

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, JANUARY 8, 1998 AT 7 P.M.

APPROVED AT THE FEBRUARY 12, 1998 PLANNING COMMISSION MEETING

NEW PLANNING COMMISSIONER INTRODUCTIONS

Vice Chair Myrna Miller introduced the new Planning Commission members Paula Fowler and Warren Parrish.

PLANNING COMMISSION - ELECTION OF NEW OFFICERS

Ms. Barbara Mingay, Planning Technician, noted Commissioner Haug presented handouts of information relating to election of new Planning Commission officers. Discussion was held concerning the appropriate time to elect new officers (January or June).

Commissioner Haug stated it was a requirement dictated by the Newberg City Council that the Planning Commission elect new officers in January. The terms would be for one year.

Vice Chair Miller opened the nominations for Chair and Vice Chair and briefly described the duties of the positions.

Commissioner Ashby nominated Myrna Miller as Chair (seconded by Commissioner Fowler).

Vice Chair Miller nominated Commissioner Hannum for Chair.

Commissioner Haug noted there were benefits from rotating the responsibilities of the Chair and Vice Chair among the Commission members and was comfortable with the nominations.

Commissioner Haug nominated Commissioner Hannum for Vice Chair (seconded by Commissioner Wall). There were no other nominations.

Motion #1:	Wall/Haug moved to close the nominations.
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Vote on Motion #1:	The Motion carried unanimously.
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VOTE ON NOMINATIONS:	Myrna Miller for Chair and Steve Hannum for Vice Chair by unanimous vote.
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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:

Michael Soderquist, Community Development Director
Barbara Mingay, Planning Technician
Larry Anderson, Engineering Supervisor
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7 p.m. and 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 December 11, 1997 Planning Commission Minutes.

Motion #2:	Hannum/Haug moved to approve the consent calendar items, approving the minutes of the December 11, 1997 Planning Commission Meeting.
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Vote on Motion #2:	The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING (#1)

- 1. **APPLICANT:** Dr. David Abbott *(CONTINUED FROM 12-11-97 MEETING)*
REQUEST: Approval of sign program
LOCATION: Hwy 99 and Brutscher Street
TAX LOT: 3216CA-2190
FILE NO.: G-32-97 **RESOLUTION NO.: 97-84**
CRITERIA: Newberg Development Code - Section 10.50.183

OPEN FOR PUBLIC HEARING.

Chair Miller entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Ms. Mingay briefly reviewed the staff report.

Abstentions/ex-parte contact:

Commissioners Parrish and Haug stated they visited the site but no contacts were made.

Commissioner Ashby declared an ex parte contact at a Chamber of Commerce meeting in which the applicant was also present. The discussion most concerned the hearing process and nothing involving the merits of the project and would not have an impact on his decision. Commissioner Ashby further noted he viewed the property from the Fred Meyer property and it appeared that the grade on the proposed site was above the center line of the subject property.

Commissioner Haug stated David Abbott is a friend but noted for the record that he does not have any business or professional relationships with him. Mr. Abbott contacted him concerning any questions that he may have or if any additional information was needed. Commissioner Haug reported to him that the information supplied appeared to be sufficient.

Chair Miller stated her husband was contacted by a realtor on the subject property who indicated that once the sign matter was resolved, he would be interested in other properties her husband had that could possibly be developed. Chair Miller stated that the property owned by her husband was not jointly owned by her and she felt she would be able to make an unbiased decision on the matter. Chair Miller stated she contacted City Attorney Terrence Mahr and he advised that the comments were merely made to her husband, and her husband had not entered into any legally binding documents with the realtor, there would be no conflict of interest at this point.

Commissioner Wall stated he did not have a problem with Chair Miller's comments concerning the disclosure, but was concerned why the individual would approach her husband knowing that he is married to a Planning Commission member. Chair Miller stated she believes that the realtor did not know that she was a Planning Commission member.

Chair Miller stated the record was left open for new testimony.

Objections: None.

Staff Report: **Ms. Mingay** presented the staff report reflecting that the sign program has been revised to include the statements and conditions previously requested, and recommended approval. The applicant provided site plans and has complied with the City's requests.

Proponent: **Mr. David Abbott , 333 State Street, #117, Lake Oswego, Oregon, 97034**, provided testimony stating the subject property would contain three businesses. Discussion was held concerning additional design review criteria that must be met before the project is approved. Ms. Mingay pointed out that a copy of the neighborhood agreement was attached to the Commissioner's packet for their review.

Proponent: **Jeff Reed, 1304 Newell Road, Newberg, representing the Newell Homeowners Association**, provided additional testimony stating he felt confident that the criteria for the sign has been met and the provisions contained in the agreement have been satisfied. Mr. Reed recommended approval of the project.

Proponent: **Mr. Dave Kimmell, PDG Planning Group, 122 SE 27th, Portland, Oregon 97214**, provided additional documentation concerning the covenants, conditions and restrictions in accordance with the neighborhood agreement, easements, setbacks, sign type and design (no flashing lights).

Opponent: None.

Questions to Proponent:

Commissioner Parrish stated he visited the site as well as viewing the property from the Fred Meyer parking lot. Discussion was held concerning sign type, lot grading and appeals going to the City Council. Ms. Mingay added that it appeared that all questions raised at the December, 1997 Planning Commission meeting have been resolved and answered satisfactorily.

Chair Miller closed the public hearing for Commissioner deliberation.

Commission Deliberation:

Commissioner Wall commented that it appears that the project has been handled successfully between the neighborhood and the applicant.

Public Agency reports: None.

Letters: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation:

Ms. Mingay stated it was staff's recommendation to approve Resolution No. 97-84.

Motion #3:	Haug/Wall to approve Resolution No. 97-84, approving the sign program.
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Vote on Motion #3:	The motion carried (Unanimously).
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VI. LEGISLATIVE PUBLIC HEARINGS

- APPLICANT:** City of Newberg *(CONTINUED FROM 12-11-97 MEETING)*
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 **RESOLUTION NO.: 97-80**
CRITERIA: Newberg Development Code, Section 10.20.030

Chair Miller noted that no one completed comment registration forms to speak on the matter.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Ms. Mingay** provided background information concerning the project including a letter from CDA Consulting Group and Friends of Yamhill County which were included in the Commission's informational packet. Ms. Mingay further noted that Mr. Dean Werth had made some comments involving the residential needs analysis in which his property would be impacted on the amendment. Ms. Mingay stated Mr. Werth provided no further information or documentation.

Commissioner Haug opened the discussion involving the lack of an actual presentation in favor of the amendment such as any other applicant. What are the pro's and con's and who is responsible? Additional discussion was held concerning additional technical information, costs, revenues projected, staff time expended for this amendment and underlying economics associated with the project.

Commissioner Ashby responded to questions concerning R-0 zoning and how former Commissioner Jack Kriz provided valuable information and assistance in understanding the different types of zoning. Updates were provided to the Commissioners in September/October addressing the R-0 issue and controlled growth around the City.

Chair Miller stated the residential needs analysis was funded through a grant.

Commissioner Parrish expressed concerns involving the R-0 and R-4 zoning designations and how the districts were proposed.

Ms. Mingay provided a brief history of how the R-0 density issue was initiated through the residential needs analysis, diverse housing issues, available lots, desire to contain the number of residential units within the City and the ability to have flexibility for future growth.

Commissioner Haug provided information concerning incentive programs which added significant aesthetics and livability to the City and how minimum density would impose restrictions on property owners. Commissioner Haug expressed concerns involving whether or not the R-0 zoning designation would apply to property owners such as Mr. Dean Werth and Mr. and Mrs. Ken Austin. Commissioner Haug further stated he would like to see property owners such as Mr. Werth and the Austins to present their views and opinions on the amendments. Ms. Mingay stated that staff had not solicited major land holder input during the grant process.

Commissioner Haug stated that during the stream corridor ordinance project, a subcommittee spent almost three years working with citizens and property owners addressing various issues. Ms. Mingay stated that Mr. Werth and the Austins (including their attorney Steve Pfeiffer) have been provided a copy of the information presented to the Commission for their review. They were asked to provide input.

Commissioner Fowler suggested that the matter be postponed in order for citizens or property owners such as the Austins and Mr. Werth to appear and share their concerns and/or provide support for the amendments.

Discussion was held concerning the political aspect of soliciting or forcing people to provide input, listening to property owners, the reason for the analysis, livability with multi-unit dwellings (in particular on property located on the south side of the City), exclusionary zones, small urban centers, the City's over-all master plan and how it all fits together.

Chair Miller suggested that particular names of local citizens not be used in identifying certain parcels of property. The Commission should consider the property, not the persons associated with it. Ms. Mingay stated that Mr. Werth wanted to address certain concerns he had and requested that his name be removed from the documentation listing his name. Ms. Mingay stated she is expecting to receive input from Mr. and Mrs. Austin and Mr. Pfeiffer in the near future.

Commissioner Wall expressed concerns involving potential bias which may arise due to Mr. and Mrs. Austin owning a large amount of property within the City. Commissioner Wall further noted that he felt that certain property annexed prior to the citizen vote on the annexation issue was not appropriate. Commissioner Wall stated he would have no objections if the property is developed according to the rules and regulations.

Commissioner Ashby stated that if anyone had any problems with the previous annexations, they could have filed the appropriate appeal.

Discussion was held concerning defining the issues raised by the Commission members as well as by other interested parties (listing pro's and con's).

Mr. Johann May (from the audience) referred to page four of Mr. Friedman's letter as a starting point.

Discussion was held concerning whether or not the R-0 zoning designation will actually accomplish what is needed. Commissioner Haug stated that the residents of Oxberg Estates are concerned about their property which is designated as a possible northern arterial route for transportation needs. Chair Miller suggested that the Commission narrow the subject to certain key issues and then broaden the scope.

Commissioner Wall stated it appears that the amendments deal primarily with R-0 zoning and there are more objections to R-0 zoning than with other issues covered in the amendments. Further discussion was held concerning pooling ideas to come up with a master list.

Chair Miller adjourned the meeting at 8:25 p.m. and reconvened the meeting at 8:30 p.m.

Motion #4:	Haug/Hannum to allow further public input for no more than one-half (½) hour.
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Vote on Motion #4:	The motion carried (Unanimously).
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Chair Miller stated public input/testimony would be held to five minutes per person.

Public Testimony:

Mr. Jim Morrison, 717 E. Sheridan Street, Newberg, Oregon 97132, a former Planning Commission member, presented testimony concerning past amendments to the City's Comprehensive Plan. Mr. Morrison requested that the Commission consider further citizen involvement prior to making a decision which could impact everyone. Discussion was held concerning providing town hall type meetings to educate the community about the impacts these amendments or other land use decisions would have on the entire City.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon 97132, expressed concerns involving the City making changes to its Charter, zoning designations, transferring and re-appropriating funds from one account to another. Ms. Haight questioned the purpose for such amendments. Commissioner Haug stated the City's Comprehensive Plan is the guide book and reflects the philosophy on how to develop the City. The City's Development Code provides the rules. Discussion was held concerning the revitalization of the City's downtown core.

Ms. Mingay provided additional background information concerning what precipitated the residential needs study. Ms. Mingay stated a grant (State funds) was received to study the City's population/growth needs. The residential needs analysis and the proposed amendments are a result of the grant. The Planning Commission should review and validate the findings contained in the amendments which would allow land to be used to its best advantage. The Commission may agree or disagree with the findings and forward such recommendation to the City Council. Ms. Mingay added that public input was requested and information was made available not only to the citizens, but also to the Newberg School District, Chehalem Park & Recreation District and other agencies. The intent of the grant was to prepare an analysis to identify vacant residential land for future construction based upon projected population growth.

Commissioner Fowler asked whether the analysis was done to look at the needs of residential housing or to revise the City's Comprehensive Plan? Discussion was held concerning the purpose of the analysis in conjunction with the City's existing Comprehensive Plan.

Chair Miller proceeded to review the process in which to list issues to be addressed in later meetings. Commissioner Haug asked that workshops be scheduled for the fourth Thursday of each month to entertain group discussions.

Community Development Director Michael Soderquist stated they had hoped that the new Planning Manager would be hired within the next month. Discussion was held concerning prospective dates and meeting locations.

Chair Miller asked that Commission members reserve the fourth Thursday of each month to review the

amendments and directed staff to notify the community of such meeting dates. Commissioner Haug further added that he would ask that the second meeting be scheduled for policy development and public involvement.

Motion #5:	Haug/Fowler to hold a second meeting of the Planning Commission scheduled for the fourth Thursday of each month beginning in February, 1998, to provide for public input and discussion concerning the residential needs analysis and amendments to the City's Comprehensive Plan and Development Code.
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Vote on Motion #5:	The motion carried unanimously.
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Discussion was held concerning listing topics of discussion (master list) of issues. Chair Miller directed staff to confirm with City Attorney Terrence D. Mahr concerning conversing through E-mail or other alternative methods of networking among the Commission members. Chair Miller stated that any information to be supplied to the Commission should be directed to City staff first and then distributed among the Commission members. Discussion was held concerning the deadlines for providing such information to be contained in the Commission's packets.

Chair Miller stated the matter was continued to the February 12th Planning Commission meeting.

PUBLIC HEARING

- 2. **APPLICANT:** City of Newberg *(CONTINUED FROM 12-11-97 MEETING)*
- 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 stated there were no public comment registration forms completed. Discussion was held concerning the procedure to review the proposed changes.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Ms. Mingay** stated that Larry Anderson, City of Newberg Engineering Manager, would review the changes. The proposed changes relate to several documents which govern land use issues within the City.

Discussion was held concerning possible contradictions with any of the several documents reflected in the proposed changes (i.e., the City's Comprehensive Plan conflicting with the Transportation Plan, etc.).

Mr. Larry Anderson, City of Newberg Engineering Manager, stated the amendments reflect changes in the 1995 State Transportation Planning Rule wherein more emphasis is added to pedestrian and bicycle use which caused the City to review its Development Code. The State's mandates also made available grant funds to help the City identify problem areas, goals and recommended changes. Consultants were employed to assist the City in this project. The amendments cover changes to many City documents (Comprehensive Plan, Transportation Plan, Development Code, Zoning Ordinance, Public Works Design Standards, etc.). The final draft of the document will be forwarded to the City Council for their review and consideration. Mr. Anderson noted there were many inconsistencies found in planning guidelines.

Commissioner Haug expressed concerns about the readability of the document in order to provide a

better understanding of what the amendments covered and asked that the Commission have the opportunity to look at the final document as corrected (utilizing strikeouts and highlighting editorial notations).

Mr. Soderquist stated it is staff's recommendation to review the document as it is amended (conceptually) and allow staff to make the noted changes into the appropriate corresponding document. Mr. Anderson stated it appears that certain editorial and typographical changes were overlooked such as on page 41 the word "not" was omitted from the words "Amendments are **not** necessary". Mr. Anderson said that he would work with staff and the consultants to correct such errors.

Further discussion was held concerning the process in which to review the changes. It was suggested to review the changes and flag those areas which need further clarification. Mr. Anderson continued with the review as noted in the document. Additional questions and confusion concerning the process was held.

Commissioner Haug commented on how Beaverton has provided walkways through residential neighborhoods which are attractive additions to the communities.

Commissioner Hannum asked whether the reduced block size was required by the State. Mr. Anderson noted the Transportation Planning Rule indicates the need for more connectivity.

Mr. Anderson stated that the consultant's initial draft was prepared in McIntosh format and the graphics are not interfacing with the City's system.

Chair Miller stated that Mr. Anderson's over-view has been helpful but commented that it is confusing without being able to see the original documents where the amendments are to be made.

Commissioner Parrish also stated it was difficult to identify the source to better understand the amendments. Some Commission members noted they did not have copies of the State Transportation Planning Rule. Ms. Mingay stated she would provide such copies.

Discussion was held concerning providing copies of the documents (as amended) and the cost and staff time involved in providing such copies.

Mr. Anderson continued by providing information concerning collector street classification changes to meet the minimum standards required by the State Transportation Planning Rule in relation to what Newberg needs or wants.

Commissioner Ashby stated that guidelines are to provide guidance and not mandate certain standards or micro-manage a specific development.

The Commission discussed suspending further deliberation concerning the matter pending additional review of the information by the Commission members. The matter would be adjourned to the February 12th meeting. It was requested that staff return with resolutions to the issues raised and those that were not addressed at the meeting.

Ms. Mingay stated that to summarize the Commission's direction to staff: Modify the various documents by providing an overview of hot issues and guidelines to follow in reviewing the amendments. Commissioner Haug asked that staff provide alternatives similar to those outlined in the historic review process.

VII. OLD BUSINESS

1. Update Sign Program (G-27-97) - Code Enforcement Issues

Ms. Mingay commented that a letter has been sent to many Newberg businesses dealing with the City's current sign regulations. The intent is to clean up the City by everyone working together rather than an amendment to the City's sign ordinance.

VIII. NEW BUSINESS

1. Planning Commissioner Training

Ms. Mingay stated the City of Stayton is hosting a training session on January 24th covering land use issues and Oregon's Transportation Planning Rule. Ms. Mingay asked that those interested please contact her to register. Commissioner Parrish noted he already registered for the training session.

Commissioner Haug also noted that McMinnville local businesses are providing a free workshop on livability, urban design and other related topics on February 21st.

IX. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Mr. Soderquist stated the underground utility project was defeated by a 4-3 vote by the City Council. Policies on the operation of the City's economic development revolving loan fund (EDRLF) formulated by a committee of City Manager Duane Cole, City Attorney Terrence D. Mahr and City Council members Fred Howe and Roger Currier, was approved. The Francis Square issue has been resolved with the name remaining as "Francis Square". Mr. Glenn Benedict and Mr. Bob Andrews were appointed to the Traffic Safety Committee.

Mr. Soderquist added that there are two to three candidates for the Planning Director position. One candidate from Connecticut was interviewed by remote/video. An offer should be out to one of the candidates by next week. There were 18 applications received and 8 interviews were held. It is anticipated that the prospective candidate will attend the February 12th Planning Commission meeting.

Discussion was held concerning the City's water issues. Mr. Soderquist provided information concerning the water summit and the findings to be presented at the next City Council meeting. It is hoped that the City Council will accept the recommendation, dictate the priorities and proceed.

Ms. Mingay stated Renaissance Development's annexation denial by the Planning Commission will be on the next City Council agenda. The applicant is expected to bring new information for the Council to review. Staff is recommending a strong denial based upon the Planning Commission's request for denial.

Commissioner Haug stated it may be a good idea for some of the Planning Commission members to attend the City Council meeting in support of the Commission's decision.

Commissioner Wall stated he received a telephone poll inquiry concerning annexation issues. Commissioner Ashby stated he too received a call concerning whether he felt the City was going in the right direction in allowing the City wide vote on annexations.

Chair Miller recapped the Commission's individual study/review:

1. Review Mr. Anderson's memorandum concerning the highlighted changes. Compare the notations against the original document being amended.
2. Continue discussion of the amendments to the Comprehensive Plan.
3. Provide a list of issues to discuss at the next Commission meeting (February 12th).

4. Staff will provide a hit list of issues relating to the residential needs analysis study for the Commission's review.

X. ADJOURNMENT

Chair Miller adjourned the meeting at approximately 11:05 p.m.

Passed by the Planning Commission of the City of Newberg this 12th day of February, 1998.

AYES: 7

NO:-0-

ABSTAIN: -0-
(list names)

ABSENT: -0-

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall
Print Name

2-17-98
Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE JANUARY 8, 1998 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

PROJECT FILE #

NO INFORMATION RECEIVED INTO THE RECORD.

LABELS FROM THE 1/8/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TELEPHONE MONEY

Johann May
no card, no address
Newberg, OR 97132

GR-2-95

Jim Morrison
717 E. Sheridan
Newberg, OR 97132

GR-2-95

Pat Haight
501 E. Illinois #12
Newberg, OR 97132

GR-2-95

FROM DECEMBER 1997 MTG and/or
spoke as Jan. mtg.

Pat Haight
501 E. Illinois #12
Newberg, OR 97132

G-32-97

HEARING CONTINUED TO JAN.
1998 MTG:

Dr. David Abbott
3808 Aquaris Blvd.
Newberg, OR 97132

G-32-97

Dave Kimmel
122 S.E. 27th Avenue
Portland, OR 97214

G-32-97

Mr. Jeff Reed
1304 Newell Road
Newberg, OR 97132

G-32-97

Sid Friedman
31909 N.E. Corral Creek
Newberg, OR 97132

GR-2-95

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