

PLANNING COMMISSION AGENDA
Wednesday, November 10, 2010
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

NOTE: MEETING IS ON WEDNESDAY DUE TO VETERANS DAY HOLIDAY

- I. ROLL CALL**
- II. OPEN MEETING**
- III. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 1. Approval of October 14, 2010 Planning Commission Meeting Minutes
- IV. COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
 1. For items not listed on the agenda
- V. QUASI-JUDICIAL PUBLIC HEARING**
 1. Continued from Oct. 14, 2010 at the point of deliberation. Public testimony closed.
APPLICANT: Housing Authority of Yamhill County
REQUEST: Change the Comprehensive Plan designation from LDR (Low Density Residential) to HDR (High Density Residential) and change the zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a 3.39 acre property.
LOCATION: 1103 N Meridian St.
TAX LOT: 3218DA-2100
FILE NO.: CPA-10-001/ZMA-10-001. RESOLUTION NO.: 2010-285
CRITERIA: Newberg Development Code § 151.122
- VI. LEGISLATIVE PUBLIC HEARING** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)
 1. Continued from October 14, 2010.
APPLICANT: City of Newberg – Public Works: Engineering
REQUEST: Stormwater Management and Erosion Control Ordinance. Approve an Ordinance managing stormwater and establishing erosion control requirements. The Ordinance will fulfill requirements in the Willamette TMDL Implementation Plan (approved by DEQ) for controlling sediment in stormwater discharges to the Willamette River from construction sites and developed properties.
RESOLUTION NO.: 2010-284
- VII. ITEMS FROM STAFF**
 1. Update on Council items
 2. Other reports, letters, or correspondence
 3. Next Planning Commission Meeting: Thursday, December 9, 2010
- VIII. ITEMS FROM COMMISSIONERS**
- IX. ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical 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 service please call (503) 554-7793.

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PLANNING COMMISSION MINUTES

October 14, 2010

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE NOVEMBER 10, 2010 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Nick Tri, Chair Philip Smith, Vice Chair
Cathy Stuhr Thomas Barnes
Derek Duff Lon Wall
Kale Rogers, Student PC

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

Others Present: Elise Hui Brian E. Parker
Jim Walker Geraldine Willcuts
Michael Ard Sandee Waide
Phil Griffin Verne Martin
Mark Davis Michelle Frantz
Fred Mickelson Daniel W. Shepherd
Marie Karjalainen Gail Shepherd
Rick Rogers Cynthia Ziegenbein
Lee Means Pat Haight
David James Roger Wiltshire
Tom Sisul Ernest H. Woods
George Edmonston Shannon Stauffer
Howard Harmon Robert Hutchinson
Ian McDonough Robert Soppe

II. OPEN MEETING:

Chair Tri opened the meeting at 7:00 p.m. Barton Brierley introduced Kale Rogers as the new Student Planning Commissioner. Chair Tri asked for roll call.

Chair Tri read a statement about the hearing process and explained the ground rules for the public testimony portion of the hearing. He said that the applicant, the Housing Authority of Yamhill County, would like to group their team's time together to have a total of 30 minutes for their presentation (since they have 6 members signed up to speak). The Planning Commission ruled unanimously in favor of the applicant being allowed 30 minutes for their presentation. Chair Tri then suggested that if others in the audience wanted to donate time or group their time together that one speaker could have up to a 15-minute speaking time if needed. The Planning Commission ruled in favor of this, as well.

III. CONSENT CALENDAR:

Chair Tri entertained a motion to accept the minutes of the August 12, 2010 meeting.

MOTION #1: Smith/Wall to approve the minutes as presented from the Planning Commission Meeting of September 9, 2010. (6 Yes/ 0 No/ 0 Absent/ 1 Vacant) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Tri offered an opportunity for non-agenda items to be brought forth. Robert Soppe voiced his concern regarding the public not receiving timely information in order to make written comments. One of the topics for this meeting was not on the City's website a week ago last Monday, which gave the public at best only 3 days for public comments. Secondly, staff recommendations come out 1 week before a Planning Commission meeting, which is the same day by which the public must submit written comments. It is very challenging for the public to comment on the staff recommendation in writing when only given eight hours to do so. He encouraged the Planning Commission to establish an online posting deadline for staff reports before written comments need to be received and decide how many days the public should have for submitting comments after the staff report is posted.

V. QUASI-JUDICIAL PUBLIC HEARING

APPLICANT: Housing Authority of Yamhill County

REQUEST: Change the Comprehensive Plan designation from LDR (Low Density Residential) to HDR (High Density Residential) and change the zoning from R-1 (low Density Residential) to R-3 (High Density Residential) for a 3.39-acre property.

LOCATION: 1103 N Meridian St.

TAX LOTS: 3218DA-2100

FILE NO.: CPA-10-001/ZMA-10-001 **RESOLUTION NO.:** 2010-285

CRITERIA: Newberg Development Code § 151.122

Opening of the Hearing:

Chair Tri asked the Commissioners for any abstentions, conflicts of interest, or objections to jurisdiction. Commissioner Barnes stated he wrote an opinion letter to the Newberg Graphic, which is included in the record. That being said, he will have no difficulty in making a decision based on the criteria. He also drives for Meals on Wheels and passes by this property every Thursday. Chair Tri passes by this property 2 - 3 times per day but it will have no effect on his decision. Chair Smith served as Chair on the Affordable Housing Taskforce two years ago; some of those recommendations have come before the City Council since then; some being incorporated into the City plan and some of those are relevant to the decision tonight. Nevertheless, he believes he can make a judgment on this matter based on the information in the packet and testimony tonight. Commissioner Stuhr is currently serving as the chairperson on one Affordable Housing committee. This is not a specific piece of property that has been discussed. Mr. & Mrs. Stuhr own a piece of rental property within 500 feet of this property. Neither of these facts will affect her decision in this matter. Commissioner Wall asked for the date the application was filed with the City. He is sure it was filed before the Planning Commission was aware it was an official filing. Since the Planning Commission members speak to many people throughout Newberg on many issues and can be unaware if they are discussing a topic that has already been filed and is an active

application, the Planning Commission needs to be notified immediately when an application is filed in the future. He has not had any discussions regarding this application. Jessica Nunley stated the application was filed August 19, 2010 and the reason for the delay in sending it to the Planning Commission was that staff had to send 45 days notice to the DLCD before the first hearing. Commissioner Wall also asked about potential ex parte contact regarding the letters in the Newberg Graphic. Barton Brierley said that all letters were included in the packet. Chair Tri read ORS §197.763.

TIME - 7:17 PM

Jessica Nunley gave the staff report (see official meeting packet for details). She reviewed the proposal, property location, site information such as access, utilities, and surrounding uses. Ms. Nunley also reviewed the historical background of the property. The proposal is consistent with and promotes applicable comprehensive plan goals and policies that she explained in detail. Staff believes that one-site, multi-unit development will more likely preserve the existing house than subdivision of the site for single-family development. The site is within walking and biking distance to many commercial and public services.

Ms. Nunley addressed the following issues that have been raised through public comment:

Traffic on Meridian Street:

- Meridian Street is functioning at Level of Service (LOS) A now and is projected to function at LOS A through 2025, even w/ this development;
- Sight distance along property frontage is adequate for access to the site; and
- One crash in the past three years on Meridian Street from Fulton Street to Sierra Vista Street – caused by a driver running a stop sign from Sierra Vista Street onto Meridian Street.

Parking on Meridian Street:

- All new developments are required to provide off-street parking;
- Meridian Street is designed to allow on-street parking; and
- Several counts at different times of the day show an average of about 13 spaces used out of about 70 available (Sierra Vista to Railroad).

Preservation of Historic House:

- Redevelopment of the entire site will encourage renovation, preservation and reuse of the existing historic house as part of the project site – not likely to happen with single-family subdivision;
- Historic house cannot be moved or removed without Type III Planning Commission review; and
- Any new buildings on the site must prove compatible with existing historic structure and go through Type III Planning Commission review.

Property Values and Social Impacts:

- Studies show that affordable housing itself has little or no impact on property values – values are complex and related to many factors;
- No studies have shown a link between density and crime;
- Most studies point to management and design of high-density housing to be key elements; and
- Size of proposed project site means future project would likely have on-site property management for upkeep, maintenance, and monitoring.

Staff Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2010-285 with the findings contained in Exhibit A, recommending that the City Council approve the requested Comprehensive Plan map amendment from LDR to HDR and Zoning map amendment from R-1 to R-3. Recommendation based on finding that the proposal meets the Development Code criteria and applicable Comprehensive Plan goals and policies.

Chair Tri asked if any late correspondence had been received. Jessica Nunley replied yes, three-one page letters. Barton Brierley suggested holding those until after the public testimony, and then read them in their entirety at the end.

Chair Tri opened the public testimony at 7:42 p.m.

Proponents:

Elise Hui, Housing Authority of Yamhill County Executive Director, introduced herself and her team.

The first presenter was Jim Walker, an architect with IDEA Architecture and Development, working with HAYC on the proposal. The large site offers flexibility. It is close to parks, the college, schools, bus stops, mixed zoning in the neighborhood and mixed residential development. Utilities and streets already exist. There are similar development standards between R-1 and R-3. The large, undivided lot offers opportunity for design creativity for multi-family development. He showed the general land-use plan map and explained it in detail. The site would be developed around the existing house, and they hope to designate funding for its revitalization; saving existing trees, and provide open space in several areas throughout the site. This would be executed through the design review process. The importance of design process involves compatibility in character, solar access, fences, stormwater mitigation, privacy, green issues, security and inspiration. Affordable housing does not mean “cheap” construction. The HAYC is engaging the community and although a neighborhood meeting was not required, they did so by having two meetings: one to listen and one to share ideas. The City was requesting the applicant connect the site to Evergreen Dr but the Housing Authority heard negative feedback from the neighbors. After looking at that issue, they discovered that redesigning the site plan could address the City’s concerns without requiring a connection to Evergreen Dr. The HAYC will continue a meaningful dialogue with the community. Newberg needs more affordable housing and this is the right project, at the right time.

Michael Ard works with Lancaster Engineering and is the transportation engineer for HAYC. He prepared the Traffic Study for the developer. The proposed rezoning from low-density residential to high-density residential will result in a net increase of less than 50 peak hour trips. As a Minor Collector, Meridian Street is capable of safely and effectively supporting existing roadway users as well as the proposed development. Study area intersections will operate acceptably through the 2025 planning horizon with the zone change and development in place. The Transportation Planning Rule is satisfied without mitigation.

Ms. Hui explained the vision of HAYC. It was established January 10, 1951 by resolution of the Yamhill County Board of Commissioners and operates as an independent local public agency under federal and state law. It is governed by a five-member board of commissioners, which is appointed by the Yamhill County Commissioners. HAYC envisions a future where everyone has the opportunity to live in a home that is safe and affordable; where people are treated with respect regardless of their

income level or background; and a person's income level cannot be identified by the neighborhood in which they live.

HAYC will be a recognized leader in leveraging resources to create affordable housing programs and opportunities that contribute positively to the community.

Philip Griffin, Commissioner for the HAYC, stated the mission of the HAYC is to provide the opportunity for decent, safe, sanitary and affordable housing to lower-income families residing in our community, including opportunities to become self-sufficient. Being a commissioner for the Housing Authority he has seen life changing differences in clients served, varying from seniors to mentally disabled, watching them become self-sufficient. The HAYC has been assisting families with housing needs in the Newberg area for more than 20 years and owns and manages three apartment complexes in Newberg. They bring professional property management, long-term commitment of affordability and sustainability with regular site maintenance by HAYC staff, and careful tenant screening for crime, rental history and income. HAYC offers programs to encourage and assist families towards homeownership. There are many hardworking, tax-paying persons whose income precludes taking such a step like homeownership right away. Current residents work throughout Newberg at George Fox University, Fred Meyer, Bi-Mart, the Allison Hotel, and other local restaurants, vineyards, dairies and nurseries. They also house students from George Fox who are working and studying to better their lives.

Mark Davis is the Housing Authority Finance Director. HAYC's three complexes in Newberg were all purchased after they had been completed and occupied for some time. While they recently did a major remodeling of Vittoria Square, they have never constructed a new complex in Newberg. The proposal for the Meridian Street site would be the first new construction opportunity for HAYC in Newberg. Examples of new construction properties include Sunnyside Apartments, Hendricks Place, Sunflower Park Apartments, and the Village Quarter in McMinnville.

Fred Mickelson, Commissioner for the HAYC, stated residents at Vittoria Way have created beautiful flower gardens in front of units, have participation in a community vegetable garden, have regular activities in the community center, Living Healthy classes, and popular weekly exercise classes. Family properties offer nutritional classes put on by Oregon State University (OSU) Extension Service, which includes a canning class involving both parents and children. Staff works with residents to help those interested move toward homeownership. Health screening is popular and so is time spent working on fire safety education.

Site managers encourage healthy activities for kids and there are special activities when kids are out of school. Last year a special exhibit from the Oregon Zoo visited Woodside Park. This year we asked our young residents to participate in a national poster contest and the theme was, "What Home Means to Me." Entries were generated locally and a poster from Newberg was chosen regionally to go to the national level for judging. Over the past eight years, more than 96 participants have graduated from the Family Self Sufficiency program: 36 of the graduating families were from Newberg area and 34 of the graduating families have purchased a home of their own, eight of these families were from Newberg. Having safe, stable, affordable rental housing is critical to the success these graduates have enjoyed. HAYC offers central information for all housing needs, First Time Homebuyer programs, budgeting and home buying classes, and individual development accounts. They also offer referrals to appropriate agencies, help move people off welfare and toward self-sufficiency, create a more stable community, foster responsible renters and better-educated homebuyers, lend a hand to people who need basics, and give children an opportunity to succeed in school and life.

Commissioner Wall clarified that this is a hearing regarding a zone change application only. What the property owner chooses to do with the land is their decision, and new construction would go through design review. Mr. Walker stated the HAYC believes their intent on what will be done with the property is relevant to the application since the intent is part of the record and will also enter into the design review process. Jessica Nunley agreed this is a zone change application only but the applicant is free to state the intent for the property in the record.

Lee Means is the Executive Director of Yamhill County Community Action Partnership (YCAP), which is a non-profit and serves the entire county with five programs: transportation, housing, weatherization and energy assistance, youth outreach, and the food bank for the entire county. Their mission is to serve seniors, disabled, and very low income. They have an affordable housing unit on Sitka behind Shilo Inn in Newberg and a homeless shelter for families that is very close to the proposed project on College Street next to the railroad tracks. They work closely with the HAYC, which gives them vouchers. YCAP conducts the homeless count, which last year was over 900 people. Of that 900, over 400 were children, and the count is increasing rapidly. Before the current recession, the shelters were full with 10-12 families on the waiting list. Now there are 40 families on the waiting list. All families working with YCAP on housing must complete self-sufficiency unless they are disabled. Housing has critical impacts on youth for all of their lives. Kids cannot focus on school if they bounce around to different areas throughout their lives. Ms. Means encouraged the Planning Commission to approve the zone change to R-3.

David James gave the family background and history of the property. He was told it would cost at least \$300,000 to refurbish the house. He offered the property to CPRD and others but the only viable offer for the property came from the Housing Authority. He urged all parties involved to work together.

Rick Rogers, Executive Director for Habitat for Humanity. Mr. Rogers read the letter that Habitat for Humanity submitted as late correspondence. R-3 land in Newberg is essential and if not on Meridian Street, then where?

Marie Karjalainen has worked for the HAYC since 2006. She ran a very low-income apartment complex in Portland and she understands the difficulty of limited income; she moved six times in seven years and her children have difficulties because of it. Ms. Karjalainen now lives in Sheridan since she cannot afford to live in Newberg. She has 169 clients and all are hard working people who qualify for low income. Affordable housing is needed in Newberg.

Undecided:

Ian McDonough asked how much specificity is needed before addressing the zoning issue. A letter from Spaulding Oaks dated September 23, 2010 stated they would need to see that the project is needs based and compatible, has adequate infrastructure, deals with traffic and parking issues, and is able to demonstrate where the guaranteed funding sources will be coming from for maintenance. The Spaulding Oaks are not anti R-3 per se. However, this application does raise specific concerns. Traffic problems are much more severe when George Fox University is in session. The applicant's traffic study was done in July. One of the consultants in the public meeting stated that stormwater would be kept on the property and then stated it will go into the storm drain system in Meridian, but there is not a storm drain in Meridian. From a community perspective, he would like to see far more specificity before they can endorse another R-3 neighbor across the street. He recommended the traffic study be done when George Fox University is in session.

Commissioner Smith stated this is a zone change application. The intended use is irrelevant regarding what will be done with the land. Criteria does not mention what the owner intends to do after the zone change. Barton Brierley stated when looking at zone changes you need to understand the range of uses that could be allowed if the zone change occurs, and there should be adequate infrastructure or the ability to mitigate impacts such as storm drainage on the site.

Robert Soppe stated he does support some higher density in Newberg but would prefer this property remain unchanged. Regarding regulating what is on the property he believes it is very clear. On page 19 of the Amendment Criteria, he read item (a) which he believes ensures regulation. Policy (a) on page 24 states the continued preservation of Newberg's designated historic sites and structures shall be encouraged. The Planning Commission has the authority and requirement to encourage that in this application. Page 28, Goal 1 states they have the right to maintain and improve the natural beauty and visual character of the City. Developments of medium or high density shall be of a quality and design which will effectively offset the greater density. Mr. Soppe referred to comments on page 13 regarding the preservation of the historic house; "*The City cannot compel the applicant to do so; however, the historic house cannot be removed or moved without first going before the Planning Commission through a Type III process.*" If you can find it fits the criteria of the application, of course you can compel them within this application. One important question that has not been asked is what does it take to have the house removed from the historical list if it was so desired. Mr. Soppe referred to page 28 regarding developments respecting the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition. He suggested when this code is revised to revise the word "possible" which should never be in there. In the traffic study, the likely scenario assumes the house is preserved but the Planning Commission is not requiring the house be preserved. His opinion is to disregard those tables and look at the maximum buildable tables, which still may not violate the standards. It bothers him to see data you cannot rely upon.

Chair Tri recessed the hearing for a five-minute break at 8:57 p.m.

Opponents:

Daniel W. Shepherd lives immediately adjacent to the north of the property for rezoning. He disagrees that the applicant is meeting the Comprehensive Plan Goals. Although he does appreciate what the HAYC is trying to do, this is a historical piece of property and he is hearing merely intentions. He does wish to ask the housing authority where the funding came from for the purchase of the property. He was told at the first meeting the funds came from federal funds and then heard at the second meeting it was from the sale of properties. If it was from federal funding, then Section 106 of the National Historic Preservation Act then comes into affect, which states there are procedural things that need to be done. He addressed the plan goals and disagrees that the applicant has met all the recommendations. In conclusion, Mr. Shepherd understands the need for affordable housing but this is a historical site and asked the City to make it a park and the house a museum. Lastly, the applicant did not mark the historical landmark modification/alteration section on their application.

Kale Rogers, Student Planning Commissioner, asked staff about the wording "will encourage" and does that mean they have to meet the policy. Barton Brierley replied that is an aspirational policy, not a requirement of the law. Mr. Shepherd does not agree with Mr. Brierley's assessment.

Gail Shepherd stated there are conflicting uses for resources zoned R-1, which this currently is. R-1 includes churches, planned unit developments, public and semi public buildings. McMinnville has done well with historic resources and revitalization. She has done much research on this if anyone has further questions.

Shannon Stauffer stated that to separate the intent with what will be done after the zone change and the zone change itself is ridiculous. She does not know if anyone understands about affordable housing. Staff makes it sound wonderful, but she lived in an affordable housing area in Hillsboro and it was terrible. Cars were broken into, property stolen, constant police presence, drug dealers, traffic, and it does not matter how much you screen people. She did not want to live in that situation anymore and that is why she and her family moved to Newberg. You cannot feel safe in affordable housing areas, which is unacceptable. You cannot disregard the fact that bad people such as sex offenders live in those areas. Property values go down when near section 8 housing no matter what the studies say.

Cynthia Ziegenbein had written a letter previously and gave a brief summary of it. She and her husband have lived in their home for many years and both enjoy their current surroundings of R-1 & R-2. It is a nice setting with many trees, which will be changed with the rezoning. She is concerned with comparing other available property for R-3 and no data is shown for that. Not everyone was notified due to the 500 feet restriction, more people would probably be here tonight if they all had known.

Ernest H. Woods sat in his car directly on the driveway to the property and observed the traffic. The first day there were 110 cars in a half hour. The next day on September 24 from 6:55 – 7:55 in the morning, he counted 145 cars. In the evening there were 245 cars and 21 bicycles. He is concerned with the bottleneck at the railroad tracks as well. The parking needs to be changed in that area. He also mentioned that he walks with his wife to the park and he has to be sure to get across the street when no cars are coming because Sierra Vista and College St is a difficult traffic area. This is a bad situation for all who live in that area.

Geraldine Willcuts stated she recently visited some of the low cost housing in Newberg and some of those were very plain and some were nice with good management. Each of these areas needs closely supervised management and off-street parking. She believes the City needs to be very careful about how to put in low cost housing when you count the empty apartments and how many are available now. A park would fit this property perfectly. Regarding traffic, you do not understand how hard it is to get out of Spaulding Oaks onto Meridian alone. You cannot see cars coming when you are trying to do a left hand turn going south on Meridian. Several seniors have had fender benders in that area. It is very dangerous to walk as well.

Sandee Waide stated she had nothing further to add to the testimony already given.

Verne Martin has lived his whole life in Newberg and history is a hobby of his. He appreciates the Shepherd Family and their research on this property. He personally believes this parcel should be an open green space in the City of Newberg with a museum.

Howard Harmon lives across the street. He agrees with helping youth, seniors, Habitat for Humanity, etc. He believes it is far better to have affordable housing scattered throughout the community. There will most likely be two cars per unit, which would total 140 cars, and the access would be out on Meridian Street. His feeling is there has to be a better way than to have all those cars coming out in one area. They should consider access on Evergreen.

Roger Wiltshire encouraged the Planning Commission to deny the application. This is regarding the historical value of the ground, such as trees. A decision to change this zone will change that property. A historic tourism attraction would be beneficial to the heritage of Newberg. There is property on the corner of 99W and Blaine Street that is used approximately once a year to fire off fireworks which is zoned public and has much more acreage than this suggested parcel has. It is vacant ground. There are no trees there to be cut down and development costs would be one tenth of what would be required on Meridian Street.

Chair Tri announced to those awaiting the second agenda item, the Legislative Public Hearing regarding Resolution 2010-284, that it will be continued to the next regular Planning Commission meeting on November 10, 2010.

Robert Hutchinson spoke on behalf of Brian E. Parker who had to leave the meeting early. Mr. Hutchinson stated Mr. Parker houses people in his home who do not have a place to live. One of the couples he houses needs a bedroom so Mr. Parker sleeps on his sofa. Mr. Hutchinson would like to make a monument to people like Brian.

Brian E. Parker, Michelle Frantz, and Pat Haight were not present at the time they were called for testimony.

Rebuttal:

Jim Walker stated they felt they needed to defend affordable housing and perhaps strayed in their application but were trying to build trust and explain the future project. Regarding historic issues, Mr. Shepherd in his October 6, 2010 letter to the Planning Commission questioned the fact that they were not applying for a historical landmark issue – this was not an oversight, but more appropriate at design review. The historic designation is not changed by the zone change. Another issue stated by Mr. Shepherd was regarding it not being shown anywhere that HAYC is saving the house. The HAYC have not applied for the Historic Landmark Alteration at this time. Gail Shepherd stated she believes the site is historic, as did Mr. Wiltshire. On page 41 of 67 of the supplemental official meeting packet, the City of Newberg Inventory of Historic Properties Historic Resource Survey Form, the boxes in the upper right hand corner for building is checked but the box for the site is not. There was discussion regarding the house being registered at the State, which is undetermined. Mr. Walker submitted this document (State historic information) for the record. As far as placing a park or museum on the land, this is private property.

Michael Ard spoke to the traffic counts being done during the summer, which was the case. However, the Traffic Impact Study at the beginning of the appendix and the map on page 100 included the number of trips projected by George Fox traffic that were added due to the study being done when the university was not in session. In both cases, the traffic they projected was higher (more conservative) than the actual counts that were done by the two neighbors. Immediately following the appendix map is a map that shows the in-process trips from the Springbrook development for future volumes, as well. Following the maps there are trip generation calculations. The number for apartment dwellings is the highest trip generating use that is possible for this site. Affordable housing developments tend to have fewer vehicles than most apartments. The comment by Mr. Woods regarding the bottleneck at the tracks is correct and there is a zero buffer. The reality is better though. The parking spaces are not used continuously on both sides of that street most of the time, and if the cars park against the curb, there is

more lane space. If there were a significant problem there, parking restrictions along the curbs would go a long way in alleviating that. As far as crossing the street, it is difficult to determine what is safe since vehicles do not always stop at marked pedestrian crossings, which is the least safe condition you can create. He prefers pedestrians find an appropriate gap in traffic and make safe passage across, as a marked crossing can give a false sense of security to pedestrians.

Tom Sisul, Sisul Engineering, spoke to the comment regarding storm drain problems on Meridian Street. When the applicant had the pre-application meeting with the City, staff was concerned with sanitary sewer capacity but there were no issues raised about storm drain issues. There is an 18-inch storm drain on Meridian Street that only picks up water from Sierra Vista south. The storm drainage will be similar in both R-1 and R-3 due to poor soil drainage. Water will need to be taken and metered on site to a City storm drain system. Although staff did not raise this issue, the application will have more analysis on storm drainage in the future and if there are infrastructure problems they would be the same with either R-1 or R-3 development.

Jessica Nunley read the two remaining letters into the record from Howard Harmon and CASA of Oregon. Rick Rogers read the third letter during his testimony.

Jessica Nunley gave a brief summary of the application and recommended that Planning Commission approve the requested Comprehensive Plan map amendment and Zoning map amendment on its merits – the need for HDR, adequate infrastructure to the site, and the suitability of the site for HDR development.

TIME: 10:51 PM

Chair Tri entertained a motion for Resolution 2010-285.

MOTION #2: Barnes/Stuhr moved to recommend adoption of Resolution 2010-285. No vote was taken on the motion.

VOTE ON MOTION #3: Wall/Duff moved to table further discussion until the next regular Planning Commission meeting on Wednesday, November 10, 2010 at the point of deliberation; no additional testimony will be accepted. (6 Yes/ 0 No/ 0 Absent/ 1 Vacant) Motion carried.

VI. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated that at the October 18, 2010 City Council meeting they will be deliberating on two items: the Affordable Housing Code Amendments which they had asked be divided into two code ordinances (one with code amendments and one with design amendments). They also will continue deliberation on the Electronic Sign Ordinance which the Planning Commission recommended for approval.

Other reports, letters, or correspondence:

None were brought forward.

The next Planning Commission Meeting is scheduled on Wednesday, November 10, 2010.

VIII. ITEMS FROM COMMISSIONERS:

None were brought forward.

IX. ADJOURN:

Chair Tri adjourned the meeting at 11:00 PM.

Approved by the Planning Commission on this 10th day of November, 2010.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

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TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY")^{3 4}
 - A. PROPONENTS (PRINCIPLE PROPONENT/S FIRST, THEN OTHERS OR UNDECIDED)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE PLANNING COMMISSION DIRECTED THROUGH THE CHAIR
6. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
8. FINAL COMMENTS FROM STAFF
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

² ORS 197.763(3)(j) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

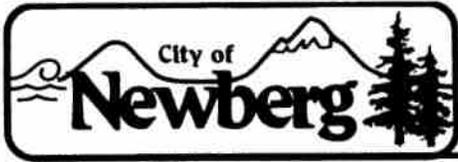
³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

⁴ Questions may be asked by the Commissioners thru the chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

**QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS**

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.
- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.
- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.



Planning and Building Department MEMORANDUM

To: Newberg Planning Commission
From: Jessica Nunley, AICP
Regarding: November 10, 2010 Planning Commission Hearing Items – Resolution 2010-285

At the October 14, 2010 Planning Commission hearing, the Planning Commission voted to table deliberation and decision on Resolution 2010-285 until the November 10, 2010 meeting. The Planning Commission closed public testimony; therefore, no new public testimony (either orally or in writing) will be accepted on the item at the November 10, 2010 meeting. On November 10, 2010, the hearing on this item will begin at the point of Planning Commission deliberation, with a motion to approve Resolution 2010-285 on the table.

This memorandum has a brief summary of Resolution 2010-285 and the proposal. **Please refer to your October 14, 2010 meeting packet for the full staff report for this item, and please remember to bring the complete packet to the November 10, 2010 meeting.**

Summary of Resolution 2010-285

The Housing Authority of Yamhill County recently purchased the property located at 1103 N Meridian Street. The property is approximately 3.39 acres in size and currently has a historic two-story house, shed, garage, and mature trees on the site. The property is adjacent to another historic house to the north, and single family housing to the west and south. A senior condominium housing development is directly across the street to the east, and an apartment complex is to the north of the condominium development on the east side of Meridian Street.

The applicant's proposal is to amend the Comprehensive Plan designation of the site from LDR (Low Density Residential) to HDR (High Density Residential) and amend the Zoning designation of the site from R-1 (Low Density Residential) to R-3 (High Density Residential). The R-3 zoning typically allows higher density housing, calculated by a rate of 1500 square feet of lot area per permitted unit. The zoning also permits things such as dormitories, campus living organizations, group care homes, parks, churches and schools. The applicant's future plans for the property include developing some type of multi-family housing structures around the existing historic structure. The applicant has indicated that they will preserve as many of the existing mature trees as possible, and that they plan to retain and improve the existing historic structure.

The table below shows that the City has a demonstrated need for 1,746 multi-family dwelling units (HDR) for the next 20 years:

Plan Designation	Units Needed 2010-2030	Units Needed 2031-2040
LDR	3,037	1,752
MDR	2,733	1,577
HDR	1,746	1,007
COM	76	44
TOTAL	7,592	4,380

According to the Housing Element of the Comprehensive Plan, the City has a need for 106 acres of HDR land to meet the need for multi-family dwelling units. Newberg currently has 45 buildable acres of HDR land within the city limits. Therefore, the Comprehensive Plan demonstrates a need for an additional 61 acres of HDR land to serve the need for multi-unit housing over the next 20 years.

In addition, many of the Comprehensive Plan goals and policies compel the City to provide a diversity of housing types that are dispersed throughout the City, and that use land efficiently. One thing that must be weighed is whether this site is an appropriate place for high density housing, and whether the goals and policies of the Comprehensive Plan are best met in this location. Staff finds that the proposal does meet the applicable Development Code criteria and Comprehensive Plan goals and policies, as summarized by the following:

- There is a demonstrated need for HDR and multi-unit housing.
- There is adequate infrastructure to serve the site.
- The site is suitable for HDR development.
- The proposed development type will likely preserve the historic structure. Development at the current R-1 density would likely require subdivision of the site; due to the location of the historic structure, it's not likely it would be retained with that type of development.
- There are many commercial and public services available within walking and biking distance of the site.

Staff recommends that the Planning Commission adopt Resolution 2010-285 which recommends that the City Council approve the proposed Comprehensive Plan map amendment from Low Density Residential (LDR) to High Density Residential (HDR) and the Zoning map amendment from R-1 (Low Density Residential) to R-3 (High Density Residential).

PLANNING COMMISSION RESOLUTION NO. 2010-285

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE CPA-10-001/ZMA-10-001, WHICH WOULD AMEND THE COMPREHENSIVE PLAN DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR) AND AMEND THE ZONING DESIGNATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR A PROPERTY LOCATED AT 1103 N MERIDIAN STREET, TAX LOT 3218DA-2100

1. On August 19, 2010, the Housing Authority of Yamhill County submitted an application requesting a Comprehensive Plan map amendment from LDR (Low Density Residential) to HDR (High Density Residential) and a Zoning map amendment from R-1 (Low Density Residential) to R-3 (High Density Residential) for property located at 1103 N Meridian Street, Yamhill County tax lot 3218DA-2100.
2. On August 24, 2010, staff sent notice of the proposal to the Department of Land Conservation and Development. On September 22, 2010 and September 23, 2010, the applicant mailed notice of this proposal to all property owners within 500 feet of the proposal site. The applicant posted notice of the proposal on the site on September 28, 2010.
3. The Newberg Graphic published notice of the proposal and Planning Commission hearing on September 29, 2010, and staff posted notice of the proposal in four public places and on the City's website on September 30, 2010.
4. On October 14, 2010, the Planning Commission held a hearing to consider the proposal. The Planning Commission continued the hearing on November 10, 2010. After reviewing the staff report and hearing public testimony, the Planning Commission finds that the application meets the applicable Development Code and Comprehensive Plan criteria.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the requested Comprehensive Plan map amendment from Low Density Residential (LDR) to High Density Residential (HDR) and the Zoning map amendment from R-1 to R-3, for the property shown in Exhibit B and described by Exhibit C.

This recommendation is based on the staff report, findings, and testimony.

ADOPTED by the Newberg Planning Commission on this 10th day of November, 2010.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibits:

- Exhibit A: Findings
- Exhibit B: Location Map
- Exhibit C: Legal Description
- Exhibit D: Existing Comprehensive Plan Map
- Exhibit E: Existing Zoning Map

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TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY" FORM)^{3 4}
 - A. THE PLANNING COMMISSION CHAIR WILL CALL YOUR NAME WHEN IT'S YOUR TURN TO TESTIFY (NOTE: COMMISSIONERS MAY ASK QUESTIONS DURING THE TESTIMONY PERIOD, AT THE DISCRETION OF THE CHAIR)
5. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
7. FINAL COMMENTS FROM STAFF
8. DELIBERATION OF COMMISSION
9. ACTION BY THE PLANNING COMMISSION

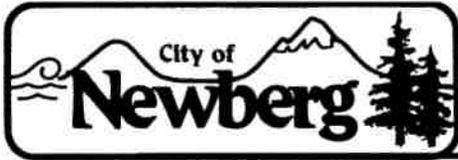
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⁴ Questions may be asked by the Commissioners thru the chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.



Planning and Building Department MEMORANDUM

To: Newberg Planning Commission
From: Jessica Nunley, AICP
Regarding: November 10, 2010 Planning Commission Hearing Items – Resolution 2010-284

At the October 14, 2010 Planning Commission hearing, the Planning Commission continued the second item on the agenda, Resolution 2010-284, in entirety to the November 10, 2010 meeting. This memorandum has a brief summary of the item. **Please refer to your October 14, 2010 meeting packet for the full staff report for this item, and please remember to bring the complete packet to the November 10, 2010 meeting.**

Summary of Resolution 2010-284

As part of the Willamette Total Maximum Daily Loading (TMDL) Implementation Plan, the City is required to control discharges entering streams or the City's stormwater system from construction sites, developed areas, and areas undergoing redevelopment. The Plan requires construction plan reviews, structural and non-structural best management practices, and a method for handling public comments as well as inspections, adequate long-term operation and maintenance of stormwater facilities, and enforcement actions.

Staff researched recently updated stormwater and erosion control ordinances to create an ordinance that would reflect current best management practices. In general, staff found that other jurisdictions are currently concerned with decreasing the volume and velocity of stormwater discharging to streams in addition to the water quality of the runoff. The jurisdictions are increasingly turning to reducing impervious areas, phased construction, site fingerprinting, and maintenance agreements to minimize erosion and sediment discharge and to guarantee properly operating stormwater facilities. Rather than choosing a nearby ordinance and making it fit the City's needs, staff pulled together a balanced mix of management practices that reflect the dynamic and unique mix of citizens and heritage that is Newberg.

Staff recommends that the Planning Commission adopt Resolution 2010-284, recommending that City Council approve the proposed Stormwater Management and Erosion Control Ordinance.

PLANNING COMMISSION RESOLUTION NO. 2010-284

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL ADOPT THE STORMWATER MANAGEMENT AND EROSION CONTROL ORDINANCE

1. The City, under an order by the Oregon Department of Environmental Quality (DEQ), created a Willamette Total Maximum Daily Loading (TMDL) Implementation Plan which was approved by the DEQ on October 17, 2006, and adopted by the City Council on December 1, 2008.
2. The Willamette TMDL Implementation Plan requires the City to enact erosion control during construction and best management practices for stormwater from properties after development.
3. On September 7, 2010, the City Council referred the proposed Stormwater Management and Erosion Control Ordinance to the Planning Commission for their recommendation.
4. On September 23, 2010, notice of this hearing was sent to developers in the area and to the Newberg Graphic to publish in the September 29, 2010 issue.
5. Notice was published in the Newberg Graphic newspaper on September 29, 2010.
6. On October 14, 2010, a hearing was held by the Newberg Planning Commission and the item was deferred to the November 10, 2010 hearing.
7. On November 10, 2010, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of The City of Newberg that it recommends to the City Council adoption of the proposed Stormwater Management and Erosion Control Ordinance as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated. This recommendation is based on the staff report and testimony.

ADOPTED by the Planning Commission of the City of Newberg, Oregon, this 10th day of November, 2010.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibits:

A: Proposed Stormwater Management and Erosion Control Ordinance

GARY G. BLISS P.E., F.ASCE

3866 OAK MEADOWS LOOP, NEWBERG, OR 97132

PHONE 503-554-9380

CELL 503-351-8108

Email: GGBlissPE@comcast.net

November 2, 2010

City of Newberg Planning Commission
414 East First Street
Newberg, Oregon 97132

RECEIVED
NOV 03 2010

RE: Item 2 of the November 10, 2010 Agenda
"Title 13.25: STORMWATER MANAGEMENT AND EROSION CONTROL"

Dear Commissioners:

I am a registered Civil Engineer with over 40-years experience in the design of stormwater drainage and land development improvements in the states of Oregon, Washington, and California.

I have reviewed the proposed resolution and offer the following comments:

Item 13.25.22 Design Storm

The Design Standards....."A more stringent storm frequency may be required by the City Engineer or their designee depending on:

- A. The size and type of the development;
- B. The previous land use of the site;
- C. The soil type in the development;
- D. Whether runoff from the development would adversely affect future development downstream of the site; and
- E. If the development would adversely affect existing stormwater facilities downstream of the site.

The above provisions seem overly broad in that they do not limit a developer's responsibility in making downstream stormwater improvements for discharges from his development. This seems unreasonable as it would place an onerous burden on a development if the existing downstream stormwater facilities were undersized for the ultimate development of the contributing stormwater basin in its build out condition. This also relates to Section 2.0.e & f of the Design Standards.

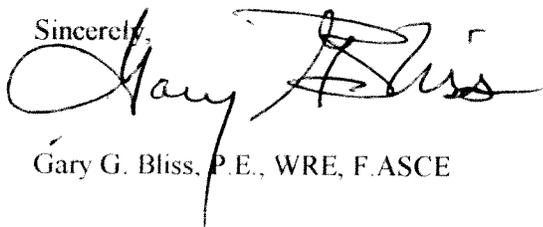
In both cases, I would suggest that the wording be modified to reflect a limit of responsibility to the development, such as:

- 1. An analysis be made of the downstream facilities to a point in the drainage system where the additional flow from the proposed development constitutes 10 per cent or less of the contributing stormwater basin, or
- 2. A distance of one-quarter (1/4) mile.

13.25.70 VARIANCES

I suggest that the above mentioned limitations be applied to this section as well.

Sincerely,



Gary G. Bliss, P.E., WRE, F.ASCE