



PLANNING COMMISSION MINUTES

March 13, 2008

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

TO BE APPROVED AT THE APRIL 10, 2008 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Thomas Barnes Matson Haug Phil Smith
Cathy Stuhr (Chair) Lon Wall
TeAnna Rice (Student Planning Commissioner)

Absent: Nick Tri (excused)

Staff Present: Barton Brierley, Planning & Building Director
Steve Olson, Associate Planner
Jessica Nunley, Assistant Planner
David King, Recording Secretary

II. OPENING:

Chair Stuhr opened the meeting at 7:01 PM.

III. CONSENT CALENDAR:

Motion #1 Haug/Smith to approve the minutes from the Planning Commission meeting of February 28, 2008 (5 Yes/0 No, 1 Absent).

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Stuhr invited the eleven guests to bring forth any new topics for the agenda. No additional issues were asked to be added to the agenda.

V. QUASI-JUDICIAL PUBLIC HEARING:

- APPLICANT:** J.T. Smith Co.
REQUEST: Approval of a preliminary subdivision plat to divide a 14.74 acre parcel into 16 residential lots, two commercial lots, and extend Crestview drive to Highway 99W.

FILE NO.: SUB3-08-003: Crestview Crossing Subdivision Preliminary Plat
LOCATION: North of Highway 99W, across from Providence Hospital
TAX LOTS: 3216AC-13800
RESOLUTION: 200 8-248
CRITERIA: Newberg Development Code §§ 151.242, 151.565, 151.567, 151.681, 151.682, 151.684, 151.704, 151.705, 151.718, 151.719, 151.720, 151.725

Chair Stuhr read from ORS 197.763 (see Agenda Packet P11). **Jessica Nunley** said that staff would give a summary of the application, with a more detailed presentation at the next meeting, probably April 10, 2008. Because the applicant has asked for a delay (copies of the letter were passed out), there will be a continuance of the process, but public testimony will be accepted tonight in case people currently present cannot attend the next meeting.

Chair Stuhr asked fellow commissioners if anyone needed to abstain, admit bias, ex parte contact, or exceptions to jurisdiction. No members brought forth any issues. **Barton Brierley** further said that the Chamber of Commerce has a banquet planned for the night of April 10, 2008, and that the Planning Commission also has affordable housing on the agenda for that night. **Stuhr** decided to continue with the presentation and for commissioners to decide the date later.

Staff Report:

Jessica Nunley recapped the applicant's request, alerting the commissioners that many criteria apply to this request. She used a schematic (P28) and an aerial view (P29) to show the boundaries of the property amongst the surrounding properties. The tentative plat map shows Crestview Dr. extension with a Gueldner Ct. cul-de-sac. Joint driveways will be mandatory for certain adjacent lots. This map also highlighted marshy wetlands. The Crestview Dr. connection with Hwy. 99W will occur directly across from the current Providence Dr. intersection that leads to the hospital. Two more presentations—the Preliminary Plan and Utility Plan—were color coded. Sewer (green) will be 8", water (blue), and storm water drainage (orange). The Street Striping Plan showed the roundabout with the medians, crosswalks, and the street layout connection with Hwy. 99W.

Chair Stuhr asked about any commercial development at this time. **Jessica Nunley** replied that the commercial development will be designed after the residential. **Stuhr** also asked if there is a wetland component within the commercial development. **Jessica Nunley** said that the applicant has already applied to fill in a low, wetland area when the commercial component is developed.

Commissioner Smith asked a question in light of the applicant's letter asking for a continuance. Is there a particular issue behind the request for the continuance in working

with the planning staff? **Jessica Nunley** said that the year 2025 traffic study ramifications are being discussed with the applicant.

Commissioner Haug clarified that a continuation usually results in a waiver of the 120 day rule. In light of the applicant asking for a short-term extension instead of a waiver, is it in the Planning Commission's discretion to accept or deny the request? **Barton Brierley** said that it is in the ruling power of the Planning Commission to decide either way.

Public Testimony:

Michael Robinson (proponent), representing Mr. Smith, simply asked for the continuation to the April 10, 2008 meeting, even though the continuation letter date was set at April 22.

Commissioner Wall asked Mr. Robinson what had changed since the packet was mailed that required the continuation letter to be written. Michael Robinson referred to the 2025 traffic study ramifications.

John Trudel (proponent), wanted to read some questions on behalf of Oxberg Lake Estates into the record. A single page letter was submitted. After looking over the application, Mr. Trudel asked about exhibits A and B. Can the Planning Commission get the language of exhibits cleaned up, and/or have the city attorney make the meaning clear? Similarly, are the current five-party agreements binding until the development is complete?

Commissioner Haug wanted Mr. Trudel to be very specific at this time about the parts that are not clear to him. Mr. Trudel replied Exhibit A, pages 17 – 22, as well as the traffic study condition from Exhibit B. His bottom line statement is that the residents of Oxberg Lake Estates want to facilitate this development, but don't want any adjustments that would change the conditions of the five-party agreement.

Barton Brierley added that staff simply wanted to allow the continuance to deal with the traffic study. Adding clarity for the Oxberg Lake Estates would also be made possible by continuing the hearing.

Commissioner Wall reminded everyone that change happens, and the Planning Commission deals with those changes. He also added that the five-party agreement still has to comply with city code.

Mr. Trudel added that road conditions for the Crestview Dr. extension are included in the TSP (see ordinance 2007-2665).

Barton Brierley added that the applicant is one party of the five-party agreement, and that the applicant wants to comply with the agreement and staff wants to comply with the agreement.

Haug pointed out that P23 1.d. "Plans should comply with Ordinance 2007-2665 and the 5-party Agreement . . ." assures that the agreement will be upheld. In light of Mr. Trudel's inability to point to exact lines and figures, there isn't anything for the Planning Commission to address.

John Trudel stated that meetings since December 2007 of the PC have made them think that certain zoning issues *could* change. **Commissioner Haug** does not believe that the zoning can change administratively.

Two other citizens who had turned in registration cards declined to speak since Mr. Trudel covered everything they would have said.

End of Public Testimony

Commissioner Haug stated that the Planning Commission has the freedom to waive the continuation request, but agrees that the hearing should continue to a date certain, and would like to ask the applicant to waive the 120 day rule.

Commissioner Smith believes that such extension requests must be granted.

Barton Brierley clarified that the result of an extension being requested of the Planning Commission is that a decision cannot be made tonight, and the applicant cannot be compelled to waive the 120 rule.

Michael Robinson clarified that the application would be finished within 120 days, and that the applicant would extend the 120 days by 27 days to allow the hearing to be continued to April 10.

Questions for Staff:

Commissioner Haug asked staff the size of the storm water culverts located in the residential area. **Jessica Nunley** stated the size will be 42 inches.

Chair Stuhr asked about the density of R-2 vs. R-1. **Jessica Nunley** agreed with Chair Stuhr's conclusion that the amount of roadway lessens the density of the R-1 area.

Commissioner Smith asked about a comment from P20 about "being eligible for reimbursements. . . ." **Jessica Nunley** said that the builder may have to overbuild some public improvements for the sake of 2025 traffic study, and if so, then the builder gets credit via cash or an SDC credit(s).

Commissioner Haug moved to continue the hearing to April 10, 2008. **Commissioner Smith** seconded.

<p>Motion #2 Haug/Smith to continue the hearing of Resolution 2008-248 to April 10, 2008 (5 Yes/0 No, 1 Absent).</p>

VI. PLANNING COMMISSION DISCUSSION:

Barton Brierley summarized the details of the workshop from the last meeting on affordable housing. The ultimate goal is to provide affordable housing for the future of Newberg. By 2025 there will be a need for 5,764 additional dwelling units, half single family, and half multi-family or other types of dwellings. Efficiency, affordability and livability were all discussed.

The target for efficiency is building future homes in higher densities. When citizens were asked the question:

“While protecting safety and livability, the Newberg Development Code standards should also provide enough flexibility so that properties can and are encouraged to be developed with the number of housing units planned for in Comprehensive Plan.” Please circle one of the following that most closely reflects your opinion about this statement:

1-Strongly disagree 2-Mostly disagree 3-Neutral 4-Mostly agree 5-Strongly agree

the response was an average 4.1 = mostly agree (P319).

The Affordability Target Chart gives the impression that Newberg might turn into “haves and have nots”. The shape depends in part on how the income categories are broken down, but the main point does not change. When citizens were asked the question:

“Future housing should be developed so that people who work in Newberg can live in Newberg. Housing built should be affordable to families with all future income levels as projected in the Comprehensive Plan, not just those with the highest incomes.” Please circle one of the following that most closely reflects your opinion about this statement.

1-Strongly disagree 2-Mostly disagree 3-Neutral 4-Mostly agree 5-Strongly agree

the response was an average of 4.7 = build future homes for all income levels (P327).

The Livability issue was covered in a question asking about design standards.

“Greater flexibility in standards requires greater attention to design. If zone changes to higher densities are approved and flexibility in some standards is given, then the development should meet higher design standards”. Please circle one of the following that most closely reflects your opinion about this statement.

1-Strongly disagree 2-Mostly disagree 3-Neutral 4-Mostly agree 5-Strongly agree

The average response was 3.2 = fairly neutral, probably due to the many qualifications in the question (P331). A concern expressed was that design tools could increase cost and decrease affordability.

There was much citizen discussion about affordability tools; there were seven tools presented in a pie chart. Included in this is the role of the Planning Commission. Every zone change for Newberg comes through the Planning Commission for a recommendation. Any development code amendment to encourage efficiency, livability and affordability comes through the Planning Commission for a recommendation.

Possible next steps to be considered by the Planning Commission:

- 1) Develop a next step list or action plan
- 2) Can tackle the items on the action plan or recommend that a separate work group be created to make recommendations on non-land use affordability tools. This may involve asking the mayor to form an ad-hoc committee

3) Carefully review proposed efficiency tools

4) Carefully review proposed livability tools

Summary: Doing nothing is not an option. Can't do everything but can do something. The process should lead to an outcome and not be an infinite loop leading nowhere.

Chair Stuhr believes that the comprehensive scope of the project is overwhelming. After she visited with the Director of Oregon Housing and Community Services earlier in the day, and after referencing the document "Increasing the Availability of Affordable Homes", she believes that an ad hoc committee needs to be recommended to the mayor to adequately deal with the entire affordable housing issue (see #2 above). The committee needs to be comprehensive and strategic.

Commissioner Haug added that the Planning Commission has worked hard on ordinance language. Mr. Haug agrees that such an ad hoc group could be comprehensive, and he wants the Planning Commission to avoid accepting everything in the proposal *carte blanche* because it is currently *too* comprehensive.

Commissioner Barnes said that the ordinance only deals with new construction, and a more comprehensive plan has to go further.

Commissioner Wall added that the entire issue is political. The extremely political issues need to be handled by City Council, but much of this does involve the builders/developers. Mr. Wall suggests that a group of builders be brought together to discuss a point system, for example, and seek out their input. In the end, any grand scheme must work with the builders/developers. **Chair Stuhr** said that such a scheme needs to be done under the ad hoc committee. **Commissioner Wall** doesn't want a committee to dilute the perspective of the builders. **Commissioner Haug** wants more structure stemming directly from the City Council or an appointed ad hoc committee, which might even need a subcommittee(s) because of the various level of details involved with affordable housing. **Student Representative Rice** suggested the ad hoc committee make sure it has at least one builder on it. **Commissioner Wall** clarified that he is not against an ad hoc committee; he just wants to ensure that builders are given their due respect as an integral part of future affordable housing.

Chair Stuhr would like some attention given to the terminology. Substitute terms for affordable housing do exist that communicate something more. Suggestions include: "housing for working families" and "housing for the work force".

Commissioner Haug suggests that a packet be mailed out in a week or two, Planning Commission members read it over, think it over, and then make an educated recommendation to the mayor.

Chair Stuhr questioned Barton Brierley about the structure of an ad hoc committee.

Barton Brierley said that mayor can hear a request from the Planning Commission and even hear a proposal for the structure of the ad hoc committee.

Commissioner Wall believes that the Planning Commission should continue to address certain pertinent code issues, and let the ad hoc committee work out the rest.

Commissioner Smith agrees with asking City Council for a subcommittee. Mr. Smith wants staff to ask the city attorney for specific language in order to ask City Council and the mayor correctly for an ad hoc committee. He believes the real issue is who pays for affordable housing. It won't be the developers; it will have to be the people of Newberg. Furthermore, since the comprehensive plan language is that affordable housing is a GOAL, every developer before the Planning Commission should be asked, "How many dwelling units in this proposed development will be affordable to people with less than median Newberg income?" This is something that should be heard every time a developer comes before the Planning Commission.

Commissioner Haug repeated that a time of education for Planning Commission members is needed and then time given for some deliberation.

Commissioner Wall believes that Planning Commission should start asking the affordability question beginning immediately.

Commissioner Barnes added that the Planning Commission should also be holding densities to a higher standard as well. **Commissioner Haug** is concerned that livability goes down when densities get higher.

Commissioner Smith moved that staff prepare language for a proposal that is approved by city attorney, so City Council can be asked for a taskforce dealing with housing for working families, and for Chair Stuhr's information to be distributed to planning commissioners.

Commissioner Haug seconded the motion.

<p>Motion #3 Smith/Haug to ask staff to prepare language for a proposal, checked by the city attorney, to create a task force on housing for working families (5 Yes/0 No, 1 Absent).</p>
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Barton Brierley was asked if the Planning Commission is going the right direction, and he said that Planning Commission will still have to make some tough decisions. **Commissioner Wall** added, consequently, that the Planning Commission still needs to keep working on the pertinent issues

Commissioner Smith moved that the question "How many dwelling units in this proposed development will be affordable to people with less than medium Newberg income?" be part of the staff report at all future Planning Commission meetings.

Commissioner Wall seconded the motion.

Chair Stuhr was cautious that developers won't know that at their first meeting before the commissioners. She wants it to be a fair question. **Barton Brierley** said that developers won't be able to give a firm answer, only an anticipated number. **Commissioner Haug** asked Barton Brierley if this could be part of final approval in the future. **Barton Brierley** said it would depend on the kind of development.

Steve Olson added that if that question had been asked over that last two or three years, it would be less than 10%. **Barton Brierley** added that a comprehensive plan goal is not the same as a policy. Quasi-judicial hearings require an application to meet development code criteria, of which this goal on affordable housing is not included.

Chair Stuhr suggested that the request could be modified to apply this goal to conditional use permits applications, for example. **Commissioner Barnes** noted that the Development Code 151.002 does relate this issue to the economic issues already written into the Development Code, and therefore it does relate to the criteria.

Motion #4 Smith/Wall for future staff reports to include an answer to the question: "How many dwelling units in this proposed development will be affordable to people with less than medium Newberg income?" (5 Yes/0 No, 1 Absent).

Commissioner Wall asked Barton Brierley what a previous builder, Mike Gougler meant by reporting that developers will not be building apartment units because of insurance issues. **Barton Brierley** did not remember the conversation as relating just to insurance, but knows that there are various economic issues involved with attached units, which include higher insurance rates.

Commissioner Smith asked staff about the letter from Stoel Rives, and specifically about waiving development costs. **Barton Brierley** answered that it is not unrealistic, but the burden of development costs will be paid by someone. There are ways to shift the costs around.

VII. ITEMS FROM STAFF:

Barton Brierley said that four applicants have applied for the open Planning Commission position, and the mayor will probably decide in early April.

City Council will be reviewing the McKay appeal and NDRC member numbers and their next meeting later in April will review the Planning Commission recommendation about the big box ordinance.

The next meeting is April 10, 2008 with a continued hearing on Crestview Crossing and consideration of the resolution on the housing task force.

VII. ITEMS FROM COMMISSIONERS:

Chair Stuhr asked about the traffic safety meeting and the Fernwood intersection decision. **Barton Brierley** did not know the outcome of that meeting.

VIII. ADJOURN:

Chair Stuhr adjourned the meeting at 9:09 p.m.

Approved by the Planning Commission this 10th day of April, 2008.

AYES:

NO:

ABSENT:
(List Name(s))

ABSTAIN:
(List Names(s))



Planning Recording Secretary



Planning Commission Chair



Date