development must meet state and federal requirements
- * Storm drainage shall follow best management practices
- * Verify Fernwood sewer pump capacity upon development, sewer lines must be by gravity flow
- * Connect existing home to sewer/water or remove it within two years

Part of the recommendation to the City Council will also suggest that this annexation be on the November 4, 2008 ballot.

Questions for Staff:

Commissioner Barnes asked about Benjamin Road being disconnected from Hwy. 99W. **Olson** clarified, with **Stuhr's** help, that this annexation would not disconnect Benjamin Road, although that could happen at some point in the future if the County, City and ODOT thought it necessary and Gueldner Drive had been built. The previous conditions of approval incorrectly listed Benjamin frontage improvements for this annexation – this was a cut and paste issue on p. 52.

Commissioner Smith was concerned how a fair share for traffic improvements is determined for each annexation developer, especially in the scenario where the total development was limited by the city for some reason that then decreases the amount of money coming in from that developer. **Steve Olson** referenced the use of SDCs, which increase with the amount of the impact. The impact fee for Springbrook improvements would be based on how many trips the project added to the intersection.

Commissioner Barnes noted that the hospital has paid over \$22,000 based upon their generated traffic and improvements in the area. **Steve Olson** supplemented his earlier answer with the fact that projects pay regular SDCs, and the proposed Springbrook/99W impact fee is in addition to the regular SDCs.

Chair Stuhr asked for any additional reasons for commissioners to abstain from participating in this hearing in light of new biases, conflicts of interests, or ex parte contact with the applicant since the last meeting. No commissioners needed to abstain.

Public Testimony:

Charles Harrell (proponent), representing Coyote Homes, was content with ODOT's TIS findings and the staff report, and in light of everything being hashed out at the last meeting, he simply wanted to come forward in case any commissioners had a question.

Brian Dunn (proponent), a traffic engineer representing Dunn Traffic engineering, LLC also said he was present and willing to answer questions.

Kimberly Dunn (proponent), as a relative of the owner, also signed a registration card only in case commissioners wanted to ask her questions.

Steve Olson quickly summarized his report from June 12 and tonight, with emphasis on the revised TIS and ODOT's comments, for Commissioner Haug.

Chair Stuhr referenced that the packet could infer that traffic impacts are potentially serious looking all the way out to 2025, especially if a bypass is never built. **Steve Olson** said that the traffic studies project a significant increase in traffic in the future due to the increase in background traffic. The conclusion of the revised TIS was that the additional impact from this project would not significantly worsen traffic.

Closed Public Testimony

Steve Olson added that this is one of the last commercial properties adjacent to Hwy. 99W that can be annexed and developed in Newberg. Mr. Olson relayed that this could produce certain reasons for Newberg residents to shop and stay in Newberg more, which would reduce the overall amount of travel.

Commissioner Smith wanted to know from staff how this gateway property could be overseen by the staff to insure an impressive entrance to the city. **Steve Olson** said the Type II design review process lies ahead for this development, where the city can ensure that the project meets design review standards and design compatibility with the hospital in the area. Charles Harrell assured the commissioners that Coyote Homes, as an applicant, has won awards for its office building in Newberg, and that they, as a local developer, surely will endeavor to build something that fits aesthetically within the eastern entrance to the city. It was also mentioned on behalf of Oxberg Lake Estates by Charles Harrell that his applicant is willing to put in a sound buffer wall on the northern border of the property.

Commissioner Haug asked about the wetlands, both for the residential and commercial portions of the annexation, and if during the design review process, the process might

have to be advanced to a Type III review. **Steve Olson** relayed that the wetlands on this property were not a goal five resource and so would not trigger a Planning Commission review of the subdivision. The subdivision would include both commercial and residential property, however, so for that reason it would come before the Planning Commission.

Deliberation:

Commissioner Smith moves to approve the annexation of ANX-07-003. **Commissioner Tri** seconded the motion.

Commissioner Haug believes there is sufficient ordinance protection in place to ensure the proper aesthetics for the annexation and development.

~~Chair~~ ^{Commissioner} **Barnes** alerted his fellow commissioners that the sewer system is in crisis, and he doesn't believe that the new development would pay for the usage of the system that they will require. It was noted that one of the conditions of annexing this property is an evaluation of the Fernwood Road pump station, which the developer may have to upgrade.

Student Representative Rice was pleased with the future design review process holding the aesthetics of the gateway property to the highest standards.

Commissioner Wall sat out of the vote due to his late arrival.

Commissioner Duff was pleased with how the transportation issue has been addressed since the last meeting, and is excited for an impressive gateway to the city.

Chair Stuhr wants to see the sewer issue properly addressed upon development, and also finds it unfortunate that traffic improvements can't be pre-financed. Limiting growth because of perceived traffic problems is not a way to grow the city, any traffic improvements have to be done after the fact because development funds the improvements.

Commissioner Smith wants to vote according to the criteria and this applicant meets the criteria. Secondly, the Planning Commissioners cannot be swayed by the impact it might have on other commissions.

Commissioner Tri agreed with Commissioner Smith and is pleased with ODOT's contribution.

<p>Motion #4 Smith/Tri to approve the annexation ANX-07-003 with the stated conditions (6 Yes/0 No, 1 Abstain [Wall]).</p>

2. **APPLICANT:** NewB Properties, LLC (Kimball property) – continued from 6/12/08
REQUEST: Annexation of 5.8 acres w/zone change to R-1, R-2 and C-2
LOCATION: 4813 E. Portland Road
TAX LOT: 3216-1000
FILE NO.: ANX-08-004 **RESOLUTION:** 2008-253
CRITERIA: NDC § 151.261 – 151.267

asked if anyone in attendance did not hear the reading of
Chair Stuhr ~~did not repeat~~ ORS 197.763, and ~~did ask~~ for any additional reasons for commissioners to abstain from participating in *this* hearing in light of new biases, conflicts of interests, or ex parte contact with the applicant since the last meeting. No commissioners needed to abstain.

Staff Report:

Steve Olson did a review of the property description, location, and its need for Gueldner and Gish to be developed first. It too will have R-1, R-2, and C-2, and it must be noted that there is no potential of a big box development on this property due to the overall size restrictions of the property. Any east-west corridor will need to be as far north as possible for its eventual connection with Benjamin Rd.

Criteria:

- It is within the UGB;
- It is contiguous to city limits *if* the Gish property is annexed;
- It complies with the Comprehensive Plan;
- There are no wetlands or stream corridors involved;
- Adequate urban services would be available within three years;
- Will require a TIS and impact fee upon development (though staff noted that a minimum of 40 trips are usually necessary to require traffic studies, and this property would barely reach the minimum); and
- Adequate police, fire, parks, school services considered.

Steve Olson pointed out that what was proposed in June is now finalized—the city has added four new officers for the police force. This fact aids the annexation, ensuring that there are additional police services in place. Staff does recommend approval as conditioned of this annexation as well, with the annexation being recommended for the ballot after the Gish annexation.

Chair Stuhr asked if the ODOT late correspondence read earlier applies to this annexation as well. **Steve Olson** said it does.

Questions for Staff:

Commissioner Haug asked where the fine print lays out that the annexation would fail if the Gish property does not pass. This is discussed in the findings, which explain that this property would not be contiguous to the city without the Gish parcel (see I (B) on P106/217 of the Agenda Packet).

Public Testimony:

Tim Speakman, (proponent), agrees with the staff report, but says there is a need to have this issue on the November ballot. It gives the greatest number of voters a say in the total package of all three annexations seen together.

Closed Public Testimony

Commissioner Wall wondered if any contingent legal strategies have been considered if this annexation passes and the Gish property doesn't. Tim Speakman knows that without an east-west road connecting the properties there is no development. Additionally, there is no annexation without the Gish property being annexed.

Chair Stuhr highlighted an issue on P105/217 in reference to the timing of the vote in relation to the Gish property being annexed. The key word of discussion is 'after'.

Commissioner Smith likes the willingness of the applicant to have all three properties on the same ballot so the voters see more clearly the big picture of the overall development instead of on three separate ballots. **Commissioner Haug** voiced his comment that the Planning Commission should abide by the applicant's desire on the timing of the annexation vote. **Commissioner Wall** referenced some other annexations throughout the state that might bring the voter-annexation law under some scrutiny.

Commissioner Smith moved that this annexation (ANX-08-004) be approved with the amended recommendation that it too be added to the November 2008 ballot. Haug seconded.

Motion #5 Smith/Haug to approve the annexation ANX-08-004 with the stated conditions and recommendation for the November 2008 ballot (7 Yes/0 No).

3. **APPLICANT:** Bruce and Valerie Thomas – continued from 6/12/08
 REQUEST: Annexation of 5.3 ac. w/zone change to R-1, R-2 and C-2
 LOCATION: 4821 & 4825 E. Portland Road
 TAX LOT: 3216-900
 FILE NO.: ANX-08-003 **RESOLUTION:** 2008-254
 CRITERIA: NDC § 151.261 – 151.267

Chair Stuhr once again found it unnecessary to repeat ORS 197.763, but did ask for any additional reasons why commissioners might need to abstain from participating in *this* hearing in light of new biases, conflicts of interests, or ex parte contact with the applicant since the last meeting. No commissioners needed to abstain.

Staff Report:

In similar fashion to the first two, **Steve Olson** presented the details of the property. This one, however, will have a wrap-around portion of LDR R-1 to extend the buffer zone to the eastern border on Benjamin Rd (see P. 175 and 177/217).

Criteria:

- It is within the UGB;
- It is contiguous to city limits *if* Gish *and* Kimball are annexed;
- It complies with the Comprehensive Plan;
- It could have adequate city services within three years, and help mitigate any impact to the sewer system;
- A TIS would be required upon development and an impact fee for the Springbrook/99W intersection would be applied; and
- Adequate police, fire, parks, and school services exist.

The staff recommends that the annexation be approved but placed on the ballot after the Kimball annexation. The Commissioners should discuss this timing issue.

Questions for Staff:

Chair Stuhr asked if any late correspondences were handed in, and **Steve Olson** again said the same ODOT email (handed out earlier) applies to this property as well.

Commissioner Smith read from P178/217 concerning the applicant's email to Steve Olson. Smith wanted to know what staff thought of the dangers of Benjamin Rd. and Hwy. 99W. **Steve Olson** did not have detailed facts on safety, but knows turning right into Benjamin Rd can be difficult, let alone turning east on Hwy. 99W from Benjamin Rd. If the first two annexations pass, and this one doesn't, there will not be a through road to provide an alternative to Benjamin Road.

Commissioner Haug asked about the zoning lines as seen on P177/217. Will these zone lines be the actual lines that are developed, and could these be changed if someone wanted to change the zones? **Steve Olson** said that the zones will be as shown. If the applicant wants to change the zones the usual process for zone change requests would apply, including Planning Commission and City Council hearings.

Commissioner Wall wanted to know the timing of the ODOT correspondence. ODOT received the Planning Commission packet on July 7 and replied on July 10.

Public Testimony:

Tim Speakman, (proponent), is not officially representing Bruce Thomas, but has talked with him at various times and very recently, and is willing to work very closely with him. He knows that Bruce wants to have his annexation on the November 2008 ballot.

Close Public Testimony

Commissioner Haug motioned to approve ANX-08-003 with the conditions and striking the section about placing it on the ballot after Kimball. He wants it placed on the November 2008 ballot.

Commissioner Wall was not objecting to this annexation but was concerned with the Planning Commission procedures not taking all the impacts into account.

Motion #6 Haug/Tri to approve the annexation ANX-08-003 with the stated conditions and recommendation for the November 2008 ballot (7 Yes/0 No).

* * * **Chair Stuhr** allowed a 10 minute break * * *

4. **APPLICANT:** John Arnold
 REQUEST: Chehalem Valley Mill alteration & historic review
 LOCATION: 303 N. Main Street
 TAX LOT: 3218DC-8400
 FILE NO.: HISM-08-001 **RESOLUTION:** 2008-256
 CRITERIA: NDC § 151.492

asked if anyone in attendance did not hear the reading of
Chair Stuhr ~~did not repeat~~ ORS 197.763, *but did ask on this separate quasi-judicial hearing if any commissioners might need to abstain due to biases, conflicts of interests, or ex parte contact with the applicant. No commissioners needed to abstain.* *and asked if*

Staff Report:

Luke Pelz presented the request to restore a Newberg historic building-the Chehalem Valley Mill. A resolution approved at a public hearing on June 14, 2007 allowed the modifications to begin, and much restorative work on the mill has been accomplished since then.

The location, with surrounding properties, and the zoning (M-2) were discussed and pictorial presented. Then the actual request(s) was presented. Additional modifications the applicant would like to pursue include: An additional exterior door for fire egress, replaced brick walls, move walls out of the public right-of-way, add some new windows

for better lighting, replace a roof, add support posts for porch roof, and to modify the previously approved design for the main entrance.

Criteria:

Any modifications to a historic landmark require the historic character of property to be preserved. Nine different levels of criteria were studied by staff and discussed thoroughly with the Planning Commission. Staff finds the applicant in compliance with the criteria and recommends approval for the applicant's request with the conditions of replacing the sidewalk on Main Street when the wall is moved west.

Chair Stuhr asked for any late correspondences pertinent to this hearing. There were none to report.

Questions for Staff:

Commissioner Wall wondered why criterion H was worded so; what is the intent of new construction now being allowed to mimic an older style? **Luke Pelz** thought it was to ensure that faux historic structures were not built, and **Steve Olson** added that these standards are often borrowed from national standards, and these come from National Landmarks standards which want new additions to harmonize with but not copy historic designs. The City Hall remodel is an example of this idea.

Public Testimony:

Marcia Mikesch (proponent) is happy with the staff report, and wants to answer any questions.

Closed Public Testimony

Commissioner Wall wondered as a restorer of old cars, restoration projects often run into additional projects that were not seen at first. Are there any other modifications planned at this time? Marcia Mikesch said not at this time, especially to the elevator building, but at some point beyond five years, the silo may be modified. To develop the site any further the owner would have to acquire additional parking area.

Commissioner Smith asked if this M-2 land is going to be used for industry or commerce. Marcia Mikesch said the highest goal is to use it commercially for a restaurant, bar, wine tasting room, etc. This would be down the road when additional parking is acquired and a zone change request submitted.

Commissioner Haug motioned to adopt Resolution 2008-256 with the conditions as stated. **Commissioner Tri** seconded the motion.

Commissioner Haug complimented the applicant for their efforts and investment. **Commissioner Smith** concurs.

Motion #7 Haug/Tri to approve the Resolution 2008-256 (7 Yes/0 No).
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VI. ITEMS FROM STAFF:

Steve Olson reported that the City Council discussed the asphalt multiuse path along the Chehalem Glenn golf course second nine, as well as the URA amendment.

Chair Stuhr reported that the City Council and County wanted to decouple the URA from the SE transportation plan.

At the next meeting of City Council (July 21, 2008), they will be discussing a grant application for bike/pedestrian improvements along part of Villa Rd. Another grant application to be discussed will involve the southern industrial plan. There will be a work session on garage sale signs used throughout the city. The council will also hear the appeal of Larry Hill's variance request.

The next Planning Commission meeting is August 14, 2008 with a dinner/training session beginning at 6:00 PM. Commissioners would greatly appreciate a reminder when the meeting(s) begin early.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Smith said that the task force on affordable housing has just begun, and the early work has been on definitions. Further discussion followed on the need for R-2 and R-3, or at least higher density standards even for the annexations that come before this Planning Commission.

The commissioners also had a discussion about the possibility of train service coming to Newberg.

VIII. ADJOURN:

Chair Stuhr adjourned the meeting at 8:46 p.m.

Approved by the Planning Commission this 14th day of August, 2008.

AYES:

6

NO:

0

ABSENT:

1

ABSTAIN:

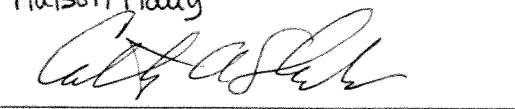
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(List Name(s))

(List Names(s))

Matson Haug


Dawn Karen Beirill
Planning Recording Secretary


Planning Commission Chair