

PLANNING COMMISSION MINUTES

September 9, 2004

7 p.m. Regular Meeting

Newberg Public Safety Building

APPROVED AT THE OCTOBER 14, 2004 PLANNING COMMISSION MEETING

I. ROLL CALL

Commissioners:	Dwayne Brittell Richard Van Noord Nick Tri	Phillip Smith Dennis Schmitz
Absent:	Matson Haug	Louis Larson
Staff:	Barton Brierley Elaine Taylor	Dawn Nelson Steve Olson

II. OPEN MEETING

Chair Van Noord called meeting to order 7:00p.m.

III. CONSENT CALENDAR

1. Approval of August 26, 2004 Planning Commission Meeting Minutes

Commissioner Brittell - pointed out some information missing from the minutes regarding the motion for housing replacement.

MOTION: To approve August 26, 2004 Planning Commission Meeting Minutes. Motion failed.

IV. COMMUNICATIONS FROM THE FLOOR

None noted

V. LEGISLATIVE PUBLIC HEARINGS

1. **APPLICANT:** Newberg City Council initiated based on Planning Commission recommendation
REQUEST: Modify Newberg Code to prohibit long term temporary merchants in the C-3 zone from having drive up service windows.
FILE NO.: G-96-04
RESOLUTION NO.: 2004-171

Chair Van Noord - opened public hearing and read ORS 197.763, called for objections and abstentions - none noted

Staff report presented by - Barton Brierley

This resolution is to prohibit drive up windows at long term temporary merchants in a C-3 zone.

Background on how this item came up. About a year ago, the development code prevented driveup windows in the Downtown C-3 zone at permanent buildings. Temporary merchants were under a different ordinance and were allowed to have drive up windows. Planning Commission thought the idea was bad, that the two didn't mesh. This is why we are proposing prohibited versus conditional use permit. It will affect only new businesses not existing businesses this is not retroactive.

Staff recommends approval.

Questions of Staff

Commissioner Brittell - so we are not looking at changing the development code?

Barton Brierley - correct

Commissioner Brittell - Is it normal for the Planning Commission to change municipal code?

Barton Brierley - since it was initiated by Commission thought it would be good to bring back to them.

Commissioner Brittell - not comfortable with passing without having actual ordinance to look at, need to define terms used in the wording.

Discussion between commissioners about "long term temporary merchant"

Commissioner Brittell - had questions about "short term temporary merchant", why wouldn't also list those.

Barton Brierley - short term is up to 45 days, long term can be there forever. Mr. Brierley then read definition from municipal code for temporary merchant.

Commissioner Brittell - so short term would still be allowed under this?

Barton Brierley - yes, under this you could and that is something you could address in an amendment if you wanted.

Commissioner Brittell - creating something that will continue if you don't put same conditions on short term as are designated to long term.

Barton Brierley - Short term and long term are not actually defined, but wording is in ordinance describing the length of permits available.

Public Testimony

Cliff Whitlow - 111 W. First St., Newberg - Owner of Speedy Espresso in Pasquales parking lot, I wanted to know if I would be grandfathered in or if this was only for new businesses.

Commissioner Schmitz - It shouldn't affect you.

Chair Van Noord - do you want to summarize or work on wording?

Barton Brierley - the change - delete long term from #9 or if you want to allow short term change wording.

Commissioner Tri - make it all inclusive both short term and long term.

MOTION: Brittell/Tri To adopt **Resolution No: 2004-171** Modify Newberg Code to prohibit long term temporary merchants in the C-3 zone from having drive up service windows, amended as follows: delete wording "long-term" from #9 (Unanimous) Motion passed.

VI. PRESENTATION

Brief Report from Ad Hoc Committee on Newberg's Future

Power point presentation.

Sam Farmer - I am here to present updated information on Ad Hoc Committee on Newberg's Future. Mr. Farmer covered information from power point presentation about the Committee who they are and what they have accomplished. This information was also provided in the packet.

Elaine Taylor provide a summary of the Committee's findings to date.

Background - the Newberg Comprehensive plan was developed in July, 1979 and the UGB has not substantially changed since 1979, the current growth boundary was to hold us to 2010. There are certain state requirements for goals which need to be met.

Process - on 4-1-04 Committee started meeting and has meet regularly about every week.

Phase 1 - how much, Committee worked with consultant to gather data at the end of Phase I Mr. Farmer reported to City Council and the Committee had an open house for the public.

Phase 2 - what & where, Committee is getting ready to start this to determine where Newberg will grow and how will the land be used. The committee in March of 2005 will have another open house to present their findings and to get public input. They will also present in a joint meeting for Council and Commission.

Consultants also to look at comprehensive plan and zoning ordinance changes, City Council will then decide if public hearings will be held on changes, then it will go on to state review process.

Work to Date - The committee has gathered data on population, housing demand, commercial and industrial land needs as well as institutional land needs. They looked at the historic population growth and then what the projected population growth will be assuming a median rate of growth. The committee wanted to see a range of populations so the consultant prepared the numbers as such. The City's supply of buildable land will be exceeded by 2025 at median growth rate. The bypass - increases institutional land and decreases the land already designated as buildable with a loss of 117 acres. There is a 1172 acres short fall for 2025 after all is added up, and a 2587 acre short fall by 2040 with the median growth scenario.

Committee invites you to start thinking about the same questions that the public was given during the open house.

Commissioner Brittell - is the survey in the packet?

Elaine Taylor – no, I will get them to you.

Commissioner Smith – I have a question on assumptions, the total UGB supply and demand. I'm very surprised with the low number on industrial estimate. It paints a picture of a town that continues to be a residential town where residents continue to commute out. Looking for more jobs in Newberg so less have to commute so looking for more industrial land.

Elaine Taylor - the committee heard from the public that they do not want it to be a bedroom community.

Barton Brierley - that is one thing that struck me too, projection based on employment forecast from State, these were very pessimistic for future employment in Newberg. Industrial uses tend to be chunky. The committee might adopt high growth scenario for industrial. We are having a tough time finding viable sites to get new businesses in.

Commissioner Brittell - no one is going to take our prime industrial land until the highway is decided since they would be afraid of losing it. Industrial & commercial areas are essential to keep a tax base. Any new residential development is going to lessen the economic success of the City. It costs more to service residential than commercial and industrial.

Commissioner Smith - you just gave a financial reason to implement what I've said.

Commissioner Brittell - with the bypass coming through it really disrupts the industrial land in that area. I hope the committee will continue to think about annexing more land to make up for the land that is going to be lost with the bypass. It will be interesting to see how the bypass affects the economy of Newberg.

Commissioner Schmitz – I have a question on local demographic projects.

Elaine Taylor - consultants for commercial & industrial looked at the employment as the main driver. Consultants looked at population as the for driver for retail & housing.

Commissioner Smith - both instances looking from the past history to come up with statistics.

Commissioner Schmitz – they were looking at County not actual City statistics.

Commissioner Brittell - concern with value statements didn't seem consistent with what the needs are for industrial land.

Elaine Taylor - the value statements are a product from committee.

Commissioner Schmitz - the work that the committee has done looks top notch, with the exception of commercial / industrial issues that we are concerned with. Nice presentation.

VII. ITEMS FROM STAFF

1. Update on Council items

Barton Brierley - In regards to the proposed bypass policies, the Council hasn't made a decision yet. It has been held over to their next meeting. In the preliminary motion, they were very accepting of items you recommended. They decided to keep modified 3J wording instead of adding 3J back in. They modified the housing policy: while they liked the idea of striving for one to one replacement, they were concerned with the City having to fund for additional housing.

Commissioner Brittell - thought it was interesting that there was discussion that the owner would be compensated for the property the land acquisition, since ODOT has to pay to acquire the land, but that doesn't compensate the tenant who has to relocate.

Barton Brierley - ODOT is required to do relocation assistance. They have to do that in addition to paying the landowner for loss of land.

Commissioner Smith - I have a process question: did they take public testimony at the meeting?

Barton Brierley - no

Commissioner Brittell - they discussed two issues that staff expounded on. I don't think that we were fairly represented. I think staff had a much greater influence on the issues than we did on Council's decision for these two issues. Concerning the orientation modified 3J recommended by POST, I am concerned that it was a staff approval of modified 3J. It didn't go to the Council or the Planning Commission. I am surprised that it wasn't a decision made by public.

Barton Brierley - it was the POST recommendation to move alignment south. Once they made recommendation, ODOT met with staff to show the new alignment on the map.

Commissioner Brittell - POST hasn't very consistently gone by the goals in our comprehensive plan. The Comprehensive plan was changed by allowing staff to make this kind of decision. In the comprehensive plan it still says orientation of bypass will still be as far north as possible. This violates that. What Council was afraid of if they accepted both alternates it would cost more because ODOT would have to go back and look. Should have said that modified 3J was in violation of comprehensive plan. Can we make a motion tonight to make a change in the directive that has already gone to Council?

Barton Brierley - The Commission has already made recommendation. I don't know that it would be wish to reopen that.

Commissioner Schmitz - the Council's concern is that having both options 3J and modified 3J is that it will create greater costs.

Commissioner Brittell - findings of facts were based on our minutes and there were some items missing and on the staff recommendations. He reiterated the Commission's proposed changes. He then read information from the Council report regarding the two amended items that the Commission had proposed that the staff felt needed to be looked at by Council. My concern is that this says we are approving modified 3J and we disapproved it.

Commission discussed how the idea was to give them more than one option for the bypass plan.

Commissioner Brittell - read motion from previous meeting about retaining maps given to commission was disappointed with the map that was presented.

Barton Brierley - we provided each councilor with maps with the riverfront district.

Commissioner Brittell - you did not provide information that we were violating the comprehensive plan.

Barton Brierley - the council did have that information and they discussed it at the meeting.

Commissioner Smith - I am understanding your concern the staff explanation wasn't specific enough about our concerns. Do you have a proposal about it.

Commissioner Brittell - I'm not sure if it is appropriate, need answer from attorney probably. Planning Commission representation at Council meeting would be very helpful. We have to rely on staff to give our recommendations to the Council. There is no method of communication between Commission and Council.

Commissioner Schmitz - in fairness to staff this is a big issue, and we start breaking it down and all of the issues that we talked about, staff has to do all that. I think that there are issues that we need to work on. Get feedback from Council on issues and let the Commission rework them.

Commissioner Smith - the Council is elected and they have the authority. The flow of information Commission to staff to Council has its advantages, but probably also has its disadvantages. If we stuck one commissioner with the task of reporting to Council it might be hard to reflect the feeling of the whole Commission and keeping the bias out of it.

Commissioner Brittell - I think we could tonight that the missing findings of fact could be reiterated to the council.

Commissioner Schmitz - I think without the request of the Council it is probably inappropriate.

Commissioner Brittell - motion to have Planning Commission urge Council to consider option 3J because it fits development and Riverfront Plan better.

Commissioner Smith - Commissioner Brittell has raised concerns, and would like to raise our concerns to Council. I have worked out a resolution to send.

MOTION: Smith/Brittell To send a resolution to Council recommending option 3J because 3J fits the Newberg comprehensive plan better, more specifically the applicable Riverfront policy 'k' goals '12a' & '12e'. The Commission urges the Council to consider 3j instead of modified.3j (Unanimous) Motion passed.

Barton Brierley - I have reservations about whole process. You made a decision and sent it to Council. Now you are trying to make a different recommendation.

Commissioner Smith - we don't want to step out of bounds, but this is a concern we need to talk to the city attorney

Barton Brierley - I will discuss this with the city attorney.

Commissioner Brittell - you seem defensive. What are you protecting in 3J.

Barton Brierley - I'm not projecting anything: this is a procedural problem now.

Discussion between Barton & Commissioner Brittell about the decision made by staff in April 2003 to accept modified 3J.

Commissioner Schmitz - do you have a recommendation of how we could send a message to the Council.

Barton Brierley - I think you have already done that.

Commissioner Brittell - we should recommend that staff project that particular map of riverfront plan.

Commissioner Smith - I understand Commissioner Brittell's concerns about procedure.

Barton Brierley - you are misunderstanding. The POST made a recommendation to move the alignment south. What they said was in words the city employees accepted.

Barton explained who and what the POST is and does.

Commissioner Smith - actually Council is now deciding on the option .

Barton Brierley - the wording from the minutes confirms that the mapping done was consistent with the POST recommendations.

Commissioner Smith - after the AD HOC presentation our priorities may change. As we go along in the next 16 months or so that we look at industrial problems.

Commissioner Schmitz - recommend to AD HOC instead of looking at Yamhill county data maybe look at Newberg/Sherwood.

Commissioner Smith - Sherwood would skew data even more to residential - I think problem is with State statistics, we need to be proactive in stating we need more industrial land.

Commissioner Schmitz - maybe we need to be compared to communities closer to Portland better fit than McMinnville. Make a statement on having enough industrial land.

Elaine Taylor - the AD HOC Committee doesn't want it to be bedroom community any more than the public does.

2. Other reports, letters, or correspondence

None noted

3. Next Planning Commission Meeting: October 14, 2004

Barton Brierley - not sure of agenda yet, wanted to let you know that the recommendations on project priority list we will given to Council and they can give you feedback

VIII. ITEMS FROM COMMISSIONERS

None noted

IX. ADJOURN

Chair Van Noord adjourned meeting at 9:02p.m.

Approved by the Planning Commission this 14th day of October, 2004.

AYES: 5

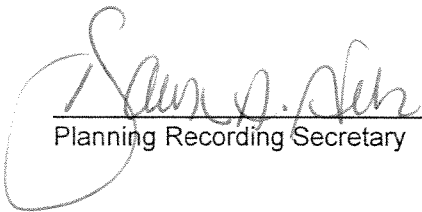
NO: 0

ABSENT:

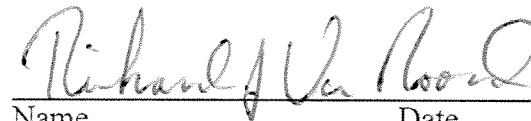
(List Name(s)): Tri Schmitz

ABSTAIN:

(List Name(s)):



Planning Recording Secretary



Name Date
Richard van Noord

Z:\PLAN\PC-Min\2004MIN\PC 090904min.wpd