

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
7 p.m. Regular Meeting, April 9, 1998

Approved at the May 14, 1998 Planning Commission Meeting

SPECIAL PRESENTATION 6 P.M.

1. Terry Mahr, City Attorney, regarding Planning Commission responsibilities
2. Jeffrey G. Condit, regarding signs and free speech

The presentation by Jeffrey Condit was video taped by Channel 9 local access.

Chair Miller began the meeting at 7:25 p.m. (Due to the extended previous presentation). Mr. Barton Brierley indicated that he would write a letter thanking Mr. Condit on behalf of the Commission.

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby
Myrna Miller
Paula Fowler

Steve Hannum
Lon Wall

Matson Haug
Warren Parrish

Staff Present:

Barton Brierley, Planning Manager
Barbara Mingay, Planning Technician
Mike Soderquist, Community Development Director
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7:25 p.m. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of the Planning Commission Minutes for March 12, 1998 and March 26, 1998.

Motion #1:	Hannum/Ashby voted to approve the consent calendar items, approving the minutes of the March 12, 1998 and March 26, 1998 Planning Commission Meetings.
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Vote on Motion #1:	The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

None.

LEGISLATIVE PUBLIC HEARINGS (#1)

APPLICANT: City of Newberg (*CONT. FROM 12-11-97, 1-8, 2-12, 2-26, 3-12, & 3-26-98 MEETINGS*)

REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan policies and Comprehensive Plan Map, and amending the Newberg Development Code and Zoning Map relating to residential needs.

LOCATION: City wide

FILE NO: GR-2-95

CRITERIA: Newberg Development Code, Section 10.20.030

Chair Miller opened the public hearing. Mr. Sid Friedman was in attendance but did not sign up to speak on the issue.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Ms. Barbara Mingay presented the staff report. Options are identified in staff report on page two concerning maximum lot area per dwelling. Ms. Mingay presented amendments to Table IV-2 Minimum Lot Size should add the words "per dwelling unit". Discussion was held concerning splitting the R-3/R-4 zoning designations. The staff report has charts and samples on point systems. Ms. Mingay reviewed the handout -page 1 presented to the Commission for Residential Development Design Guidelines. Ms. Mingay also reviewed the items contained in the handout. Ms. Mingay also addressed historic landmarks (page 5 and 6 of the handouts). She also reviewed the section pertaining to mobile home and manufactured home parks. She suggested that the Commission consider all elements jointly and come to some conclusion, or continue the hearing involving minimum and maximum density standards and identifying R-3/R-4 standards. She stated that the City of Forest Grove information is also presented for the Commission's consideration.

Preliminary Staff Recommendation: Continue with the discussion on each item.

Public Testimony: None.

Public Agency reports: None.

Letters: None.

Chair Miller closed the public hearing.

Commission Deliberation:

Commissioner Haug entertained a discussion on how to proceed on deliberation. Commissioner Haug suggested that the Commission review design quality and design standards either with the point system or with the process similar to the City of Forest Grove. There needs to be consensus before discussing density issues. Commissioner Haug said that he has reviewed the ordinance and

suggested that the Commission review design standards and quality first, prior to density issues.

Commissioner Fowler said she would prefer starting with each one and then stop where the Commission needed to.

Commissioner Hannum said he had concerns about density and tended to agree with Commissioner Haug.

Commissioner Ashby said he thought it a good idea to identify (as noted on page 38) residential needs (housing mix trends). Residential needs analysis (page 24) was discussed. What are density policies going to be? Housing issues which would encourage more affordable housing and utilizing smaller lots was discussed.

Commissioner Wall said that taking two issues and isolating them would be a good place to start. Commission considering increasing densities is a virtuous idea, then in theory, the design area would take care of itself. Commissioner Wall said that he tends to agree with Commissioner Haug on this issue. Commissioner Parrish thought the density issue was already established. Chair Miller said that the R-4 designation was postponed.

Commissioner Parrish said he would also suggest that the Commission go ahead and identify densities and define design. Chair Miller said that density is a separate entity, but the Commission needs to determine how to proceed and whether or not the point system needs to be included.

Commissioner Haug said that there are aesthetic problems in town and there are inappropriate developments taking place.

Chair Miller reviewed the task of the Planning Commission being to accommodate growth without expanding the urban growth boundary (UGB).

Commissioner Wall asked what would happen if the density issues are not resolved first?

Chair Miller clarified the procedure for the discussion. Commissioner Haug said that he will continue to provide input.

Motion #2:	Haug/Wall moved to proceed with the residential design standards and point system, return to density issues, minimum and maximum lot sizes and then discuss R-3 and R-4 designations.
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Commissioner Haug said he would like to see a discussion on residential design standards, although they are not part of the point system issue.

Vote on Motion #2:	6 Yes/1 No [Fowler]. Motion carried.
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Chair Miller reviewed page 7 of the staff report involving design review (pro's and con's) and asked the Commission members how specific they wanted to review this area.

Ms. Mingay reviewed the two types of design review (Type I and Type II). Notices are sent out in Type

II procedures. Whatever conditions are attached to design review, is what governs. Mr. Brierley read from the Development Code sections dealing with parking requirements, signage, manufactured homes, RV parks, compliance with zoning districts, alternative circulation patterns to allow connectivity, front and utility improvements, traffic safety improvements required, etc. The point system in which the Commission was discussing would not apply to single family homes.

Commissioner Haug discussed administrative decisions and who would compose the design review committee that would be administering the rules. Ms. Mingay said the City does not have a design committee. The City has minimal requirements dealing with setbacks and height. Type II has noticing requirements with referrals which come to her and Mr. Brierley. The application is forwarded to all City departments requesting comments. There is also an appeal opportunity.

Commissioner Fowler questioned why the City does not have a design review committee. Discussion was held concerning a design review process instead of having the applicants going through the Planning Commission review. The City of Sherwood has a citizen design group.

Commissioner Haug said the Commission has seen some appeals. The City of Lake Oswego has a design review committee. The Commission could prepare a resolution asking staff to evaluate the possibility of having a design review committee (citizen involvement). Mr. Brierley said the Commission can make a recommendation to the Council.

Commissioner Wall said that an additional committee could cause problems in dealing with the types of people that are either for or against having a design review citizen group. Commissioner Wall reviewed site design elements. Commissioner Wall said he would suggest that the Commission allow the housing market, or the people buying the house, be able to make their own decisions. The City should not impose restrictions on them.

Commissioner Haug said he would propose the following:

1. A point system be adopted for R-2, R-3 and R-4 zones and for multi-unit dwellings.
2. A point system would apply to PUD's as long as they exist.
3. For R-1: suggest that at the next Commission meeting, the Commission take a look at Forest Grove's list.
4. Concerning site design and build design elements, require a 50/50 split, a minimum of 50% in each category.
5. Because point system is so new and discretionary, mandate a six month review and a 12 month review to see if the process is working.
6. Provide alternative discretionary design choices that a developer could have which would not necessarily have a financial impact.

Motion #3:	Hannum/Wall to adopt a point system for multi-family housing and have it also apply to PUD's with a requirement that a minimum of 40% of the points be obtained in each portion and provide for a six and 12 month review.
Amendment to Motion #3:	Haug/Wall to amend the motion that it is a 50/50 split rather than the 40/60 split.

Commissioner Fowler asked for purpose of Commissioner Haug's amendment. Commissioner Haug noted it was to balance the point system in which one area would not be neglected one way or the other. Further discussion was held on the amendment. Commissioner Wall said he does not see a problem with the 50/50 split.

Commissioner Fowler said she would like to go with original 60/40 to see how it will work and if successful after a year then we could change it. Discussion was held concerning the impact upon developers and potential home buyers.

Commissioner Haug said that he suggested raising the points because he felt the point structure is too low. Commissioner Wall discussed the concept of affordable housing and good quality standards.

Vote on Amendment to Motion #3:	5 No/2 Yes (Haug/Wall). Motion failed.
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Commissioner Ashby said he opposed the point system for R-1 and R-2, and how it was more suitable for PUD's as an incentive measure to possibly trade for higher densities. Should leave landowners for their own discretion. Commissioner Ashby said that it may make housing less affordable. Discussion was held concerning garages behind houses causing increased costs, overall.

Commissioner Haug said that the point system does not apply to single unit dwellings. The Commission should look at the Forest Grove report and determine whether or not it fits the Newberg character. If not adopted, low quality and possible ghetto type developments could occur (multi-unit construction).

Commissioner Wall said that Newberg's character is presently what it is. Discussion was held concerning what Newberg's vision is planned to be. Commissioner Wall noted he would like to apply aesthetic element standards more to multi-units than single residential units. Discussion was held concerning additional parking problems created by certain design standards.

Commissioner Fowler called for the question. Discussion was held concerning Roberts Rules of Order and not providing further discussion.

Vote on Motion #3:	6 Yes/1 No (Ashby). The Motion carried.
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Motion #4:	Haug/Wall to request staff to accumulate R-1 residential design standards such as Forest Grove's, make a formal presentation in a format which would allow the Commission to efficiently and thoroughly debate the issues. With staff having their professional discretion.
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Chair Miller asked for clarification of Commissioner's Haug motion and the new items in the Forest Grove amendments. Discussion was held concerning obtaining other cities information in order for the Commission to see what other cities are doing in this area.

Commissioner Parrish said that it could be a quite a bit of work for staff to accumulate the various city information and comparative analysis. Commissioner Haug said he is interested in using other

cities ideas. Commissioner Parrish said that input from other cities should be fairly organized which would prevent long overdue discussions. It may be confusing to ask staff to arrive at a compilation of other R-1 residential design ideas.

Commissioner Fowler referred to last month's minutes clarifying staff's direction on reviewing Forest Grove design standards. Commissioner Haug said that staff should use their professional discretion in bringing forth what they feel is appropriate. Commissioner Wall called for the question.

Vote on Motion #4:	6 Yes/1 No (Ashby). The Motion carried.
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Chair Miller noted this discussion would be a continuation for the next meeting. Mr. Brierley stated that staff could provide this information but it would not be available at the next meeting (April 23rd). Commissioner Parrish called for a point of order on dealing with one issue for one hour.

Commissioner Haug said the motion dealt with R-1. The next issues deal with R-2, R-3 and R-4.

Chair Miller asked for the Commission's decision on limiting each segment of the agenda for one hour. The present discussion had already been almost two hours. The Commission deliberated on holding the discussion to one hour.

Motion #5:	Ashby/Wall to continue the hearing to the April 23 rd meeting.
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Vote on Motion #5:	The motion carried unanimously.
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Chair Miller called for a break at 9:15 p.m. The meeting reconvened at 9:25 p.m.

LEGISLATIVE PUBLIC HEARINGS (#2)

APPLICANT: City of Newberg (*CONT. FROM 12-11-97, 1-8, 2-12, 2-26, 3-12, & 3-26-98 MEETINGS*)

REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan and Newberg Development Code relating to street standards, as required for compliance with the Transportation Planning Rule.

LOCATION: City wide

FILE NO: GR-4-95

RESOLUTION NO.: 97-83

CRITERIA: Newberg Development Code, Section 10.20.030

Chair Miller announced the description of the public hearing.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Mr. Brierley presented the staff report. Mr. Brierley asked that the Commission first review Resolution 98-90 concerning radii and access standards, then discuss street amenities. The Resolution adopts the curb return radii standards and street access/spacing standards. At the last hearing a discussion was held on how it conflicts with block lengths. The City Council adopted a recent ordinance clarifying the change/exception dealing with controlled access streets (arterial street). The language provides for block length standards for arterial streets.

Motion #6:	Haug/Ashby to adopt the change as referenced in the Ordinance adopted by the City Council on April 6 th and which is contained in Resolution No. 98-90.
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The motion by Commissioner Haug and the second by Commissioner Ashby was withdrawn. Further discussion was held concerning the Resolution.

Motion #7:	Ashby/Haug to adopt Resolution No. 98-90 based on the criteria and findings noted on Exhibit "A".
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Vote on Motion #7:	The motion carried unanimously.
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Mr. Brierly continued with the staff report and discussion was held concerning the need to add appropriate lighting for residents, street trees and parking (benches). What is included in the Transportation Planning Rule (page 32/33) is the text of the amendment which is proposed (street furniture [benches], parking strip with shrubs and groundcover, pedestrian scale lighting, street trees, etc.). The amendments provide flexibility to apply where appropriate. Mr. Brierley reviewed page 34 C(a) concerning lighting which provides for more flexibility.

Motion #8:	Haug/Parrish to approve the street amenities as noted in the staff report.
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Commissioner Wall asked whether or not this action involves the taking of property which the City does not already own. Mr. Brierley stated that the change could require property owners to perform all required changes. Commissioner Wall said that he is against it.

Commissioner Haug said that he is in agreement. At a workshop it was discussed with citizen involvement.

Commissioner Ashby asked if this would primarily apply to commercial or industrial property. Mr. Brierley said that it can apply to residential as well. Discussion was held concerning causing property owners to incur additional expense in complying with this requirement. Commissioner Haug said that these specific rules should be part of the downtown redevelopment.

Commissioner Haug said that some citizens have cited that the downtown core area is surviving, but Commissioner Haug said that it is not as good as it could be.

Commissioner Parrish said he agreed with Commissioner Haug.

Commissioner Wall referenced the light rail to Hillsboro and the impact that it has had on the citizens and business owners. It may force some people to move or sell. Commissioner Haug said that Gresham residents and business owners also had concerns, but once the redevelopment began, it was an improvement. Discussion was held concerning whether or not the businesses that were in place prior to the redevelopment still exist and thrive once the redevelopment has been completed.

Vote on Motion #8:	The motion was superseded by the following motion.
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Motion #9:	Parrish/Ashby to table the motion until the April 23 rd meeting.
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Commissioner Wall said that he will not be attending the April 23rd meeting. Further discussion was held concerning the rights of the property and business owners.

Vote on Motion #9:	1 Yes (Ashby)/6 No. The motion failed.
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Commissioner Ashby asked who would be picking up the costs of the changes that need to be done to the property or businesses. Mr. Brierley said the initial installation costs would be borne by the developer. An open discussion concerning the benches in the downtown core area was discussed. Mr. Soderquist noted that if the City installed the benches, the City would be maintaining them.

Commissioner Ashby said that while the northern arterial is being constructed, who will pay for the construction. Mr. Brierley said that a certain amount would be completed and paid at the time of the development. The standards would apply to new and existing construction projects. Mr. Brierly said that it would also apply to new street construction or the reconstruction of existing streets.

Commissioner Ashby said that in the City of Portland, some of the benches have advertising. Mr. Brierly said that any advertising on the bench would fall under the City's sign ordinance and would have to be approved as a sign.

Commissioner Wall said that he does not really have a problem with new construction. However, the part about the major reconstruction of a road, is too vague and he thinks that staff has also indicated they were not sure. Commissioner Wall said he is concerned that it gives local governments the power to put people in an economical bind in having to bring things up to a new code. Commissioner Haug said that it would be mostly in the commercial area.

Commissioner Hannum expressed concerns how the changes would impact the property owner. Discussion was held concerning ground cover/shrub requirements as it applies to tree plantings and the distance between the trees (page 159 of the existing Development Code).

Discussion was held concerning landscape architects and plans which appear to be required in some instances.

Amendment to Motion #8:	Haug/Ashby moved to delete the second sentence on page 36 as it pertains to the maintenance schedule involving landscaping. Everything else remains the same and is adopted.
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Commissioner Wall called for the question.

Vote on Amendment to Motion #8:	The motion carried unanimously.
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Mr. Brierley asked for clarification of the Commission's intent for page 33 of the Transportation Planning Rule (first sentence). Mr. Brierley noted that if a street reconstruction project is approved and funds are available, the project should include street lighting and trees. Chair Miller said that ODOT

has made it clear that anything removed by ODOT during the project, will be removed and/or replaced at the expense of ODOT.

Discussion was held concerning funding of amenities.

Motion #10	Parrish/Hannum to table the legislative discussion for the next meeting.
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Vote on Motion #10:	6 Yes/1 Abstain Haug). Motion carried.
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Public Testimony: None.

Public Agency reports: None.

Letters: None.

Chair Miller advised the Commission of the City of Newberg volunteer dessert scheduled for April 23rd at the Senior Center.

VI. ITEMS FROM STAFF

1. Memo on Goals.

Mr. Brierly reviewed the goals that will be presented to the City Council. Discussion was held concerning adding Commissioner Wall and Commissioner Parrish's input.

Commissioner Wall said that he would put growth in front of transportation.

Motion #11:	Haug/Wall to place the growth topic in front of the transportation topic.
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Discussion was held concerning the process that occurred in obtaining the information. Commissioner Wall said the reason he agreed to place growth in front of transportation is that he believes that the City should have more control over growth than transportation situations. Commissioner Ashby said that transportation should be placed first. The City does not have as much influence in making transportation changes.

Vote on Motion #11:	4 Yes (Hannum/Haug/Wall/Parrish)/3 No (Ashby/Fowler/Miller). The motion carried.
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Mr. Soderquist provided an update on the City Council meeting held on April 6th: Baker Rock asphalt plant was not approved; the amendments to the Comprehensive Plan and Transportation Plan relating to street standards was adopted.

Commissioner Haug suggested that at least one Commission member attend the City Council meetings in order to represent the Commission on issues that were before the Commission. Discussion was held noting it was a good idea.

Mr. Brierley noted the next Planning Commission Special Meeting: April 23, 1998

Mr. Brierley also noted that on May 14th a hearing will be held concerning the sign code. The sign summit was held and about 30-35 people attended the summit. They broke into focus groups which provided positive input in expressing valuable ideas and they even came to a consensus on some issues. One recommendation was to take a walking tour of downtown scheduled for April 29th at 5:15 p.m.. Everyone will meet at Nap's. Commissioner Haug suggested that those bringing cameras should use slide film which could be used to make presentations at a later time.

VII. ITEMS FROM COMMISSIONERS

Commissioner Wall apologized for missing a couple of meetings. Secondly, he said that he would like to see the Commission hold more to the Roberts Rules of Order procedures which could prevent arguments and allow the Commission to work more closely.

Commissioner Parrish discussed Type I and II projects not being presented to the Commission for review and consideration. He would like to see a report supplied to the Commission of what is going on with these types of projects. Mr. Soderquist noted that staff already provides a report to the Capital Projects Committee. Ms. Mingay said staff does not have any tracking reports for building permits, the report mentioned previously is for Type II projects.

Commissioner Haug said he would suggest that the Commission appoint two members of the Commission to alternate attending the City Council meetings. Commissioner Parrish said that he generally attends the City Council meetings and would be available for discussion but said he would feel uncomfortable answering questions he was not familiar with. Discussion was held about advising the Council that a member of the Planning Commission would be in attendance at meetings.

Motion #12	Haug/Wall to direct staff to inform the City Council that a Planning Commission member will be attending the Council meetings to verify any content of the Planning Commission meeting or the minutes presented.
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Vote on Motion #12:	The motion carried unanimously.
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Commissioner Fowler said she will not be attending the April 23rd meeting.

Commissioner Wall said he too will not be attending the April 23rd meeting.

VIII. ADJOURNMENT

Motion #13	Hannum/Ashby to adjourn at 11:00 p.m.
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Vote on Motion #13:	The motion carried unanimously.
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Passed by the Planning Commission of the City of Newberg this 14th day of May, 1998.

AYES:

NO:

ABSTAIN:
(list names)

ABSENT:

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall
Print Name

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE APRIL 9, 1998 PLANNING COMMISSION MEETING.**

PROJECT FILE #GR-2-95

1. Handout to Commissioners: "Residential Design Standards: The Forest Grove Experience"

PROJECT FILE #GR-4-95

1. "Platting Standards - Block"

PROJECT FILE # - N/A

1. Planning Commission Priorities
2. Planning Commission meeting items tentative schedule
3. C-1 Neighborhood Commercial District (Newberg)
Special Presentation: by Terry Mahr and Jeffrey Condit regarding Planning Commission Responsibilities.

LABELS FROM THE 4/9/98
PLANNING COMMISSION
MEETING FROM THOSE WHO
GAVE PUBLIC TESTIMONY/
REGISTRATION CARD

no registration cards submitted at
this meeting