

PLANNING COMMISSION MINUTES
May 8, 2014 7:00 PM
NEWBERG PUBLIC SAFETY BUILDING (401 EAST THIRD STREET)

I. CALL MEETING TO ORDER

Chair Art Smith called the meeting to order at 7:00 PM.

II. ROLL CALL

Members Present:	Art Smith, chair Philip Smith Matt Fortner	Gary Bliss, vice-chair Jason Dale	Cathy Stuhr Allyn Edwards
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Members Absent: ex-officio	Sulamita Barbiyeru, student planning commissioner	Mayor Bob Andrews,
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Staff Present:	Steve Olson, interim planning and building director Mandy Dillman, minutes recorder
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III. PUBLIC COMMENTS

Chair Smith opened and closed public comments as no one wished to testify.

IV. CONSENT CALENDAR

1. Approval of April 10, 2014 Planning Commission meeting minutes

MOTION: Philip/Edwards approving the Planning Commission minutes for April 10, 2014. Motion carried (7 Yes/0 No).
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V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** Brown/Nielsen
REQUEST: Subdivision/variance for Shellie Park (21 lots)
LOCATION: 735 N. College Street
TAX LOT: 3218DB-2300, -2600, -700
FILE NO.: SUB3-14-005/VAR-14-002 **ORDER NO.:** 2014-16
CRITERIA: 15.235.060 and 15.215.040

Chair Art Smith explained a significant portion of the maps did not print correctly in the original mailed PC packet, and were mailed later. They were included in the digital packet. He asked the commissioners if they felt they had sufficient time to review the information. Jason Dale said he was in favor of moving forward, and Cathy Stuhr agreed. All were ready to move forward.

Chair Smith called the meeting to order and asked if there were any abstentions, bias, ex parte contact or objections to jurisdiction.

Commissioner Phil Smith bought a house from Mr. Grahn 21 years ago and has had a positive interaction with him, but was not biased. Commissioners Bliss and Edwards have visited the site but had no contact with owners or applicants.

Chair Smith read the legal announcement for quasi-judicial hearings.

Mr. Steve Olson, interim planning and building director, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Staff's preliminary recommendation was approval with conditions.

Mr. Olson read out loud a short letter from Veritas School. There was additional written testimony from Brian Cavaness, which the Planning Commission agreed to accept into the record.

Commissioner Bliss commented that not all owners have agreed to the development plan, to what level may we go in approving this? Mr. Olson replied that the Planning Commission could consider the tentative subdivision plan application, but that no building permits could be issued for work on the project without the consent of all of the owners; how the applicant arranges that is up to them. Commissioner Stuhr asked what was the city thinking when Rentfro Way was originally approved? Mr. Olson replied that it was approved 30-40 years ago, and does not meet current codes. An audience member commented that it was developed in the early 1980s, and that the Planning Commission approved it then even though it did not meet standards. Commissioner Stuhr asked if the pedestrian access at either end was necessary for the block length exception. Mr. Olson said yes, the finding for the exception was based on the pedestrian access ways. Commissioner Stuhr asked what would prevent cars from parking on the lot 21 driveway and blocking emergency access? It would be marked "no parking – fire lane." Commissioner Stuhr asked if the curbside sidewalks on the two south lots were a make or break deal for buildability. Mr. Olson replied that they were probably not, but would make development easier on these shallow lots. Commissioner Bliss asked how the city would ensure that the stormwater ponds on private property would be maintained. Mr. Olson replied that the city's new stormwater manual addressed some of these issues, and that the Engineering department was working on the long term maintenance issues.

Chair Smith opened public testimony.

Mr. Lee Leighton, director of planning for Westlake Consultants, said that the plan had been refined after meeting with city staff and the neighborhood. They originally wanted to extend the street to College Street, but realized this created other problems. That is why they have applied for the variance to cul-de-sac standards. Michael Ard, the traffic engineer, helped analyze the existing conditions and impact of the proposal. Mr. Leighton described how tax lots 2700 and 2800 could be developed in a reasonable way. He did not know why the site was almost landlocked, but commented that the developments to the west, such as Clifford Court, could have been extended through to connect. There is no other stub street except at Rentfro Way, so no other corridors to connect to. An emergency access connection at College Street should address public safety concerns about connectivity. He commented that they had thought of proposing a design with a knuckle that was adjacent to the Illinois properties, but on balance decided that it might do more harm than good by encouraging redevelopment to add traffic to Rentfro/Mission. The applicant is willing to do this if it is the Planning Commission's preference. It would take almost the entire width of one of the properties to the south to connect to Illinois. The properties on either side of the connection to Illinois could redevelop, but it would put all the burden on the central property that dedicates and builds the street. A connection could also be shown through the mobile home park but that would rely on future removal of the mobile home park. He did not believe there was any significant redevelopment potential being lost if the Illinois lots developed with flag lots in the future.

Michael Ard, Lancaster Engineering senior transportation engineer, has worked in the field for 16 years. A full traffic study was not required due to the moderate size of the project, but he did examine the existing traffic conditions at Mission Drive and Veritas School. The queues that were created dissipated soon, and the

intersection worked well. Veritas does a good job working with the parents to make right turn movements into the site and out onto College. Based on his observations, he thought that the intersection would function at a level of service C after development. There were no crash history concerns, and no mitigation proposed.

Commissioner Stuhr asked if they considered purchasing property to connect to Illinois Street? Mr. Leighton said his client could address that. The commissioners asked if most of the traffic at the intersection during the morning peak was from the school or the neighborhood, and Michael Ard replied that most traffic was from the school. The impact from the proposal would be small, compared to the existing traffic from the school.

Commissioner Bliss asked about the design of the stormwater pond next to lot 12, and how it would be impacted if the LIDA ponds failed. Brett Musick, Westlake Consultants, replied that they were working with city engineering staff on the details, but that they could oversize the large pond if needed. Commissioner Bliss asked if the sidewalk could be constructed within the 5 foot easement without impacting the neighbors. Musick replied it was difficult but possible.

Dave Nielsen, applicant, commented that he was in favor of the proposal and staff recommendation. Richard Brown, applicant, commented that they had an agreement to resolve the ownership of the property after a decision, and that the supplemental material shows that tax lots 2700 and 2800 will be buildable. The existing building does not encroach on the property line. He also noted that the school intends to relocate eventually. He commented that it did not make sense to buy one property to the south, as you would need three to make it feasible to extend a street. They did not try to buy these properties. He also noted that the pond would have an overflow route built in.

Mike Wiltshire, local real estate broker, noted that these lots were relatively large, and would be a quality development. He was in favor of the proposal.

Bryan Cavaness, representing R.P. Grahn, Inc., commented that the variance application and findings did not include substantial evidence to support conclusions and could not be approved. The applicant should have applied for a PUD for design flexibility. The flag lot proposal on Illinois was a poor design, and may not meet the buildable land commitments the city has made on density. The comments about ownership are irrelevant to the decision, and the development costs for tax lots 2700 and 2800 are irrelevant. The cul-de-sac design conflicts with city policies in the comprehensive plan and development code. The traffic analysis does not consider the impact to Illinois Street. This is not a minor variance, and greatly exceeds the standards. The application does not identify the practical difficulty of the regulation. A variance is discretionary, and the Planning Commission is not obligated to approve it. The standard does not deprive the applicant of all use of the property. It would be appropriate to not approve the development without a connection to Illinois. The applicant has not made any comparison to other properties in the zoning district, so there is no substantial evidence that most of the variance criteria are met. The design will increase speeds and create a safety problem on Mission.

Teresa Hamill commented that the on street parking on Mission blocks visibility near the school driveways, and that the speeds were high. Speed bumps on Mission would help. The walkway to the west would create a visibility and safety problem at the cul-de-sac, and is not needed or wanted.

Sonda Martin, owner of the Clifford Court property with the potential walkway, requested that the record be left open for seven days. She was not in opposition to the housing but to the walkway, as it would create an unsafe dark walkway and a safety concern. The walkway was not needed for either neighborhood, and not wanted by anyone at Clifford Court. The slope was steep, and would lead to fast bikes and skateboards shooting into the cul-de-sac. Approving this would be detrimental to neighboring properties. Was aware of the public utility easement, but not the public access easement when bought the property.

Dan Schutter was also not in opposition to development but to the pedestrian path to Clifford Court. It would create a long narrow dark path with limited visibility, which would be potentially dangerous. It would make

backing out of a driveway on Clifford Court hazardous, as it would be difficult to see bikers exiting the pathway. There is also no need for the connection because other streets north and south of there provide access. The Planning Commission can fix this bad situation by not requiring the pathway to Clifford Court.

Mr. Roger Grahn commented that a previous Planning Commission chair got the Mission plan approved in the 1980s against city code. Planners like connectivity, but no one else does. He always planned on fighting the pedestrian path requirement and does not think it should be built. It will create a safety hazard. The applicant is asking for big exceptions and variances without justifying their hardships. Approving the variance would set a bad precedent. The best option for the property is to combine it with other properties in the area, rezone it, and build a larger residential project including multifamily housing and connect it to Illinois Street. The current proposal is a bad example of planning.

Kevin Buhring lives directly across from the church parking lot, and sees the traffic impacts every day. The application really needs a full traffic study and more research. He is not against the development itself, but thinks the traffic estimate is unrealistic as most households will have more than one car. The Mission/College intersection is already difficult.

Chuck Zickefoose commented that his letter, already read aloud, made all of this comments.

Roger Fleuter also lives on Mission near the intersection with College. He is resigned to the property being developed but concerned about the traffic impacts and safety on the street. He likes his neighborhood, and hopes it is not rezoned for higher density in the future.

Marika Conrad lives on Clifford Court and was concerned about the walkway. Many kids play in the cul-de-sac, and it would not be safe to have bike traffic zoom into the street. The walkway only creates problems, and does not solve any. They were not aware of it when they purchased their home because it was not built.

Gary Kilbrook lives on Mission Court and was concerned about the safety of the children in the area, many of whom play in the street. Speeds are too high on Mission, and visibility is a problem near the school driveways. Removing some on-street parking may help, and speed bumps may help.

The chair discussed whether to continue the hearing. The record must be kept open for seven days, due to the request of one commenter. The commission discussed this briefly with the applicant and opponent. The Planning Commission decided to continue the meeting and leave public testimony open.

MOTION: **Smith/Stuhr** allowing seven days for additional written record to be submitted and leaving the public testimony open until the June 12th meeting. Motion carried (7 Yes/0 No).

Discussion commenced on record procedures.

MOTION: **Bliss/Fortner** allowing written testimony to be submitted within a minimum of seven days before the next hearing. Motion carried (7 Yes/0 No).

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Olson announced a new city manager, Jacque Betz, has been hired. The city budget proposal is out, and cuts are probably necessary. We may be losing the economic development planner position. The newspaper reported the last Planning Commission training session incorrectly, and has run a correction noting that the Planning Commissioners did not make a recommendation about the UGB amendment. All Planning

Commission and City Council meetings are recorded, and the audio recording can be accessed from the city website. The zoning use table and Terra Estates approvals were upheld by LUBA.

2. Other reports, letters or correspondence
3. Next Planning Commission meeting: May 22, 2014 for a TSP update.

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURNMENT

The meeting adjourned at 10:33 PM.

Approved by the Newberg Planning Commission this 10th day of July, 2014.

AYES:

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NO:

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ABSENT:

ABSTAIN:



Minutes Recorder



Planning Commission Chair

Mike Wiltshire
Richard Brown
David Nielsen
Gary Kilbrook
Marika Conrad
Shari Murren
Robert Fluter
Kevin Duhring
Chuck Zickefoose
Roger Graffos
Dan Schutter
Sonda Marin
Teresa Hamel
Bryan Cavaness