

**NEWBERG PLANNING COMMISSION MINUTES**  
**July 12, 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  
Robert Ficker  
John Wuitschick  
Gary Bliss

Members Absent: Ron Wolfe, excused  
Allyn Edwards, excused

Staff Present: Doug Rux, Community Development Director  
Cheryl Caines, Senior Planner  
Keith Leonard, Associate Planner  
Keshia Owens, Assistant Planner  
Kristen Svicarovich, Engineering Associate

**PUBLIC COMMENTS:** None

**CONSENT CALENDAR:**

**MOTION:** PC Dale/PC Ficker moved to approve the Planning Commission minutes from June 14 and June 28, 2018. 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. **Comprehensive Plan Map Amendment and Zone Change – 501 & 507 E Illinois St** – Consider a proposal to amend the Comprehensive Plan Map designation for the properties at 501 & 507 E Illinois Street from MDR (Medium Density Residential) to HDR (High Density Residential) and amend the Zoning designation from R-2 (Medium Density Residential) to R-3 (High Density Residential).

APPLICANT: AKS Engineering / Newberg Mobil Park.

FILE NO.: CPMA18-0005 / ZMA18-0002

RESOLUTION: 2018-07

CRITERIA: Newberg Development Code Section: 15.302.030(A)(3)

**CALL TO ORDER:**

Chair Smith opened the public hearing at 7:02 p.m.

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

**LEGAL ANNOUNCEMENT:**

Chair Smith read the legal announcement.

#### **STAFF REPORT:**

Assistant Planner Owens gave the staff report. This was a request for an amendment to the Comprehensive Plan Map from MDR to HDR and Zoning Map from R-2 to R-3 for 501 and 507 E Illinois Street. If this amendment was approved, the applicant would need to apply for a design review approval before development could occur. The proposed change was consistent with the goals and policies of the Comprehensive Plan. Public facilities were available or could be made available, the application complied with the Transportation Planning Rule, and it would fill a shortfall in HDR land. The proposed site had existing water, sewer, and stormwater facilities to serve the maximum density of the proposed R-2 to R-3 zone change. The subject site fronted E Illinois Street which was identified as a major collector. No additional right-of-way dedication was expected. A traffic study was not required for this proposal. It was estimated that the proposal would generate 30 a.m. peak trips and 36 p.m. peak trips. The proposed site was within a third of a mile of Newberg's central business district and public transit was available. The proposed amendment would not cause operations forecasted at the intersections of OR 240 and 219 to degrade further and would not cause any significant affects along these highways. Citizens had the opportunity to comment on this proposal at the Planning Commission and City Council hearings. A neighborhood meeting on the proposal had also been held. The proposed change would allow multi-family rental homes to be constructed on the site. The site was located in the City limits and was not near any agricultural lands or any wooded areas. The multi-family use might have less impact on air, water, and land resources because a higher concentration of housing in one area would put less strain on surrounding resources. If a development application was submitted, the proposal would have to comply with all city and state regulations. The site had existing development, which would help with the preservation of open space. The site was also within a third of a mile from a park. The location was near the downtown business district which would add to the City's economic base. The proposal for multi-family housing would advance the City's objective for affordable housing and added to the diversity of the economy. Traffic from the site would use Illinois to enter and exit the property. Residents could walk or bike to commercial areas, jobs, parks, and schools and public transit was available. Future development would have to meet the design review criteria and multi-family criteria including compatibility to adjacent sites and quality design. It was more efficient to use an existing site as opposed to extending new public utilities to an undeveloped vacant parcel. This would allow for more efficient use of the limited land available within the Urban Growth Boundary. The proposal met the need for HDR and multi-family housing, public infrastructure was or could be reasonably made available to serve the site, it complied with the Transportation Planning Rule, the site was suitable for HDR development and had immediate access to a major collector street, and was consistent with the goals and policies of the Comprehensive Plan. Staff had received no public comments and recommended adoption of the resolution.

PC Bliss commented that the resolution number should be 2018-07.

Chair Smith asked what the maximum number of housing units would be with the new zoning. AP Owens responded 58 units. There were currently 27 mobile homes on the property.

#### **PUBLIC TESTIMONY:**

##### **Applicant:**

Mimi Doukas with AKS Engineering was representing the applicant. She concurred with what staff had presented. There were no immediate plans to redevelop this site. This application was part of a long range planning effort for the property. The best use of the property was to allow for multi-family on the site based on the proximity to City services, jobs, and transportation and the shortage of housing in Newberg. Mobile homes were a sensitive topic and the state had put regulations in place for transitioning mobile home parks to other housing which included a notification and relocation system. This was the right location for multi-family and the City currently had a deficit of 44 acres of MDR land and 38 acres of HDR land. Adding 58 more HDR units would have a significant impact on the housing supply on a small piece of property. She requested approval.

Chair Smith commented that there was a wide variety of housing options in the R-2 zone, more than the R-3 zone. Ms. Doukas responded they had looked at the options in R-2, and thought the best result that they would be able to achieve were townhomes. The applicant preferred to change this to R-3 for a multi-family development.

**Proponents:**

None

**Opponents and Undecided:**

Brenda Dotson, resident of Newberg Mobile Park, was a low income senior citizen. She did not want to have to move and felt like she was being pushed out. There was currently speeding in the park, trucks parked on Illinois, and there was a lot of traffic on Illinois already. There was a five year waiting list for low income housing and she was concerned she would have nowhere to move. She would also be losing money on her home and she could not move her home off the land because it was too old and not legal. There would be no potential buyers because of the zone change. This was a bad idea and impacted a lot of people.

Pat Haight, resident of Newberg Mobile Park, said 25 families were going to be out on the streets because there was nowhere else for them to live. The residents of the park were not notified of the hearing because they were not property owners and when she complained, notices were hand delivered, however some people still did not receive the notice. She showed pictures of how the posted notices on the property were not clearly visible to pedestrians or motorists. There was a lot of traffic and speeding on Illinois as well as truck parking. There was no crosswalk and it was unsafe for pedestrians and bicyclists, especially for children.

Brenda Luarca, resident of Newberg Mobile Park, said most of the residents in the park were senior citizens and disabled. They kept up their homes and property. There was a lack of affordable housing in Yamhill County and she was concerned about the residents becoming homeless.

**Applicant Rebuttal:**

Doug Petersen, applicant, said he and his wife bought the park 12-13 years ago and managed it themselves. The units were old and had been constructed in the 1960s. They were having a harder time getting good tenants and started looking at alternatives. At R-2, it was 33 units that could be developed and at R-3, it was 58. He met with Rick Rogers to discuss affordable housing and an acceptable number of units. At the higher density, they would be able to do 10% low income housing. They were not taking this lightly, and had told everyone this was a three to five year plan.

Ms. Doukas said there were good justifications for making this change. She acknowledged the emotion regarding the mobile home park. She asked that the Commission keep in mind long term housing solutions when making decisions for the community.

PC Bliss asked about the process for transitioning to multi-family on this property. Mr. Petersen responded they were required to give residents 365 days notice and they could purchase the single wides for \$5,000 and double wides for \$7,000. There was no component that gave the residents the opportunity to purchase the lots.

Chair Smith asked if they had already been purchasing some of the homes. Mr. Petersen replied yes, and they were fixing them up and renting them out.

**CLOSE OF PUBLIC TESTIMONY:**

Chair Smith closed the public testimony portion of the hearing at 8:00 p.m.

**FINAL COMMENTS FROM STAFF AND RECOMMENDATION:**

Community Development Director Rux said staff recommended adoption of the resolution.

**PC DELIBERATION:**

PC Bliss thought the application met the criteria. The City was lacking in high density residential and the owner was compassionate and was giving time and notice to the residents. He was in support.

Chair Smith had served on the Affordable Housing Commission. Mobile homes were tricky because residents owned their home, but not the land. These parks were useful in the overall affordable housing package. There needed to be a variety of housing types to help address the affordable housing need. The Planning Commission's part was to help control the land use. Newberg was lacking in all types of housing, and high density residential was the most lacking. The fact that the current residents would have to move out was not part of the criteria and the owner was trying to help the people who lived there. The application met the criteria, and he was in support.

**ACTION BY THE PLANNING COMMISSION:**

<b>MOTION:</b> PC Dale/PC Ficker moved to approve Resolution 2018-07. The motion carried (5 Yes/ 0 No).
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The Commission took a five minute break.

2. **Comprehensive Plan Text Amendment – 879 Providence Drive (Tax Lot 3216-02026)** – Consider a site-specific Comprehensive Plan amendment of the Springbrook Oaks Specific Plan R-P/SP (Residential-Professional/Specific Plan) Area F-1 to remove a restriction on residential development for the subject property.

APPLICANT: MJG Development / Oak Meadows II Lot 2 – Specific Plan Amendment

FILE NO.: CPTA18-0003

RESOLUTION: 2018-09

CRITERIA: Newberg Development Code Sections: 15.302.030(A), 15.346.070(B)(13)

**CALL TO ORDER:**

Chair Smith opened the public hearing at 8:12 p.m.

**LEGAL ANNOUNCEMENT:**

Chair Smith read the legal announcement.

**CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION:**

PC Bliss declared that Mr. Gougler was a past client and personal friend. He did not think that would affect his ability to make a decision on this application.

Chair Smith had served on the Affordable Housing Commission and had gotten to know Mr. Gougler well. It would not interfere with his ability to make a decision.

PC Ficker stated he had also served on the Affordable Housing Commission.

**STAFF REPORT:**

Associate Planner Leonard entered the staff report into the record. This was a request for a Comprehensive Plan amendment to the Springbrook Oaks Specific Plan. The applicant would like to go back to what was approved in 1999, which provided for residential use in the F-1 area. In 2006, there was an amendment to this plan due to the uncertainty of the residential area and the proposed Bypass. Since then the Bypass had been adjusted and was no longer an issue. The application met several State and Newberg Comprehensive Planning goals and was consistent with the Newberg Comprehensive Plan housing and residential land needs. If the property was developed, there was the potential to develop 21.8 units per acre which was up to 145 total units on the 6.66 acres. There were adequate public facilities and services available for the future use of the property, the

application complied with the Transportation Planning Rule, the applicant provided a Measure 49 waiver, and the boundary was not being expanded or adjusted. This would only change the subject property. Staff recommended approval of the resolution.

Chair Smith clarified this change was being requested because the Bypass footprint had been more closely defined. CDD Rux showed where the Bypass corridor was located on the map and explained the future connection points.

#### **PUBLIC TESTIMONY:**

##### **Applicant:**

Mimi Doukas, AKS engineering, was representing the applicant. This amendment was an effort to clean up an issue that had been tabled while the Bypass was being worked through. The Bypass was now settled and they could move forward with residential development. Residential uses were important to the City right now.

Michael Gougler, applicant, gave a background on the creation of this lot and how Friendsview Retirement Community wanted to expand their facilities to include more on-site medical care and on-site meal service. This lot would give them the density they needed to make it economically viable. When the plan was changed, he had pointed out that it was likely that there would be a single purchaser and owner of the property. This was the case as Friendsview owned the property. This was a good tax revenue opportunity for the City. They were working on an agreement with ODOT for ODOT's acquisition of right-of-way.

**Proponents:** None

**Opponents and Undecided:** None

#### **CLOSE OF PUBLIC TESTIMONY:**

Chair Smith closed the public testimony portion of the hearing at 8:27 p.m.

**FINAL COMMENTS FROM STAFF AND RECOMMENDATION:** AP Leonard stated staff recommended approval of the resolution.

#### **ACTION BY THE PLANNING COMMISSION:**

Chair Smith thought this was an easy decision that would add to the housing stock.

**MOTION:** PC Ficker/PC Wuitschick moved to approve Resolution 2018-09. The motion carried (5 Yes/ 0 No).

3. **Comprehensive Plan Map Amendment and Zone Change – 1109 S River St** - Consider a proposal to amend the Comprehensive Plan map designation for the property at 1109 S River Street from MDR (Medium Density Residential) to HDR (High Density Residential) and Zoning designation from R-2 (Medium Density Residential) to R-3 (High Density Residential).

APPLICANT: RHW Enterprises, Inc.

FILE NO.: CPMA18-0002 / ZMA18-0001

RESOLUTION: 2018-08

CRITERIA: Newberg Development Code Section: 15.302.030(A)(3)

#### **CALL TO ORDER:**

Chair Smith opened the public hearing at 8:31 p.m.

#### **LEGAL ANNOUNCEMENT:**

Chair Smith read the legal announcement.

## **CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION:**

Chair Smith declared he was a land owner residing close to this property. He did not think that would affect his ability to make a decision.

## **STAFF REPORT:**

Senior Planner Cheryl Caines entered the staff report into the record as well as written comments that had been received from David Venable who was concerned about increased traffic along S River Street. This was a request for a Comprehensive Plan amendment from MDR to HDR and Zone Change from R-2 to R-3 for a site on S River Street. At this time no development was being proposed. If development was proposed, it would have to go through site and design review. A conceptual site plan was provided for 45 units. There was a stream corridor overlay on the site. The proposed change was consistent with the Comprehensive Plan goals and policies, public facilities and services were available or could be made available, and it complied with the Transportation Planning Rule. The application would help provide a variety of housing in Newberg and help with the current deficit of residential land. The applicant had looked back at the land supply in 2016 and what had been added and subtracted since then and had concluded that Newberg had a small shortage of low density residential and a larger shortage of high density. This site was within a quarter mile of a park, within half a mile of a school, and three-quarters of a mile from George Fox, downtown, and transit. There were existing sewer, storm, and water lines in S River Street. The estimated additional 23 units with the R-3 zoning would not cause any capacity issues on the system. The applicant had stated they would do any necessary upgrades with development if there were capacity issues. S River Street was a major collector and when development occurred, improvements along the frontage would be required. S River Street was connected to other collectors in the neighborhood and to a major arterial, Highway 99W. The applicant provided analysis by a traffic engineer and found with the 146 additional trips, it would not have a significant impact on the system, did not require an upgrade in the classification, and did not degrade any performance of the system or intersections. The proposal met the need for high density residential land and was suitable for high density, it complied with the Comprehensive Plan goals and policies and statewide planning goals, public infrastructure was available or could be reasonably made available, and it complied with the Transportation Planning Rule. Staff recommended approval of the resolution.

Chair Smith asked about the comments made by Mr. Venable. Engineering Associate Svcarovich reviewed the comments and solutions proposed by Mr. Venable. The Traffic Safety Commission would be considering stop signs on 6<sup>th</sup> Street, ODOT would have to be involved for making changes to the intersection of River Street and 99W, and the River Street improvements would be addressed through the Riverfront Master Plan process.

## **PUBLIC TESTIMONY:**

### **Applicant:**

Mark Dane, representing the applicant, stated there had been a home on the property that burned down and the applicant had looked into other options for the currently vacant parcel. This would help with the shortfall of high density in the City and would do so without any displacement of current residents. There was frontage on a major street and it was close to the Bypass. The application met all of the criteria. They had taken all of the relevant data they could find to update the housing need numbers. This was a small project and the impact would be minimal. All of the facilities were available and they would have to come back for design review approval.

### **Proponents:**

Rob Molzahn, Newberg resident, was a real estate agent and was representing the property owner. He discussed how they had looked into the opportunities for the property now the Bypass was opened, and they could see the impact on the property would be minimal. He thought apartments in this location would be a good addition to

Newberg. They would also be on the edge of the riverfront development project when it came to fruition and he thought River Street would be improved through that process.

#### **Opponents and Undecided:**

Chet Craig, Newberg resident, lived near this site and was opposed to the application. There was an issue with people parking on the side of the road making it difficult to turn as well as for bicycle safety. The street up to the cul-de-sac had recently been paved due to the Bypass, and if there was development it would have to be torn up. He thought there was plenty of R-3 already in this area. He thought the property should remain R-2 and single level homes should be built for senior citizens. If two or three story structures were built, they would be able to look into the neighbors' yards. A third of the property was a wetland and there was a lot of wildlife in the area. He thought people would use that area to recreate instead of nearby parks and it would impact the wildlife. He thought the R-3 would overwhelm the area. He suggested the parking be put on the north side instead of the south side for a better view.

Sam Espindola, Newberg resident, was not opposed to the application, but was concerned about the current state of River Street. Roger's Landing was a popular spot for boaters and it was not uncommon to see over 50 boats come in through River Street in a single day. He did not know if that was included in the traffic count. If there was an increase in traffic, the intersection at River Street and 99W would need to be improved. He asked who would be addressing these issues.

Chair Smith responded the Traffic Safety Commission, ODOT, and the Riverfront Master Plan process would be involved in addressing these issues. He agreed River Street needed to be improved for safety.

PC Dale encouraged Mr. Espindola to be involved in the Riverfront Master Plan process as well.

#### **Applicant Rebuttal:**

Mr. Dane said they were planning to build apartments, and would be required by law to provide ADA units on the ground floor. He thought with the zone change they could create more accessible units than what would be created by R-2. They were planning to keep the existing trees to protect the privacy of the neighbors to the north and there would be a distance of about 75 feet to the south property line. The applicant would be willing to pay for the stop signs on 6<sup>th</sup> Street. They would pay SDCs for the project and he asked if some of those funds could be directed to improve River Street.

CDD Rux responded SDCs went into a pot that was used for projects in the Transportation System Plan CIP. They did not go directly for a project that was in the same area. The Riverfront Master Plan would be looking at the intersection of River Street and 99W as well as other intersections. He discussed the Transportation Utility Fee and other funding options that could be used for street improvements as well.

#### **CLOSE OF PUBLIC TESTIMONY:**

Chair Smith closed the public testimony portion of the hearing at 9:12 p.m.

#### **FINAL COMMENTS FROM STAFF AND RECOMMENDATION:**

SP Caines said staff recommended approval of the resolution.

#### **ACTION BY THE PLANNING COMMISSION:**

<b>MOTION:</b> PC Bliss/PC Dale moved to approve Resolution 2018-08. The motion carried (5 Yes/ 0 No).
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#### **VII. ITEMS FROM STAFF**

CDD Rux gave updates on Council items including the approval of the Accessory Dwelling Unit ordinance and approval of the Wastewater Master Plan. An appeal had been submitted on the King's Landing subdivision and would go to the Council on August 20. The Springbrook Development Agreement would be going to Council on

July 16. The Council had directed staff to work on amendments for duplexes and triplexes in R-1 and to evaluate a possible Construction Excise Tax. Staff was continuing to work on the Urban Growth Boundary expansion process and the Riverfront Master Plan. The next Planning Commission meeting would be held on August 9, 2018.

**VIII. ITEMS FROM COMMISSIONERS – None**

**IX. ADJOURNMENT**

Chair Smith adjourned meeting at 9:18 p.m.

**Approved by the Newberg Planning Commission this August 9, 2018.**

  
PC Philip Smith, Planning Commission Chair

  
Bobbie Morgan, Office Assistant II