

**PLANNING COMMISSION MINUTES**  
**Newberg Public Safety Building - Newberg, Oregon**  
**THURSDAY, MARCH 25, 1999 AT 7 P.M.**

**Approved at the April 8, 1999 Planning Commission Meeting**

**I. PLANNING COMMISSION ROLL CALL**

**Planning Commission Members Present:**

Stephen Ashby                      Paula Fowler                      Steve Hannum, Chair  
Matson Haug                      Warren Parrish                      Lon Wall  
(Vacant position from Miller's term)

**Absent:** Warren Parrish

**Staff Present:**

Barton Brierley, City Planner  
Barbara Mingay, Planning Technician  
David Beam, Economic Development Coordinator/Planner  
Peggy Nicholas, Recording Secretary

**II. OPEN MEETING**

**Chair Hannum** opened the meeting at 7:00 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

**Commissioner Fowler** inquired when the new Planning Commission member would be present at the meeting. Mr. Brierley said that the Council will consider the application of Rob Molzahn at the April 5, 1999 City Council meeting.

**III. CONSENT CALENDAR**

1. Approval of February 11 and February 25, 1999, Planning Commission Meeting Minutes.
2. Continue GR-4-95 Transportation Plan to April 8, 1999 meeting (after tonight's hearing).

<b>Motion #1:</b>	<b>Haug/Fowler</b> voted to approve the consent calendar items, approving the minutes of February 11 and February 25, 1999, Planning Commission Meetings and to continue GR-4-95 Transportation Plan to April 8, 1999 meeting.
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<b>Vote on Motion #1:</b>	The Motion carried. (5 Yes/1 Absent [Parrish]).
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**IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)**

None

V. LEGISLATIVE PUBLIC HEARINGS

**PUBLIC HEARING (#1)**

**APPLICANT:** City of Newberg  
**REQUEST:** Type II Subdivision Review  
**LOCATION:** City wide  
**FILE NO.:** G-42-99  
**CRITERIA:** NDC 10.20.030 (3)

**RESOLUTION NO.:** 99-113

**OPEN FOR PUBLIC HEARING.**

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

**Abstentions/ex-parte contact:** None.

**Objections:** None.

**Staff Report:** **Ms. Mingay** reviewed the staff report and the subdivisions approved over the last 10 years. Staff recommended that the Planning Commission review subdivisions greater than 10 units.

**Proponent:** None present.

**Opponent:** None present.

**Public Agency reports:** None.

**Letters:** None.

**Proponent/Opponent Rebuttal:** None.

**Hearing Closed.**

<b>Motion #2 :</b>	<b>Wall/Haug to adopt Resolution No. 99-113.</b>
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**Commissioner Ashby** asked if staff saw a problem the way subdivisions are processed and handled. **Ms. Mingay** noted that there have been some problems, but it gives the Planning Commission the opportunity to make decisions where neighborhood concerns are addressed (allow them to express their concerns at a public hearing). **Ms. Mingay** said that very few comments are received on subdivisions. Most concerns are about traffic impacts. The process allows a forum for neighborhood participation. There has been limited input from the neighbors in the past.

**Commissioner Wall** said the time to review changes is the time when things appear to be going smoothly. If a lot of the developments do not have much controversy about them, the process would go rather quickly.

**Commissioner Haug** said the proposal is a much better avenue for the neighbors and community to work together and provide input.

**Commissioner Fowler** said she agreed with the comments made by other Commission members concerning the Commission's review of subdivisions over 10 units.

**Commissioner Haug** said that when issues arise (such as private streets), the Commission can readily familiarize themselves with the process.

**Commissioner Ashby** said he sees a trend that the Commission is moving toward a body that makes fairly detailed choices on projects within the City. The Commission should be a policy setting body. Discussion was held concerning enforcement of the issues that have arisen. **Commissioner Ashby** addressed findings and the need for detailed review, and covered Type III issues. He felt that staff is doing a sufficient job on reviewing them now and it would cost more for the applicant, involving more consultants, attorneys and time to get the project planned and on line (less affordability for the consumer). If it is not broken, don't try to fix it. **Commissioner Ashby** said he would vote against the resolution.

**Commissioner Wall** reviewed Commissioner Ashby's statements. He sees it from the standpoint of the pressure to increase development. There are very few arguments that the Commission should not be involved in these decisions (this is what they are supposed to do). The Commission is to make sure that things go the best possible way as it can. He feels that sometimes in the past, some of the citizens have not had their fears addressed (whether the Commission could have done anything or not), the Commission needs to take responsibility in doing so.

**Commissioner Haug** said the Commission plays a dual role: policy development proposed to the City Council and quasi-judicial interpretation of rules. He would hate to see the elimination of the quasi-judicial process. Commissioner Haug said that some issues need to initiate open dialogue. The Commission and the City is blessed with a good staff. Rules need to be in place to support public involvement and promote livability in the community.

**Chair Hannum** asked staff if there was an advantage in being in a position where the Commission could take the fall on certain matters which would provide some negotiation ploy.

**Ms. Mingay** said that on some kinds of land use actions they have been asked on "how it would go". Ms. Mingay said that she has discussed positive and negative aspects of development and decisions by the staff and the Commission. She also noted that she would review the pro's and con's and also the appeal rights.

**Mr. Brierley** said that some issues that would go to the Commission would allow some "closure" to a matter (no further argument).

**Commissioner Wall** called for the question.

**Commissioner Ashby** said that the responsibilities for applying and enforcing the Development Code and Comprehensive Plan should go through a process. Discussion was held concerning various options to the policies laid out by City staff (better qualified in most instances to handle the situations). Another approach is to review other subdivisions that have been completed and learn from mistakes. Commissioner Ashby reviewed problems with the Creekside Development project.

<b>Vote on Motion #2 :</b>	The motion carried (4 Yes/1 No [Ashby]/1 Absent [Parrish]).
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## **PUBLIC HEARING (#2)**

*Continued from February 25, 1999 Meeting*

**APPLICANT:** City of Newberg  
**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  
**CRITERIA:** NDC 10.20.030  
**TOPICS:** Bicycle Parking, Landscaping, Design Guidelines, Service Drives

**Abstentions/ex-parte contact:** None.

**Objections:** None.

**Staff Report:** **Mr. Brierley** discussed the various topics and reviewed the process for review of the topics.

### **1. Attachment A: Bicycle Parking; Transportation Planning Rule Requirements.**

**Mr. Brierley** said that a bare minimum would be to copy the language from the TPR and place it in the Development Code. Mr. Brierley presented slides on samples of bicycle racks around the City. He took slides on commercial properties (Fred Meyer's, Springbrook Plaza) and also residential and apartment areas.

**Tape 1 - Side 2 (7:45 p.m.)**

Discussion was held concerning whether or not the examples which displayed a bicycle rack were mandated. Mr. Brierley stated that it is not mandated at this time, but the State code will require it eventually.

**Mr. Brierley** reviewed the information contained in Attachment C. The staff recommended adoption of at least the reasonable minimum. Discussion was held concerning the definition of "the Director" (generally the Community Development Director, or his/her designee).

**Proponent:** None.

**Opponent:** None.

**Questions to Proponent:** None.

**Public Agency reports:** None.

**Letters:** None.

**Proponent/Opponent Rebuttal:** None.

**Staff Recommendation:** Approve the "reasonable minimum" standards.

**Hearing Closed.**

**Commission Deliberation:**

<b>Motion # 3 :</b>	<b>Ashby/Fowler</b> to adopt the bicycle parking "reasonable" standards option.
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**Commissioner Haug** asked that the consultant and staff's recommendations be included in the packet to be presented to the City Council (for the presentation as it is important for the Council to see the whole picture).

<b>Vote on Motion # 3 :</b>	The motion carried (5 Yes/1 Absent [Parrish]).
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**2. Landscaping and Outdoor Areas.**

**Mr. Brierley** reviewed the landscaping and outdoor area requirements contained in the staff report.

<b>Motion #4 :</b>	<b>Haug/Fowler</b> to adopt Attachment E.
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<b>Vote on Motion #4 :</b>	The motion carried (6 Yes/1 Absent [Parrish]).
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**3. Design Guidelines - Attachment F (protecting natural features).**

**Mr. Brierley** reviewed the staff report and the acceptable guidelines as proposed. Discussion was held concerning maximizing development and design guidelines being consistent.

**Commissioner Wall** said the definition of "guidelines" may not be viewed as a requirement and may give more opportunity to have them do what they want to do on the property. If it is in the guideline, the Council or Planning Commission may waive certain conditions (waiving variance if appropriate, etc.). It gives much ambiguity. Discussion was held concerning what weight the guidelines have for following standards if not adopted by City Ordinance. Commissioner Wall said that it appears that "if they don't do it, nothing happens; but if they do it, here are the benefits."

**Commissioner Fowler** said that certain situations may arise where guidelines may be amended or revised because of certain situations.

**Mr. Brierley** reviewed the "point system" which was recently adopted by the City Council.

**Commissioner Haug** said he likes the guidelines but it appears that some may not be clear and objective. He was not comfortable for leaving them open for the developer to consider. Discussion was held concerning enforcement.

**Commissioner Wall** asked if it was staff's opinion that they all be treated the same way. Are some more appropriate as requirements and not as guidelines. Mr. Brierley expressed his thoughts on why staff chose the guidelines (options).

**Mr. Brierley** said the City of Ashland adopted standards on hillsides (decided before LUBA). LUBA found their standards were not clear and objective.

Discussion was held concerning unintended consequences in complying with the Development Code (being able to waive certain Development Code standards).

**Mr. Brierley** stated that staff recommended Option B, as contained in the consultant's proposal. Staff also recommended that the ability to waive standards, without a variance, be extended to any design review decision of Type II or greater. Discussion was held concerning removing the language in Option B (without a variance).

<b>Motion #5:</b>	<b>Haug/Ashby</b> (Clarifying option B) to adopt the language allowing for a waiver of some of the design standards which are approved by the "approving body".
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<b>Vote on Motion #5:</b>	The motion carried (5 Yes/1 Absent [Parrish]).
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#### **4. Multiple dwelling and mobile home park service drive standards.**

**Mr. Brierley** reviewed the changes contained in the staff report and provided examples of slides on multiple dwelling and mobile home park service drive standards. Staff recommended that sidewalks be added to provide access rather than use of the driveway to get from one part of the complex to another. Mr. Brierley said that in most mobile home parks, people use the private streets to access from one location to another. He then reviewed the amendments contained in the staff report.

Discussion was held concerning ADA requirements.

#### **Tape 2 - Side I (8:38 p.m.)**

**Commissioner Wall** inquired about sidewalk width (three-foot). Discussion was held concerning three-foot is not wide enough for two people to walk side by side. Ms. Mingay said the City standard for sidewalks is five-feet.

**Commissioner Wall** expressed concerns about inconveniencing applicants which become a burden for everyone.

Further discussion was held concerning unnecessary extra paving which would possibly eliminate or reduce Greenway.

**Commissioner Ashby** said that if it changed to "not less than four-feet" which would compromise pro's and con's for three and five-foot requirements. Sometimes internal sidewalks in developments, five-foot requirement is not necessary.

<b>Motion #6:</b>	<b>Ashby/Wall</b> To adopt the 10.50.242 (3) with onsite walks shall be a minimum of four-feet.
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<b>Vote on Motion #6 :</b>	The motion carried (5 Yes/1 Absent [Parrish]).
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**VI. ITEMS FROM STAFF**

1. Update on Council items

**Mr. Brierley** reviewed the upcoming Council April 5, 1999. Discussion was held concerning the adoption of the private street standard with the exclusion of not being able to subdivide unless the private street already has the utilities and paving installed (paving and the project was in phases with the prior phases being allowed).

2. Other reports, letters, or correspondence

**Mr. Brierley** said an "Affordable Housing" summit will be held on April 14, at George Fox University. A flyer will be sent out to the Commission.

**Commissioner Haug** discussed the Council's actions on system development charges (raising them). **Mr. Brierley** said the consultant is working on the various projects which would be funded through SDC charges (mainly upgrading of existing roadways). Further discussion was held concerning the projects under the Transportation System Plan.

3. Next Planning Commission Meeting: April 8, 1999

**Mr. Brierley** said a historic review will be on the agenda. Final form of prior adoptions by the Commission. A round table discussion on growth and density policy.

**Mr. Brierley** said he will not be available on April 26 for the joint City Council and Planning Commission meeting. He hopes that the agenda will include the Commission's discussions from the April 22 Planning Commission meeting.

**Commissioner Haug** expressed concerns about the Commission's priorities of the items voted on at the last meeting. The growth and density topic received seven votes. Discussion was held concerning the Commission's views on why it appears to be the most "important" issue (defining density and where the City is to grow).

**Commissioner Haug** expressed his concerns about the Council and Commission aggressively addressing existing density.

Discussion was held concerning holding a round table discussion on growth and density policy issues.

**Commissioner Haug** said it is more of a livability issue rather than a "growth issue".

**Commissioner Ashby** said it appears that the City is buying into a land use paradigm.

**Commissioner Wall** discussed the outcome of the vote of how the numbers changed on the priorities, but not the outcome.

**VII. ITEMS FROM COMMISSIONERS**

**Commissioner Ashby** provided an update of the Rules Committee and requested to schedule a one hour work session before the meeting to go over the rules and explain basic Roberts Rules of Order. The one hour work session will be held at 6:00 p.m. on April 22.

Discussion was held concerning the City applying for a grant for the river front. Mr. Brierley indicated that a pre-application was submitted.

Additional discussion was held concerning the downtown redevelopment committee. Workshops have been held on doing business in the downtown area, the creation of a downtown association, and interest in apartments being remodeled above downtown buildings. Discussion was held concerning Loren Berg relocating on Hwy. 99W. Ms. Mingay noted the assisted living facility (Avamere) on College Street.

**VIII. ADJOURNMENT**

The meeting was adjourned at approximately 9:15 p.m.

Passed by the Planning Commission of the City of Newberg this 8<sup>th</sup> day of April, 1999.

AYES: 7      NO: 0      ABSTAIN:      ABSENT: 0  
(list names)

ATTEST:

Peggy R. Nicholas  
Planning Commission Recording Secretary Signature

Peggy R. Nicholas      4-8-99  
Print Name      Date

**INFORMATION RECEIVED INTO THE RECORD  
AT THE MARCH 25, 1999 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 was presented that was not previously contained in the staff packet.



LABELS FROM THE 3/25/99  
PLANNING COMMISSION MEETING  
FROM THOSE WHO GAVE PUBLIC  
TESTIMONY/REGISTRATION CARD

***Be sure to add file number by  
name*** on each label

NO PERSONS WERE IN  
ATTENDANCE TO PRESENT  
TESTIMONY ON ANY AGENDA  
ITEM OR COMMUNICATIONS  
FROM THE FLOOR.