



PLANNING COMMISSION MINUTES

April 12, 2007

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

TO BE APPROVED AT THE MAY 3, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL:

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

Absent: Benjamin Shelton
(excused absence)

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

II. OPENING:

Chair Overbay opened the meeting at 7:02 pm by asking for roll call.

III. CONSENT CALENDAR:

Approval of Minutes from the March 8, 2007 Planning Commission meeting.

Motion #1: Tri/Stuhr to approve the Minutes from February 8, 2007. (7Yes/0 No)

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Overbay invited the four citizens 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. No issues were mentioned.

1. **APPLICANT:** Initiated by Newberg City Council
REQUEST: Amend the Newberg Development Code to provide standards for large scale retail development.

Staff Report:

A late public comment letter was submitted to the City. Discussion was held and a decision was made to hear the presentation and public testimony first. Then decide whether or not to read the late letter.

Barton Brierley presented the staff report on Development Code standards for large scale retail development. Mr. Brierley first explained the history of City council workshops and meetings for establishing development codes. The issues are; benefits and impacts, effect on the economy, neighborhood impacts, aesthetic impacts, traffic and environmental impacts. Mr. Brierley stated what is already in place in our development code such as traffic study, sidewalks, landscaping, light standards, parking, aesthetics and process. After review and discussion with City Council, a draft of proposed amendments has been written by staff. City Council will welcome any additions the Commissioners would like to add to these amendments.

The Proposed Amendments are as follows:

- Lower percentage of windows required on ground floor. Design requirements for buildings over 30,000 sq ft have been changed.
- The developer must include four features along the façade, such as awnings, pitched roofs, recessed façades, and changes in material.
- Limit parking to 125% of the minimum number required.
- Plant grass instead of concrete in areas used for overflow parking.

Neighborhood impacts:

Require a 20ft landscape buffer. Use a screen of outdoor storage. Fence the property.

Processing standards:

Require conditional use permit (Type 3 application) review for any retail development over 30,000 sq feet floor area in a C-2 zone.

The staff recommendation is to consider proposed amendments, adopt Resolution 2007-265 recommending amendments to the Development Code for large retail developments.

Questions for Staff

Commissioner Haug asked for photo examples showing the reduced requirement for windows.

Mr. Brierley showed power point slide examples

Commissioner Haug would like to see more examples of what changes would be required

Commissioner Foster asked if the developer would be able to choose which features they wish to have in each 100 feet of store frontage.

Mr. Brierley yes, they would chose which features.

Commissioner Foster asked if staff looked at the codes for Sherwood, (Home Depot and Target) or Wilsonville Code.

Mr Brierley stated staff provided examples of Ashland and Medford codes

Commissioner Foster asked if retail stores were asked for their input.

Mr. Brierley said they were invited to the hearing tonight.

Commissioner Haug would like to compare our amendments to both Sherwood and Wilsonville codes.

Commissioner Stuhr the City Council discussed other issues, such as some of the social and economic effects of large scale retail development. Will these be addressed later?

Barton Brierley said they are not addressed in this draft. We aren't scheduled to address them.

Chair Overbay asked where the 125% parking come from.

Barton Brierley said from looking at Fred Meyer (and the photos in the slide show) shows there are many parking spaces which are unused. Staff used judgment to come up with the smaller percentage.

Commissioner Foster asked if reducing the window requirement would limit the building's ability to be a 'green' building.

Mr. Brierley said this is a minimum, they can always choose to have a higher percentage of windows.

Commissioner Haug asked if thoughts were given to having a section on green requirements.

Mr. Brierley said none of what was drafted addresses this issue.

Public Comment:

Mike Robinson, Perkins Coie, 1120 NW Couch St, Portland, OR 97209. Mike represents Jeff Smith. He agrees with most of what Mr. Brierley reported tonight. Most large retailers understand they will not be able to move into Newberg or another similar size community without needing to make changes. Stated that these standards are not unusual. Retailers understand that's what they need to do, to be competitive. Our focus is on the size. I think 30,000 sq feet is way too low to require a conditional use permit. Home Depot, Lowes, Target and Walmart are all much larger than that. Their size will not be less than 100,000 sq. ft. You could easily capture all your goals by changing the 30K to 50k sq ft. At 30k you will capture retailers like Albertsons and Bimart, which is not what I believe staff intended to capture.

He does not agree with the proposed Conditions and Process Standards because of the time required to have a Type 3, which requires a hearing. This will scare retailers off - if they think process is lengthy or unfair. Mike stated that the Type 2 design requirements are sufficient. He would like the commissioners to consider postponing this so he can discuss with staff. If the commissioners do pass this to City Council consider changing the 30k sq ft to 50K sq ft, also don't make it a Conditional Use process.

Commissioner Haug asked what the footprint size of the Sherwood Target store is.

Mike Robinson I'd estimate 160,000 sq. ft.

Commissioner Wall if it's ok for a business of 50k sq ft to be held to these rules why is it not ok for a business the size of 30K?

Mike Robinson in my experience retail less than 30,000 sq feet doesn't have the same issues discussed in the staff report.

Commissioner Stuhr The 20% window requirement seems low to me.

Mike Robinson said that a project manager would have better idea about this. Or talk to other jurisdictions to see what their code states.

Michael Cerbone, WRG Design, behalf of JT Smith Companies. Mr. Cerbone agrees with Mr. Robinson's comments. Also, he disagrees with the conditional use permit requirement for any size over 30,000 sq ft. The conditional use process is vague and allows more misconceptions from citizens which leads to resentments towards Planning Commissioners or staff. Medford distinguishes between large scale 50k and 100k. A conditional use for downtown area is desired. But, for areas where larger format retail is desired this is not necessary.

Commissioner Wall from what you said, is it reasonable for us to assume you don't like Conditional Use at all?

Mike Cerbone no. There are appropriate instances. I've highlighted some which are in your code. This is in the late correspondence.

Mike Robinson stated that conditional use process started in 20's when we had conditional and permitted uses. You can get everything you desire out of the Type 2 processes. Retailers would like to avoid the excess time and process required in a Type 3 procedure.

Commissioner Stuhr said you (Mr. Robinson) speak about what retailers and developers desire. What is the probability that a retailer will come to us with large scale retail?

Mike Robinson stated that Newberg is right on the threshold of attracting these types of retailers. If they wish to be in the community, they will understand the standards.

Mr. Brierley hands out late correspondence.

****5 minute break***

Barton Brierley said the Wilco building under construction right now, had difficulties meeting the 40% windows standard. Our code does allow exceptions for unusual or different circumstances. We ended up with 25% windows on one side. They ended up doing other extra things to make up for it with façade and landscaping.

Field trip idea - we are open to that. Maybe the May meeting will be an opportunity for that.

Conditional Use Permit response – during City Council meeting discussion, that was one of their higher priorities. There are pros and cons with conditional use permits. Suggestion of either going through standards or go through conditional use permit is something we could draft.

Commissioner Haug asked Barton to describe conditional use criteria and exception process.

Mr. Brierley explained that exceptions may be granted if it results in construction out of character with surroundings, no reasonable alternatives for parking in front of building, and variance process.

Conditional Use criteria; 1 - compatible with abutting properties and neighborhood, 2 - convenient and functional environment, 3 - consistent with code.

Commissioner Wall asked how important it is that 30k sq ft be the threshold.

Mr. Brierley staff discussed this with City Council. They did look at what typical buildings are sized, this is in your packet. Walmart is 100,000 sq ft; Fred Meyer is 160,000 sq ft; Bimart is the smallest at about 35,000 sq ft. So the goal was to capture anything BiMart's size or larger. The number was purposefully set low so that could be a starting point for the discussion.

Closed Public Testimony

Commissioner Wall I'd pass this just the way it is right now, though I'm not opposed to changing the 30k to 40k or so.

Commissioner Haug said the most important thing to keep in mind is the development code is a living document. If mistakes are made they are quickly corrected. He likes the conservative 30k feet as a starting point. The purpose for requiring a conditional use is to maintain livability of an area. He would like to have a better feel for how large the buildings being discussed are and would also like to see examples of mistakes.

Commissioner Stuhr agrees with a lot of what Mr. Haug said. She believes 20% for windows seems low and believes the letter makes valid points. She would like to see more visual examples, like a field trip.

Commissioner Foster likes the idea of comparing standards of other jurisdictions or brainstorming with other planners. Maybe add green standards to section 8.1, and see more pictures of what 30k sq foot looks like. Field trip will be good.

Commissioner Smith is troubled by conditional uses. He does not shop at Walmart, but knows that has no place in a land use decision. Because he's aware of his own prejudices, he doesn't want this to affect his judgment. He suggests staff think about a tiered process. More stringent standards apply as the size of the retail development increases.

Commissioner Haug said p14 items are somewhat vague. He would like less discretionary more absolute criteria. He likes the idea of staff meeting with other planners to ask for working session with them and bring back feedback.

Commissioner Tri would like more information and a clearer picture.

Discussion was held on conditional use permits.

Discussion was held regarding what to ask of staff, taking time to get educated further, and taking a field trip.

<p>Motion #2: Smith/Tri to send matter to staff to gather information & bring back to us. (7 yes/ 0 no)</p>
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VI. ITEMS FROM STAFF:

City Council didn't approve URA for pacific lifestyle homes. NUAMC recommended denial. They've chosen not to proceed any further with that.

On 5/7/07 City Council will hear gates issue and the planning commissioners training referred to them by Planning Commission.

NUAMC met last night to discuss the TSP for SE Newberg area. There was a lot of public testimony. NUAMC will meet again on 4/25/07 regarding expanding the URA.

The next Forum on affordable housing is on 4/26/07. This is the third workshop on this topic.

Our sound system microphones work well if you talk into them. Please talk into the mike. City Council has been looking into this issue. A sub-committee is making a decision. If you have suggestions talk to Commissioner Soppe.

The subdivision located on Lynn Dr and Main St. is a 5 lot subdivision. The issue is the stream corridor running through the property was modified without federal approval. The work was done without permits. So this is still in limbo.

Regarding low flying aircraft. Mr. Brierley talked to the sportsman airpark president and said the pilots are from a training program trained in the Hillsboro and the Chehalem airport. They are doing training. He suggested contacting those airports.

VII. ITEMS FROM COMMISSIONERS:

- The May 10, 2007 meeting has been changed to May 3, 2007. The commissioners will tour neighboring large scale retail locations, begins at 6pm.
- Dan Foster will chair the July 12, 2007 Planning Commission meeting.

VIII. ADJOURN:

Chair Overbay adjourned the meeting at 9:43 p.m.

Approved by the Planning Commission this 3rd day of May, 2007.

AYES: 5

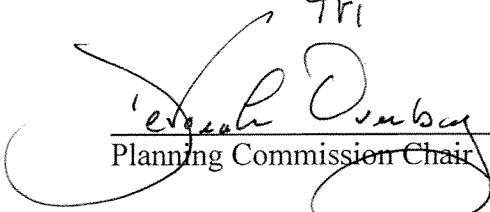
NO: 0

ABSENT: 2
(List Name(s))

ABSTAIN: 0
(List Names(s))



Planning Recording Secretary



Planning Commission Chair

5/3/07

Date