

**NEWBERG PLANNING COMMISSION MINUTES**  
**March 8, 2018**  
**PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

Chair Philip Smith called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Philip Smith, Chair  
Jason Dale  
Allyn Edwards  
Robert Ficker  
John Wuitschick

Members Absent: Ron Wolfe, excused  
Gary Bliss, excused  
Miranda Piros, Student, excused

Staff Present: Doug Rux, Community Development Director  
Brett Musick, City Senior Engineer  
Mayor Bob Andrews, Ex- officio

CDD Doug Rux commented that a flyer had been passed out regarding a traffic signal at Elliott and Haworth which was false information. It was not on tonight's agenda, there was no project, and it was not in the Transportation System Plan to be done in the future.

Mayor Andrews swore in new Planning Commissioner John Wuitschick.

**PUBLIC COMMENTS:**

Dan D'hondt, Newberg resident, discussed the flyer about the traffic signal. He was concerned about traffic on Elliott and Haworth, especially with the growth that was occurring. He suggested a no left turn sign onto Elliott be placed in the Panda Express complex to redirect traffic back on to 99W. Something needed to be done to slow down traffic. His neighbors were also concerned about the apartment complex being put on Villa Road and how it would add to the traffic.

PC Dale suggested he take these concerns to the Traffic Safety Commission as well.

Chair Smith encouraged him to continue the dialogue with the City on this issue.

Karen McCabe, Newberg resident, was concerned about the speeding in the City's residential areas, especially on Villa and Haworth. It was dangerous for pedestrians and backing out of driveways. She would like the speed reduced to 20 mph in residential areas.

Chair Smith directed her to take this issue to the Traffic Safety Commission.

PC Edwards added that there would be more strength behind these concerns if there was a signed petition from the neighborhood.

**CONSENT CALENDAR:**

Approval of the February 8, 2018 Planning Commission meeting minutes

**MOTION: PC Dale/PC Ficker** moved to approve the February 8, 2018 Planning Commission meeting minutes. The motion carried (5 Yes/ 0 No).

**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).

**1. Subdivision preliminary plan & variance – Dutchman Ridge:** Consider a proposal to divide a 13.3-acre parcel into 46 lots for single-family homes and 2 tracts. The property is zoned R-1 (low density residential).

Includes a variance request to increase the maximum block length and perimeter

APPLICANT: Dutchman Ridge LLC

LOCATION: 25300 NE North Valley Road TAX LOT: R3207-00600

NO.: SUB3-17-0002/VAR-18-0001 ORDER: 2018-01

CRITERIA: Newberg Development Code Sections 15.235.050(A) & 15.215.040

**CALL TO ORDER:**

Chair Smith called the hearing to order at 7:19 p.m.

**LEGAL ANNOUNCEMENT:**

Legal announcement read by Chair Smith.

**STAFF REPORT:**

CDD Rux entered the staff report into the record. This was an application for the Dutchman Ridge subdivision and a variance request. There was a stream corridor that bisected the property east to west. The proposal was for 46 single family homes to be done in two phases. The variance was for the block length and block perimeter. The property was located on NE North Valley Road and was zoned R-1. Taylor Drive and Jones Street were the access roads. The site was 13.3 acres and he explained the undulating topography of the site. There was an old home on the site. The surrounding properties were Exclusive Farm Use and single family home subdivisions. There were sewer and water lines in Taylor and Jones that would serve the site. There were stormwater lines in the surrounding subdivisions. He then described the subdivision design. The average lot size was 6,112 feet which met the minimum lot size of 5,000 square feet. There were two tracts, Tract A was the water quality and Tract B would be part of the King's Landing development. Each lot had 25 feet of road frontage except for lots 18 and 6 which would be accessed through access easements over lots 19 and 7. The lots were at least 50 feet in width at the front building line and there was a typo in the findings that said the width was 30 feet when it was 50 feet. The developer would construct the internal streets and meet the cross section requirements. There was also a requirement for the developer to contribute to the College and Foothills traffic signal and to the College and North Valley Road intersection. Public improvement permits would have to be obtained and there would have to be access to the water quality facility, fire truck turn around, easements, and street trees. He reviewed the rest of the conditions of approval. There were no conditions regarding the stream corridor as the development went right up to the edge of the corridor boundary. He then reviewed the variance criteria. Due to the topography, preexisting conditions, and stream corridor, he thought the application met the variance criteria.

**ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION:** None

**PUBLIC TESTIMONY:**

**APPLICANT:**

Jessica Caine, representing the applicant, handed out additional information. The applicant concurred with the findings and recommendations of staff with the exception of two conditions. The conditions required the

applicant to pay two fees related to the future signalization of intersections at College and Foothills and College and North Valley Road. The total was a little over \$43,000. The City should not charge the applicant these fees because it was not legally allowed to do so. The Transportation System Plan was updated in 2016 and identified problem intersections that would be future projects of the City to be paid through SDCs. College and Foothills was identified in the TSP and SDCs were already being assessed at the time of a building permit for that project. An additional fee at the time of development was taxing the property twice and was not legal. The intersection of College and North Valley Road was not identified in the TSP. The City said because the intersection was failing, the developer had to fix the failure before they could develop. She thought it was not legal either. Once a facility was failing, additional development could not be required to fix the failure that already existed. If there was to be an assessment, the assessment should be properly noticed, reviewed, and adopted through a quasi-judicial process. The methodology of the assessment was flawed as well. The initial assessment was based on the square footage of the subject property and an arbitrary boundary was created. The assessment did not account for the water detention facility, stream corridor, and Tract B was not proposed to be developed at this time. The fee should not be applied to those areas. The square footage approach was flawed because that was not the traditional methodology that was used as it was typically done through trip generation. The assessment did not take into consideration regional impacts that traffic had. The City based its fee calculations on a project cost of \$500,000 and this amount was not identified anywhere in the TSP. She asked that the assessments be deleted in Exhibit B and that the Commission adopt the order as modified.

Chair Smith said when there was a connection between a particular project and a traffic safety improvement, the City should be able to take that into account.

Dan Danicic, representing the applicant, said they were not arguing that the City could not charge additional fees for projects that were impacted by a certain development. The intersection of College and Foothills was in the TSP and he explained how the SDCs were based on trip generation and how the SDC charge would go towards this and other projects. He thought this development was already paying its fair share for the improvement. He did not think they should have to pay twice for the improvement.

PC Edwards said the question was the timing. The project was coming in earlier than anticipated and the City had to address a project that was not in the immediate planning. Mr. Danicic responded that the intersection was identified as failing, and in the TSP there was a schedule for when the project would be constructed. He did not think their development should mean that had to change, and if the project was to be done sooner, the SDCs could be allocated to this project.

#### OPPONENTS AND UNDECIDED

Sylvia Burns, Newberg resident, lived adjacent to this property. She was concerned about cut through traffic as well as increased traffic. There were no facilities for children to play in the area. She suggested putting in a pocket park. It would be a safe place to play and would build community. She gave examples of similar parks in the City and how there was a need for a park. She also had concern about the trees that were being removed.

#### WRITTEN COMMENTS:

CDD Rux handed out additional comments from Ron Dennis and Wilma McNulty.

#### PROPONENTS

Ron Dennis, Newberg resident, was also concerned about the uncontrolled intersections in this area. Adding more traffic increased the likelihood of accidents. He thought they should work together to add a park or expand a current park.

CDD Rux commented that there were no criteria for dedication of parks for subdivisions. The Planning Commission could forward recommendations to the City Council for Code amendments, however that would not include this application. There might be connectivity and pedestrian paths that could be done to make it safer and easier for kids to get to an existing park.

Marc Willcuts, applicant, said he would be paying Park SDCs, which had gone up recently. It meant \$8,800 for every house they built. In another city he had a project in, the total SDCs were \$9,000 per house which made the housing more affordable. He compared the total costs in McMinnville, which were \$15,000, and Lafayette, which were \$14,000, and Newberg's were \$30,000. They paid almost as much for parks SDCs as they did in other jurisdictions for the total for SDCs and permits.

#### APPLICANT REBUTTAL:

Mr. Danicic thought staff would be making recommended changes to the findings and conditions. He asked if he could respond to those proposals.

SE Musick handed out additional materials to the Commission which proposed some modifications to the fees. The City Engineer had discussed these concerns with the applicant. The Engineering Department had reevaluated the approach for mitigating impacts to the intersections. They had looked at the trip generation analysis which showed an additional 16 trips for College and Foothills. They had reduced the proposed fee to \$8,000 based on that analysis. They also recognized that the College and North Valley intersection had not been identified in the TSP for mitigation and realized the traffic signal might not be the appropriate mitigation measure. They were requesting the applicant come back with a mitigation measure for their development impacts at the time of the public improvement permit.

PC Edwards said the applicant felt like this was a double tax, and he asked why they were asking for more money. SE Musick said the SDCs dealt with increased capacity of the infrastructure and this was an assessment based on the impacts of the new development on an intersection as it reduced the level of service.

Ms. Caine addressed the College and North Valley intersection. The City was proposing that the developer would provide a mitigation measure for an intersection that was already failing. This intersection was not identified in the TSP and was under County jurisdiction. The County had not required the developer to contribute to that failing intersection.

Mr. Danicic discussed the College and Foothills intersection. He still thought the process by which they established this fee had not followed policy where a public process was involved. He thought that needed to be done before the assessment was charged. He also thought it was clear in the TSP that SDCs were being collected for capacity for new users at that intersection.

Ms. Caine said this development would contribute \$266,248 to Transportation SDCs. They thought they were already paying their fair share.

#### CLOSE OF PUBLIC TESTIMONY:

Chair Smith closed the public testimony portion of the hearing at 8:23 p.m.

The Commission took a five minute break.

#### FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

CDD Rux said staff recommended adoption of the order with the findings and conditions as modified. Chair Smith read the language of the modified conditions.

#### PLANNING COMMISSION DELIBERATION/DISCUSSION:

PC Dale asked if the developer was responsible for the failing intersection since it was already failing. The developer thought making it fail worse was not grounds for paying more. SE Musick responded that there was an impact from this development, that it would make the condition worse, and mitigation was necessary. There was nothing in the Code that said they did not have to contribute to a failing intersection.

CDD Rux said the question was if it was failing, should they allow any development until it was fixed. This assessment was addressing the impacts of new development on the intersection.

PC Edwards thought it was wrong to charge the extra assessment. The County had not expressed concern about the intersection and if this was something that was a concern it should have been called out in the initial preliminary plat and not halfway through the process when the builder had already calculated their numbers.

PC Ficker agreed that they should not charge the developer an extra fee since they were already getting SDC funds. CDD Rux explained how the funds that were collected through SDCs were used. They were not collected and used for projects that were in close proximity to a certain project. It went into a pot to be used for the whole transportation system.

PC Edwards asked if the County was contributing to the intersection since it was in their jurisdiction. CDD Rux responded ODOT and the County had jurisdiction of some of these roads, and the City's TSP identified capital improvements to all of the roadways in the City. It was a coordinated effort.

PC Wuitschick asked if the Commission could recommend how the SDCs would be used. CDD Rux responded the Commission could recommend to the City Engineer the allocation of the SDC funds and it would be a consideration when staff put together the five year Capital Improvement Plan that would go to the City Council for approval.

PC Wuitschick agreed with PC Edwards about the integrity of bringing this up halfway through the process.

PC Dale concurred about the timing of this. He thought the developer was already contributing a large amount of SDCs.

Chair Smith commented that the intersection at College and Foothills was part of the TSP and was an acknowledged goal and SDCs could be used to address it. They did not have enough money in SDCs to do all of the projects, and if there was a real crisis at College and Foothills the City could create a Local Improvement District to get it taken care of. He agreed with the other Commissioners about the fee for College and Foothills. Regarding College and North Valley Road, it was not completely in the City's jurisdiction and the proposal was that the developer offer a mitigation plan to be approved by both the City and County. He thought that was reasonable. He recommended removing the \$8,000 fee, but to keep the mitigation for College and North Valley Road.

#### ACTION BY THE PLANNING COMMISSION:

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| <b>MOTION:</b> PC Edwards/PC Dale moved to approve ORDER: 2018-01 and remove the \$8,000 fee requirement, but keep the mitigation requirement for the College and North Valley Road intersection. |
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CDD Rux clarified the findings would have to be modified to reflect the motion.

Chair Smith said the findings should include that the College and Foothills intersection was part of the TSP and Transportation SDCs were already going to be collected. To take more money from the development was like being taxed twice for the same thing. He thought the Transportation SDC should stand as the amount that was assessed for this development. He clarified the developer would be required to make a mitigation plan that the City and County could sign off on.

PC Ficker asked who was responsible for paying for the mitigation. Chair Smith said it depended on what the developer proposed. CDD Rux clarified the word "construct" would be dropped from the mitigation requirement.

The motion carried (5 Yes/ 0 No).

There was discussion regarding the modifications to the findings.

**MOTION: PC Edwards/PC Dale** moved to approve the findings as stated by Chair Smith. The motion carried (5 Yes/ 0 No).

**LEGISLATIVE PUBLIC HEARING** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

**1. Lot Width at Front Building Line in R-1 and R-2:** Consider a proposal to amend the Newberg Municipal Code 15.405.030(D)1.b. and c. to reduce the front building width line in R-1 to 35 feet and in R-2 to 25 feet.

Applicant: Del Boca Vista LLC

File No.: DCA18-0002

Resolution No.: 2018-337

Chair Smith called hearing to order at 9:00 p.m.

**STAFF REPORT:**

CDD Rux entered the staff report into the record. This was a proposal for a Municipal Code amendment that would reduce the front building width line in the R-1 zone to 35 feet and in the R-2 zone to 25 feet. He gave a background on this amendment. The current requirement for front building width lines conflicted with other requirements in the Code. He had also discussed with the applicant if there was a narrow lot width what would that do to on-street parking. The applicant had provided diagrams for what the reduced lot width would look like. The change would provide some flexibility in building construction type. There was no requirement to provide on-street parking. He then discussed how lot sizes had been reduced to 5,000 square feet in R-1 and 3,000 square feet in R-2. Narrowing the lot width did not affect the minimum lot sizes. Lot coverage was not being modified either. He then discussed the proposed modified language and then showed examples of what it could look like on the street.

PC Edwards asked about the spacing for fire hydrants and mailboxes. SE Musick responded that fire hydrant spacing was 500 feet and the mailboxes would be evaluated on a per development basis.

PC Dale clarified this provided options for developers. It did limit on-street parking from what was allowed currently.

Chair Smith commented it made sense to have smaller frontages for smaller lots, however it also meant that there would be more cars in the denser area, not fewer. He was concerned that this proposal would exacerbate parking problems in these neighborhoods. CDD Rux discussed how neighborhoods were getting denser and they needed to create a balance between density, affordable housing, and parking.

Chair Smith suggested allowing driveways to be shared to get more off-street parking.

PC Edwards thought a common parking lot area needed to be built for high density housing areas. That would eliminate the concern regarding the width between each unit and there would be spaces that could accommodate guest parking. CDD Rux responded this proposal did not change density; it was a different product type and layout.

**PUBLIC TESTIMONY:**

**APPLICANT**

Marc Willcuts, applicant, said they were trying to think outside of the box to provide more entry level housing. This was a way to increase the supply of entry level housing. There was demand for this type of housing and they sold quickly.

Chair Smith asked if there would be a problem to have these deeper lots. Mr. Willcuts said no, it provided big back yards for kids to play.

PC Dale said this was intended to give flexibility for construction, but asked if this was the only thing developers would do because it was the maximum available use of the lots. He was concerned about reducing the amount of parking overall for future development of the City. Mr. Willcuts thought it was a niche market and there would still need to be other types of development.

#### PROPOSERS

Rick Rogers, Newberg resident, said this would help bring a range of housing types to the City. He thought 1,200 to 1,400 square foot homes could be built on these types of lots, which would be entry level housing. He understood the concern regarding parking, but this proposal tracked with smaller lot sizes. It would not happen everywhere, but the higher density was desirable in the community.

Jessica Caine, Del Boca Vista, stated they were trying to bring the Code in line with the reduction in the lot size that had been made previously. The examples showed how there was on-street parking for R-1 and R-2 in addition to the two required off-street parking spaces per unit. They needed to plan parking for day to day reasonable numbers and not for a party a few times a year where there would be a lot of guests. She thought it was a reasonable number for the street lengths and number of units. The idea was to provide different types of housing product.

PC Edwards was in favor of providing a different housing concept as not everyone would have more than one car. This type of neighborhood would appeal to certain lifestyles. He asked if this product could be used for senior housing. Ms. Caine responded they did not have limitations for who these would be marketed to. It was meant to provide a variety of housing.

There was discussion regarding the number of on-street parking spots per lot.

Chair Smith closed the public testimony portion of the hearing.

#### FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

CDD Rux explained how this was a creative way to help meet the “missing middle” housing needs and brought a different housing type to the community. Staff recommended approval of the resolution.

Chair Smith thought this would be one of many different kinds of neighborhood designs.

#### PLANNING COMMISSION DELIBERATION/DISCUSSION:

PC Edwards thought the amendment helped facilitate entry level housing that was needed in Newberg.

PC Dale still had concern regarding the parking, especially if all future development would be constructed this way.

#### ACTION BY THE PLANNING COMMISSION:

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| <b>MOTION:</b> PC Ficker/PC Wuitschick moved to approve RESOLUTION: 2018-337. The motion carried (5 Yes/ 0 No). |
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**2. Annexations or UGB Expansion R-3 Designations:** Consider a proposal to amend the Newberg Comprehensive Plan and Municipal Code for Large Residential Annexations or Urban Growth Boundary Expansions to Include Some R-3 Multi-family Residential Land.

Applicant: City of Newberg

File No.: CPTA17-0003/DCA18-0003

Resolution No.: 2018-338

Chair Smith called the hearing to order at 9:49 p.m.

ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION: None

**STAFF REPORT:**

CDD Rux entered the staff report into the record. This was a proposal to amend the Comprehensive Plan and Municipal Code for large residential annexations and Urban Growth Boundary expansions to include some R-3. In the current Comprehensive Plan “large” and “some” was not defined and the Planning Commission had discussed those definitions in several work sessions. They decided that the net size of the parcel should be used after subtracting stream corridors, not the gross size, and the size of the application was based on the aggregate size of all the parcels in the application, not on individual parcels. The threshold for “large” annexations was 15 acres or greater, and “some” was defined as 10% of the net size of the application. He discussed the language changes in the location policy, mixed policies, and annexation policy in the Comprehensive Plan and in the annexation criteria in the Municipal Code.

Chair Smith said the lesson to be learned through this process was that good ideas had to be put in detail.

PC Dale thought these changes captured what the Planning Commission had discussed.

**PUBLIC TESTIMONY:**

Lisa Rogers, Newberg resident, thanked the Commission for their work on this.

PC Edwards publicly acknowledged the work of Rick and Lisa Rogers as well.

Chair Smith closed the public testimony portion of the hearing.

**ACTION BY THE PLANNING COMMISSION:**

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| <b>MOTION:</b> PC Edwards/PC Dale moved to approve RESOLUTION: 2018-338. The motion carried (5 Yes/ 0 No). |
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**ITEMS FROM STAFF:**

CDD Rux updated the Commission on items from Council including staff’s update on the City’s Transportation System Plan and Downtown Improvement Plan, approval of easement vacations for Springbrook properties, and appointments of the Newberg 2030 Citizens Advisory Committee. He reminded the Commission to turn in their Statement of Economic Interest forms. There would be a joint meeting of the Council and Planning Commission on April 2.

The next Planning Commission meeting was scheduled for April 12, 2018.

Chair Smith asked about the second phase of the Bypass. CDD Rux gave a recap of what still needed to be done for the first and second phase and funding. There would be opportunities for the Planning Commission to provide input in the process.



**ITEMS FROM COMMISSIONERS:**

Chair Smith adjourned the meeting at 10:10 p.m.

**Approved by the Newberg Planning Commission this April 12, 2018.**

  
PC Philip Smith Planning Commission Chair

  
Bobbie Morgan, Office Assistant II