

NEWBERG PLANNING COMMISSION MINUTES
October 11, 2018
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair PC Philip Smith called the meeting to order at 7:01p.m.

ROLL CALL

Members Present: Philip Smith, Chair
Jason Dale
Robert Ficker
John Wuitschick
Allyn Edwards
Zach Pelz
Capri Wheaton, Student

Members Absent: Gary Bliss, excused
Bob Andrews, Ex-officio

Staff Present: Doug Rux, Community Development Director
Keith Leonard, Associate Planner
Cheryl Caines, Senior Planner
Kristen Svicarovich, Engineering Associate
Sue Ryan, City Recorder
Joe Hannan, City Manager

OATH OF OFFICE FOR NEW COMMISSIONERS

City Recorder Ryan swore in Commissioner Zach Pelz and Student Commissioner Capri Wheaton.

PUBLIC COMMENTS: None

CONSENT CALENDAR:

MOTION: Edwards/Wuitschick moved to approve Planning Commission Minutes from September 13, 2018
Motion carried 6 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. **Planned Unit Development and Conditional Use – Consider a proposal for a Planned Unit Development application on 33.13 acres of land that includes 18 single-family homes, 230 cottage homes and 51 multi-family units with modifications to the base zone’s dimensional requirements as permitted through the PUD process. The conditional use permit request is to allow residential use on C-2 Community Commercial zoned property.**

APPLICANT: Andrew Tull, 3J Consulting, Inc.

LOCATION: 4505 E Portland Road and abutting property without a street address

TAX LOTS: 3216-01100 and 3216AC-13800

FILE NO.: PUD18-0001/CUP18-0004

ORDER: 2018-10

CRITERIA: Newberg Development Code Sections: 15.225, 15.220.060, 15.240, 15.405, 15.410, 15.415, 15.420, 15.440, 15.505

CALL TO ORDER:

Chair Smith called the hearing on the Crestview Crossing Planned Unit Development and Conditional Use permit to order at 7:05 p.m.

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

LEGAL ANNOUNCEMENT:

PC Student Commissioner Capri Wheaton read the hearing statement. CDD Rux gave a synopsis of what the Planning Commission discussed at the last meeting.

STAFF REPORT:

AP Leonard gave the staff report. He said Oxberg Lakes Estates Homeowners Association (HOA) and the applicant, GC Commercial, met on joint Conditions of Approval based on the 2008 Development Agreement. The City was not part of the 2008 agreement. The HOA and consultant provided a proposed groundwater monitoring program. City staff consider the groundwater issue to be a civil matter between the HOA and applicant.

Traffic calming issues have been mostly resolved with the City, applicant, and HOA in the agreement with the exception of the “no through truck” sign. In order for the City to determine if SDC credits can be grant the applicant shall follow Procedure 7B in the System Development Charge Procedures Guide. This will take place during the construction document review/public improvement permit stage of the process.

A summary of City changes to the jointly proposed conditions of approval (CoA) include removing SDC language (proposed CoA B 7, 111, 16, 17, 29, and 31); permanent maintenance access via a paved road extending within 10 feet of the center of all private stormwater structures unless otherwise approved by the City Engineer (the applicant/HOA concurred on this change); not installing No Through Truck signs; requiring a Sound Wall extend beyond Tax Lot 13800, Tax Lot 1100, and Oxberg Estates Tax Lots 1809, 1810, 1811, 1812, and a westerly portion of tax lot 1815.

Condition # 59 was reworted to not require Oxberg Lakes Estates owners abutting Tax Lot 1100 to pay for its maintenance and upkeep. This is considered by the City to be a civil issue between the Estates’ owners and the applicant.

Under Condition #55, the applicant must provide estimates for timing completion of each phase of development. This is during an interim step between No. 1 and No. 2 of the Planned Unit Development (PUD) review process.

Under Condition #67, the pavement marking for the curb to curb lane will be retroreflective thermoplastic Method “A” Extruded Surface installed profiled pavement markings instead of raised pavement markings.

Because the applicant has not submitted a public improvement permit, the City cannot determine System Development Charges (SDC) credit eligibility prior to this stage of the review.

Staff does not agree with the stormwater drainage along the northern property line. City has no authority to require property owners outside the City limits to abide by agreements.

Staff recommended the Planning Commission adopt PC Order 2018-10, which approves the requested Planned Unit Development, conditional use permit, tentative plat and phasing plan with the findings shown in Exhibit "A" and the conditions of approval listed in Exhibit "B".

Planning Commission questions for staff:

PC Wuitschick asked about costs for access to Highway 99 West. Whose responsibility?
CDD Rux said the construction of Crestview Drive would be borne by applicant.

PC Edwards asked about the No Through Trucks sign. He thought it would mitigate risk.
EA Svcarovich explained why it would not be enforceable to have the no through truck sign.

There was discussion on the sign, roadway, definition of the word truck, and recent changes by the City on the use of private streets by the City.

PUBLIC TESTIMONY:

Applicant – Attorney Jamie Howsley, Jordan Ramis for applicant GC Commercial, and Attorney Jeff Kleinman for Oxberg Estates HOA, testified in favor of having the No Through Truck sign installed. Mr. Kleinman indicated the City of Newberg signed the 5-Party Agreement and there already is a sign on Crestview southbound. There was additional discussion on what is considered to be a truck.

PC Pelz said City adopted its Transportation System Plan (TSP) in 2016, and the HOA could have commented at that time but did not do so.

Mr. Arguea, traffic engineer for applicant attorneys, indicated there is an alternative sign to limit length and weight. N99W is a designated freight route. There was additional discussion on signs, and their effect on traffic safety.

Attorneys Howsley and Kleinman testified that they were in favor of a joint proposed condition (Exhibit A) to have the applicant and Oxberg Estates HOA enter into a well monitoring agreement and have it added as a condition of approval by the Planning Commission for PUD 18-0001 and CUP 18-0004. Mr. Kleinman noted the connection for the monitoring well is to the conditional use criteria.

PROPOSERS: None

OPPOSERS AND UNDECIDED:

Russell Thomas, spoke in opposition. He said there is no buffer between his home and the proposed development. There was a brief recess while we pulled up a map. Reconvened. Speaker continued. Chair Smith disagreed with Mr. Thomas about this being a "bait and switch" scheme as this is a different applicant than the previous Gramor proposed development that did not happen.

Applicant rebuttal: Applicant Attorney Howsley explained the difference between the previous Gramor commercial development and the current Crestview Crossing development.

Chair Smith asked him to describe the buffering.

Andrew Tull, 3 J Consulting, said there will be additional buffering between the proposed lots and existing lots.

CLOSE OF PUBLIC TESTIMONY:

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Leonard recommended approval of the Order with some modified conditions for their consideration.

PLANNING COMMISSION DELIBERATION AND ACTION:

The Commission discussed the adjusted condition of approval for #67 on the retroreflective material instead of raised pavement. EA Svicarovich said this condition is language agreed to by applicant and attorney. There was consensus on Condition #67.

There was discussion on the No Through Truck sign.

There was consensus on the changes to Condition #59

PC Ficker asked about staff's recommendation of not adding the well agreement as a condition of approval. CDD Rux said it is a private matter between Crestview Crossing and Oxberg Lakes. He said the location could be in the road, which is a location the City does not want because it is not public infrastructure. He suggested that if the Commission wanted a condition on the monitoring well that it be tied to the conditional use criteria.

MOTION: PC Dale/PC Ficker moved to approve File No.PUD18-0001/CUP18-0004 Order No. 2018-10 with the addition of #67 and #59 with additional language as outlined, and number #68 of no through truck signs. PC Wuitschick/PC Ficker moved to amend motion to add number #69 to the Order. Vote #69 condition to the main Amendment motion passed 4 Yes/2 No [Ficker, Pelz]
Main Motion carried 5 Yes/1 No [Pelz]

CDD Rux said you need to amend the findings.

Sound wall needs a finding

Sign needs a finding

Well needs a finding

Chair Smith said City officials have committed the city to these agreements (5-Party and annexation decisions). For the well it will have to be in the C-2 area.

PC Dale/PC Edwards moved to adopt the findings. Motion carried. 6 Yes/0 No

2. **Sub-Division Preliminary Plat and Variance – Riverrun - Consider a proposal for subdivision and variance applications on a 23.16 acre site, comprised of three parcels, for 133 single family homes and a tract of land for future development. A variance is requested to the maximum number dwellings served by a cul-de-sac (18 homes). The proposal is for 21 homes on Street A and 20 homes on Street C. The subdivision would be developed in three phases.**

APPLICANT: Del Boca Vista LLC

LOCATION: E & W Weatherly Way and E Waterfront Street

TAX LOTS: R3230 00400, 00403, 00500

FILE NO.: SUB318-0001 / VAR18-0004

ORDER: 2018-12

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

CALL TO ORDER:

Chair Smith called the hearing for the Riverrun Subdivision to order at 8:50 p.m.

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

LEGAL ANNOUNCEMENT:

PC Student Commissioner Capri Wheaton read the hearing announcement.

STAFF REPORT:

SP Planner Caines gave the staff report. She handed out memo with comments from the Oregon Department of Transportation (ODOT) Rail Division (Exhibit B). She explained the site location of the Riverrun Subdivision, proposed development, access and transportation, and utilities. She summarized the findings and conditions.

PC Pelz asked what the design standards for buildings and garages.

Chair Smith asked a question about the sewer on Waterfront Street. EA Scivaroch said that the analysis provided by the applicant did not fully address impacts to the Andrews pump station, so a condition had been added to address this.

PUBLIC TESTIMONY:

Applicant: Jessica Cain, Del Boca Vista, and Andrew Rappe, David Evans & Associates. The applicant doesn't agree with 7.c. under the conditions of approval. They said the looped waterline is not useful.

PC Edwards asked about Lots 67-69 on width and parking.

Chair Smith asked about ODOT and trains. Jessica Cain indicated they would do an analysis of the railroad crossing and pay a fee in-lieu if necessary.

PC Pelz asked about the design of the homes and if they would be single family. Jessica Cain noted they will be single family homes.

PROPOSERS: None

OPPOSERS AND UNDECIDED:

Don Clements, CPRD, said he was undecided. He was concerned about access for their district trails plan to Ewing Young Park. He handed out a map of the trail system (Exhibit C).

Chair Smith mentioned concern about whether the proposed trail connects to Ewing Young Park.

CDD Rux said trails connecting this area to parks and other trail systems is being planned in the current Riverfront Master Plan.

PC Pelz asked why two lines to Phase 3 for water.

EA Svcarovich said that the proposed subdivision is phased, which means the water system serving the site will not be looped until after construction of Phase III. Having a double looped system allows no break in service to the customers is there is an issue in the line.

PC Wuitschick inquired on how old the water lines are in the area.

PC Pelz asked about ODOT rail comments and that it does not say who pays the balance and when is payment to be made.

CDD Rux said the City is currently redeveloping a master plan for the Riverfront area. The City will not know what other improvements might be necessary for another 8 months or so.

There was a discussion on the traffic counts and development.

APPLICANT REBUTTAL:

Jessica Cain said Del Boca Vista is happy to work with CPRD on the trail system. She said these will be new water lines so they are not likely to need service before the looped system is accomplished with later phases. She wants the Commissioners to consider the fact they are being asked to put in \$50,000 of water line (700 feet) as an interim measure. This will affect the affordability of the housing.

PC Pelz said the City recently improved Weatherly Way. PC Pelz said then there savings for Del Boca Vista by not having to pay for road improvements to Weatherly Way.

PC Wuitschick was concerned about a loss of water pressure to that neighborhood for Fire Dept.

Andrew Rappe with David Evans & Associates, said these are not true loops because the lines don't connect to the main line in S College Street.

Chair Smith recessed the hearing so the Commission could open another hearing.

3. **Conditional Use, Variance and Design Review - WCCCA Tower 401 E Third Street**
To construct an unstaffed Public Safety Communication Services facility (Telecommunications Facility) consisting of a 250' self-supporting lattice tower with multiple omni antennas extending to 264.5' and three microwave dishes. A pre-fabricated concrete equipment shelter; a 40 KW emergency propane generator and a 1,000-gallon propane tank are proposed within a new 43' by 69' paved privacy-slatted fenced compound with perimeter landscaping. The entire facility would be within the existing fenced Public Works Department maintenance facility.

APPLICANT: City of Newberg

LOCATION: 500 W Third Street

TAX LOTS: R3219BD 01000

FILE NO.: CUP18-0005 / DR218-0007/ VAR18-0006 ORDER: 2018-11

CRITERIA: Newberg Development Code Sections: 15.225.060, 15.220.050(B) and 15.215.040

CALL TO ORDER:

Chair PC Smith called hearing to order at 9:46

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

None

LEGAL ANNOUNCEMENT:

PC Student Commissioner Capri Wheaton read the hearing announcement.

Motion: PC Dale/PC Edwards moved to continue hearing to October 25th at 7:00 p.m. at the Public Safety Building. Motion carried 6-0.

Back to Riverrun Subdivision hearing at 9:50 p.m.

Chair Smith asked about a bond.

Jessica Cain indicated they already have to a performance bond.

PC Edwards asked about the waterline in that area, distance to the development and any safety issues.

EA Svcarovich said there are no issues with the distance but the double loop system ensures no break in service.

PC Wuitschick said a looped line is important if there is a fire before, during, or after construction.

Jessica Cain said Phase 1 is first, the road ends at phase line.

PC Smith said he is in favor of the looped system.

CLOSE OF PUBLIC TESTIMONY: 10 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

SP Caines said the staff's final recommendation was to adopt the Order 2018-12.

PLANNING COMMISSION DELIBERATION AND ACTION:

MOTION: PC Pelz/PC Wuitschick moved to approve File No.SUB318-0001/VAR18-0004 Order No. 2018-12 and as modified by the October 11th memorandum

PC Ficker/PC Dale moved to amend the motion and remove the words "or improved"

PC Dale in favor because it saves people money and is common sense.

PC Pelz said don't want to redesign the project and go against staff's recommendation. It's a standard the city adopted.

PC Wuitschick said he is concerned – mainly on fire suppression.

Student Commissioner Wheaton asked if all three phases are complete, what about a break in the system?

Vote on amendment 4 Yes/2 No [Pelz, Smith]

PC Edwards/PC Pelz moved to reconsider the vote in the amendment.

Vote on reconsideration 6 Yes/0 No

Vote on amendment again 3 Yes/3 No

Failed for tie

Vote on main motion (still includes loop system requirement)

5 Yes/1 No [Wuitschick].

VII. ITEMS FROM STAFF

CDD Rux gave updates on:

1. Update on Council items - None
2. Update on Riverfront Master Plan- Future meeting
3. Anticipated schedule of Planning Commission activities – extra meeting in October
4. Other reports, letters or correspondence - none
5. Next Planning Commission meeting: October 25, 2018 & November 8, 2018

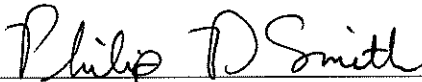
VIII. ITEMS FROM COMMISSIONERS

PC Edwards asked for them to have a going away party for Chair Smith and PC Bliss.

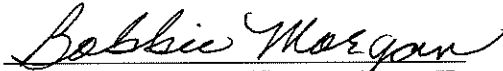
IX. ADJOURNMENT

Chair Smith adjourned meeting at 10:20 p.m.

Approved by the Newberg Planning Commission this November 8, 2018.



PC Philip Smith, Planning Commission Chair



Bobbie Morgan, Office Assistant II