

NOTICE OF PUBLIC MEETING & AGENDA

TRAFFIC SAFETY COMMISSION 7:00 PM, Monday, August 13, 2012 Public Safety Building, 401 E Third Street, Newberg, OR

"Mission Statement: To give the citizens of Newberg a forum to voice traffic safety concerns, evaluate related issues, provide a liaison with the City and promote traffic safety within the community."

I. CALL MEETING TO ORDER

- Pledge of Allegiance
- Roll Call
- Review and approve minutes of July 9, 2012

II. PUBLIC COMMENTS

III. PUBLIC HEARING

- **Reconsideration of Limited Decision TSC-12-016:
Speed hump (raised crosswalk) at Little Oak Street**

IV. NEW BUSINESS

V. OLD BUSINESS

VI. STAFF REPORTS – GENERAL INFORMATION

- Police
- Engineering

VII. ADJOURNMENT – Next meeting September 10, 2012

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

POSTED: 8/6/2012

TRAFFIC SAFETY COMMISSION MINUTES
Monday, July 9, 2012, 7:00 PM
Public Safety Building, 401 E. Third Street, Newberg, OR

“Mission Statement: To give the citizens of Newberg a forum to voice traffic safety concerns, evaluate related issues, provide a liaison with the City and promote traffic safety within the community.”

I. CALL MEETING TO ORDER

Chair Neal Klein called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present: Neal Klein, Chair Karl Birky Doris Brandt Dianna Cotter
Ron Johns Kari Lawson Lesley Woodruff Shannon Eoff (arrived at 7:03 PM)
Hannah Kinney, Student Commissioner Mayor Bob Andrews, Ex-Officio

Members

Absent: James Oravetz (excused)

Staff

Present: Brian Casey, Police Chief Mary Newell, Support Services Manager
Paul Chiu, Senior Engineer Jennifer Nelson, Deputy City Recorder

Others

Present: Mike Gougler

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. PUBLIC COMMENTS

None.

V. CONSENT CALENDAR

1. Review and approve meeting minutes of June 11, 2012

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| MOTION #1: Woodruff/Lawson to approve the Consent Calendar including the Traffic Safety Commission minutes for June 11, 2012, as presented. Motion carried (7 Yes/0 No/2 Absent [Eoff, Oravetz]). |
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VI. OLD BUSINESS

None.

VII. NEW BUSINESS

1. TSC-12-016: Speed bump Little Oak Street TIME – 7:02 PM

Mr. Paul Chiu, Senior Engineer, presented the staff report regarding installation of a speed hump rather than a speed bump as requested (see official meeting packet for full report).

Ms. Jessica Nunley, Assistant Planner, presented the staff report and background on the Planning Commission decision accompanied by a PowerPoint slideshow (see official meeting packet for full report).

Commissioner Karl Birky excused himself from the discussion because he was commissioned on part of this project and received payment for his services.

Commissioner Dianna Cotter noted she lives on Burl Street, which is just south of the area in question, but the decision has no direct impact on her. She said she was relieved to see the item come up and based on her own observations the neighborhood has a legitimate concern. She agreed the new apartment complex will bring an increase in traffic and there are a lot of kids in the area. She also suggested placing the speed bump at Oak Grove Street just north of the intersection with Hayes Street as a better location than at Little Oak Street and Oak Hollow Drive.

Mayor Andrews asked about pedestrian access to Fred Meyer. Ms. Nunley replied there is pedestrian access to Fred Meyer through the park currently. Mr. Mike Gougler, Builder/Developer of apartment complex, pointed out handicap access on the site plan and the anticipation to have pedestrian access from both directions. He has a request in to Fred Meyer for a portion of the property easement to build stairs leading to the entrance near the southwest corner of Fred Meyer; they are still working on issues of liability and foot candles of illumination for lighting there.

Mayor Andrews asked about Exhibit B and the condition requiring the builder to provide plans for a speed bump at the driveway entrance, asking if a speed bump or hump was adopted and if the developer is putting this in or the City. Ms. Nunley explained it is a condition of the development, so the developer would need to fulfill the obligation.

Mayor Andrews mentioned he has heard speed bumps should be installed in pairs to meet safety requirements. He also asked for comparisons to raised crosswalks and the issue of humps tapering off with gutters because he has observed traffic veering into the gutter portion to avoid the actual bump. He asked if they are trying to mitigate speed, then has any thought been given to undulations. Mr. Chiu stated the proposed speed hump is just a single one from curb to curb; if this were being installed for speed mitigation it is better to install a series of humps, not just a single one; however, there is an issue of driveways in this development not being conducive to that kind of situation.

Commissioner Lesley Woodruff asked staff if they have considered closing the driveway to Fred Meyer. Mayor Andrews also asked if that area connecting is publicly or privately owned. Ms. Nunley replied it still shows as being owned by the Werth family, but Mr. Gougler informed her it was dedicated to the public right-of-way. Ms. Nunley said she was unsure what would have to be done to close the driveway as it is a public entrance to a private property.

Mr. Gougler offered some more information regarding the project details and how some of the issues came up through the Planning Commission. He said there were several letters received, but only two people addressed speed bumps out of the 82 townhomes present. He said he agreed to spend money on something to make people happy in regards to the amount of traffic, not to slow it down, because speed is not the issue. He would

like to put in a hard bump with a separation for bikes that could possibly be removed because he felt more people would complain about the speed bump being there than those requesting one. He agreed it may be nice to have bumps at both ends but he did not want to spend the money on something that is not really designed for what people are asking to be done, which is discourage through traffic rather than slow traffic down.

Commissioner Shannon Eoff asked why the entrance on the side heading towards Oak Grove was needed. Mr. Gougler replied it is a code requirement based on the ratios between the number of cars and people. He spoke of the types of apartments going in here being on the higher end with air conditioning and \$1,000.00 monthly rent with storage onsite. He said the demographics of the tenants are more than likely to be retired and they are trying to encourage more walking to Fred Meyer than driving.

Commissioner Ron Johns wondered about the negative impact to the livability for the people already in the area and asked how the speed bump or hump would affect parking. Mr. Gougler replied it will take spaces away from both sides unless it is installed at the proposed approach. He said there have only been a couple of people vocal about the speed bump and he felt there would be more complaints for a bump verses a hump.

Commissioner Cotter wondered if a speed hump/bump in the center of the townhome area might work better as it would give residents an option to go into the development from another area to avoid it. Ms. Nunley replied they did not consider a hump in the development process; it just came out during the hearing discussion. Mr. Gougler added a speed hump is more expensive to build properly than a speed bump and there would also be additional costs for signage.

Mr. Chiu said this was discussed a few years ago with folks driving through, some actually live on the south side of Hayes Street and use this area to go around to get to Burl Street. There have been quite a number of people choosing the shortest route even if it is the slowest for whatever reason. Placing something in the area is self-defeating because the driveways are very close but while considering installing a speed bump, the removal of such devices should also be addressed. Guidelines and applications of speed humps should be considered in case it operates poorly or interferes with emergency vehicles after installation. He suggested considering a temporary traffic calming device, possibly made from a rubberized material, which can be removed if it is not effective. The "Local Traffic Only" signs were installed after this was discussed three years ago, but they have not been effective. There was also discussion of modifying the curb to make this area essentially a one way street out to Brutscher Street. Either way, a lot of education needs to occur in this area.

Commissioner Eoff asked if there was a time limit for the requirement to install the speed bump as a condition. Ms. Nunley explained as a condition of approval it would have to be installed prior to occupancy.

Commissioner Eoff said she would be in favor of placing either both speed humps or none at all.

Commissioner Johns said the memorandum received stated this would only be a condition if the police and fire departments did not object. Mr. Gougler added if the TSC did not agree with the installation then he would have met the condition of approval and could proceed with the development. Ms. Nunley added the fire marshal said he did not care either way.

Mr. Brian Casey, Police Chief, said it does not matter to him, however, it was stated to be a deterrent to traffic and he would hate to require the developer to pay to have the device installed when we do not even know if it will be effective for resolving the issue. Speed bumps are to deter speeding, but cars are not speeding here in the first place. It needs to work as a barricade to keep people out; otherwise he is not convinced it will solve the issue.

Mr. Chiu added studies have shown installing this device will slow traffic from excessive speed and if there are enough devices in a given area, then drivers will try to find another route. He also had concerns a speed bump

may block drivers view from seeing little kids and he is not professionally convinced it will provide a worthwhile answer to the problem. He also explained the difference between speed humps and raised crosswalks in terms of purpose and function.

Mayor Andrews wondered if the City had anything in their inventory which could serve as a temporary speed bump for a trial basis rather than having a permanent solution.

Chair Klein was appreciative of the cooperative efforts being made between the TSC and the Planning Commission, which could help the City paying for problems that could have been alleviated from the start. He spoke of goals for complete streets in Newberg and being more pedestrian conscious. He suggested a raised crosswalk for the proposal to install a second device on the Hayes Street side and another raised crosswalk at the north end to enhance pedestrian traffic, but he would not be a proponent of speed bumps because they are costly and retard emergency services. Speed bumps also cost the City more in maintenance of their apparatus and he does not wish to set this as a precedent for solutions elsewhere in the City.

Commissioner Woodruff said these kinds of devices are all addressing speed not volume. The education approach with signs and yellow curb painting has been ineffective and enforcement is difficult as well. She would like to help the neighborhood, but does not believe any kind of hump is the answer. Mr. Chiu replied that a speed hump will provide some control over traffic volume only because any traffic slowing device will encourage drivers to select another route.

Chair Klein recessed at 8:27 PM and reconvened at 8:39 PM.

Ms. Nunley said the condition of development is only for the one proposed by the driveway at Fred Meyer, so the southern one is not under the purview of that condition.

Chair Klein explained there are two decisions to be made, if a speed bump or speed hump is to be installed at the entrance to Fred Meyer as a condition required by the Planning Commission and if a second one should be installed at the Hayes Street area.

MOTION #2: Eoff/Lawson to approve TSC-12-016 to install a speed hump on Little Oak Street running east to west just south of the entrance to the Fred Meyer parking lot. Motion carried (8 Yes/1 No[Johns]/1 Absent[Oravetz]).

MOTION #3: Eoff/Brandt to have an official recommendation made to the developer for a speed hump on Oak Grove Street running north to south just northwest of the proposed entrance to the new apartment complex. Motion carried (8 Yes/1 No[Johns]/1 Absent[Oravetz]).

Chair Klein asked staff about noticing. Ms. Mary Newell, Support Services Manager, replied the first motion goes along with the Planning Commission decision as a condition of development, which has already completed the necessary noticing and has been approved by the fire and police departments; they were just looking for the TSC's agreement. The second is a limited decision so there would be notice requirements there.

Mr. Chiu asked about financing for the second proposed speed hump. Chair Klein replied the commission does not have the authority to speak to who pays for it; they are only starting the discussion. Mr. Gougler added he did agree to consider paying in full for a second traffic calming device to discourage traffic, but no one complained about speeding or pedestrian safety. He respects their decision but had hoped there would have been an objective discussion with professional input for the advocacy of alternative devices to resolve the issue and accomplish the goal of discouraging traffic volume. It will cost \$6,000.00 for a speed hump and \$20,000.00 to remove it if it is ineffective.

Chair Klein said he believed they left latitude on this by making a motion for a recommendation to be made. He said the Planning Commission's condition can be fulfilled and further discussions can occur on the southern end.

VIII. STAFF REPORTS - GENERAL INFORMATION

2. Engineering Update

Mr. Chiu gave updates on sidewalk and pedestrian improvements on College Street at the rail road crossing.

1. Police Update

Chief Casey spoke of upcoming events like the Special Olympics, the half-marathon in Dundee, and the Old Fashioned Festival keeping the department busy. He also briefly spoke about the shooting incident in Dundee and the effects it has had on anyone involved from the department; it has been emotionally draining for many to have to deal with an incident of this nature.

Ms. Newell mentioned the Traffic Safety Connection is looking for nominations for interested parties to serve on the Board of Directors. The Mayor has offered to write a letter of recommendation for anyone interested in serving.

3. Items from Commissioners

Mayor Andrews showed a brief video and passed out brochures for the opening ceremonies of the Special Olympics. He also gave updates on recent Council activities regarding the Newberg-Dundee Bypass.

Commissioner Woodruff asked about the "No Skateboard, Bikes, Roller-skating" signs painted on the sidewalk downtown. Chief Casey said that was their solution to some of the issues they are having downtown.

IX. ADJOURN TO NEXT MEETING

The meeting adjourned at 9:07 PM until August 13, 2012.

Approved by the Newberg Traffic Safety Commission this 13th day of July, 2012.

Jennifer L. Nelson
Deputy City Recorder

Neal S. Klein
Traffic Safety Commission Chair

Mary Newell

From: Mike Gougler [ggoug@yahoo.com]
Sent: Monday, July 30, 2012 11:36 AM
To: Mary Newell
Cc: Paul Chiu; Bob Andrews
Subject: Re: reconsideration request

Mary,

The residents in the Town Home development who requested a speed bump at the Planning Commission hearing have told me that they want me to put in a bump that will discourage traffic not just slow traffic. They said that traffic speed at the north entrance is not the problem, the problem they would like to address is the number of vehicles that come from the Fred Meyer lot and use the route through the town homes as a short cut to Hayes Street. A removable bump would allow evaluation of the efficacy of the bump's ability to discourage "cut through" traffic and still allow the bump to be easily removed should it be found to be either ineffective or irritating to the majority of the residents.

I am asking the Commission to reconsider their recommended pedestrian hump recommendation after discussing the general theory, effectiveness and advisability of the hump with Mr. Karl Birky, PE, PTOE.

Regards,

Mike Gougler

July 23, 2012

Newberg Traffic Safety Commission
PO Box 970, 401 E. Third Street
Newberg, OR. 97132



Limited Traffic Decision (File #TSC-12-016)

Dear Traffic Safety Commission,

We are in receipt of your letter dated July 16, 2012 regarding the decision to place a speed hump south of the entrance to Fred Meyer and a raised crosswalk across Oak Grove St. in our neighborhood. While we appreciate the recommendation, we do not think the proposal is sufficient to solve the traffic problem on our streets.

Currently both entries to the townhomes are posted with 'Local Traffic Only' signs. These signs were installed approximately 5 years ago and have done nothing to reduce the number of people who cut through our neighborhood. Our streets are regularly used by drivers to avoid the traffic circle at Brutscher and Hayes and to access the Fred Meyer parking lot. We presume people believe they can shave a few minutes off of their commute by taking a short cut through our neighborhood.

There are times when the volume of cars and speed of cars makes it difficult for us to back out of our driveways and it is certainly a concern for the safety of the many children who live in the townhomes. With the addition of 84 apartment units in our neighborhood, we expect the already existing problem to intensify.

What we need is to find a way to make it significantly inconvenient and bothersome to use our streets in lieu of Hayes and Brutscher, which were designed to handle the traffic. Short of making this a gated community, we believe installing 'bumps' instead of 'humps' at the proposed locations is our best option. We do not think the proposed 'humps' will have any effect on reducing traffic and little, if any, effect on slowing traffic.

Thank you for your consideration and help in improving the safety of our streets.

Sincerely,

Oaks at Springbrook Townhome Owners

Mohitua

Awsan Hebut

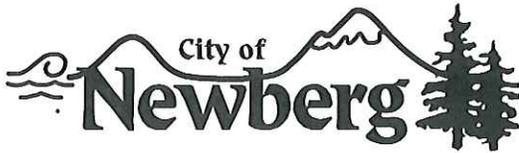
XMCarthy

Anthony & Selly Kellison's

Kelly Reinhardt

Jami Dickerson

Newberg, OR 97132



Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

MEMORANDUM

To: Newberg Traffic Safety Commission
From: Jessica Nunley, AICP; Newberg Planning Division
Date: June 22, 2012
Subject: **TSC-12-016** \Speed bump at Little Oak Street and Fred Meyer (Oak Grove Apartment Project, Planning File: PAR-12-002, DR2-12-003, ADJP-12-002)

The Newberg Planning Commission heard an appeal of the Oak Grove Apartment Project decision on June 14, 2012. The Oak Grove Project consists of a partition between the residential and commercial zoned portions of the property, a lot line adjustment with White Oak Park, and design review of an 84 unit apartment complex on the residentially zoned portion of the property adjacent to Oak Hollow Street, White Oak Park, and Hayes Street. As part of the public process, many neighbors wrote letters and some testified at the hearing. One issue that came up repeatedly was concerns about traffic through the adjacent townhouse development, and in particular, traffic that uses the townhouse development streets to access Fred Meyer. At the public hearing, the Planning Commission placed a condition on the project that the developer put in a speed bump on Little Oak Street at the driveway entrance to Fred Meyer, as long as Police and Fire do not object. This condition was meant to help mitigate the neighbors' concerns about cut-through traffic in their neighborhood.

The conditions of approval for the Oak Grove Project were modified to include the speed bump condition (see attached Order 2012-03). Planning staff would like to request that the Traffic Safety Commission review the proposed speed bump location and specifications, and give direction to the project developer about how best to meet this condition.

Other neighbors have asked the project developer about the possibility of a speed bump on Oak Hollow Street, near the intersection with Hayes Street. The project developer requests that the Traffic Safety Commission consider this request separately as to its viability.

Attachments:

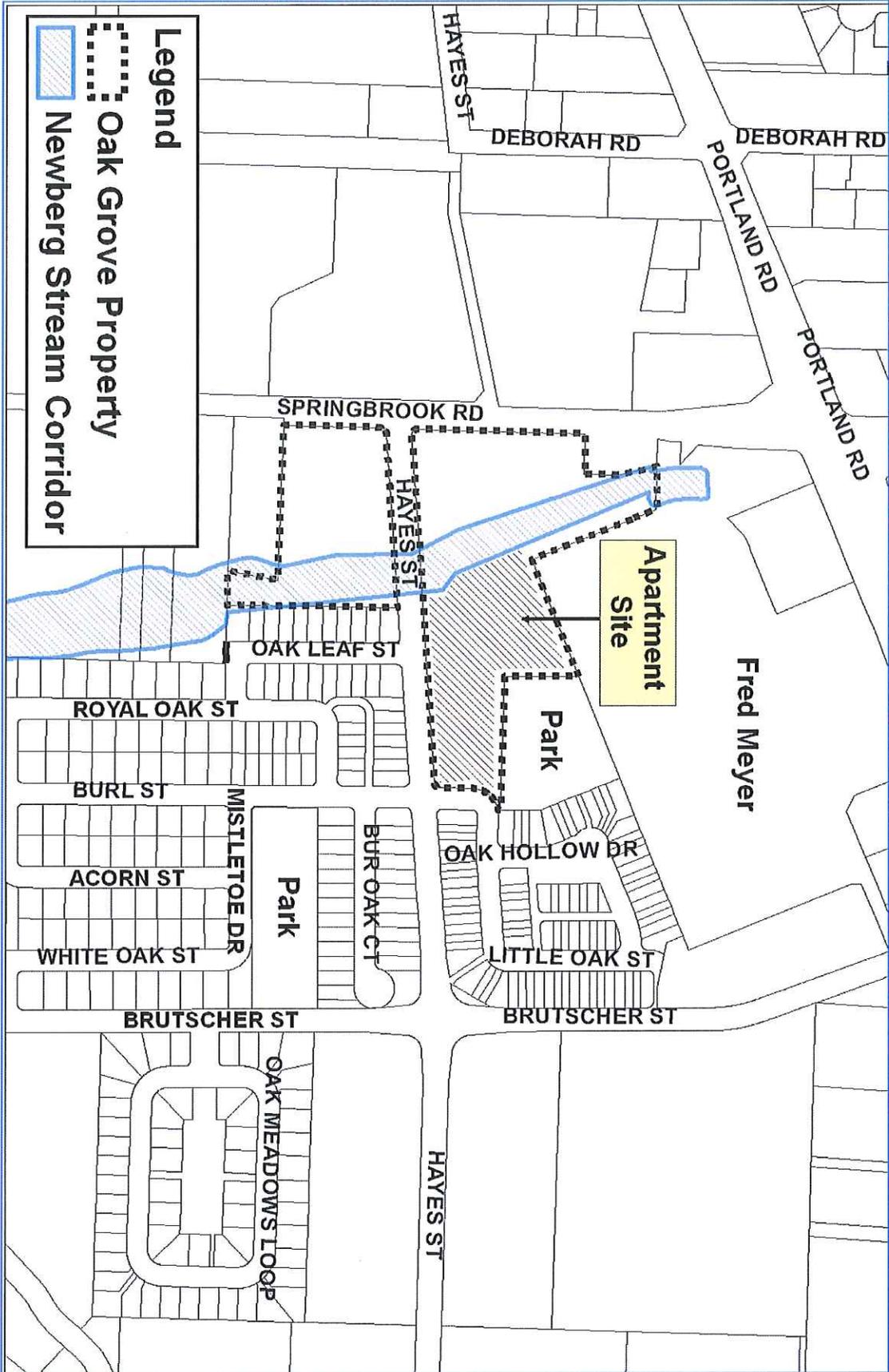
- Location Map
- Aerial Maps
- Oak Grove Apartment Project Site Plan
- Planning Commission Order 2012-03
- Planning Commission DRAFT minutes from 6/14/12

"Working Together For A Better Community-Serious About Service"

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>> PAGE 1 <<

TSC-12-016 \ Oak Grove Apartment Project - Location Plan

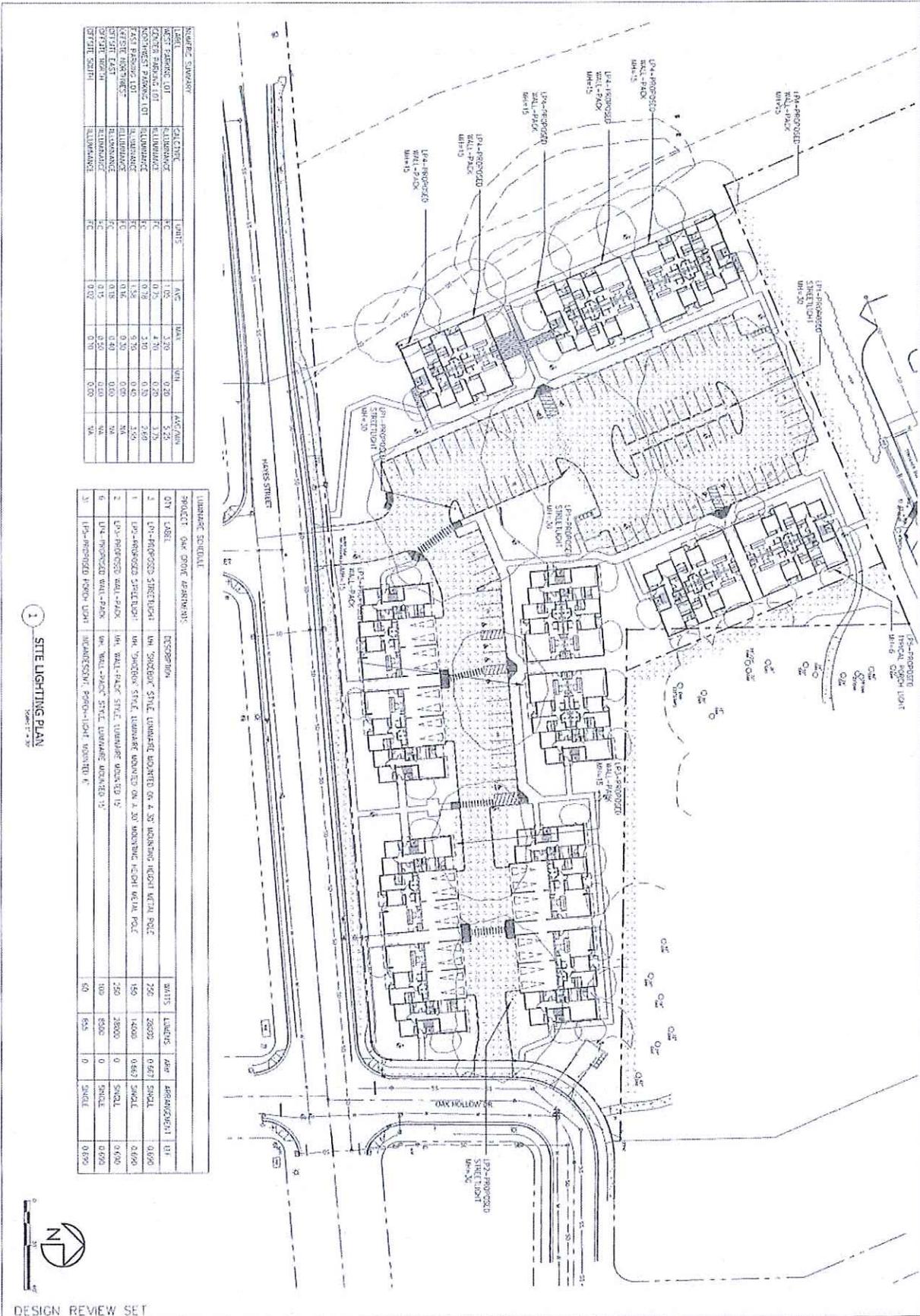




TSC-12-016 \ Oak Grove Apartment Project - Aerial Map

TSC-12-016 \ Oak Grove Apartment Project - Aerial Map: Little Oak Fred Meyer entrance

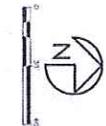




| Label | Quantity | Units | Watts | Lumens | Beam | Beam Angle |
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| UP-ROPOSED WALL-PACK | 10 | FC | 100 | 1000 | 10 | 120 |
| UP-ROPOSED WALL-PACK | 10 | FC | 100 | 1000 | 10 | 120 |
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| Project | Qty | Label | Description | Watts | Lumens | Beam | Beam Angle |
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| 1 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 2 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 3 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 4 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 5 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 6 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
| 7 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |
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| 10 | 10 | UP-ROPOSED WALL-PACK | UP-ROPOSED WALL-PACK | 100 | 1000 | 10 | 120 |

1 SITE LIGHTING PLAN



DESIGN REVIEW SET

EL1.1

DATE: APR 22, 2012
 PRELIMINARY LIGHTING PLAN

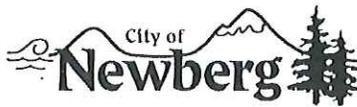
Oak Grove Apts.
 Parcel 3 Partition Plat 2004-24
 Hayes St, & Oak Grove St.
 Newberg OR 97132

A DESIGN-BUILD PROJECT FOR:
Werth Family LLC
 33180 NE Haugen Rd
 Newberg, Oregon 97132



DESIGN GROUP
 301512942
 503-544-4907





PLANNING COMMISSION ORDER 2012-03

AN ORDER APPROVING THE PROPOSED PROJECT: PAR-12-002, DR2-12-003, ADJP-12-002, AND ADJC-12-001 FOR A PROPERTY LINE ADJUSTMENT BETWEEN TAX LOTS 3216-02016 AND 3216-02017, PRELIMINARY PARTITION PLAT TO DIVIDE TAX LOT 3216-02017 INTO TWO PARCELS AND A TRACT, A CODE ADJUSTMENT TO REDUCE THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES, AND DESIGN REVIEW FOR AN 84 UNIT APARTMENT COMPLEX AT 3411 HAYES STREET, TAX LOT 3216-02017, WITH CONDITIONS

RECITALS

1. MJG Development submitted an application for a property line adjustment, a preliminary partition plat, a code adjustment, and design review of an 84 unit apartment complex in April 2012. The Planning Director deemed the application complete on April 20, 2012.
2. The property line adjustment would adjust a property line between tax lots 3216-0216 & 3216-02017 from its current north/south alignment, tilting it so that it moves approximately 45 feet to the west at the north end and moves approximately 28 feet east at the south end. The property line adjustment would change the size of tax lot 3216-02016 (the Oak Grove Park tract) from 1.90 acres to 1.94 acres, while tax lot 3217-02017 (the apartment tract) would change in size from 10.72 acres to 10.68 acres.
3. The preliminary partition plat proposal is to divide the existing tax lot (3216-02017) into two parcels and one tract. The tract would be protected stream corridor area. Parcel 1 would be the site of the proposed apartment complex and parcel 2 would be a future commercial area. The existing parcel is currently zoned for apartments and commercial development; the proposed partition would divide the property along the existing zoning lines.
4. The applicant is asking for a code adjustment to the number of required off-street parking spaces for the proposed apartment complex. The proposed apartment complex would require 143 parking spaces. The applicant is proposing 141 off-street parking spaces, and (123 onsite and 18 on adjacent streets), so the requested adjustment would allow two fewer parking spaces.
5. The proposed apartment complex would have 84 units contained in seven different buildings that would range from two to three stories in height. The buildings would be oriented to the perimeters of the property, including along Hayes Street, with the drive aisles and parking spaces located in the interior of the property.
6. The apartment project is located in an area that has been planned and zoned for an apartment development as part of the Springbrook Oaks Specific Plan. This particular parcel is Phase 5 of a planned unit development project that included the Springbrook Oaks Townhomes, and the housing along Bur Oak Drive, Bur Oak Alley, and Oak Leaf Street. A condition of that planned unit development approval was a specific requirement that this parcel be developed with multi-family housing units. The parcel was planned to have access on both Hayes Street and Oak Grove Street.

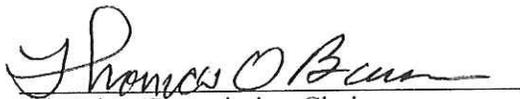
- 7. After proper notice, the Planning Director approved the proposed project, with conditions, on May 10, 2012. The Planning Director's decision was appealed to the Planning Commission on May 24, 2012, by Todd Waters.
- 8. After proper notice, the Newberg Planning Commission held a hearing on June 14, 2012 to consider the application. The Commission considered testimony and deliberated on the item. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings attached in Exhibit "A" and must comply with the conditions of approval shown in Exhibit "B".

The Newberg Planning Commission orders as follows:

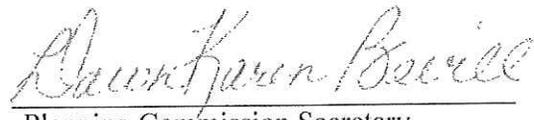
- 1. The proposed project PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
- 2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
- 3. This order shall be effective on June 29, 2012 unless appealed prior to that date. This order shall expire two years after the effective date above if the applicant does not record the final plat by that time, unless an extension is granted per Newberg Development Code 15.235.130(B). Design Review approval is only valid for one year from the effective date (June 29, 2012). If building or construction permits are not issued within this time period, then design review approval becomes null and void and no construction may take place, unless an extension is granted per Newberg Development Code 15.220.020(C).

Adopted by the Newberg Planning Commission this 14th day of June, 2012.

ATTEST:



 Planning Commission Chair



 Planning Commission Secretary

Attached:
 Exhibit "A": Findings
 Exhibit "B": Conditions

PLANNING COMMISSION MINUTES -- DRAFT

June 14, 2012

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE JULY 12, 2012 PLANNING COMMISSION MEETING

I. CALL MEETING TO ORDER:

Chair Thomas Barnes opened the meeting at 7:00 p.m.

II. ROLL CALL:

| | | |
|----------|-------------------------------|-------------------------|
| Present: | Thomas Barnes, Chair | Cathy Stuhr, Vice Chair |
| | Art Smith | Lon Wall |
| | Philip Smith | Gary Bliss |
| | Mayor Bob Andrews, Ex-Officio | Kale Rogers, Student PC |

Absent: Allyn Edwards (excused)

Staff Present: Barton Brierley, Planning & Building Director
 Steve Olson, Associate Planner
 Jessica Nunley, Assistant Planner
 DawnKaren Bevill, Minutes Recorder

III. CONSENT CALENDAR:

Approval of the May 10, 2012 Planning Commission Meeting Minutes

MOTION #1: Bliss/Stuhr approve the minutes from the Planning Commission Meeting of May 10, 2012. Motion carried (6 Yes/ 0 No/ 1 Absent [Edwards]).

IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

IV. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: MJG Development, Inc.

APPELLANT: Todd Waters

REQUEST: Appeal of the approval of the Oak Grove Apartment project

LOCATION: 3411 Hayes Street

TAX LOTS: 3216-02016 and 3216-02017

FILE NO.: PAR-12-002, DR2-12-003, ADJP-12-002, and ADJC-12-001

ORDER NO.: 2012-03

CRITERIA: Newberg Development Code sections 15.210, 15.230, 15.235, 15.310, 15.405, Appendix A, B & File No. PUD-07-04/ADJ-131-04.

Opening of the Hearing:

Chair Barnes read ORS §197.763 and opened the hearing. He asked the Commissioners for any abstentions, conflicts of interests, or objections to jurisdiction. Commissioner Bliss is familiar with the applicant who is a personal friend and past client but stated this will not affect his decision in this matter.

Jessica Nunley presented the staff report (see official meeting packet for details), and used a PowerPoint presentation. The application was deemed complete April 20, 2012. The Planning and Building Director approved the proposal on May 10, 2012. The Planning Director's decision was appealed to the Planning Commission on May 24, 2012, by Todd Waters. Ms. Nunley noted new information that was not included in the meeting packet: The applicant has proposed to submit a revised site plan that would include the two off-street parking spaces; that would make the property line adjustment no longer necessary. The apartment project is located in an area that has been planned and zoned for an apartment development as part of the Springbrook Oaks Specific Plan. This particular parcel is Phase 5 of a planned unit development project. The proposed apartment complex would have 84 units contained in seven different buildings that would range from two to three stories in height. The buildings would be oriented to the perimeters of the property, including along Hayes Street, with the drive aisles and parking spaces located in the interior of the property.

The appellant, Todd Waters, has listed four main objections to the Planning Director's decision. 1. The proposal is for 84 units instead of 60 units; which the appellant contends that only 60 units should be permitted on the site due to the previous approval of PUD-07-04. Staff finds that the proposal for 84 units meets the density requirements for the zone. The applicant is now proposing 84 multi-family units for the property, which meets the intent of the previous PUD proposal to provide multi-family units within the project area in the final phase. 2. Number of off-street parking spaces provided, and permitting on-street parking. The appellant contends that there are not adequate parking spaces available for the project, and that the Planning Director erred when approving the requested Code adjustment to the number of required off-street parking spaces. The appellant also does not believe that Hayes Street can be used for on-street parking. The applicant proposed to revise the site plan to include the two additional off-street parking spaces in accordance with the Code. The applicant requests the Planning Commission consider the code adjustment request withdrawn, and instead have the Planning Commission add a condition of approval to submit a revised site plan showing 125 off-street parking spaces. Regarding the on-street parking, Hayes Street is a major collector roadway, with an existing curb-to-curb pavement width of 46 feet. The Development Code states that on-street parking is permitted with the approval of the Director, and there is available width for two bike lanes, two travel lanes, and parking along the north side. 3. Path to Fred Meyer is proposed as stairs, not a ramp. The appellant contends that the proposed path to Fred Meyer must be a ramp in order to comply with the Development Code. Staff stated the project will be compliant with the applicable building code and ADA requirements. 4. Stream corridor protection/barrier. The appellant contends that the stream corridor will be polluted by proximity to the apartments. Staff stated the project proposal divides the stream corridor into its own tract as part of the partition, thus the apartment complex would be on a separate parcel adjacent to the stream corridor. In addition, the stream corridor is protected by separate provisions in the Development Code. The applicant will submit a plan showing how the stream corridor will be protected during construction.

Staff Recommendation: Staff recommends the Planning Commission adopt Order 2012-03; approving the requested project, with the revised findings in Exhibit A and the revised conditions of approval in Exhibit B.

Mike Gougler, applicant for Oak Grove Apartments, explained to the commission and audience that he had received 36 letters of concern and apologized for not holding a community meeting. The apartments are extremely difficult to design. The units are going to be unique in Newberg as all will be equipped with air conditioning. Windows will not be enclosed and all units are equipped with a fresh air economizer; a high-volume, low noise air system. The build quality of the units will exceed the building code and provide tenants

with healthy, quiet, apartments. Smoking will not be permitted in the units. Pets will be allowed with a deposit and at the northwest corner a strip of fenced land will be provided for dog walking. There will be a place for a community vegetable garden as well. All units have fire extinguishers and the complex will have heated, secure storage units with cages. The units are going to take advantage of an existing water detention and a treatment pond. High-definition security cameras will be on-site providing safety for the tenants. Of the 36 letters, most were concerned with traffic. He provided traffic studies and tried to design the project to appeal to professionals and retired people. The project will use dark skies lighting fixtures. The interior will have high-end trim.

Questions:

Commissioner Bliss asked in regard to the criteria, from the curbside tire to the outside edge of the rearview mirror measures seven-feet and does not allow distance for a bike to pass a parked car. An eight-foot parking with six-foot bike lane would offer better distance. Mr. Gougler would definitely do that if the Planning Department agrees to it. Commissioner Bliss asked what type of lighting will be used for outside parking areas. Mr. Gougler stated shoebox lighting will be used; an extensive lighting plan was provided to the Planning Department. Acorn lights will not be used.

Commissioner Art Smith asked how extensive the ban on smoking is. Mr. Gougler stated his intent is to make sure there is no smoking on the landings but will designate some exterior areas for people to smoke which have proper ventilation, but out of the rain.

TIME – 7:43 PM

Proponents:

Rick Rogers, Habitat for Humanity, is in favor of the project and stated high density residential apartments are lacking in Newberg. There is a need for apartment housing. His hope is the addition of 84 units will help the existing rental rates in Newberg.

Joe Schieve works for the Saunders Company and is the project manager. In regards to the overall Springbrook Oaks, he has been involved in the civil development elements and infrastructure for the projects, and worked with the traffic engineer in looking at the impact analysis. Hayes Street is far below its capacity. The dual access in and out of the site for safety, although not required, was appreciated by the Fire Marshal. He did research regarding parking spaces and he found in similar cities he has worked in that are of a similar size, required 1.5 minimum parking spaces per apartment unit; the City of Newberg requires 1.7. Also, all the lights will be fully shielded and will stay below the half foot candle at the property line.

Commissioner Stuhr stated with respect to parking on Hayes Street, there has been much public concern regarding the sight distance. Will parking be allowed all along that area? Mr. Schieve replied the City has a vision triangle and that will be complied with.

Opponents:

Todd Waters, the appellant, stated he is concerned in keeping the neighborhood nice and this project will change the neighborhood quite a bit. His comments are included in the appeal application, (see meeting packet for details.) This would cause a 40% increase in apartment units from 60 to 84 units and many parking problems. There have already been two changes to the design plan: moving the east location of the trash receptacle, and the increased number of off-street parking, and the developer has already mentioned he erred in not including the neighbors in the design process. The homeowner minutes for the past two years have shown parking as a major issue. Compensating for lack of parking by putting cars on the street will not work. The street is fenced on both sides; no front doors face Hayes Street. Sixty units was the approved number in the original 2004 plan, and nowhere in the previous reports is it listed as a minimum; but listed as a maximum twice. The change to 84 units changes the parking from the original plan. The total required parking spaces is

as he understands it should total 165 spaces according to the language in the City Code. The project calculation is different. The developer proposes only 123 off-street spaces plus a very questionable 18 on-street spaces equaling 141 spaces. His other objections are in regard to the ramp that is needed to Fred Meyer, but the developer only proposes steps. Also, there is no barrier between the apartments and the stream corridor. Mr. Waters stated the on-street parking is his major objection. He wishes there could have been a meeting earlier with the residents of the neighborhood to help work these issues out.

Commissioner Wall asked if Mr. Waters would still object to the project if it was specified for 60 units. Mr. Waters replied 60 units with no on-street parking.

Brian Davis stated many of his concerns have already been voiced by Mr. Waters. He too is concerned in adding 84 units with two cars per unit, which will make it very difficult to park and he fears it will affect the children playing and cause more traffic flow through the area. This will not fit with the neighborhood. If the code stated 60 units are the maximum, 84 units should not be allowed.

Undecided:

Brian Francis owns the 99W Drive-In Theater and is concerned with the lighting plan. He is glad to hear acorn lighting will not be used. He is also concerned with the parking area light and asked what kind of exterior lighting will be used on the outside of the buildings. Also, along the stream corridor, will the trees be trimmed along that line? The trees help darken the area for better effect on the movie screen.

Judy Moshberger lives across the street from the proposed apartment project. She appreciates the dumpster location being moved but is concerned with the parking and traffic. Many drive up Hayes Street and cut through the townhomes to Fred Meyer. Both ends of the streets have signs for local traffic only but they do not help. Now a driveway and 84 units being added will cause the same thing; cutting through to Fred Meyer to avoid Hayes Street and Brutscher Street. She has no problem with the design, but the traffic needs to be addressed. As long as there is a driveway on Oak Grove Street there will be an issue. If there was a way to close that driveway it would help.

Commissioner Philip Smith asked if the ideal situation is to close off the access. What other possible solutions are there if the Fire Marshal does not approve of that? Ms. Moshberger replied there is another driveway off of Brutscher and Springbrook, as well. Commissioner Smith suggested a speed bump. Ms. Moshberger stated that would be very helpful.

Commissioner Stuhr asked if this issue has been brought before the Traffic Safety Commission. Ms. Moshberger replied yes it was in the past, although she was not present at those meetings. She thinks that is why the local access only signs were put up, but nothing else was done. Making it less convenient as a thoroughfare would be appreciated.

TIME – 8:24 PM

Rebuttal:

Mike Gougler stated yes, he can build 60 units, but they will have to be subsidized. He has been approached to do a Section 8 housing unit on that site, but the only way to make the economics work is to build 84 units. He posted his phone number and address and only had one person contact him directly regarding project concerns. Changes have been made and submitted to the City hoping to be proactive. His financial model is available for anyone on the Planning Commission and City Council to review.

Commissioner Philip Smith asked for clarification regarding government subsidized, Section 8. Mr. Gougler explained the owner of the property has very strict limits based on what can be spent on dirt and the facilities

themselves; the amount of return is also regulated. On the renter's side, the ranges of those who can live in that unit vary as to their income.

Commissioner Bliss stated he did not find any indication of a maximum of 60 units in the plan. The appellant indicated he saw 60 maximum. Mr. Gougler stated he was aware at the time the PUD was done eight years ago that a number was needed to show the City a minimum number of apartments would be developed. They had to show the City a minimum of 60 apartments because they had just modified the specific plan with respect to the high-density housing and that is what enabled the town homes to be built and the smaller lot homes on the south side of Hayes Street. The original plan was to have apartments in the acreage just south of Hayes and there would have been no separation of the apartments from the single family housing. Chair Barnes stated the maximum number of units on that space per City Code is 88 units.

Commissioner Art Smith asked would it be possible to have all off-street parking with the 84 units. Mr. Gougler replied he does not believe it is. There would be no interior landscaping if he could find the additional space for parking.

Commissioner Wall asked if there is any way to mitigate the 18 parking spaces on the street. Mr. Gougler replied there are some alternative parking opportunities for tenants he believes tenants will take. There are people who park in the Fred Meyer lot and at the strip mall. It is not inconceivable that tenants will do the same from these apartments.

Todd Waters stated he never mentioned greed as a concern at all. The homeowners of the Springbrook community appreciate the design. He referred to page 270 of the meeting packet, Phase 5, which states the final phase will include up to 60 multi-family units in apartment-style buildings. The site plan will include off-street parking. A detailed design review will be required prior to construction of this phase. That wording is also contained in Exhibit A. He understands the financial issue for the developer.

Timi Parker, who opposes the project, questioned the design of the apartments regarding the proposed appearance. The apartments have a modern design with sloping flat roofs, which looks nothing like the homes in the Oaks which are English cottage style and Craftsman style homes. It is not consistent. She walks through the townhomes and it is the most congested area regarding parking in Newberg. She wonders if the City could put up short poles that can be removed for emergency purposes.

Marsha Anderson is speaking for herself and her husband who are both opposed to the project. They live on the corner where the most traffic accumulates in the project area. The fear of increased traffic is a concern. She personally does not have a problem with Section 8 housing and stated the tone in which the developer brought up the Section 8 housing was inappropriate as it sounded ugly and she takes objection to that statement.

Chair Barnes closed public testimony at 8:51 PM.

Final Comments from Staff:

Jessica Nunley pointed out in the Development Code the requirement for dwelling units per code is 126 spaces. All of those but one would be accommodated on site. The Code also requires 17 visitor's spaces; 18 on-street would virtually all be for visitors. The parking on Hayes Street was planned to be wide enough to accommodate a couple configurations depending on what was needed for development in the area. Hayes Street is wide enough to allow for parking and bike lanes. Overall, the project as proposed meets the density requirements for the zone and as envisioned in the Springbrook Oaks Specific Plan for the area.

Barton Brierley referred to the zoning map and addressed the previous decision in regard to the original plan. This particular property was in the Springbrook Oaks Specific Plan. It is important to look at the zoning of the area south of Hayes Street, which is an R-3, multi-family zone. Single family homes are not permitted in the R-

3 zone unless you do a planned unit development. As part of that application, there was a concern there would not be apartments in the area and the vision of the plan and the multi-family units proposed for this area would never materialize. The applicant had stated up to 60 units, which the Planning Commission was concerned with since they did not want to see less than 60 units built. Thus, a condition was placed on the project, (page 317 of the meeting handout), that development of the Phase 5 property must include 60 multi-family dwelling units. On page 318 at the top, it shows the density allowed for this plan would be 88 units on the property.

Ms. Nunley stated after public testimony, staff's recommendation is that the Planning Commission moves to revise the findings shown in Exhibit A to remove findings for the Code Adjustment (151.210.020 (C)), to amend the conditions of approval to require the applicant to submit a revised site plan showing 125 off-street parking spaces, and that the Planning Commission adopt Order 2012-03 approving the requested project with revised findings in Exhibit A and conditions of approval in Exhibit B.

MOTION #2: Art Smith/Cathy Stuhr moved to revise the findings shown in Exhibit A to remove findings for the Code Adjustment (151.210.020 (C)), and to amend the conditions of approval to require the applicant to submit a revised site plan showing 125 off-street parking spaces, and to adopt Order 2012-03 approving the requested project, with the revised findings in Exhibit A and the revised conditions of approval in Exhibit B. (6Yes/ 0 No/ 1 Absent [Edwards]) Motion carried.

MOTION #3: Philip Smith/Lon Wall to amend the motion to state the Planning Commission finds the proposed development will increase traffic on the streets around Fred Meyer; therefore, condition the approval with the applicant providing a speed bump at the entrance to Fred Meyer on Little Oak Street unless the Fire Marshal or Police Chief objects, and the north side of Hayes Street shall be striped along the Oak Grove Apartment's frontage to provide for an eight-foot parking lane and six-foot bike lane with the approval of the City Engineer. (6Yes/ 0 No/ 1 Absent [Edwards]) Motion carried.

VI. ITEMS FROM STAFF:

Update on Council items

The City Council is still working on the South Industrial Urban Growth Boundary and should make a decision at the June 18, 2012, meeting. At their July 2, 2012, meeting they are scheduled to hear a batch annexation.

The next Planning Commission Meeting is scheduled for Thursday, July 12, 2012.

An additional Planning Commission Meeting will be held on Thursday, July 19, 2012, regarding updates to the Transportation System Plan. Commissioner Art Smith will not be in attendance.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Bliss stated in reiterating his comments from last month's Planning Commission meeting, he would like the City departments to include comments, such as from the Engineering Department, to help the Planning Commission in decision making. He believes a summary would be helpful in an application such as was heard tonight. Mr. Brierley stated staff does discuss details in great length with Engineering and does include their comments in the staff report. The applicant met with the Engineering and Planning Departments before submitting it and the comments were incorporated into the report. This application was required to have a pre-application meeting.

The Commission discussed the procedure regarding testifying regarding an appeal. Mr. Brierley stated there is no definitive correct procedure; the applicant was allowed to go first because they still have the burden of

showing that their application meets the criteria. The hearing was a new hearing where any issue could be raised.

VIII. ADJOURN:

Chair Barnes adjourned the meeting at 9:45 p.m.

Approved by the Planning Commission on this 12th day of July, 2012.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair