

MINUTES
JOINT CITY COUNCIL/PLANNING COMMISSION MEETING
7:00 p.m.
JANUARY 28, 1999
PUBLIC SAFETY BUILDING

I. CALL MEETING TO ORDER.

The meeting was called to order by Mayor Charles B. Cox.

CITY COUNCIL PRESENT:

Mayor Charles B. Cox (CBC)	Roger Currier (RC)
Lisa Helikson (LH)	Fred Howe (FH)
Donna McCain (DM)	Brett Veatch (BV)
F. Robert Weaver (RW)	

PLANNING COMMISSION MEMBERS:

Steve Hannum	Paula Fowler	Matson Haug
Warren Parrish	Steve Ashby	Lon Wall

STAFF PRESENT:

Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Barton Brierley, Planning Manager
Peggy R. Nicholas, Recording Secretary

II. Joint Meeting Agenda

Duane Cole reviewed the recommendations from the Council and the Commission for 1998, what was accomplished by the two groups in 1998 and the Council and Commission's roles and priorities. Mr. Barton Brierley reviewed each group's roles:

1. Understand land use planning. The Planning Commission is a tool for the Council to know that the land use issues are being reviewed carefully by people that know land use planning and a body to rely upon.

2. The Planning Commission reflects the values of the community. The Council appointed the Commission members because of their respective community interests.

3. The Planning Commission is to educate the public on land use issues. Many citizens

attend Planning Commission hearings.

4. To understand the opportunities and limits of the Planning Commission's authority. The Commission is to initiate and change policies, clarify issues and decisions to be considered by the Council.

5. To understand the legislative and quasi-judicial processes.

6. To interpret and apply zoning ordinances (apply facts to criteria).

Mayor Cox said it would be helpful to review prior communications between the City Council and the Commission.

Councilor RC expressed concern over issues dealing with the sign code revisions and illegal parking in order to be in conformance with State highway requirements.

City Manager DRC said he talked with the Area Manager from ODOT. DRC said they invited ODOT to be involved with the process. Discussion was held concerning street trees and working to implement changes which may be offered by ODOT.

Commissioner Haug asked about discussing the agenda and some of the things that are important in the development/planning policies (priorities, etc.).

Mayor Cox entertained a discussion on the Council's responsiveness to the Commission's needs.

Commissioner Wall said that a recent concern to him was that there were certain circumstances involved in changing policy. In addition, Commissioner Haug said at one time there was an issue with the Commission requesting staff to write a letter to the Council stating their position on a Council member being able to sit on an ad hoc board, where a Planning Commission member was not allowed to do so. Mayor Cox asked that the Commission contact him directly rather than go to the staff to request such information and assistance. Mr. Brierley discussed the appointment of the two Council members being appointed to the Springbrook Specific Plan and the Commission felt that the steering committee should not have City Council or Commission members. The Commission felt that it was not appropriate and asked staff to write a letter to the Council to not appoint the City Council members to such committee. Staff said they felt it was not appropriate in their role and did not write the letter.

Councilor DM said that Councilor DS who was appointed, was leaving her position on the City Council at the end of 1998 and would no longer be a Council member. Councilor FH would remain on the committee as a Council member.

Commissioner Parrish said that part of the issue was that some Commission members

were asked not to be on the committee.

Commissioner Haug said the idea of contacting the Mayor and getting the discussion rolling was a way to resolve problems.

Commissioner Wall said that after the fact, the Commission decided to do the procedure differently. They had asked staff to write the letter, and staff was advised not to do so.

City Manager DRC said it was a quasi-judicial issue and the matter would be reviewed by the Council and a member of the Council on the steering committee could possibly cause problems for the process.

City Attorney TDM said in looking at quasi-judicial process issues, instances such as this could result in litigation or an appeal to LUBA.

Mr. Brierley said that the Council and the Commission rely upon staff to provide the information.

Councilor RW said that good communication is important which were discussed at the goal setting session of the Council.

Commissioner Parrish said he would like to see quarterly meetings. Discussion was held concerning private streets (project out on Main - Creekside Planned Unit Development), which contained private streets (vehicles parked on private streets possibly obstructing access). He said he contacted the police department (Officer Larry Wiltshire) who responded to the call. Officer Wiltshire said he was not going to cite vehicles on private streets. Discussion was held concerning restrictions on private drives and streets and whether or not the Council wants them to remain "private".

Commissioner Haug said the Commission has discussed and will be offering a proposal for private streets.

Discussion was held concerning private streets and the interpretation of the language in the City's Development Code.

Councilor RC said the Capital Projects Committee discussed the 32ft. fixed street width requirement. He said he does not like private streets or PUD's.

Councilor DM said that when people buy properties, they expect to have the streets cleaned and repaired. Discussion was held concerning the definition and applicability of a private street.

Commissioner Wall said the Commission did work on the definitions of "private street".

There was some confusion about the definition as stated in the City's Code.

Councilor RC said there has been a request for sweeping (private agreement with the City). He would like to see a strong recommendation to never accept a private street.

Councilor RC said the priorities from the Commission were very good.

DRC said that in talking with TDM about the staff's memo concerning policy decisions on private streets, it was reviewed, discussed and changed to be more consistent with the Planning Commission's actions.

Councilor LH said that she also has concerns about the enforcement of private streets and would like to see policies with less open-ness which would not provide complex problems with interpretation.

Councilor RC said that with private streets, the only time the City can get involved is if the fire department construes it to be a public hazard.

Commissioner Haug listed his top 4 concerns for the Planning Commission to work on:

1. Job balance and the concern for industrial land basis.
2. Provide for a Master Plan and a time table.
3. Concerns about history of incremental density increases. (R-1 to R-2, etc.). The rules on the books now allows minimal requirements.
4. The need to improve the R-1 design standards. To make sure there is a design variability (neighborhood user friendly designs with front porches).

Councilor RC said the "Werth" property development was to be industrial.

Discussion was held concerning incremental density and shifting industrial land. Mr. Brierley said that any change that is requested, staff has to analyze the land supply (specific plan) and the needs for single family homes, duplexes, townhouses and apartments, etc.

DRC discussed issues dealing with telecommuting and the visioning process. Commissioner Haug said that the City still needs the industrial land for growth.

Commissioner Wall said that he agrees that it seems that the Commission has the impression that if someone comes before them, they are obligated to do what is requested (partition, zone change, etc.). It is the burden of the Commission to make the change as requested. Changes in zoning appears to happen frequently and the City is too lenient.

Discussion was held concerning the Code and Comprehensive Plan amendments.

Commissioner Ashby said the Code and Comprehensive Plan also specifies the policy and the means to make changes. The intent of the mechanism is not to change in all instances.

Mayor Cox said he does feel that the changes happen quite frequently. Councilor BV said there is a need for some flexibility. The City's Comprehensive Plan and Development Code are the tools which provide the direction to follow.

Commissioner Haug said that when the Commission does make the changes, they need additional tools to insure that the applicant does what they agreed to do at the public hearing.

Councilor RC said that some "exceptions" do make precedence. Councilor RC said that society is always changing its needs, the City needs to be flexible, but not throw out the guidelines. Commissioner Parrish said that there are specific needs which may be required with certain conditions which come to the Council which require the applicant to perform.

Commissioner Fowler said that everything needs to be fluid. The guidelines are in place, but certain exceptions may need to be allowed. It would be helpful if the Council would provide the Commission with the direction the Council feels are important issues facing the community.

Commissioner Haug discussed growth. We must clearly and explicitly declare a policy on growth. We must determine the acceptable rate, direction and density of growth.

Commissioner Ashby said the Commission sometimes is unclear as to the Council's direction involving density.

Councilor RC discussed transportation and water issues which were affected by population.

Councilor RW said that as a previous Planning Commission member, he realizes there are problems on some policy decisions. Mayor Cox asked staff if there was a mechanism to help facilitate the process. DRC suggested that joint training would be helpful. Discussion was held concerning rezoning more areas to R-3. A neighboring city forum in Estacada in February would be held. Discussion was held concerning affordable housing and designs.

Commissioner Wall said he agrees with DRC's statements. Discussion was held concerning the residential needs grant. Problems arose with density and zone changes were included in the process. It would help the Commission to see how the Council feels on the issue.

Commissioner Haug said there is some limitation on growth, and the City should maximize livability and get a strong consensus in order to evolve into a more livable and enjoyable community.

Commissioner Wall said he is concerned about growth in Newberg, Yamhill County and the Willamette Valley.

Mayor Cox said there is a land use process for handling the growth. He does not fear growth. He fears bad growth that is uncontrolled. Discussion was held concerning philosophies on growth.

Councilor RC said he agrees with controlled growth. He feels that the City has grown haphazardly with hammerheads and cul-de-sacs.

Councilor DM concerning the Crestview issue. She does not feel the City can control growth, but does not want to see Newberg be like Sherwood and have houses spread all throughout the hillside. The Council does not want to hamper the Commission's ability to act and make policy decisions.

Tape 2:

Commissioner Hannum inquired how the City has logically connected roads and streets, so that in the future, the City can plan ahead.

Discussion was held concerning the City of Sherwood issues. Growth does not bother him as much as the problem of bad planning. Growth is based upon the foundation of building.

Commissioner Parrish said that accountability is important. The key to the growth, is putting in the services to handle the growth.

Councilor RC asked staff to correct him if he was wrong that the voters voted down the Crestview alignment issue. They only voted down the alignment. TDM said the referendum before the voters was on the alignment going through or across the Austin property.

Commissioner Haug discussed long term investment programs (water treatment plant, revitalizing the downtown core area), need to investigate the costs and provide for the accumulation of funds.

Commission Haug would add a new issue (number 5) to his prior list of four, which would be to investigate savings programs for future visioning.

DRC said the whole process is market driven. The City does have affordable housing. People have the right to the process under the City's Development Code and if they meet the requirements, there are problems. Further discussion was held concerning budgeting and funding programs.

Councilor RW suggest that the next time they have a joint meeting, an agenda is prepared

and followed to avoid getting off track.

City Attorney TDM said that Oregon takes a firm stand on controlling growth.

Councilor RC said the Commission should keep in mind that by law, before the Council can hear a land use issue, a public record is provided (paperwork and minutes of the prior hearing before the Commission). The Council reviews the comments and the record and sometimes comes up with additional issues or concerns in considering a land use issue.

Commissioner Fowler said the next meeting should contain the following top goals and priorities: growth, infrastructure, water, sewer, zone changes, in-filling, what is the view of the community, where are we right now and where do we need to go in the future?

Councilor LH asked that the next joint meeting be held within a short time in order not to lose the momentum. Discussion was held concerning holding a special meeting not otherwise calendared.

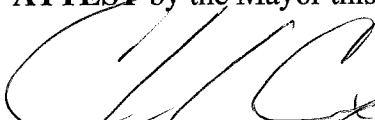
The meeting adjourned at 9:00 p.m.

ADOPTED by the Newberg City Council this 17th day of May, 1999.



Duane R. Cole, City Recorder

ATTEST by the Mayor this 7 day of June, 1999.



Charles B. Cox, Mayor