



PLANNING COMMISSION MINUTES

February 8, 2007

7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

APPROVED AT THE MARCH 8, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Chair Overbay Phil Smith Cathy Stuhr
Nick Tri Lon Wall Daniel Foster
Matson Haug

Student Planning
Commissioner: Benjamin Shelton

Absent: None

Staff Present: Barton Brierley, Planning and Building Director
Jessica Nunley, Assistant Planner
Steve Olson, Assistant Planner
Luke Pelz, Assistant Planner
Ruth Schlachter, Planning Secretary

II. OPENING:

Chair Overbay opened the meeting at 7:00 PM by asking for roll call.

III. CONSENT CALENDAR:

Approval of Minutes from the January 11, 2007 and January 25, 2007 Planning Commission meetings.

Motion #1: Haug/Stuhr to approve the Minutes from January 11, 2007 and January 25, 2007. (6 Yes/0 No)

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Overbay invited the one citizen present to bring forth any new topics for the agenda. Nothing was put forth to be added to the agenda. She also reminded the citizens to fill out the public comment registration card.

V. QUASI-JUDICIAL PUBLIC HEARINGS:

Chair Overbay asked for any commissioners who needed to abstain or declare any previous involvement with this development. There were no abstentions. Dan Foster mentioned that he lives on a long flag lot.

1. **APPLICANT:** City of Newberg
REQUEST: Amend the Newberg Development Code to (1) prohibit gates on private drives or private streets serving as primary access to more than one dwelling, except as approved by variance; and (2) require that garages that take access from a shared driveway easement be setback 20 ft from the easement.

FILE NO.: DCA-06-007

RESOLUTION NO.: 2007-232

Staff Report:

Barton Brierley presented the staff report by utilizing various slide pictures showing examples of gates on private drives and private streets. Mr. Brierley stated current gate standards and garage setback standards. The current code does not regulate whether gates may be allowed on private drives or private streets. It does not specify setbacks from easements. Examples were shown of a gate on a private street and a driveway in Newberg. Diagrams were shown to demonstrate garage setbacks and how that would affect driveways, parking in driveways, and ease of access.

Proposed language would prohibit gates on private drives or private streets serving access to more than one dwelling, except as approved by a variance. It would also require that garages sharing a driveway easement to be setback 20 ft from the easement.

Staff recommends approval of the gates amendment but not the garage setback amendment.

Questions for staff:

Commissioner Haug referred to the letter from Leonard Rydell stating that it would be illegal to regulate gates on private property.

Brierley stated there is no reason why it would be prohibited to regulate gates on private property. The City has the police power to regulate things in the interest of public safety and welfare such as prohibiting gating on private streets.

Commissioner Wall clarified that Mr. Rydell's letter stated that it violates his concept of private property, not that it actually would violate the law.

Commissioner Shelton agrees with Rydell's statement of not being right to regulate gates on private property.

Commissioner Smith brought up the fact that in older parts of Newberg the current codes are not met. An example is when people park in front of their garage and they block the sidewalk. The current garage setback standards are not met in these cases.

Public testimony:

None

Close Public Hearing

Commissioner's Deliberation:

Commissioner Smith noticed that the location of the garages off of shared driveways creates parking or access problems. However, it seems too rigid to enforce a 20 ft setback. Is there a way to create language to regulate the design so that access is not a challenge for the homeowners?

Commissioner Haug suggested the two separate issues of gates and garage setbacks should be discussed separately.

Chair Overbay recommended that garage setbacks be discussed first since they were brought up first in discussion.

Commissioner Shelton agreed with Smith that a 20 ft setback limit is too rigid. Language to alleviate access problems is necessary. The yards shouldn't have to be taken up by parking space.

Commissioner Tri said that the configuration of homes in close proximity to each other is of major importance to allow ease of access for each homeowner. Safe entry and exit is important. Can we put this into code language?

Commissioner Wall said that code regulation of this isn't necessary because the market should dictate the size of house you buy, the size of the yard, etc. If people want big yards, they will make trade-offs for parking. The type of house you can afford might dictate the setback size as well as the size of the home.

Commissioner Foster favors specific setbacks. Foster lives on a shared drive. To allow for a safe exit he must back into his neighbor's driveway, in front of his neighbor's home, then turn and head out of the shared drive. Parking for each home owner is very limited. If he parks facing his home his neighbor does not have room to turn around. The neighbor would need to back all the way out the shared drive to the street. This is unsafe. Foster would like to see guidelines on how houses are positioned. Setbacks may not need to be the full 20 feet, but some distinct distance should be stated.

Commissioner Stuhr shares Smith's concern, against 20 foot setback because we need in-fill in the city. It will restrict developers too greatly and prohibit in-fill.

Tape 1 side B

Commissioner Haug wanted staff to show the photos of homes where the garages are close (from the presentation). The shared drive creates access problems for backing out of the drive. He was concerned about safety issues. Problem is lots are shrinking and parking area is restricted by the small lot. In another slide showing garages being further apart there is more room for access & parking of larger vehicles or more vehicles. Greater safety & usability is better. Livability is better. The solution he thinks is to evaluate design requirements, features & standards. He prefers we adopt 20ft setbacks for garages.

Commissioner Smith had an idea to give developers two options. Either adhere to the 20ft garage setback or have some minimum distance from the nearest garage.

Commissioner Stuhr drew a diagram on the board showing where the garages could actually be connected and still have easy/safe access. So just limiting the closeness of garages will not solve the bigger issue.

Discussion was held regarding garage 20ft setbacks and needing further language from staff on how to solve the problem of access and safety without enforcing a 20 ft setback.

Motion #2: Smith/Haug ask staff to come up with language to solve problem of parking & safety of private drives (7/yes, 0/no)

Commissioner Haug said this is a perfect example to show we need to set new design standards.

Commissioner Overbay agreed that the solution is more complicated than the 20 ft setback

Mr. Brierley recommended combining the garage setback issue with the rest of the design standards that will be under review soon and then bring the whole package before City Council.

*****5 minute break*****

Gates issue:

Commissioner Haug noted that private drives are requested because road standards are too inflexible. Loosening the street ordinance could eliminate a lot of private road and gate issues. Haug is not in favor of allowing gates because he wants to preserve the small town culture of Newberg. He doesn't like to see 'do not enter' and 'no trespassing' signs on streets in Newberg.

Commissioner Stuhr said she didn't think we should or could force current gates to come down. But we can disallow future gates. She supports the resolution using option B as proposed by staff (to adopt the language to prohibit gates on private streets or drives serving as primary access to more than one dwelling unit, and to remove the language that would require 20 ft garage setbacks from shared driveway easements).

Commissioner Foster doesn't have a problem with gates or even the signs. He asked if this was a concern of the public or a concern of just a few Planning Commissioners.

Commissioner Wall was a member of the Planning Commission at the time private streets were banned. Serious safety issues were the reason for that decision. He doesn't agree with making current gates come down. The signs are offensive, but just that, they are not a safety hazard.

Commissioner Shelton agrees with Mr. Wall that we shouldn't make this decision based on whether or not we 'like' private streets or the signs. We should decide because of legitimate reasons like safety.

Commissioner Smith is in favor of staff language not allowing gates on private streets or drives. If private land owner wants to have a gate on access to a single home, fine. We need to loosen up standards on public streets to allow for skinnier streets. He stated the importance of thinking about what kind of community we want Newberg to be. Gates will divide the city into the 'haves' and the 'have-nots.' As Planning Commissioners we should fight against that.

Motion#3: Smith/Tri to approve language on p.23 regarding gates on private drives and streets. (6/yes, 1/no)

VI. OLD BUSINESS:

Planning Commissioner Absences:

Page 46, shows the attendance records for Planning Commission and the City Council regulations.

Discussion was held regarding who should be contacted if a Planning Commissioner anticipates missing a meeting.

Mr. Brierley said he really does need to know who will be attending or not attending so chairs & microphones can be set up. Also, if Chair and Vice Chair are both absent then he knows he needs to make other arrangements for a Commissioner to run the meeting.

Motion #4: Haug/Wall to eliminate Section 1 of Resolution 2007-230 regarding Planning Commission absences

Discussion was held regarding missing consecutive meetings and what the regulation should state.

First Amendment to Motion #4: Smith/Tri motioned to approve Resolution 2007-230 with Section 2 language of training to the attendance language.

Discussion was held regarding the training requirements. The Commission agreed that new Planning Commissioners should receive basic training early after their appointment so they can make decisions. Returning Planning Commissioners also should attend training, but the timing isn't as important.

Second Amendment to Motion #4: Wall/Tri to include language: "new commissioners should receive basic training offered by staff within 30 days of joining the Planning Commission." (7/yes, 0/no)

Vote on First Amendment to Motion #4 (as amended): Approved (7/yes, 0/no)

Vote on Motion #4: To approved Resolution 2007-230 as amended Approved (7/yes, 0/no)

VII. ITEMS FROM STAFF:

1. Special meeting next week February 15, 2007. It is a joint meeting with the City Council to hear from ODOT on plans for the bypass
2. NUAMC had a workshop regarding including an area along Corral Creek Rd into the URA. The City is looking at developing a transportation plan for that area. (Handed out map)

Tape 2 side B

3. Next City Council meeting is on February 20, 2007.
4. A workshop on affordable housing was held Feb 1, 2007. There will be a follow-up workshop on March 15, 2007.

VIII. ITEMS FROM COMMISSIONERS:

None.

IX. ADJOURN:

Chair Overbay adjourned the meeting at 9:54 p.m.

Approved by the Planning Commission this 8th day of March, 2007.

AYES: 7

NO: 0

ABSENT: 0
(List Name(s))

ABSTAIN: 0
(List Names(s))



Planning Recording Secretary



Planning Commission Chair Date