

**NEWBERG PLANNING COMMISSION MINUTES**  
**May 14, 2015, 7:00 PM**  
**PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

Chair Gary Bliss called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present:	Gary Bliss, Chair	Philip Smith	Jason Dale
	Matthew Fortner	Allyn Edwards	Cathy Stuhr
	Art Smith	Luis Saavedra/student	

Staff Present:

- Steve Olson, Associate Planner
- Sue Ryan, City Recorder
- Doug Rux, Community Development Director
- Jason Wuertz, Engineering
- Bobbie Morgan, Planning Secretary

**PUBLIC COMMENTS:** None.

**CONSENT CALENDAR:** Commissioner Philip Smith moved, to adopt the meeting minutes for April 9, 2015. Commissioner Allyn Edwards seconded and the motion passed 7-0.

**QUASI-JUDICIAL HEARINGS:**

**APPLICANT:** Fred Meyer Stores, Inc.

**REQUEST:** Conditional use permit/design review approval – gas station expansion.

**LOCATION:** 3300 Portland Road

**TAX LOT:** 3216-2004

**FILE NO.:** CUP-14-002/DR2-14-020 **ORDER NO.:** 2015-17

**CRITERIA:** Newberg Development Code 15.220.050(B), 15.225.060

Chair Gary Bliss opened the hearing at 7:05 p.m. He read the public hearing statement. He asked if the Commission had any abstentions, ex parte contacts, or bias to declare.

PC Cathy Stuhr drove through the Fred Meyer driveway and noted there were awkward turning movement lines on the pavement.

AP Steve Olson presented the staff report accompanied by a PowerPoint presentation. He said this was a request to expand the Fred Meyer gas station. This was continued from the last Commission meeting in order to have more coordination on transportation. He explained the location of the fuel station. The expansion would include two more fuel dispensers, add a propane tank, extend the overhead canopy 34 feet to the south, and change the operating hours to 5 a.m. to 11 p.m. The original application for the gas station was approved as a Conditional Use and because this would modify that Conditional Use, it had to come back before the Planning Commission. This was C2 zoning with a stream corridor overlay and south of the site was residential. He described the landscape buffer to the residential area and then discussed the site plan, elevation, design review criteria, C2 criteria, and Conditional Use criteria. Several public comments were received, which focused on protecting the drive-in from the impact of new development by landscape buffers and shielding the lights. Some voiced support if the drive-in was protected from the light. The expansion would eliminate eight parking spaces, but they still had more than enough parking. The under canopy lighting would be recessed. The wood

fence would be expanded to the south matching the existing fence to block low level headlights. There would not be any change to the impervious surface and they would continue to use the same storm water system. The traffic study concluded that the impact was small and no mitigation was necessary. ODOT reviewed the study and did not think Fred Meyer needed to amend their access permits. The lighting impacts would be controlled the same as on the first phase, an erosion control permit would protect the stream during construction, and the opening hours were typical for gas stations. Staff recommended approval with conditions.

CDD Doug Rux entered the entire staff report and attachments into the record.

#### Public Testimony:

James Coombs of Fred Meyer and Joel Howitt, planner, were the applicants. Mr. Howitt said they read through the staff report and were in concurrence with the City's findings and conditions. Fred Meyer would be installing the recessed LED lighting under the canopy to match the existing lighting. They would also be extending the fence to the south by the proposed propane pad. Mr. Coombs stated this allowed Fred Meyer to handle the peak periods in the morning and the evening and to cut down on transaction times. With the extra dispensers, they would see a 10 to 15% increase in business.

David Holt of Mckennzie Engineering discussed the letter from ODOT. All jurisdictions had different methodology requirements and ODOT staff looked at the methodology utilized in the study as if it were being prepared to ODOT's standards. ODOT did not have authority or jurisdiction to impose requirements, but offered suggestions. The existing permits were deemed valid without modification. The traffic study had been prepared to the City's methodology and it was identified that there would be minor impacts and the use could be expanded as proposed without additional mitigation.

PC Philip Smith asked about the traffic circulation on the site. Mr. Holt explained the signage on the south side that only allowed trucks and prohibited thru traffic.

Mr. Coombs replied there had been meetings with the neighbors when the fuel station was installed and had come to an agreement that all the distribution trucks did not come before 7 a.m. Deliveries happened in the morning and there should not be any sizable truck deliveries during the day. The area near the bank had been striped, but if there was an issue he would be happy to address it and improve it.

PC Cathy Stuhr explained how the striping was confusing at the stop sign where a person could either turn left into the gas station or go straight to the bank. She asked Mr. Coombs to look into it. She commented on Exhibit B, findings on the lighting plan. She thought it could be clearer by stating, "The plan shall specify".

There were no other public comments.

Chair Bliss closed the public testimony portion of the hearing at 7:35 p.m.

#### Final Comments from staff and recommendations:

AP Olson said the condition could be reworded as proposed by Commissioner Stuhr. Condition 4 could state, "The plan shall specify that all of the under canopy lighting will be recessed to provide shielding and that the six foot tall wooden fence along the western edge of paving will be extended south as far as the propane tank to block lights."

PC Philip Smith commented that there were no opponents to this application, which was in great contrast from 2010 when there were many people who were against the fuel station and light pollution. He thought Fred

Meyer had effectively answered the concerns of the neighbors. He thought opening earlier would improve the on-site traffic.

Action by the Planning Commission:

**MOTION:** Commissioner Cathy Stuhr moved to approve Order 2015-17 as amended. Commissioner Jason Dale seconded the motion and it passed 7-0.

**APPLICANT: DJ2 Holdings, LLC**

**REQUEST: Comprehensive Plan map amendment from LDR (low density residential) to HDR (high density residential), with corresponding Zoning map amendment from R-1 to R-3.**

LOCATION: 1317 Villa Road

TAX LOT: 3217BC-800 FILE NO.: CPA-15-001/ZMA3-15-001

RESOLUTION NO.: 2015-307

CRITERIA: Newberg Development Code 15.302.030(A) (3), applicable Comprehensive Plan goals and policies

Chair Gary Bliss opened the hearing at 7:42 p.m. He read the public hearing statement. He asked if the Commission had any abstentions, ex parte contacts, or bias to declare.

PC Philip Smith had no ex parte contacts with the people involved, but had extensive contact with the property as he was a jogger.

Chair Gary Bliss visited the site to review this matter, but had no personal contacts.

PC Art Smith had no personal contacts, but he lived in the neighborhood and frequently drove by the site.

PC Allyn Edwards had no contacts, but also drove by the site regularly.

PC Matt Fortner drove by the site and used to live in the neighborhood.

AP Olson presented the staff report accompanied by a PowerPoint presentation. This was a request for a Comprehensive Plan map amendment and zoning map amendment for 1317 Villa Road. It would be a change from low density residential designation to high density residential designation on the Comprehensive Plan map and the zoning map designation from R-1 to R-3. If this was approved, the applicant would have to come back for design review for developing the property, which would be a much more detailed application. He discussed the property location, current zoning, stream corridor, surrounding area, and criteria for changing the use. In 2005 a buildable lands analysis was done and there was a deficit of high density land. The applicant did an updated housing needs analysis to 2030 and it showed the City only had 11% of the high density acres needed. Any development, whether low or high density, would require upsizing sewer pipes. There were water lines available and the streets were expected to carry more traffic. A half street improvement would be required along with dedicating right-of-way. He explained the project in the Transportation System Plan for Villa Road. The traffic study looked at the net increase and total trips that could be generated by an apartment complex. It showed a net of 74 trips during the peak hours. Traffic would increase, but except for the Villa Road and 99W intersection, it was forecasted to meet the City's operation standards assuming the apartment complex was built in 2016. Regarding the Villa Road and 99W intersection, this development would not push it over, but it was other development in the area that increased the volume/capacity ratio. ODOT said the impact was slight and did not require any mitigation. The real impact would be in 2035 when the level of background traffic would significantly increase the traffic on Villa Road. There was a park, pool, and school in walking distance of this site. There was no transit on Villa Road, but there was on Portland Road. There was little apartment land north

of the railroad tracks, so it did help distribute high density within the City. The site had immediate access to Villa Road, which was a major collector and would be improved. He discussed the public comments that had been received. There was concern regarding traffic and pedestrian safety on Villa Road, concerns about parking impacts in the neighborhood, and concerns about building height. Traffic would increase on Villa Road, but it would be improved from Hayworth to Crestview. Any development was required to have adequate off street parking according to Code. Regarding building height, if there was an R-3 zone next to an R-1 zone, the height was limited to 30 feet for 50 feet from the edge of the R-1 zone. The height limit in the rest of the R-3 zone was 45 feet. The proposal met a need for more high density land, the public infrastructure was now or could be made readily available to the site, it complied with the Transportation Planning Rule, and the site was suitable for high density because it was near public services and had immediate access to a major collector. Staff recommended the Planning Commission recommend approval to the City Council.

CDD Rux entered the staff report into the record.

#### Public Testimony:

Mimi Doukas, AKS Engineering, was representing the applicant. This is a request for a Comprehensive Plan map amendment from LDR to HDR and zone change from R-1 to R-3. The goal was to build a multi-family development on the property. They did hold a neighborhood meeting and received feedback about density, parking, and compatibility. They planned to reduce the density and improve the parking, but it would be in the design review application. She explained the applicable Comprehensive Plan policies and how this application met them. One of the policies was housing and where density was to be located. This site was in excellent proximity to a variety of services and had characteristics that were helpful for high density residential, such as the boundaries were streets and George Fox University. The one edge on the west abutted R-1 and would be the focus of the design review. Another policy was transportation, which encouraged higher density development on areas where there were services. The application complied with the State Transportation Planning Rule. The planned transportation facilities could accommodate this proposed land change. Right-of-way dedication would be required with any land development to bring Villa and Park up to their full dedication widths. Regarding the need for this type of housing, Newberg was in need of all categories of residential land but the greatest was in high density residential. High density was the most efficient way to address housing needs in the Urban Growth Boundary and spreading the use around the community was important. There was infrastructure available. The sewer capacity would be analyzed at the design review stage. She thought it would be solvable. The application met the criteria and she requested recommending approval to the City Council.

Jeff Curran, DJ2 Holdings, was the applicant. This property made sense for a multi-family project. He had originally thought of doing the Comprehensive Plan and zoning amendments and design review at the same time, but had separated them. He would work with staff and the neighbors to come up with a good design for the property that would be acceptable to everyone. This was the right project in the right part of town.

PC Allyn Edwards suggested instead of building apartments to build condominiums.

PC Philip Smith asked about pedestrian access and safety on Villa Road. Mr. Curran explained some options for bicyclists and pedestrians. It was an important aspect of the project. They also planned to follow the height requirements.

PC Art Smith agreed significant improvements needed to be done on Villa Rd to make it safe.

AP Olson said the only transportation mitigation deferred until 2030 was a stop sign at Fulton and Villa.

## Proponents:

Melisa Dailey, resident of Newberg, was in support of higher density development on the property than what was currently allowed. Multi-family housing was needed in Newberg to provide housing choices to residents. Provision of different housing types supported a healthy economy and a vibrant community. She wanted to live in a community that was inclusive of all income levels and all phases of life and it could only be attained by providing choices beyond single family homes and home ownership.

Rob Molzahn, local real estate broker, had represented DJ2 Holdings in finding and making an application on the site. This application fit the long range planning goals of the City. It would provide opportunities for more affordable housing and offered variation in density in neighborhoods. There was a shortage of R-3 land and its proximity to George Fox made it a good location for quality apartment housing.

The Planning Commission took a five minute break and reconvened at 8:46 p.m.

## Opponents:

Rich Allen, resident of Newberg, lives to the west of the site. He bought his property because of the low density zoning and the area had large lots. Apartments had been built on Meridian Street which had changed things, and now this high density was being planned. He did not think this was the site as it would affect property values and the livability of the neighborhood. There was a small park nearby that could not handle more people. There would be more people driving and walking through the neighborhood. There was a need for lower density, and he thought it should remain low density.

Paul Blattner, resident of Newberg, lives diagonally across from the property. He picked the house and neighborhood because it was a nice neighborhood and would give him the chance to grow equity. He commended the applicant for meeting with the neighborhood. At that meeting the applicant showed pictures of what they were thinking of building, which were simple rectangular boxes with roofs on top. It would reduce the property values of the neighborhood.

Doris Brandt did not speak as her concerns had already been addressed.

Carol & Scott Phoenix, residents of Newberg, lived in the neighborhood for 30 years. They moved to Newberg because it was a small town. They moved into one of the nicest neighborhoods and it was conducive to raising children. A lot of kids played in the streets. When Park Drive was put in, a lot of thru traffic came with it and it had gotten heavier. With high density there would be more traffic and it would impact the neighborhood. Low density would only be about 22 units, but the applicant proposed 128 units, which was a significant increase. Many kids walked or biked home from school, which was dangerous with the current traffic and congestion. The neighborhood already had R-3 housing on Meridian and they did not need more high density housing.

Mr. Phoenix said their main concern was Villa Road and pedestrians and traffic. They were concerned about public safety which would be exacerbated by this development. Lower density would be appropriate here, not higher density. He thought the traffic numbers that had been given were overly optimistic from what they would actually be.

Ms. Phoenix thought more often young people without children lived in apartments and were not as aware of the problems of children in the neighborhood and speeding. They had asked for speed bumps and sidewalks, but nothing had been put in as of yet. The concern was the increase in traffic that would result from high density housing.

Jim Ringseth, resident of Newberg, lives adjacent to the site. He did not think this was the right location for high density residential. The road improvements were needed, as there was congestion and lack of safety. Traffic and parking were already issues and would still be issues even with the road improvements. He gave examples of other high density developments in the City where congestion and lack of parking were issues. This proposal did not fit with the neighborhood.

Julia Russell, resident of Newberg, lives less than 500 feet away from the property. She was in favor of low or medium density development, but not high density development. She agreed that condominiums or townhouses would be better than apartments in this area. The road would not accept the high density with the increase in traffic. She had already seen an increase in traffic from other developments over the last few years. Villa was already an unsafe road for pedestrians. There was wildlife in the area, and deer crossing the road as well. She thought high density would affect the wildlife.

Ruth Schrempp, owner of the Dwelling Place Bed and Breakfast, had many guests who came and wanted to walk, but it was very unsafe. Some improvements to Mountain View would need to be done before people could walk safely from this new development. She often called out to motorists to slow down as they were coming from Crestview passing her place and heading south because there were no stop signs. She was fearful for the children who might be living in the new development that might be walking on the road.

Dr. Mary Ann Tack, resident of Newberg, lives across the street from the property. Her biggest concern was the road and people speeding up and down the slope underneath the trestle. The traffic on Villa Road was bad and it was dangerous for pedestrians and bicyclists. She was interested to know how the road would be changed to address the problems. She was told speed bumps could not be put in because of use by the Fire and Police departments and school buses. Deer did cross there and it could cause an accident. She wanted to keep it at low or medium density. She had seen first-hand a number of incidents and lack of safety for pedestrians. She thought the neighborhood would be open to traffic calming ideas.

Jenny Vuksier did not speak as her concerns had already been addressed.

Malcolm Vuksill, resident of Newberg, lives in front of where the turn lane was being proposed. The proposal was for three story buildings facing his house. Street improvements were needed no matter how it was developed. He did not think high density residential fit, and thought it should be low or medium density. With the added vehicles, it would pose a safety threat to his children and their friends. There was wildlife in the area and people needed to drive slower. There were always accidents on Villa. He did not think there was enough room to put in a turn lane and the sidewalks may cut into his driveway space. The road was not safe enough to handle the extra traffic from a high density apartment complex.

Mark Okazaki, resident of Newberg, lived on Villa Road for 28 years. Lately there had been an influx of traffic and pedestrians on Villa and the road improvements needed to be made. The R-3 was not right for the area. Sometimes it was very difficult to get out of his driveway. At times Villa was closed when there was snow or ice and the people would go into the surrounding neighborhood. He suggested studying the traffic of the internal neighborhood area.

Mary Lou Reed did not speak.

Lewis L. Scott, resident of Newberg, lives off of Villa Road. There was a choke point at the bottom of the trestle. He did not see how they could widen Villa to put in sidewalks, bicycle lanes, and turn lanes. The traffic on Villa turning onto 99W was a problem, and would get worse with a high density development.

AP Olson said two letters had been handed in that day. He asked if the Commission wished to accept the written testimony.

**MOTION:** Commissioner Philip Smith moved to accept the written testimony and take a short break to read it. The motion was seconded by Commissioner Stuhr and passed 7-0. The meeting reconvened at 9:46 p.m.

Mimi Doukas, representing the applicant, gave a rebuttal. The primary concerns had to do with Villa Road and transportation improvements. She introduced Brian Dunn, Transportation Engineer with Kittelson and Associates, who discussed the transportation impact analysis. The applicant was planning to establish a direct access to Villa Road with this project to relieve the potential for cut-thru traffic. The traffic study relied on national numbers published by the Institute of Transportation Engineers and they had used the trip generation rates for an apartment use in a suburban location. They thought the numbers were conservative and was what the analysis was based on. The construction on Villa Road would help alleviate some of the problems as well with pedestrian connections and bicycle lanes.

Ms. Doukas said this application addressed the City's critical need for additional high density residential. She thought this was the right location. She hoped for approval.

Chair Gary Bliss closed the public testimony portion of the hearing at 9:54 pm

**MOTION:** Commissioner Matthew Fortner moved to continue the hearing to the next Planning Commission meeting on June 11, 2015, at 7:00 p.m. The motion was seconded by Commissioner Philip Smith and passed 5-2 with Chair Bliss and Commissioner Edwards opposed.

#### **ITEMS FROM STAFF:**

CDD Rux gave an update on withdrawing from mediation on the UGB process and the Affordable Housing Commission.

The next Planning Commission Meeting would be held on June 11, 2015, at 7:00pm

#### **ITEMS FROM COMMISSIONERS:**

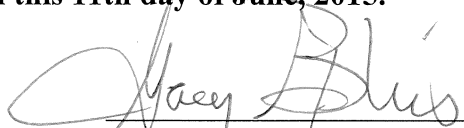
None.

#### **ADJOURNMENT:**

Chair Gary Bliss adjourned the meeting at 10:05 p.m.

**Approved by the Newberg Planning Commission this 11th day of June, 2015.**

  
Bobbie Morgan, Planning Secretary

  
Gary Bliss, Planning Commission Chair