

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, SEPTEMBER 12, 2002 AT 7 P.M.

Approved at the October 10, 2002 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Matson Haug
Nick Tri

Louis Larson, Chair
Richard Van Noord

Bart Rierson
Lon Wall, Vice Chair

Dennis Schmitz

Staff Present:

Barton Brierley, City Planner

Mr. James H. Bennett, City Manager

David Beam, Economic Development Coordinator/Planner

Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Larson 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 Haug asked that the Administrative Variance Policy in the Development Code be set as an agenda item for discussion.

Motion #1:	Haug/Tri voted to set a time for discussion on administrative process on the variance ordinance for the next session to include additional information. Motion was withdrawn as Mr. James Bennett, City Manager, said he would come back with information as requested.
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Commissioner Wall said that he would not feel that it was inappropriate to discuss.

Commissioner Haug said he had sent a letter to the editor concerning lighting well above city standards. He would like to have the Commission come to a consensus in allowing increased lighting as a hardship and then bring to the attention of the City Council? He said he was comfortable with the status quo or did we need to massage it? Discussion was held concerning providing materials for the next meeting and points of reference as to the specific ordinance language in the packet rather than review it at a later meeting.

Motion #2:	Rierson/Haug moved to allow Commissioner Haug to provide the Commission with information concerning the matter at the end of the meeting.
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Vote on Motion #2:	The Motion carried (unanimously).
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III. CONSENT CALENDAR

1. Approval of June 13, 2002, and the July 11, 2002, Planning Commission Minutes.

Motion #3:	Haug/Tri voted to approve the consent calendar items, approving the minutes of the Planning Commission Meeting.
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Vote on Motion #3:

The Motion carried (unanimously).

IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None

V. WORK SESSION

1. Citizen Involvement

Mr. Brierley said that one of the goals is to improve citizen involvement. Today we will discuss the notices and how to do posted notices, not the content of the posting. His proposal is to discuss the content of mailed notices, notices posted on site and if there are other items to improve citizen involvement, then go over the work the Commission did last time and then decide on where to go from here, make tentative agreements and come back with official resolution for adoption for implementation or to be approved by the City Council.

1. Mailed Public Notices.

Mr. Brierley presented a new form of notice.

- **Title** - The notice was designed to give notice of trying to do: attend public hearing and give information on the proposed criteria and site.
- **Testimony Procedure**
- **More Information**
- **Questions**
- **Map of proposed site**

Discussion was held concerning the notice being mailed to property owners within 300 feet of the subject site (generally all one sheet in a sealed envelope, but may be folded over).

Commissioner Haug said he liked it, but it was still too intimidating. Possibly the information can be made a little friendlier and easier to understand.

Commissioner Rierson suggested that all the legal information be placed on one side of the page and the first part being an introductory explanation without giving an opinion.

Commissioner Tri suggested "cliff notes" and keep it simpler to give rise to more interest.

Commissioner Wall said that there are legal requirements which may prevent certain information to be included. He suggested a pamphlet of general information that is not intimidating and send it out with the specific information pertaining to that specific land use matter. Discussion was held concerning the recent information that was sent out on the transportation plan.

Commissioner Schmitz suggested adding "what do you think/feel" section about the proposed land use matter? Discussion was held concerning taking a more simpler approach and placing the map and basic information on the front and the legal information on the back.

Commissioner Haug said the 300 ft. notice requirement is too short of distance for proper noticing. There needs to be more involvement such as with the most recent lighting issue with the Dodge dealership. Discussion was held concerning extending the notice requirements to 500 feet and the cost factors possibly being outside the scope of additional mailings.

Commissioner Rierson said some issues affect the whole city and not just property owners within a 300

foot radius of a proposed land use matter. Discussion was held concerning the lighting issue being a development concern which would require more notice because it would affect the entire city.

Commissioner Haug asked who would bear the cost of mailing notices.

Mr. Brierley said the developer would. He would provide at the next meeting certain scenarios of various land use issues and the costs and procedures involved in notice requirements.

Mr. Bennett, City Manager, said that the Oregon Revised Statutes govern the notice requirements for land use hearings. Discussion was held concerning any increased costs would be borne by the applicant.

Mr. Brierley addressed the City staff generally extending the noticing to the end of the street/block to make sure that everyone is noticed. Mr. Brierley said that the applicant, however, may not go past the 300 foot requirement. Discussion was held concerning generating the address list for the applicant which would prevent discretionary opinions and keep the matter to administrative.

Commissioner Haug wanted to make sure we had provided notice to sufficient number of people.

Discussion was held concerning community oversight and providing some form of discretion in conjunction with what the City staff has worked on.

Commissioner Wall addressed problems with discretion with the sign code/ordinance because signs involve other things such a Supreme Court issues.

Chair Larson said that the Commission needs to formulate a document and entertain discretionary discussion before presenting it to the Council.

Commissioner Haug said that through City staff, the Commission could provide a recommendation to the Council to see if the Council is interested in working on the project.

Discussion was held concerning others outside the 300 foot limit not allowed to testify on the land use hearings.

Mr. Brierley also addressed the "real estate" type signs with appropriate signage similar to a "for sale" sign to be used over and over with the same message as real estate flyer boxes but with more detailed information.

Commissioner Haug said that the sign could read "Notice of Land Use Change - see Flyer Box for Details" with the flyer changing per site specific. He said that he prefers the above sign which is more of an immediate notice than a smaller sign with too much information.

Commissioner Schmitz discussed notice requirements. The language of "New Land Use Proposed Here" was preferable. The owner does not necessarily want to change the use of the land beyond what is allowed by the zoning.

Commissioner Wall noted that specific information is not required to be placed on the property. Discussion was held concerning size of lettering, etc.

Mr. Bennett said there are certain kinds of language required to be placed in notices for publication (certain type of letters, format, etc.), and it has to say certain specific things.

Commissioner Wall said specifically the Newberg Fred Meyer land use sign was too small. He would like to see the new formatted sign as suggested by staff.

Commissioner Rierson discussed some type of mechanism in making sure the flyers are available in the real estate boxes which could cause some concern in maintaining proper notification and notice requirements.

Commissioner Haug said the proposed sign does not state the date or the time to respond, and it would be nice to see if the actual meeting date was on the sign, maybe on a separate sign located below the original sign.

Commissioner Schmitz addressed possible revenue sources for the City. It could charge rental for the use of the signs. Discussion was held concerning rental rates and a current contractor that places real estate signs for \$28.

Discussion was held concerning the chance of the land use signs being destroyed by vandals.

Commissioner Haug addressed having an inventory of 20 or so signs and set up a rental schedule for prospective applicants to rent them to applicants.

Mr. Brierley said that he would get together cost estimates.

Tape 1- Side 2:

Commissioner Haug asked if findings would be reported to the Council.

Mr. Brierley said that things that would require changes in Ordinances, etc. would require approval by the Council.

3. Other Items.

Commissioner Rierson said that George Fox University has a video taping program and that the University could be contacted. The McMinnville ATT cable office will also air the taped hearings if they are provided to the studio in McMinnville.

Commissioner Tri said that radio advertisement could be used. The local radio station (KLYC) is pretty responsible in the community with public service announcements.

Mr. Bennett said he will talk with the radio station. Discussion was held concerning airing a summary or a summary agenda in the Newberg Graphic. Discussion was held concerning radio public service announcements. They are a way to get citizens involved. Discussion was held concerning what video editing or communications would be available.

Mr. Brierley said that he would contact George Fox University.

Commissioner Schmitz addressed contacting the service clubs.

Mr. Bennett said he routinely gets emails from the Chamber on what is happening about the land use issues or something on the Council or Planning Commission hearings. Mr. Bennett said that the City will be revising its website and provide for information and noticing once the website is up and running.

Commissioner Haug asked about Park and Recreation District and the School District airing their meetings.

Mr. Bennett said that he does not believe that those meetings are aired.

Discussion was held concerning the cable studio primarily airing only McMinnville activities, but a McMinnville resident generally plays a role in getting the video aired.

Mr. Brierley said he will take the ideas and draft a proposed Resolution for review.

Commissioner Wall suggested a reader board similar to Lafayette placed in front of City Hall which gives notices of what is going on in Lafayette. Discussion was held concerning having Mr. Brierley suggest a list of potential topics that could be advertised and to be located in two areas.

VI. ITEMS FROM STAFF

City Manager James Bennett noted that by the first of the year, there will be new Council members and a New Mayor. It would be appropriate to have a joint Council/Commission meeting after the first of the year to review issues. The joint meeting would enable the two bodies to meet and have the opportunity to speak without dealing with adversarial issues. The Planning Commission is appointed by the City Council and serves at the pleasure of the Council. Discussion was held concerning Planning Commission diversity in quorum issues and cooperation. Mr. Bennett said that he has been a former planner for over 16 years and have worked with various Planning Commission members.

Commissioner Haug addressed Commission members testifying at the Council level and having the appropriate standing in presenting the Commission's position on various issues. Commissioner Haug said that he would like to see the Council approve a member/spokesperson or even the Chair from the Planning Commission to represent the Commission's position.

Mr. Bennett said that he thought it would be a good discussion topic item to review at the joint meeting. Commissioner Schmitz addressed each body respecting the other. Mr. Bennett said that the Council has given a big responsibility to the Planning Commission to handle land use issues.

Commissioner Rierson said that at a specific meeting, some of the Commission members wanted to speak on an issue.

Commissioner Wall said that the Commission did not have standing to be able to discuss issues at the Council level. The issue comes over on whether or not a member can speak on behalf of the Planning Commission in general. There will be almost an entirely new Council which may change things after the first of the year. Discussion was held concerning any appeal being part of the record. If the Commission is part of the voting body on a previous decision, it is inappropriate to testify because there is no standing (quasi judge) and a member should not go in and testify as an individual.

Mr. Bennett said that if a Commission member is personally affected and any potential conflict of interest would reclude a member from voting, he should not make a statement on behalf of the Planning Commission.

Commissioner Rierson addressed speaking at the September 19 City Council hearing.

Commissioner Haug said that he was not part of the original hearing at the time the matter was heard (sign for Newberg Dodge).

Mr. Bennett said it is a question of what he would be testifying to, what is based on the criteria. The Planning Commission has already reviewed and determined the matter based on the criteria. Mr. Bennett said that the Council will have the full record and all decisions made, staff reports and previous staff reports, LUBA appeal for the Council to review and it would be opened up for any public testimony.

Commissioner Haug appealed the matter to LUBA and he has a certain standing. Discussion was held concerning productivity property decorum to have Commission members can go and testify in situations such as this as when the record is open.

Mr. Brierley said that he presents the staff report which contains the Planning Commission's views and decisions made by the Commission. The matter may be referred back to the Planning Commission which may cause problems if the Planning Commission members were to speak at the hearing.

1. Update on Council items
2. Other reports, letters, or correspondence
2. Next Planning Commission Meeting: October 10, 2002

VII. ITEMS FROM COMMISSIONERS

Commissioner Haug said that he will prepare materials concerning noticing and procedures for handling land use matters at the next meeting. Mr. Brierley said that he will work with Commissioner Haug to develop a materials packet.

NUAMC will have a meeting and hear an application for a UGB amendment for a 59-acre parcel on the east side of town on Corral Creek Road. October 23 will be the first hearing on the application.

Commissioner Haug said the Rate Review Committee is short a few committee members (by 3) and anyone interested should contact the City. A couple of workshops on Thursdays (19th and 26th) to discuss storm, sewer and utility fee to maintain and improve the storm drainage system in the City. At the same time, there is a concern about maintaining streets and a street utility fee (infrastructure fees). There is a Chamber forum coming through that will integrate the tolerances of the City in adopting one or both of the fees. A public hearing will be held on Monday, November 4.

Discussion was held concerning the Urban Renewal Agency being placed before the voters in November.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 8:30 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of October, 2002.

AYES: 5

NO: 0

ABSTAIN: 0
(list names)

ABSENT: 2 (Schultz/Rivers)

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy Hall 10/10/02
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE SEPTEMBER 12, 2002 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 #
NONE

LABELS FROM THE 9/12/02
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/ REGISTRATION CARD

Be sure to add file number by name
on each label

NONE