

CITY OF NEWBERG PLANNING COMMISSION MINUTES
MONDAY, AUGUST 8, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

I. CALL MEETING TO ORDER

Chair Cathy Stuhr called the meeting to order at 7:00PM

II. ROLL CALL

Members Present:	Cathy Stuhr, Chair	Jason Dale	Art Smith
	Antonia Saavedra, Student PC	Philip Smith	Gary Bliss
	Matthew Fortner		

Members Absent: Allyn Edwards (Excused) Mayor Bob Andrews (Ex-officio)

Staff Present: Barton Brierley, Planning and Building Director
Jessica Nunley, Assistant Planner Mandy Dillman, Minutes Recorder

III. CONSENT CALENDAR

a. Approval of July 11, 2013, Planning Commission Meeting Minutes.

MOTION: P. Smith/Dale approving the July 11, 2013, Planning Commission Meeting Minutes.
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Chair Cathy Stuhr recalled she opened the hearing for the Del Boca Vista Terra Estates application. Mr. Barton Brierley, Planning and Building Director, said they did not open the public testimony. Chair Stuhr asked to have that reviewed to address that question.

VOTE: P Smith/Dale approving the July 11, 2013, Planning Commission Meeting Minutes. Motion carried (6 Yes/0 No/1 Absent [Edwards]).

IV. PUBLIC COMMENTS

Chair Stuhr opened and closed public comment as there was no one to testify.

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person except for principals, 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.

APPLICANT: Del Boca Vista, LLC

REQUEST: Approval of a 44 lot subdivision preliminary plat, to be called Terra Estates

LOCATION: 3805 Terrace Drive

TAX LOT: 3207-00500

FILE NO.: SUB2-12-003

ORDER NO.: 2013-13

CRITERIA: 15.235.060(A)

Chair Stuhr read the procedure for quasi-judicial public hearings. She called for conflicts of interest; none stated. Commissioners Bliss, Stuhr, and Philip Smith indicated they had seen the site but did not have contact with neighbors.

Ms. Jessica Nunley, assistant planner, gave the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report) and recommended adoption of Order No. 2013-13.

Commissioner Gary Bliss asked what elevation the water pressure was designed for. Staff replied it was for approximately 300 feet. Commissioner Bliss wondered if lot 19 was relegated to a one story, because its noted elevation is 288 feet. Mr. Brierley explained it is not limited; however, if they build a two story home it will most likely need a booster for the water pressure. Commissioner Bliss expressed his concern for lack of data and said he cannot make a decision until he has more information. He also asked about re-naming Camelia Road. He asked if they have reviewed if Morris Street will be extended to the north. Mr. Brierley explained there is a stream corridor to the west, and it could make it a longer block unless the stream corridor is crossed. Commissioner Bliss also asked about the developer's agreement with adjoining neighbors to include CC&R's and if staff would make them follow through. Mr. Brierley said they received the letter second hand; however Planning Commission could make it a condition if the developer agrees. Commissioner Philip Smith asked what the rating for the intersection of College Street and Terrace Drive was. Chair Stuhr replied it was listed on page 207. Commissioner Art Smith asked for clarification on what is intended for Terrace Drive, which is currently a single lane. Ms. Nunley said the developer would have to do a half street improvement along their frontage. Chair Stuhr had questions about the existence of a stream corridor, if there were any criteria that needed addressing if it did exist, and if it would meet everything it needs to. Ms. Nunley explained there is one and it shows in the surveyor's map, however it does not show on the city's GIS. One of the conditions is to delineate the stream corridor and protect it during construction.

Chair Stuhr opened public testimony.

Mr. Marc Willcuts concurred with staff and mentioned he feels the project meets the applicable criteria. He said they met with several neighbors a few weeks ago and changed the plans to meet their concerns. Having the CC&R's as part of the conditions seemed like a good idea to Mr. Willcuts, however he is concerned if there is any delay in the project and he has to sell the property before completion, the CC&R's may cause issues for him. Commissioner Philip Smith asked for clarification on one of the conditions staff proposed, which was for Mr. Willcuts to meet with ODOT (Oregon Department of Transportation), the City of Newberg, and the County of Yamhill at the same time and create a plan for the College Street and Terrace Drive intersection. Mr. Willcuts said he contacted ODOT about that intersection and received good information to help solve the problem. Commissioner Bliss asked about the wall that will be put around the storm water pond. Mr. Eric Evans, engineer, explained there will be a wall 4 feet tall and 261.5 feet long surrounding the estates. Commissioner Bliss wondered if there would be a fence around the pond on the map. Mr. Evens mentioned Clean Water standards say that have to have a fence with locked gate around the pond.

Discussion commenced on storm drainage.

Mr. Willcuts ended by saying he had a good meeting with the neighbors and feels like it is always better to have met neighbors so they can hear each other out before a project begins.

Mr. Mike Hanks addressed the concern of tall grass growing at the intersection of College Street and Terrace Drive, which causes visibility issues. He said the procedure is to contact ODOT, and if they do not get back within 48 hours, you contact the district manager if someone feels the district manager is not listening to their concerns.

Mr. Mike Cook, realtor representing Terrace Heights over the last three years, explained he is a proponent of the project because the land will be developed, and the current developer is listening to the neighbors concerns and proposing lots which have bigger homes, two car garages and are nicer looking. He feels there is a need in the city for the types of homes Del Boca will bring and provide entry level homes as well as homes for those wanting to downsize. Mr. Cook mentioned he spoke with a buyer whose home is being built directly next to

Del Boca and they are very pleased at the changes Mr. Willcuts is making and are not afraid or sorry for the types of housing going in next to them. Larger property lots with more space would be much nicer in the area, Mr. Cook thinks; however, it is not realistic due to the expense and narrow market for high end housing in Newberg. In conclusion he said the market these houses are going for is appropriate and that he is thankful Mr. Willcuts is the developer and is taking the time to listen to neighbors and make changes for them, and is pleased with what they have decided to do.

Mr. Douglas Cushing, attorney, gave some history on the property in question and explained when the zoning changed for minimum lot sizes it was not something the owners had requested or knew was happening until after it was adopted. Mr. Cushing and the family he represents feels the developer is making the right choice and could essentially put ten more lots on the property if he only met the minimum. However, he is not and they are pleased with Mr. Willcuts decisions. He also mentioned Morris Street was always planned to continue through and connect and another street to the west would ultimately connect as well. It was mentioned the property slopes away from adjacent homes, the requirements are all met, and the city has planned well for the development of this property by including it into the Urban Growth Boundary (UGB). Mr. Cushing concluded his testimony by stating the current owners urge the commission to approve.

Mr. Mark Darula expressed his concern for the lack of signage to inform the neighbors of the development. He only learned of this subdivision three weeks ago and it has caught him and his neighbors by surprise. Mr. Darula said the meeting with Mr. Willcuts, Mr. Evans and Mr. Brierley did not cover all the concerns of the neighbors. He feels the development plan does not show any continuity to the current homes surrounding. Communication has been limited, there are things at the meeting tonight he has learned that he feels they should have been informed of beforehand and he does not feel the planning department is being the liaison they should be. Mr. Darula asked audience members to raise their hands if they felt the same. He continued to explain the changes in the R-1 causes the density of the lots to not follow the continuity of the neighborhood. Furthermore, Mr. Darula is concerned about the lack of parks in the area, with Jaquith being the closest at a mile and a half away which he cannot let his children walk to because they must cross a busy street. There has been a park proposed in the upper corner, however there are no intentions of developing it but there are more houses being built anyways. He asked why they are moving forward with high density developments and not making more parks. Next he addressed the issue of the schools in the area. He mentioned the report states the Newberg school district reviewed and saw no conflicts. Mr. Darula asked what that means and who said that a 44 unit, high density housing development would have zero impact on the school. He showed the commission a letter from a school in the Salem Kiezer school district, which is a typical response from a school district to city planning when a request like this is made. It was three pages long about how the proposed subdivision would affect the district. Mr. Darula said this lack of information has made him and his neighbors very upset. He was told that Newberg does not inform school districts until permits are pulled. Mr. David Beasley, a superintendent of Gaston schools, enlightened Mr. Darula on his perspective of how 44 new developments will affect the school district. He said Joan Austin has two empty rooms and Crater Elementary is full, so children will need to be removed from Crater Elementary and bussed to Joan Austin Elementary, which is disruptive on their community. Mr. Darula feels if this is were to happen it should be addressed before construction begins. He continued by stating the citizens feel the city did not do it's job correctly in informing the neighborhoods since many people he has spoken to had not received notice. Seventeen formal complaints were sent to the city and are in the commissioner's packets; however, the report says the response from citizens was excellent. Furthermore, he asked that the change in the R-1 zoning be further explained in laymen's terms because the citizens see it as the city being deceptive. Over a two day period he walked the neighborhood and had 43 people sign a petition against the development. The neighbors got together and came up with nine items they would like to see changed. First they would like the houses to match the continuity of the other houses in the area while going by the rules. Changing from 44 houses to 33 is their second condition and Mr. Darula feels that could help match the houses better. He mentioned he was taken around and shown several houses similar to what will be in Del Boca; however one had a three car garage which would never fit in the current purposed lots. Next they are asking for wider frontal spaces to allow for front lawns and to break up the feeling of row homes. Mr. Darula said he was surprised to learn that the city has no control over what size of lots a developer

creates, but instead only sets a minimum. He met with the developers on July 16th, 2013 to discuss economics and was told they could reduce the number of homes but will not and if he did he would have to renegotiate with the seller. Mr. Darula and the citizens feel he should at least consider lowering the amount of homes and they believe there is a strong market for the types of homes they are proposing. Additionally they are concerned about the danger of the intersection of Terrace Drive and College Street. Mr. Darula's wife had an accident there resulting in \$2,000.00 in damage to their car. Mowing the grass, adding markings or pavers, will not fix the issue with so many new homes adding so much more traffic. He met with a lawyer who said they would have to hire their own lawyer to have something done themselves, and he mentioned the citizens are willing to pay for a traffic study if the city will not. He listed the remaining conditions of the nine, which also included adding stop signs at Natalie Road and Morris Street, a formal declaration from the school on how students from their development will not effect class size and will be paid for under the current budget and estimated increased taxes resulting in this subdivision, confirmation that the park construction north of Crater Elementary will begin before permits are issued, the minimum size home be 1,800 square feet, and that a cement fence encompassing the development be built. He concluded with a quote from Mr. Beasley. Commissioner Philip Smith asked what the criteria would be for a cement fence to encompass the development. Mr. Darula replied to divide the houses and for safety. Commissioner Philip Smith repeated his question and wanted to know the criteria in the law. Mr. Darula explained he is a citizen not a lawyer and did not have criteria but the proposal offered a wall partially encompassing the development, and they would like to enlarge it to include the whole development. Commissioner Philip Smith explained to Mr. Darula the question is important because they cannot take away some people's property rights because other people are angry. If the developer offers a wall they can put it in the plan as a requirement, however the owner is willing to sell the property and the buyer has the right to build what they want within the law on their property and the commission cannot take that right away except by the law. Mr. Darula said that is why they need the commissions' help, so they can better understand the process. Commissioner Art Smith asked if there was any intention to grandfather in properties such as this one with the change in R-1. Mr. Brierley explained the changes apply to all properties no matter when it was designated R-1.

Discussion commenced on contacting the school district and it was decided they should have a similar report like the Salem Kiezer example Mr. Darula gave and they would be looking into what other cities do as well as to why their response, if they received one, was not more detailed.

Commissioner Bliss asked how many citizens did not receive the notice. Mr. Darula replied there were over seven citizens who did not receive the notice. Commissioner Bliss mentioned the city staff puts a sign in a specific location by law to announce developments and Mr. Darula agreed with him. Commissioner Bliss enlightened Mr. Darula that when the R-1 was changed from 7,500 square feet to 5,000 they put notices in the paper about meetings and they encourage Newberg residents to be involved. He explained the fact that he did not know they existed speaks that perhaps he is not as attuned to what is going on in the city. Mr. Darula said they know the city is following procedure but it still does not make things very clear. Chair Stuhr sympathized with Mr. Darula's frustrations and explained things are done in a very public process. Mr. Darula explained it is just their perception. Chair Stuhr suggested they take their traffic issues to the Traffic Safety Commission (TSC), which could address those concerns better. Commissioner Philip Smith shared that the intersection of College Street and Terrace Drive is rated an A, and a B in the afternoon, by ODOT. He also mentioned they could not simply change the corner because it is the county's property and that Mr. Darula's suggestions could be improved by having solutions that are feasible. Chair Stuhr mentioned TSC again and suggested Mr. Darula ask them for some solutions. Mr. Antonio Savaadra, student commissioner, was happy to see so many people representing the community at the meeting tonight and explained the city officials are not clear on what happens on the public end, which is why it is so important for citizens to come to the city meetings and be involved like Mr. Darula. Mr. Darula mentioned he had no qualms with the developers; just the city officials and he wanted to correct himself earlier when he mentioned three car garages, which is not in the proposed plan.

Mr. David Reitz was concerned about the number of vehicles the development will add to an already problematic area. The numbers of how many cars will be traveling through the neighborhood did not seem

correct to him so he went out and did his own research. With a spreadsheet table from a website specific to Yamhill County from 2010 he walked the streets of the current neighborhoods and calculated the number of cars the new development will add, coming up with 152 cars total. He did this by counting number of houses on each street and assigned the houses two cars each, an average, and then inputted them into the spreadsheet to found the number. What he did not know is how many trips these 152 cars will be taking each day, but the numbers he came up with seemed reasonable. He mentioned the intersection of College Street and Terrace Drive is very dangerous and the addition of vehicles will cause more accidents. Mr. Reitz went with Mr. Willcuts to see similar houses to what the development will build and showed the commission a document Mr. Willcuts sent to him, and he hopes that the development will look similar and not like row houses. Mr. Reitz said the document stated the houses would be 1,500 square feet minimum, have lap siding in place of vinyl, minimum 2 car garages, front yard sprinklers and irrigation, minimum of 3 exterior house colors, and wood trimming on the windows at the front of the houses. Additionally, Mr. Reitz would like to see stone work on the exterior of the houses. He feels Mr. Willcuts should not be allowed to not meet the negotiations if the economy goes bad because they will not be protected as homeowners. He also asked if they could have driveways set up on the outside of each lot to allow for more street parking. Commissioner Philip Smith asked Mr. Reitz if he was satisfied with the developer's plan. Mr. Reitz replied he was, however he is concerned about Mr. Willcuts removing the conditions if the economy should fail. Commissioner Jason Dale mentioned once they vote on the development he cannot renegotiate. Chair Stuhr mentioned they cannot add conditions that have to do with aesthetics; however working with the developer is a great way to achieve that. She also mentioned that his traffic analysis and thoughts were very helpful; however her numbers show something different so they cannot solve the issue but it gives him negotiating room since he has his own numbers. Mr. Reitz mentioned he just wants to make people aware of the problem.

Ms. Nina Boe told the commission her family moved to the neighborhood for specific reasons and is worried this development will be recreating what they moved away from. They want the houses to be varied size lots to match the continuity of the rest of the neighborhoods and the Heritage area example shows houses all the same size in a row, which is exactly what they do not want. She also feels the developer did not listen to what they wanted and then returned at the second meeting with a list of his suggestions and no one gave a formal answer that they would accept his ideas. She feels they want the neighborhoods to be similar so their new neighbors are like them.

Mr. Jason Millaney read a letter from a neighbor who could not attend tonight. It stated they are not in agreement with the design and are asking for a public hearing to discuss how they can keep the neighborhood dynamics similar from the old development to the new one. Mr. Millaney suggested the city start advertising in social media ways that would reach more of the city. He feels no one comes to meeting because they do not advertise well enough. Mr. Millaney stated he will never vote yes for an annexation because Newberg cannot regulate how developers build their projects. He feels Newberg is very lost and needs to step back and look at how the city is planned. Higher density housing has its place, however Mr. Millaney does not feel the edges of town is that location. Chair Stuhr mentioned they are always looking for new ways to reach people other than the city website and said she would love to hear more concrete ideas from citizens. Additionally, she explained when they discuss these items it is in a very dull way at a workshop and sometimes it is hard to relate it to the people who are living in the situation. Mr. Saavedra asked if the Planning Commission had a Facebook page to help advertise meetings. Mr. Brierley replied they do not currently have one, however the city is exploring using social media. Mr. Millaney shared Dundee has a Facebook citizens page and someone uploads scanned flyers of meetings and city happenings so citizens can share on their pages. He feels more citizens would see a Facebook notice than notices in the Graphic. Chair Stuhr said they had a committee seven to eight years called Newberg's Future, and asked Mr. Millaney if he thought there was enough community interest to start that discussion again. Mr. Millaney said he could not speak for everyone; however he and his wife would be very interested in being involved, but felt it would be worth exploring.

Ms. Connie Farr spoke passionately about the impact on the school and the intersections of Natalie Road and Morris Street. First she explained her family lived on Quail Drive when the Meadows was built and the

residence were informed there would be no impact on the schools. Her experience was overcrowded classrooms which caused her children, who were all early readers, to be kicked out into separate rooms with worksheets while the other children were given the teachers attention. Ms. Farr thinks this development will have a big impact on the schools. Next she addressed the intersection already is an issue without the extra 44 homes they will add. She has two children learning to drive and they have all almost been hit several times by people going through the intersection at 40 MPH. She feels there needs to be stop sign on Natalie Road. Additionally she feels something needs to be done at Morris Street and Foothills Road where she has also had near misses because of parked cars and untrimmed trees causing sight issues. She understands stop signs are expensive, but feels it is necessary with the housing development. Mr. Saavedra mentioned it would be a good thing to bring up at TSC and Mr. Brierley said they meet the second Monday of each month at 7:00PM.

Mr. Chris Strange reiterated several of the issues other citizens had brought up. He feels the proposed development as it stands now does not provide a safe and healthful community because it will not match the continuity of the current neighborhood. Furthermore, the developer says they agreed to 44 homes, which the citizens do not agree with, and is represented by the signatures they have brought tonight. Mr. Strange shared his story of how he worked hard to earn the home he lives in and wants a neighborhood in Del Boca which will attract others of the same mind as him; families who believe in working hard to earn what they want and who care about their houses. He was asked by a former council member to ask about the affordable housing code and what this does to development, who wrote the code, who benefits from it, and who understands it. Mr. Strange mentioned he does not want their neighborhood to be a good example of a bad example. As a contractor he understands what 1,500 square foot houses look like in a 5,000 square foot lot, and is worried they will look like tight, ugly row houses and not match the continuity with only 8 feet of space between houses. He mentioned he is not against development, however he would like to see instead varied property sizes with varied house sizes and create buffers by putting a 7,500 square foot lot next to an existing home, then a 6,500 square foot lot, then followed by a 5,000 square foot lot. Mr. Strange mentioned the issue of Natalie Road and Morris Street and as a community that is condensing land they will have issues there. He suggested looking out towards St. Paul for land to build on. There is a lot of land out that direction and Mr. Strange feels it is unfair they are being asked to have this type of development when it would be better suited elsewhere in the city. He works in Portland and sees developments trying to squeeze in as many home as possible, which is needed there, however he comes home to Newberg because he does not want to live in that type of community. Mr. Strange concluded by stating these are subjective things they need to think about as planning and consider the effect squeezing and condensing property does to development.

Mr. Chad Deseranno acknowledged that safety is not this commission's priority; however even though they are not specifically planning for traffic issues, this commission has the ability to control the flood gates. He wondered how many people are affected by these intersections every day currently, and feels a fatal accident may happen on Morris Street with the probable increase in traffic. The views shown of Morris Street tonight show no traffic control devices, they spoke about how dangerous Terrace Drive is, so Mr. Deseranno asked where the traffic is going to go to avoid Terrace Drive. His perception is they will travel down Morris Street, will not stop at the assumed four way intersection, and then will bottleneck at the bottom. Mr. Deseranno understands the city builds the road to avoid bottlenecking by narrowing the street; however, this allows no accident avoidance. He gave the example of the housing development near the airport which has on street parking and by law of probability the more cars on the street, the more likely an accident will happen. Speed bumps or stop signs could help lessen traffic issues, as well as increased lot sizes, which would equal less traffic, he feels. The commission stated the rating is not high enough to warrant intervention, however Mr. Deseranno has two friends who have been in accidents because of the lack of traffic control devices to control speeding. He concluded by stating the commission has the power to save a life and he knows no one wants to say they could have done something, or TSC could have done something, to save someone when they can make a decision to drastically change peoples lives on Morris Street. Chair Stuhr mentioned the traffic study ratings are A-E and relate to queuing, not the level of safety, and fails when it takes longer than 60 seconds to get through the light.

Mr. Louis Larson began by saying everyone agrees they want Newberg to be a nice place to live. Additionally, they should be rejoicing in the fact that there is a good deal of willingness between Mr. Willcuts and Mr. Evans and the neighbors to figure out issues. He said they could deny the application because one lot is at 5,000 square feet and it could be a way to delay the process. Mr. Larson does not advocate they do that, however it exceeds the minimum so they have legal authority to do so if the commission chooses. The solution, he feels, is for the developers and neighbors to work together to compromise on lot size. It would be easy to knock off a few spaces and make the neighborhood everyone is imagining. He mentioned Edgewood Drive and Burlington Drive where one half of the street had more desirable places. The old plan was to have lots across the street be 7,500 square feet, however the lots were reduced to 5,000 square feet and now that area is not one of the most desirable in Newberg. Mr. Larson feels the only way to make a community that will work well is to have an association to keep up the CC&R's. He mentioned the retention pond is an eyesore; the homeowners are responsible and it should be addressed if they have it laid out. He gave an example as to why homeowners associations are important and concluded by saying with the expansion of a community it needs to be remembered that by not having continuity and variety it is less inviting than everyone wants. He feels a narrow lot with all garage in front is a recipe for downgrade and you only need to drive through certain neighborhoods in Newberg to see that. Mr. Larson feels minor changes can make this development a great addition to the city. Commissioner Philip Smith asked if Mr. Larson's testimony to others in the room is that continuity is important and people will get angry if they do not get it; however a compromise between the neighborhood and the builders is to have CC&R's with a homeowners association or the CC&Rs are not worth anything. Mr. Larson said that was correct. Commissioner Philip Smith explained the PC does not do that with developments; it is the citizen's responsibility to create a homeowners association. He did mention they can put it in the conditions if everyone agrees. Mr. Larson agreed and repeated he was giving them a way to turn down the developer if they so choose, although he is not endorsing they go that route. Additionally he is convinced the neighbors, the commission and the developer want the construction and he encouraged the city to use the tools they have to make it happen. Chair Stuhr corrected Mr. Larson by stating they cannot turn the application down because one lot is less than 5,000 square feet. The code allows the builder to use lot size averaging.

Ms. Lorraine Beracque spoke on Morris Street and Natalie Drive and the dangers of speeding cars. She said whether people are driving cars, motorcycles, skateboards or bicycles, they are going well over 25MPH because it is a downgrade and something needs to be done. She suggested they do something similar to Springbrook Road and place stop signs the length of Morris Street. If they cannot do that, she suggested they put in speed bumps and after cars take out their exhaust they will not speed on Morris Street anymore. The second item she spoke on was the issue of traffic and the nearby school. On school days between 8:00AM and 8:30AM it can take up to 15 minutes for her to go four blocks because of families dropping off their children. The vehicles go faster than 25MPH as well. She mentioned adding another 44 houses and not doing anything is not acceptable and suggested at minimum they add a stop sign at Morris Street and Foothills Drive, and eventually they will have to consider a stop light. Additionally there is the issue on Terrace Drive and College Road. Terrace Drive use to punch through onto Bell Road; however they closed it because of the dangerous intersection on that end. She said now they are going to add more homes and will be sending them through this intersection which already has issues. She concluded by mentioning the Foothills Drive development and how those small lots are now becoming rentals as the first time homeowners are moving into second homes and it is deteriorating the neighborhood. Ms. Beracque said she feels they do not need more of these starter homes.

Ms. Jane Greller began by stating the issue is the density of the land. The state of Oregon has land use guidelines and land use standards and chapter 92 speaks to subdivisions and partitioning, and she respectfully asks the commission to read both those because those rules are governed by the city's comprehensive plan. She said there is a plan and it comes down to density and they have spent the last two weeks emailing the director to get a formula for density and he has given them numbers. The Low Density Residential (LDR) is 4.4, the Medium Density Residential (MDR) is 9 and the High Density Residential (HDR) they had not figured she would use it so she had to figure out the formula on her own. She mentioned figure 16 and stated it was the first time she had seen it and asked who benefitted from that information. She asked where they get the numbers in the redundant email replies the city sent her. Additionally she asked for the limits so she can figure this out.

The comprehensive plan is driving what the limits are and her calculations say the density limit is not 4.4, by her calculations it is 5.1, and she asked why he is not building to the limits. Her next issue was with the agenda on page 8 which labels the area at MDR; however it also says it is a R1, and it cannot be both. She asked which one is true. Ms. Nunley said it was a typo she made. Ms. Greller said she does not know when they make typos and it is confusing. Next she asked if the standards for the comprehensive plan were there until January of 2010 or through January of 2010, because she feels it is important that they understand. Mr. Brierley said it was a change made through city council in 2010 and is still in effect. Ms. Geller asked that they clean up the language in the comprehensive plan so it is not so confusing. She explained it cannot be in place until 2010 because at that time the density limits were 7,500 square feet and at the end of 2010, and through 2010, that density limit was dictated by 5,000 square foot lots. She asked where the comprehensive plan lives. Seventeen people wrote in and that makes a difference to Ms. Geller. She mentioned Mr. Willcuts met with two or three neighbors and then submitted a letter of agreement. She believes not all the citizens are in agreement with that letter. The agenda on page 9 for the site info for July 11th, 2013 reports the site is 7.9 acres; however in the annexation document the traffic impact study says the site is 7.67 acres. All land is finite and this land is growing; Ms. Geller asked who that benefits. The neighborhood is getting denser and she can feel it. She also asked who posts notification for land use changes. Chair Stuhr said the applicant does. Ms. Geller said they have affidavits from four citizens that it was not posted on the South boundary, which the code states each side of boundary needs to be posted, plus every 600 feet. She does not drive up the dead end road and otherwise would not see the one sign they posted. When she met with the director on July 16th, 2013 she showed him what that looked like on her way to the meeting and the affidavit states the first posting was not a new sign it was an original sign. The first sign they saw of a land use notice was on July 24th, 2013, which is very frustrating. She is trying to understand the process and can only make decisions based on what the city has provided, however she believes if they process this decision in light of their next hearing it will make a lot more sense. This subdivision sets a 4.4 limit on density, and the new MDR is 8.8, which means it has shrunk 50%. They are feeling the stress of trying to fit 5.8, which is a little bigger but still too small, into an area that should be a 6.6. The city says it is a target, however even if the words are important, if it feels tight, it is tight. In conclusion she mentioned page 20, and asked whose jurisdiction it is from the curb to the sidewalk. It feels like people are chasing their tails trying to get the weeds cleaned up and something needs to be done about it. The traffic study was done in March when there were no weeds growing, so Ms. Geller suggested it may need to be re-done. She suggested they proof read the reports more closely so as to not make mistakes in the future and asked they figure out which side of 2010 they are living on and what the density limit is per their growth. Commissioner Philip Smith asked Ms. Geller how dense she thinks it should be. Ms. Geller replied it is not her position to make the rules. Commissioner Philip Smith said they are on this side of 2010 and the R-1 change means there is a 5,000 square foot minimum, which is in place for the whole city, not just this issue. Ms. Geller stated the density limits in place today are in the comprehensive zoning use table. Commissioner Philip Smith agreed, but said the comprehensive plan says LDR means it is an R1. Ms. Geller asked what the density limit is for today and suggested the table needs to be revised. Chair Stuhr and Commissioner Philip Smith mentioned it is being revised currently. Ms. Geller suggested they send out notices in water bills or other mailings about upcoming meeting and also include information about the zoning use table changes. They are now going to average the whole district and all the R-1's and make the density 4.4 average over the whole district. Chair Stuhr said the table is not the same topic and it is for a different usage. Ms. Geller restated the code is 6.6 for an R-1 with a minimum lot size of 5,000 square feet, however they are changing the code and repealing R-1 without telling anyone. Commissioner Philip Smith said she is misunderstanding that the definition of R-1 was changed in 2010 and applies to the entire city and the table they are revising is used to explain various uses of city property.

Discussion commenced on calculating the density limit of the lot and it was determined there is confusion on both parts and they need to figure out where the 8.9 acres came from.

Commissioner Bliss asked for clarification that there was no posting on the south side of the property until July 24th, 2013. Ms. Geller said she was correct.

Mr. Willcuts mentioned they did the posting and mailing correctly, and as Mr. Saavedra mentioned they have a lot of attendance tonight, which means people are aware of the meetings. He also said if someone has moved and the county has not updated, they cannot get a mailing to the new residence, as well as rentals. One gentleman suggested he go to the seller and offer 30% less than their original offer, which Mr. Willcuts said he would not dignify with a response. Mr. Willcuts said he would not apologize for Orchard Lair and feels that there is a need for affordable housing in Newberg. He feels they have met all the criteria they need to, have made an offer, which was accepted. He is concerned after the meeting he held that there was a couple people whom he felt would never want any development and are anti growth; however, the rest of the citizens he met seemed to understand and agree to what he was purposing with the addition of CC&R's. They made the CC&R's list and said they would go back and look at it. Mr. Willcuts felt before this meeting he was making affordable housing where there would be good neighbors who had a good understanding of his plan, however now he feels differently. He restated he has met criteria and if it is appealed he wants to not be locked into the CC&R's agreement. In conclusion, Mr. Willcuts stated he is trying to be a good neighbor, is not making it as dense as he could, and does not appreciate the multitude of misstatements he has heard tonight.

Mr. Evans mentioned the citizen's density concerns. He spoke about parks, saying their company donates land for parks, however they usually wait until the housing development is finished and houses are being sold so they have revenue to build the park. They would like to help with the school issues, but he mentioned they cannot control the rate which kids move in and out of the community. He spoke in high regards of Ms. Nunley and Mr. Brierley and felt the citizens spoke unfairly about them in some ways when they are just doing their jobs. The reduction of 44 homes to 33 is unbalanced and he feels the houses they are proposing will match the continuity, and gave The Greens development as an example, which has 5,000 square foot lots, however the houses are designed to make it look nicer. Mr. Evans spoke about the citizen who said he worked hard to live where he does, however Mr. Evans wants everyone to work hard, no matter what side they are on. He mentioned the citizens have control over the CC&R's and what happens in their neighborhood. Mr. Evans mentioned the traffic issues and suggested they work with ODOT to try and figure out a solution. Commissioner Philip Smith asked Mr. Willcuts if he is willing to work with the citizens. Mr. Willcuts said if they can move forward he is; however repeated if they get appealed or delayed he does not want the risk associated with that. Commissioner Bliss asked if it will be required for the CC&R's to have maintenance plan for the storm drainage. Mr. Willcuts replied they will have that request. Commissioner Bliss asked who is assigned to be responsible to honor and maintain the CC&R's. Mr. Willcuts explained if the citizens own it they must take responsibility for it.

Discussion commenced on who is responsible for the storm and water drainage maintenance and it was determined in Newberg the developer is responsible unless there is a Home Owners Association (HOA), however the city may look into maintaining it themselves like other cities in Oregon.

Chair Stuhr closed public testimony.

Ms. Nunley asked that they close public testimony but leave written record open until August 15, 2013 4:30 p.m., allow people to respond until August 22, 2013 4:30 p.m., and give the applicant the final opportunity until August 29, 2013 at 4:30 p.m., and bring back the discussion at their September 12, 2013, meeting.

Commissioner Philip Smith mentioned they can ask staff to make an attempt to get a full report from the school district in this time as well.

Commissioner Art Smith feels the traffic issues need addressed before they can make a decision, but mentioned the TSC has a full agenda next month.

Chair Stuhr suggested they ask TSC to look into the issue and give some feedback, but not make any decisions right now. She asked staff to find out if the property is 7.9 acres or 7.67 acres, since this is very important. She asked for clarification of the "safe and healthful" criterion.

Commissioner Bliss seconded Commissioner Art Smith in regards to traffic issues and mentioned he does not understand submitting revised plat after a hearing as a condition of approval. He feels it needs to be presented on the map prior to the meeting.

MOTION: P. SMITH/A. SMITH to close public testimony and continue the hearing to September 12, 2013, at the point of staff recommendation. The written record to remain open until 4:30pm on August 15, 2013, with an additional seven days for anyone to respond to any new testimony submitted (until 4:30pm on August 22, 2013), and a final seven day period for the applicant to respond to any new testimony (until 4:30pm on August 29, 2013). Motion carried (6 Yes/0 No/1 Absent [Edwards]).

Discussion commenced on how citizens can get information for their questions in the future.

V. ITEMS FROM STAFF

TIME: 11:30PM

Mr. Brierley reported the zoning use table was shared with the city council and they gave their thanks and congratulated them on their good work. At the next PC meeting they will discuss pursuing becoming a certified local government for historical review and to change the transportation plan to reflect some changes with Phase One of the Bypass. He thanked Mr. Saavedra for his hard work. Mr. Saavedra thanked the commission for the opportunity and spoke a little about the new student planning commissioner who will be attending meetings after him.

Chair Stuhr spoke about having liaisons from PC and TSC attending each others meetings and asked for ideas on how to continue.

VI. ITEMS FROM COMMISSIONERS

Commissioner Art Smith mentioned he is surprised when people do not know about the PC and suggested anytime a commissioner or council member is present at a city event, they be announced to the public to help build awareness. Chair Stuhr mentioned city council members are listed on the website and suggested maybe PC and TSC commissions could also have website profiles to increase knowledge of citizens.

Discussion commenced on TSC looking into the traffic issues brought forth tonight and the process to get traffic control devices in the area.

VII. ADJOURNMENT

The meeting adjourned at 11:50PM.

Approved by the Newberg Planning Commission this 12th day of September, 2013.

AYES: 5

NO: ~~X~~

ABSENT: 2 (*Stuhr*
Bliss)

ABSTAIN: ~~X~~


Minutes Recorder


Planning Commission Chair