

## NEWBERG PLANNING COMMISSION MINUTES

June 08, 2023

### CALL MEETING TO ORDER:

Chair Musall called the meeting to order at 7:00 p.m.

### ROLL CALL

Members Present: Michael Griffiths, Jason Dale, Sharon Capri, Jeffrey Musall, Linda Newton-Curtis, Layne Quinn, Avery Hansen (Zoom)

Members Absent: Kriss Wright

Staff Present: Community Development Director Doug Rux; Office Assistant Fé Bates; Planning Manager Clay Downing.

### PUBLIC COMMENTS:

Chair Musall Opened the Hearing and asked if there were any comments from the public not on the Agenda.

Citizen Debra Ng-Wong testified to the Planning Commission to really think about the fact that things are changing in the State and that the regulations that are being made do not match the way that society is developing, growing, living. She lives near Crestview Crossing, there are several things she wanted to bring up that is not about the project on the agenda, but this is about rules and regulations and just trying to reimagine a better way to go forward. Apartment buildings are literally right up against the highway. It is a well-known fact, the American Lung Association and doctors will tell you that anybody living close to a highway is far more susceptible to things like premature death, asthma attacks, cardiovascular disease, lung cancer, developmental damage, susceptibility to infections, worsened COPD symptoms, lung tissue swelling and irritation, low infant birth weight, wheezing, coughing, and shortness of breath. And that doesn't even begin to talk about correlations with other chronic diseases. It would be smart for us to have some regulations that require that there is a green space or some sort of barrier to help with the pollution and not allow builders to build right up against highways. Secondly, it is obvious that we must prepare for more people living here, more higher density housing. If that's the case, we really need to reimagine what that looks like, we can do so much better than Crestview Crossing. You go to other cities and there's beautiful homes where people can live together in communities with the high-density requirements that our State is asking for. I just think we need to look beyond these cottage homes that the developers are coming up with. The City regulations are not keeping up with the way that people live. Due to the expense of apartments you're going to have two people working in those homes to be able to afford them. Since there is no mass transit in Newberg for people to utilize to get to work and live here, they're going to have to have cars. Which would mean a two-bedroom would have at least two people working there, which equals two cars, but the City code requires 1.5 parking spaces. We really need to go back to the drawing board and think about how people live. It's different than it was back when these codes were written. And, as far as affordable housing goes, we don't have any, and these apartments are not going to the solution to affordable housing. We need better regulations that will allow us to work within the confinement of the State.

Chair Musall thanked the citizen for her comments. And asked if there were any other Public comments.

Lisa Thomas testified to the Planning Commission about public records and meetings law. Upon reviewing public records for the Planning Commission meetings, she discovered a variety of inconsistencies that could be considered violations of the State of Oregon Department of Justice Public Meeting Records law. Public records of Planning Commission meetings can be written or audio. The majority of the City of Newberg Planning Commission meetings have both modalities, but there are exceptions. Records examined focused on meeting agendas and approved minutes available from January 2018 to May of 2023 on the City of Newark's website. Planning Commission meetings on October 11, 2018, April 9, 2020, and July 14, 2022, do not meet the requirements identified in Oregon revised statutes and or City of Newberg ordinances. It is important to note that on the agenda for the October 11, 2018, Planning Commission meeting, there was a quasi-judicial hearing for a planned unit development and conditional use permit for Crestview Crossing. It is unfortunate that there is no audio or video record available for the October 11, 2018, Planning Commission meeting. It's an outlier, as it was the only meeting out of 15 Planning Commission meetings held in 2018 that has solely written minutes. At this hearing, the public testimony from Russell Thomas caused such an impact that an emergency recess was called. There is no public

record for this time during the meeting, of which the Commissioners left the room together while city staff pulled up maps for review. It is not known what Commissioners discussed behind closed doors, though the recess itself is noted as occurring in the written minutes under testimony for Russell Thomas. Since there is no audio or visual record publicly available, it is difficult to determine if deliberation occurred outside the public view. This is a violation of ORS 192.650.1-2. Additionally, because there are only written minutes that provide yes and no vote totals for the motion to approve, public records of the vote of each member by name are omitted. This is a violation of ORS 192.6501C. A meeting was scheduled for April 9, 2020. That is noted on the agenda that the meeting was canceled. No further meeting was held in the month of April. This is a violation of the City of Newberg Ordinance No. 9223571 that states meetings of the Commission shall meet at least once a month unless it does not require such a meeting. Because there was an agenda set for April 9, 2020, it can be concluded that business was required. There was a meeting scheduled for July 14, 2022. According to the agenda, it would be a teleconference meeting. It does not state that the meeting was canceled, as was noted on the agenda of a previously canceled meeting. This is a violation of ORS Line 92.6501-2. If this meeting was canceled but not noted as such, no other meetings were held in July 2022. This is a violation of the City of Newberg Ordinance 92-2325-71. It was request the City of Newberg immediately rectify all violations. As noted above and going forward, in order to comply with ORS 192.6501C, all written records of the Planning Commission minutes shall be required to include the vote of each member by name on each motion.

At the May 11, 2023, City of Newberg Planning Commission meeting, she asked the City Recorder if the student representative had a vote and was told no. This was incorrect information as the student representative voted on agenda items during the Planning Commission meeting. The student representative does have a vote. This is established in the City of Newberg Ordinance 2021-2892, stating one seat will be reserved for a local high school or college student, which will be a voting position. However, the official City of Newberg website, Planning Commission homepage states, the Planning Commission is a public body responsible for considering land use matters. The Commission comprises of seven citizens, one student representative, a non-voting member, and a mayor, a non-voting member. It was requested that the City of Newberg update their website to reflect accurate information that student representative holds a voting position on the Planning Commission.

It is noted in Newberg Ordinance 2007-2669 that the city shall offer training to Planning Commissioners to educate them in their duties. It shall be the duty of any newly appointed Planning Commissioner to attend the basic training session from staff within 30 days of his or her appointment. It shall be the duty of any reappointed Planning Commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months from the beginning of that person's appointed term. Lisa Thomas asked the Commissioners if everyone had been offered the training, all Commissioner's confirmed they had. Lisa Thomas then asked if the student representative if they had been offered training. Student Commissioner replied that they thought they had but would have to look at their email to confirm. Lisa Thomas asked the Commissioners if there was a quorum present at this meeting, it was confirmed by Chair Musall.

## CONSENT CALENDAR

Action:	To approve the May 11, 2023, Planning Commission minutes.
Motion:	PC Dale
Second:	PC Quinn
Vote:	Yes: 7 No: 0 Abstain: 0 Absent: 1 (Wright)

## QUASI JUDICIAL PUBLIC HEARINGS

ORDER 2023-388: MISC322-0002/ZMA22-0001/SUB322-0002/MISC222-0005 - Amend the Springbrook Master Plan, Change the zoning from SD/NC to SD/MRR for 11.23 acres, a +/- 403 lot Collina at Springbrook Subdivision tentative plat, and Stream Corridor Impact for a Pedestrian Bridge. Subdivision - North of N Mountainview Drive, west of Hess Creek, east of N College Street, and southwest of N Aspen Way. Zone Change – Southeast corner of E Mountainview Drive and N College Street

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

Student Commissioner Hansen read the legal announcement.

Community Development Director Doug Rux began by entering the entire staff report, attachments and exhibits into the record and presented the application to amend the Springbrook Master Plan, the zone change from Springbrook District Neighborhood Commercial to Springbrook District Mid-Rise Residential for 11.23 acres, a plus or minus 403 lot Collina at Springbrook subdivision tentative plat, and Stream Corridor Impact for a pedestrian bridge that is located north of N Mountainview Dr., west of Hess Creek, east of E Mountainview Dr and N of College St. The applicant for this is Pahlisch Homes, Inc, the owner is Aspen Way West, LLC. The proposed development area is 98.81 acres. The zone change is at the southeast corner of E Mountainview Drive and N College Street. Staff's recommendation is to adopt Planning Commission Resolution 2023-388, which approves the requested master plan modification, zone change, subdivision, preliminary plat, stream corridor mitigation with the Conditions outlined in the staff report.

Chair Musall opened up the public testimony starting with the applicant.

Applicant's representative Mimi Doukas from AKS Engineering, Mike Robinson and Ana Bozich from Pahlisch Homes presented to the Commission a presentation about the project. They gave the history of Pahlisch homes as a company and the relationship they had with the Austin family in creating the Springbrook Master Plan. They are trying to keep that vision alive today by creating a high-quality community connected with open spaces that has trails working east-west across that long north-south area of land. This Plan honors and expands the Hess Creek corridor by working in partnership with the Austin family with open space on the Collina side that will dovetail into what the Austin family is envisioning as the Hess Creek Preserve. The proposed subdivision is a 403 single-family homes with pedestrian amenities at the trailhead connections, such as benches and signage areas that all tie in with the community amenity, which is a clubhouse-type facility and a playground. The residential portion provides a variety of housing types such as detached homes with cluster homes. Another component, which is the master plan amendment, is changing the commercial designation that is south of Mountainview Drive to mid-rise residential. This will allow the whole district to have a combination of attached single-family homes and or multi-family. There is a very strong market for it plus there's a need in the community for that type of housing and that's a very good location for it. There's no development proposed for that piece of land right now. It's just a land use designation change. Some other development group will probably work on that component in the future. This designation change would also generate less traffic, which is a positive, particularly for the neighbors in the area. There will be improvements to E Mountainview Drive. done also; a signal at N Villa Road, pedestrian crossing over Hess Creek, in addition to the local street connections, and completion of N Aldersgate. There is a revised alignment for N Villa Road proposed where the north-south connection is maintained, but it has been shifted towards Hess Creek, a little bit further away from the existing Oak Knoll neighborhood which changes the connection point for how it ties into Aspen Way moving it further north away from the interior curve of Aspen Way which is a much safer location. The Applicant closed the presentation with a request of a Recommendation of Approval to City Council from the Planning Commission

Chair Musall asked Commissioners if they had any questions for the applicant, there were none.

Chair Musall continued the Public testimony and called Jim Parker up to testify.

Jim Parker, a resident of Newberg at 505 E Mountainview Court. He stated that he is mostly in support of the project but he is strongly opposed to the zone change. The developer's use the argument that it will help the city of Newberg with its current deficit of high-density residential land. As per the master plan modification zone change in page 84 of the report, the city also has a current deficit of commercially zoned land, albeit about six acres. There are arguments that there are current commercial opportunities at the southeast corner of Foothills Drive and College Street that are failing. That small space is next to a large assisted living facility and the commercial space is behind that, currently occupied by a dentist's office and a daycare facility. He disagreed with the applicant's statement that the area currently designated as commercial, that is the 11 1/2 acres, at the corner of College and Mountainview, is not located nor sized appropriately to provide a site for businesses that would best utilize the area. College is a busy commuter road for people working in Washington County, Hillsboro, Beaverton, and points north. Mountainview is a cross town feeder street to avoid 99W to the center of the city. It would be beneficial to have a small commercial area to serve the hundreds of households in this part of Newberg. The only commercial vendor serving this entire area is a small grocery called the David Market at the corner of College and E Illinois streets. The market is 0.8 tenths of a mile from the corner of Mountainview and College streets. It would be at least a mile from any of the homes proposed in this new development. The Thriftway Market on Highway 99 is 1.55 miles from the corner of Mountainview and College. From this same corner to Safeway on Springbrook is a distance of 2 miles. The

pedestrian bridge proposed for this development would make that much safer, but no shorter to walk. Commercial development in the corner of College and Mountainview would not only serve residents of these new homes, but the hundreds of households already living in the northwest corner of Newburgh. There is no reason the property currently proposed for commercial zoning could be mixed with some multi-level residential apartments to anchor future business. Newburgh's commercial area has for years been restricted to development along 99W. The city should not pass up this chance to diversify small commercial developments.

In addition, there are no allowances in this plan for bus stops, the entire concept is assuming that the residents of these homes use cars and use them often. I also do not see any allowance for a fire station to serve this northwest portion of Newberg. When it was initially discussed in 2017, dozens of new homes to the north and west of Villa Street have been built and are now occupied or have been sold. Fire service must now come from the small station on Springbrook, across on Mountainview or up Main Street from the main fire station.

The state of Oregon approved gray water systems for residential use several years ago, yet there is no mention of this anywhere in this development. This is a relatively cost-conscious way to conserve water for future generations. This entire development assumes the city of Newberg will have ample clean water for all of these new homes, but for how long?

Keith Leonard, resident of the city of Newberg and lives at 2128 E Kennedy Drive. He informed the Commission as a person that was involved in city government for a number of years as an Associate Planner for the City of Newberg. He feels this proposal is a well thought out proposal and commended the applicant for doing a good job.

Chair Musall called the Applicants representative back up for rebuttal and closing statement.

Mimi Doukas of AKS Engineering addressed Mr. Parker's feedback about the commercial piece. This property has had a commercial designation for quite some time and the Austin family has contemplated if there is an end user for this commercial piece and there's been no interest in the commercial site. The existing commercial at Foothills is struggling for its tenants as well. The Applicant feels it's more important to provide efficient, multi-family attached housing opportunities for the community and that you're well served with commercial with what is along 99.

In regards to the gray water system the project has been designed with purple pipe to connect to gray water which the City is very committed to doing but it is not available yet. As the subdivision is built, that purple pipe will be installed and the irrigation systems on all the open space components will be designed to tie into that purple pipe system. In the short term, it will use traditional water, domestic water, until such time the purple pipe is connected into the system and then it can be converted over to gray water.

In regards to the fire station and bus stops, this application was circulated to the Transportation Department and the Fire Department for comments and none were received.

The Applicant agreed with Mr. Leonard's feedback that this is a good project and appropriate for the neighborhood. The Applicant asked for a positive recommendation to City Council and stated they were happy to waive their written record.

Chair Musall asked the Commissioners if they had any questions.

Commissioner Newton-Curtis had a question for CDD Rux as to when the gray water irrigation system might be available. CDD Rux referred the question to Senior Engineer Brett Musak.

Senior Engineer Musick replied that the gray water system is going to be coming from our Otis Springs non-potable water source. There's been some improvements made to get service available to the Crestview crossing area. However, there's gaps in the purple pipe for it to get to the proposed Collina Subdivision that have not been installed as yet. It will be a ways out before it would reach out to that project and the City don't have a sense of timing at this point in time as to when it will be.

Commissioner Newton-Curtis asked if they could give some sort of timeline such as 1 year, 5 years or 10 years?

Senior Engineer Musick replied that with the new groundwater treatment plant that's being required and until the funding for that is fully established and identified that it's really unclear what the rest of the water system projects might look like. CDD Rux added that the current focus of the City Council at this point in time is the new groundwater treatment plant, which needs to be done by the 1st of September of 2027. There is purple pipe for Otis Springs along 99 and goes through the development to the north of 99 and through the roundabout at Springbrook Road that connects to the portion of Purple Pipe that was put in when the Allison Inn was built. The gap exists between Zimri and this proposed development. As development occurs in the future, then that section will get in and then the upgrades and so forth we need to do to Otis Springs. It's a little complicated. It won't happen tomorrow, but it is in our master plan to be able to serve this area with Otis Spring water for irrigation in the future.

Commissioner Dale added that from a meeting from 3-4 years ago, that this issue was covered in one of our plans were the non-potable water was going to be expanded in a network that almost went up most of the hill, if I recall on the map correctly. And so that would be covered with this.

Commissioner Quinn asked the Applicant if the family expressed any concern about that themselves in regards to the public transportation concern that was brought up, or if are they open to exploring that a little further given the extreme density this project would bring to the area. The applicant representative commented acknowledge the issue on transit.

There were no further questions from Commissioners, Chair Musall closed the public hearing and move over to final comments from Staff and recommendation.

Staff recommends the Commission recommend to City Council adoption of Resolution 2023-388, which approves the requested master plan modification, zone change, subdivision, preliminary plat, stream corridor mitigation with the Conditions outlined in the staff report.

Action:	To recommend to City Council adoption Resolution 2023-388, which approves the requested master plan modification, zone change, subdivision, preliminary plat, stream corridor mitigation with the Conditions
Motion:	PC: Quinn
Second:	PC: Newton-Curtis
Vote:	Yes: 7 No: 0 Abstain: 0 Absent: 1 (Wright)

ORDER 2023-09: MAMD323-0001 - A continued request for a major modification of a previously approved Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004) to construct 196 multi-family dwelling units in eight multi-family structures.

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction, there were none.

Student Commissioner Hansen read the legal announcement.

Planning Manager Clay Downing reminded the Commission that this is a continuation of the hearing from the May Planning Commission and reviewed the changes to the application and staff report since the last hearing for MAMD323-0001.

Chair Musall opened up the public testimony starting with the Applicant.

Mercedes Serra with 3J Consulting representing J.T. Smith Companies, the Applicant presented to the Commission the revisions that were made to the plan after the last hearing. One of them was to see if they could make the parking minimum match the requirement. The requirement is 294, and previously they had 282, they were able to revise the site plan to get 295. To get to that number they reduced the dog park that is proposed, relocated the northern driveway, which was an existing driveway we were trying to tie into on Crestview rather than move the driveway, and we provided more compact stalls, particularly along that left boundary, west of the park. We reduced the open space down by the field house to add in more stalls. The reduction of open space is not a large impact due to the fact that they are exceeding the

open space requirement, nearly double the amount that is required, which is 41,300 square feet. We are providing 86,249 square feet. That includes a dog park, a field house with recreation amenities. A big point the Applicant wanted make is that they made a big effort to pull the development further away from the existing homes.

Commissioner Dale asked the Applicant what the Hight of the Multi-Family building was. Applicant replied that it is a 37' three story building.

Commissioner Griffiths asked the Applicant to clarify why the parking that is to the west was changed to all compact. Applicant replied that they were trying to avoid doing full compact stalls in large swaths because of the nature of parking on a large site like that. We were able to fit in more stalls and do some compact parking, I think it's 38 total compact stalls.

Commissioner Griffiths asked why they only added parking stalls instead of reducing the number of units so a waiver would not be required. The Applicant clarified that they were no longer requesting a parking waiver because they don't need it since they meet the minimum. The overall project is a reduction in density, as the city of Newberg defines density. The variance requested is for the lot coverage, which the Applicant feels is justified due to the fact that they are providing more than twice as much green space as required for this project.

Commissioner Griffiths asked the Applicant if they planned on having 12 affordable housing units as initially stated years ago during the initial approval? The applicant replied that they City informed them the payment of the construction excise tax that the applicant has paid to date has alleviated their obligation for providing deed restriction homes. And the sheer nature of what it is that we're providing is more affordable than a deed restricted house. The Applicant informed the Commission that the housing that is to be built do qualify for Section 8 subsidies, thus providing affordable housing through that avenue as well.

Commissioner Quinn asked if the parking is assigned by unit or if it will all be open and free, specifically thinking of the far west facing ones. The Applicant replied that typically the property management team will number all the parking stalls and some of them will assign parking stalls for residents closest to where they actually are and then the remainder is open for guest parking.

Commissioner Dale asked the Applicant if they were open to building a wall between the properties to shield the existing residences from this building? The Applicant pointed out that the foundation for a block wall is very substantial and will reduce some of the ability to put landscaping back in there just because it could be up to a six-foot-wide footing. Commissioner Dale asked if the Applicant would be open to an alternative such as a vegetative wall, like poplars or something of that nature to accomplish the same effect? Applicant concurred that they would be happy to increase the density of the taller evergreen trees along the western and northern boundary.

Chair Musall asked if there were anyone that identifies as a principal opponent?

Principal Opponent: Lisa Thomas thanked the Commission for recognizing that the previous meeting did not meet the legal requirements for notifications and continuing the hearing for the Developer to correct it. She continued to review the history that she and her neighboring property owners had experienced with the various development proposals and promises from multiple city reps and developers through the years in regards to the property Crestview Crossing is on. She informed the Commission that they were told and presented many things by the developer but what was built does not represent what they were told. Lisa Thomas requested the Planning Commission reject the application for the major modification as this applicant has not met the criteria for parking as outlined in in NMC 15.220.050B2 and noted by the city of Newberg in their staff report to the Newberg Planning Commission. Now the Applicant is going to take away some green space areas, a smaller dog park. Approval of this modification would bring additional questions that are cause for concern. The proposed plans do not identify the location, type or style of parking lot lighting. Will the proposed development meet NMC 15.440.060E parking area and service design improvements? The NMC states any lights provided to illuminate any public or private parking areas shall be so arranged as to reflect the light away from the abutting or adjacent residential districts. Approval of this change will also keep the door is open for another modification request. When you add in the structure lighting on building that is placed within 22 feet of the property line and 37.4 feet tall.

Commissioner Dale asked Lisa Thomas how far the proposed building is from her house. She was not aware of the exact distance. But thought it was close and when a building of the size that is being proposed is this close to other properties, it can affect solar access and scenic view vista, which she feels this plan does not meet that criteria.

Commissioner Dale Asked Lisa Thomas what she thought the ideal situation would be for this specific request? Lisa Thomas replied that if the Applicant made Building 1 smaller and increased setback buffer to the R1 zoning property.

Chair Musall commented that it is good to have a clear objective pointed out since a lot of what was testified on by Lisa Thomas did not relate to the actual application for the modification that is being asked. Chair Musall continued the public testimony and called upon James Juengel.

James Juengel testified in opposition to the modification. He lives at 3811 Coffee Lane which is the last house on the end with a trail that leads to the proposed west side parking lot. He was concerned about having a three-story building blocking his views of Parrot Mountain and Chehalem Mountain the added lights from the building and parking lot. He does not want to lose the trees and does not want to see a large building and parking lot when he looks out over the green space of the park. He strongly urged the Commission to reject the proposal and supported the comments that Lisa Thomas made.

Beth Bernier testified in opposition. She stated that she supported Lisa Thomas's testimony. She informed the Commission that the back yard of her house is located at the dead end of the developed street and that she has not seen the items the developer had promised her and her fellow neighbors when they were in the midst of getting the approval for the Subdivision. From experience she feels that the developer does not stand by what they say and will continue to do what they want without consideration of other.

Keith Leonard testified in opposition. He informed the Commission that he was the planner on the original development. He feels that the developer should not be able to get out of providing 12 units of affordable housing as originally proposed because they don't want to because of paying into an excise tax. He asked if the City has collected enough fees from the excise tax to provide 12 units of affordable housing for the community? He would like to know from the developer how much they plan on charging for the apartment units. He feels that the developer has already received modifications from the plans that were approved and asked why they should be allowed more. They have not provided landscaping where it was supposed to be or the type that was originally proposed. He suggested that the developer build what they were approved for in 2018 and keep the promises that were originally given to the existing neighborhood and community.

Angela Barkes-Draz testified in opposition to the change of use for this project to increase phase two from 110 single cottages units to 197 multi-family. She pointed out three problems with approving the increase in density. One, management of water on the property. The current property is built on wetlands. The developer had to create collecting ponds for the water created on the property as well as wetlands. With the last big rainstorm that we had with the deluge of water, there was a modification to the northwest corner of the property to add another French drain and a step to manage the water currently on that process. Clearly, the current state of development isn't handling the water situation and sinking another pond under asphalt isn't a smart solution. The added concrete and cars will put more stress on the potential quality of water at the well site currently on the Crestview Crossing project. We are only three years into a 10-year monitoring schedule. Two, parking in Newberg has few public transit options for residents to commute to work outside of Newberg. Therefore, there will be more cars required for more units. The developer is offering more asphalt to handle more spots for additional units, but there is no on street parking anywhere close to Phase 2, unless you go into the current neighborhood who uses their own roads for parking. Three, Newberg livability. This development will be the first visual impression as you enter Newberg from Rex Hill. She encouraged the Commission not to approve the congestion that will result if multi-family housing replaces the 110 single family cottages that were originally approved. The original proposal provided a total living area of 195,120 square feet. The proposed adding of 87 more units will cut 30,459 square feet of livable space. Let the first impression of Newberg as a great place to grow be a good one and leave it the way it was originally approve.

Chair Musall called for a 10 min break.

Chair Musall continued the hearing and public testimony at 9:40pm.

Vicki Shepherd testified in opposition. She asked the Commission to take a hard look at what is happening in this area. In a little more than a 1 mile area, there is a possibility of 416 multifamily units, otherwise known as apartments. The Crestview Crossing developer wants to add 196 units to their already 51 built units, which makes a total of 247 apartments. 117 apartments have already been approved at Meadowbrook, which is on Springbrook Road. The Planning Department has an application for 28 apartments at Springbrook and Haworth and another 24 apartments at the still-to-be-built Crestview Greens. If all is approved, the total will be 416 apartments. How much traffic can be added to this one-mile area and how much traffic can the area handle. Density may meet the criteria but what about over building and the traffic? The number 416 does not take into account the many homes and cottages that are built and being built at Crestview Crossing and the soon to be built Crestview Green development. Of course, all of the developers have submitted their traffic studies. When you look at each study and development individually, there should not be a problem. She asked, if the existing infrastructure is adequate? Newberg does not have a great transportation system to help move people around. Most families have two vehicles for work and school. Is there really enough parking in this apartment complex? In the report the parking ratio is 1.5 vehicles for a two-bedroom apartment. Who has half a car, has anyone seen one? Where are all these people and their visitors going to park? In the application for Crestview Greens where the overflow parking is allowed on the streets, or will they park on the side streets across from the park? Hopefully this is not an option, if not, where are they going to park? The last question is if the multifamily apartments has adequate EV charging stations?

Commissioner Dale commented that the Applicant has mentioned have EV charging stations. Vicki Shepard replied that her question was directed to how many since electric vehicles are becoming more prevalent. Commissioner Dale commented that the applicant could speak towards that in their rebuttal. CDD Rux informed the Commission that a State law was passed requiring EV charging for multi-family projects based upon the number of parking spaces provided. The EV infrastructure such as piping, ducting and conduit must be installed to serve those spaces in the future, but it doesn't mean they're EV ready.

Chair Musal closed the public hearing, with the exception of the Applicants rebuttal.

The hearing was recessed for the Commissioners to consult on the rules and regulations that state no new business can be conducted after 10am without the consent of the Commission. There are three Quasi-Judicial items on the agenda that will not be addressed until after 10am. CDD Rux suggested continuance of those agenda items to an additional meeting this month on June 22<sup>nd</sup>.

ORDER 2023-10: CUP23-0001 - Conditional use permit approval to use a single-family dwelling as a vacation rental home, 300 W Third Street

Chair Musall opened the public hearing and ask for a motion for continuance to June 22, 2023.

Action:	To continue CUP 23-001 Conditional use permit approval to use a single-family dwelling as a vacation rental home, 300 W Third Street to June 22nd at 7 p.m. at the Public Safety Building
Motion:	PC: Dale
Second:	PC: Newton-Curtis
Vote:	Yes: 7 No: 0 Abstain: 0 Absent: 1 (Wright)

ORDER 2023-11: VAR23-0001 - Request for a variance to reduce the minimum number of required off-street parking spaces

Chair Musall opened the public hearing and asked for a continuance to July 13, 2023 Planning Commission meeting per applicants request.

Action:	To Continue VAR23-0001 - Request for a variance to reduce the minimum number of required off-street parking spaces to July 13, 2023, at 7 p.m. at the Public Safety Building
Motion:	PC: Dale



Second: PC: Griffiths  
Vote: Yes: 7 No: 0 Abstain: 0 Absent: 1 (Wright)

ORDER 2023-12: MAMD323-0001/MISC123-0009 - Major Modification of CUP-2-90 for a shelter to add 8 additional beds, Design Review for an accessory modular building, and Parking Determination, 615 N College Street

Chair Musall opened the public hearing and asked for a continuance to June 22, 2023.

Action: To Continue MAMD323-0001/MISC123-0009 - Major Modification of CUP-2-90 for a shelter to add 8 additional beds, Design Review for an accessory modular building, and Parking Determination to June 22nd at 7 p.m. at the Public Safety Building  
Motion: PC: Dale  
Second: PC: Quinn  
Vote: Yes: 7 No: 0 Abstain: 0 Absent: 1 (Wright)

Chair Musall reopened ORDER 2023-09: MAMD323-0001 - A continued request for a major modification of a previously approved Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004) to construct 196 multi-family dwelling units in eight multi-family structures. Chair Musall called the Applicant up for rebuttal.

The Applicant informed the Commission that the distance between the proposed structure and the existing house is 80 feet. The height of the proposed multi-family buildings are the same height as the approved single-family homes. The required setback is 5 feet, the Applicant is proposing a 22 foot set back from the closest part of the building and that area is going to be landscaped. There was a wall built along the northern property line as part of the agreement. There was never a proposed wall along the western boundary. There is a stormwater line along that property boundary that requires a 15-foot public storm easement making a 15-foot setback between the home and the property line on the northwest home. There was no density modification requested as part of this application or the previous application. The Applicant's request is for a Conditional Use Permit to allow residential in a commercial zoning. The density is appropriate for the zoning requirements. A solar access diagram was provided and according to the City's code the building does meet the solar access requirements. There was a comment about the parking lot adjacent to the park property, there is a good 50 feet of park between our property line and the nearest home. There is no intention to park on the park property or block the trails with parking. The trail connects into our sidewalk and will provide a connection to that trail.

Commissioner Dale asked about lighting for that particular trail and the adjoining park? In past experience, trails that go between developments like this tend to be an attraction for vagrancy children doing things illegal. Is there anything in mind in regards to that. The Applicant replied that there will be lighting on site, the parking lot will be lit to the city's parking standards, the buildings will have lighting down at the pedestrian level as well as personal unit lighting. Lighting within the park or on the park trail is not something the applicant has control over, but is working with the Park District on some improvements and it could be something we talk about with them.

The Applicant continued to inform the Commission that the R1 zone is not part of this application, it has already been built, they are the four single family homes and the storm pond. This site is specifically only R-2 and C-2 zone. The project will provide connection to the walking trails that are part of the wetlands and habitat that is preserved on the Crestview Crossings site. As far as the traffic study, there was a comment about the number of apartment units being built in the area. Traffic studies are required to look at full plans for what is currently built and what is being proposed when they do generate traffic impact analysis documents. As part of this project, there will be fewer peak hour trips, but an overall, an increase in trips. It was found that the traffic network and the street network could support the increasing trips. EV charging stations, as Staff mentioned, we are required to make ready and provide conduit for 40% of the parking stalls by state regulations, the applicant will be doing that.

Commissioner Dale asked the Applicant what that number would be for EV ready parking stalls. Applicant replied it would be 118 stalls EV ready out of the 295 parking stalls.

There was discussion about having the Applicant provide additional buffer along the property line such as a tall vegetation or wall to protect the existing neighborhood's view and light pollution concerns.

Jamie Housley, attorney for the Applicant addressed the Commission's comments in regard to the additional screening. He would propose that it could be a condition of approval that would add a Leland Cypress or similar fast-growing tree, 10 foot off center along the west and north of building one. With the intent of in three and five years it would create a significant screen that would be much taller than a wall. He also addressed concern that was brought up earlier in regard to the critical aquifer charge. He informed the Commission that the Developer worked with the neighborhood to the north to come up with an agreement that they have complied with. As stated earlier in the testimony, they are constructing a stormwater facility on the property that is treating 72 acres of property from the west that currently does not have the ability to treat stormwater which is a benefit to the entire region. Making this change could help the situation not make anything worse.

Commissioner Dale asked if the applicant could give an approximate dimension of the of the length of the line of trees they are proposing for the amendment? The Applicant suggested it would be along that northern boundary of Building 1 and then down along the front edge of Building 1 alongside the parking lot area adjacent to the park. They are not positive how many linear feet that is, but the condition can be crafted accordingly. Commissioner Dale asked the Applicant if they would be ok to plant vegetation screen along building 1 to the north edge to building 5. The applicant was Ok with that suggestion.

Commissioner Quinn asked for clarification on a few items the Applicant had said during testimony. One was the statement that the proposed building are the same height as the approved single-family buildings, what buildings were they referring to when they said that? The Applicant replied that all buildings are proposed to be three stories and 37 and a half feet tall. The approved homes plans were proposed to be three stories as well.

Commissioner Quinn asked for clarification on the applicants comment that the Traffic study implied that the modification would not have any impact on the peak travel times. The Applicant replied that the modification would increase the number of total trips from the site. According to the study the overall peak trips during high-demand peak hours in the AM and PM would be reduced from when it was going to be single-family homes, but over the course of a full 24-hour day, there will be more trips total with the modification. Chair Musall asked if the traffic study is implying that people living in a single-family home are more day commuters and people living in apartments might be more shift workers? Applicant said that could be some of the reasoning behind it. Jamie Housley added that the actual number of the reduction is about 13 peak hour AM, that's the morning commute, and then a 23 reduction in PM peak hour trips.

CDD Rux informed the Commission that in regards to the vegetation buffer condition they may want to consider what's the minimum height that they want the trees to be when planted, such as a five foot tree, six foot tree. Additional conversation between the Commissioner's took place as to what type and size of tree would be appropriate for the need.

Jesse Nemec clarified to the Commissioners that they want to provide some sort of additional screen above and beyond what we previously were showing. If we start this minimum height at six feet and if we install them prior to the building permit, there'll be some time where the buildings are visible. But the intent is that in the very near future, being fast-growing trees, that we're providing much better screening of the buildings than any sort of concrete block wall would ever. Commissioner Griffiths said it was very important that there is concrete language that states something to the fact that the trees to be planted will be designated by a professional that can certify that the trees will grow to a certain height by the time the first tenants move in, barring some natural disaster. Commissioner Dale asked Jamie Housley if he had any suggestions as to how that could be written. Jamie Housley suggested that he could write something such as; Prior to building permits being issued, Leland Cypress or other similar tree will be planted that is expected to reach a height of 30 feet within five or six years certified by an arborist.

Chair Musall asked if they built a wall how high would the wall be? The applicant stated that it would be 6-foot max. Chair Musall asked if they would be willing to put up a 6-foot fence? The applicant replied that they would be willing to put up a 6-foot fence with the exception of where the trail connections are.

Commissioner Quinn wanted to clarify with the Applicant the number of units, was the original, prior to the proposal, 299 units and with this modification it will be 386 units? The Applicant replied that he original PUD approval was 299 units. As built, it was 300 because they added a new single-family house on the northeast corner. With this request, it would go to 386 units which is an addition of 86 units. Commissioner Quinn asked the Applicant what their motivation was to change the type of housing from what was approved. The Applicant replied that they were not as big of fans of the skinny, tall single-family homes as they once were. And they believe that more efficient buildings with bigger space between them providing more open space is a better product. In addition to all that, not everybody can afford to purchase the types of homes originally proposed.

Commissioner Griffiths asked who was going to own the apartment complex. The Applicant confirmed that they would be owning the complex and that due to the debt that is currently owed on the project it will be a long time before it pays for itself.

Chair Musall asked if there are any further questions for the Applicant. There were none.

Chair Musall closed the public testimony and asked for staff recommendation.

Planning Manager Downing recommends the Planning Commission move to adopt Planning Commission Order 2023-09 as amended with the additional conditions of approval, which approves the requested major modification to planned unit development PUD 18-0001 and conditional use permit CUP 18-0004 with attached conditions of approval in Exhibit B and to be as added per the amendment. Commissioner Dale clarified with staff that they had a good understanding of the verbiage for the amendment. Staff confirmed that they would be reviewing the recording and working with the applicant for the verbiage to the amendment.

Chair Musall opened the Commission deliberations.

Commissioner Capri motioned to deny the application because she felt that the modification was not lifestyle-oriented and did not fit the neighborhood and that by adding a large parking lot and buildings oriented next to a park with children is not right.

Action:	To Deny ORDER 2023-09: MAMD323-0001 - A continued request for a major modification of a previously approved Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004) to construct 196 multi-family dwelling units in eight multi-family structures.
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Motion:	PC: Capri
Second:	PC: Newton-Curtis
Vote:	Yes: 3 No: 4 Abstain: 0 Absent: 1 (Wright)

Chair Musall confirmed that the motioned failed with 3 Yes votes to 4 No votes. He opened it up to continue deliberation.

Commissioner Quinn asked for clarification that if the motion passes to approve, the approval will include all of the information that was discussed and the applicant agreed to? Chair Musall confirmed that all of the items that were discussed and agreed to by the Applicant would be part of the approval.

Commissioner Dale motioned to approve the application with the amendment as discussed.

Action:	To Approve ORDER 2023-09: MAMD323-0001 - A continued request for a major modification of a previously approved Planned Unit Development (PUD18-0001) and Conditional Use Permit (CUP18-0004) to construct 196 multi-family dwelling units in eight multi-family structures with the specified amendment discussed earlier.
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Motion: PC: Dale  
Second: PC: Hansen  
Vote: Yes: 4 No: 3 Abstain: 0 Absent: 1 (Wright)

Chair Musall confirmed that the motion passed with 4 Yes to 3 No.

Chair Musall closed the hearing.


#### **ITEMS FROM STAFF**

CDD Rux reviewed the upcoming Planning Commission calendar with the Commission.

#### **ITEMS FROM COMMISSIONERS**

**ADJOURNMENT:** The meeting was adjourned at 10:50p.m.

Attest:

  
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Jeff Musall, Planning Commission Chair

  
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Fé Bates, Planning Commission Secretary