

PLANNING COMMISSION MINUTES
September 12, 2013
7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

I. CALL MEETING TO ORDER

Vice-Chair Art Smith called the meeting to order at 7:00 PM and welcomed Sulamita Barbiyeru as the new student planning commissioner.

II. ROLL CALL

Members Present: Art Smith, Vice Chair Jason Dale Allyn Edwards
 Matt Fortner Philip Smith
 Sulamita Barbiyeru, Student PC

Members Absent: Cathy Stuhr, Chair (excused) Gary Bliss (excused)

Staff Present: Barton Brierley, Planning & Building Director Terrance Mahr, City Attorney
 Steve Olson, Associate Planner Jessica Nunley, Associate Planner
 David Beam, Economic Development Coordinator/Planner
 DawnKaren Bevill, Minutes Recorder

III. PUBLIC COMMENTS

Vice-Chair Art Smith opened the public testimony.

Mr. Robert Soppe raised some issues regarding the Newberg-Dundee Bypass and accommodation of the phased approach to its construction. The Newberg Transportation System Plan (TSP) relies on the assumption that the full bypass will be constructed. With the current approach where the construction is accomplished in phases, he believes adjustments need to be made there and elsewhere. Mr. Soppe searched through what he found online regarding the details and timing of the Bypass construction after Phase 1 and was surprised to find virtually no mention of them. This leaves him with a major concern that the current focus of the full Bypass project may be on Phase 1 construction with little or no effort on the rest of the project that may result in some significant problems. In particular, he has great concerns about the route from Rex Hill to the 219 interchange. As he understands the situation, some of the property was restricted from development while other property was not. Mr. Soppe believes that the restriction on the one property has expired, leaving only the Development Code to limit its development. If substantial development occurs within the corridor, it will effectively block the completion of the Bypass.

Mr. Soppe asked, "Why now?" That is, what is the urgency? The downturn in the economy discouraged development on much of the buildable property in Newberg and elsewhere. As the economy improves, the incentive to develop will rise significantly. The area south of 99W east of 219 has been one of, if not the major growth area in the last 10 years or so. It would be fairly reasonable to expect that trend to continue. Another question is "Won't Phase 1 be adequate?" To address this, he encouraged the planning commission to look carefully at the Final Environmental Impact Statement (FEIS) in particular pages 3-25 through 3-30. These contain the results of the ODOT modeling identifying the intersections that are expected to not meet standards in 2016 after Phase 1 is completed and also in 2035 if the rest of the Bypass is not constructed. For example, in

2016, there are numerous intersections that will not meet transportation standards even after ODOT makes additional improvements. Remember, this is not some distant time in the future; these failures are just three years away. The projections for 2035, if the Bypass is not completed beyond Phase 1, are dire, to say the least. Nearly all of the 14 intersections studied will not meet the standards. Worse yet, ODOT clearly states at the end of Page 3-27 that these issues cannot be appropriately mitigated. This clearly emphasizes the critical nature of the completion of the entire Bypass, not just Phase 1.

Mr. Soppe's second issue regards the changes to the TSP that are needed to reflect the timing of the Bypass construction. The present TSP includes the Bypass and very reasonably expects that it will handle a substantial amount of traffic. While Phase 1 should divert a significant volume of traffic west of Springbrook, it is likely to increase volumes south of 99W and east of Springbrook. The additional volume placed on Springbrook, even with the improvements to it, is very likely to divert traffic to the east. Does our present TSP allow for this additional burden or are there improvements that need to be planned? The TSP needs to anticipate when the eastern segments of the Bypass are constructed and needs to plan accordingly. The intersection failures noted in the FEIS provide just one answer. The other is that these projects are often funded by SDCs, which will not be collected if the projects are not in the TSP. We have already missed opportunities to collect these additional SDCs from development and will continue to miss the opportunities the longer we wait to update the TSP. He believes that SDCs, if properly applied, provide a very equitable way of ensuring that development pays its appropriate share of the burden that it places on our infrastructure. This only works if the appropriate projects are included in the TSP.

Mr. Soppe is aware that there is a revision to the TSP that is in progress. He noted on the DKS Associates web site that there should have been two ODOT community events so far this year but he is unable to find information about them. He has read the documents there but has not found anything that appears to directly address the issues that he has raised to the commission nor is there much about the progress that is being made on this update. He urged this commission to take these issues very seriously and to press for appropriate and timely updates to the TSP to accommodate them.

Vice-Chair Art Smith closed the public testimony.

IV. CONSENT CALENDAR

Approval of July 11, 2013, and August 8, 2013, Planning Commission Meeting Minutes.

Commissioner Matthew Fortner noted he was present at the August 8, 2013, planning commission meeting.

MOTION: Jason Dale/Philip Smith to approve the Consent Calendar including the planning commission minutes for July 11, 2013, and August 8, 2013 as amended. Motion carried (5 Yes/0 No)

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **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)

Vice-Chair Art Smith opened the Quasi-Judicial Hearing at the point of staff recommendation and called for abstentions, bias, ex-parte contact, or objections to jurisdiction. Commissioner Edwards stated he drove past the property but had no conversations with neighbors.

Ms. Jessica Nunley, associate planner, addressed questions that were brought forward at the last meeting (see official meeting packet for full report). The subdivision meets the land use criteria and staff recommended approval as amended with four additional conditions.

Mr. Terry Mahr noted that there were concerns about the public notice sign posted on Petunia, and whether it was in place 10 days before the July hearing date. The remedy for this was to postpone the hearing. The hearing was postponed until August, and the applicant posted the sign on Petunia more than 10 days before the hearing. The notice sign therefore met the legal requirements at the time of the August hearing.

Commissioner Philip Smith explained that citizens asked why the city made the change in the density of the R-1 zone several years ago. He supported the change. A few years ago the Ad Hoc Committee on Newberg's Future was asked to plan for the future of the city. A survey showed that people did not want Newberg to be a bedroom community, making it possible for citizens of a wide range in incomes to work and live in Newberg. The mayor developed an affordable housing committee and the committee found that many people have misconceptions of what affordable housing is. Newberg needs a variety of housing for those with less than median income. There are also many good jobs in manufacturing in Newberg but a lack of industrial land. After exploration, the committee found that industrial land is needed in large amounts in order for citizens to work in Newberg. The committee then created a new large-lot industrial zone called M-4. In order to expand the urban growth boundary to add industrial land the city needs to show it is using land efficiently. The city ultimately decided to increase the density allowed in R-1 in order to use land more efficiently and to help make housing more affordable. He said that the city had a logical density policy in its comprehensive plan, but that the prior development code standards made it impossible to achieve that density policy. So the city had to change its development code standards.

Vice Chair Art Smith believes many of the traffic concerns and questions by the neighbors are worthy to be addressed by the Traffic Safety Commission. He addressed some public comments. The planning commission is made up of citizen volunteers involved in the commission because they care about the community. He is concerned about comments indicating phone calls and emails were made to the public works and/or planning department and nothing was done to resolve those requests. The public works director passed it on to the planning department and the questions were not resolved in the packet. Many of the concerns are appropriate and he believes it would have been prudent to phase the lot sizes to better match the neighbors. He planned to vote no for those reasons.

MOTION: Philip Smith/Jason Dale to adopt Planning Commission Order No. 2013-13, with the added four conditions. Motion carried (4 Yes/ 1 No [A. Smith]/ 2 Absent [Stuhr, Bliss])

VI. LEGISLATIVE PUBLIC HEARINGS

TIME – 8:05 PM

1. **APPLICANT:** Oregon Dept. of Transportation
REQUEST: Consider amending the Newberg Transportation System Plan to reflect the Phase 1 alignment of the Newberg Dundee Bypass Project.
FILE NO.: CPTA4-13-001 **RESOLUTION NO.:** 2013-301

Vice-Chair Art Smith called for abstentions, bias, ex-parte contact, or objections to jurisdiction. None were brought forward.

Ms. Jessica Nunley, Associate Planner, presented a short staff report and asked the commissioners to consider a name for the cul-de-sac (see official meeting packet for full report).

Vice-Chair Art Smith opened the public testimony.

Kelly Amador, ODOT and William Ciz, ODOT project manager with the Newberg-Dundee Bypass, presented the proposed Wilsonville Road realignment and an update on the status of the Newberg-Dundee Bypass Phase I accompanied by a PowerPoint presentation.

Commissioner Dale asked about a median at Second Street and voiced his concerns regarding the difficulty it will cause for citizens. Mr. Ciz replied the signal at Springbrook and Hwy 219 would stay in place with an additional turn lane. He will follow up with city staff to better understand the concern about the median.

Vice-Chair Art Smith closed public testimony at 8:23 PM

Mr. Barton Brierley, Planning & Building Director, stated staff is looking at the Second Street/Hwy 219 area very carefully and have asked a consultant to address that specific area. It is an incredibly unsafe intersection. A planning commission workshop will be held on November 14, 2013, to look at the TSP and address that area, as well. Staff recommends adopting Resolution No. 2013-301.

MOTION: P. Smith/J. Dale to adopt Planning Commission Resolution No. 2013-301 and name the cul-de-sac McKern Court to honor the historical area. Motion carried (5 Yes/ 0 No/ 2 Absent [Stuhr, Bliss])

2. **APPLICANT:** City of Newberg
 REQUEST: Consider a proposal to establish a Historic Preservation Commission.
 FILE NO.: DCA-13-001 **RESOLUTION NO.:** 2013-300

Vice-Chair Art Smith called for abstentions, bias, ex-parte contact, or objections to jurisdiction. None were brought forward.

Mr. David Beam, Economic Development Coordinator/Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report) and recommended adoption of Resolution 2013-300.

Commissioner Fortner asked how this will be funded. Mr. Beam explained it will only cost some staff time, and will enable the city to get some grant funds from the state. The historic preservation commission will decide what to do with the grant funds. Commissioner Fortner raised concerns that the commission could exercise too much authority. He didn't want too many restrictions to be placed when people remodel older homes. Mr. Beam explained that new properties only can be added as landmarks with the property owners' consent.

Vice-Chair Art Smith opened and closed public testimony at 8:46 PM as no one chose to testify.

MOTION: J. Dale/P. Smith to adopt Planning Commission Resolution No. 2013-300. Motion carried (4 Yes/ 0 No/2 Absent [Stuhr, Bliss]/ 1 Abstain [Fortner])

VI. ITEMS FROM STAFF

TIME - 8:53 PM

1. Update on Council items

Mr. Brierley reported the zoning use table hearing was continued to the Sept. 16, 2013, city council meeting, second reading. They will also be looking at appointing an ad-hoc committee on temporary signs.

2. Other reports, letters, or correspondence

Mr. Brierley announced planning commissioner training will take place at the Oxford Suites in Salem, Oregon on 9/26. The city will cover the cost of tuition for those commissioners interested. Chair Cathy Stuhr will be attending.

3. The next planning commission meeting is scheduled for Thursday, October 10, 2013.

VIII. ITEMS FROM COMMISSIONERS

Vice Chair Art Smith suggested if feasible, to do something different in the future regarding residents and infill projects to make it easier for citizens who have lived in the neighborhoods for long periods of time and who moved in when codes were different.

IX. ADJOURN

Vice Chair Smith adjourned the meeting at 9:04 PM.

Approved by the Planning Commission on this 10th day of October, 2013.

AYES:

7

NO:

0

ABSENT:

0

ABSTAIN:

0

Karen Bevil

Planning Recording Secretary

Cathy Stuhr

Planning Commission Chair