



**PLANNING COMMISSION MINUTES**  
**August 14, 2008**  
**6 p.m. Training & 7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

*TO BE APPROVED AT THE SEPT. 11, 2008 PLANNING COMMISSION MEETING*

**I. WORKSHOP: Planning Commissioner Training** from 6:00 – 7:00 PM.

**II. ROLL CALL:**

Present:	Thomas Barnes	Philip Smith	Derek Duff
	Cathy Stuhr (Chair)	Lon Wall	Nick Tri

Absent: Matson Haug (excused)

Staff Present: Barton Brierley, AICP, Planning & Building Director  
Steve Olson, AICP, Associate Planner  
Luke Pelz, Assistant Planner  
Dawn Karen Bevill, Recording Secretary

**III. OPENING:**

**Chair Stuhr** opened the meeting at 7:03 PM.

**IV. CONSENT CALENDAR:**

**Commissioner Barnes** noted a correction should be made (P7) from Chair Barnes to Commissioner Barnes; **Chair Stuhr** noted corrections (P8 & P11) concerning inaccurate wording which needs to be changed in order to reflect what actually was stated in regards to ORS 197.763.

**Motion #1 Smith/Tri** to adopt the minutes from the Planning Commission meeting of July 10, 2008 with corrections (6Yes/ 0 No, 1 Absent).

**V. COMMUNICATIONS FROM THE FLOOR:**

**Chair Stuhr** invited the guests to bring forth any new topics for the agenda. No additional issues were asked to be added to the agenda.

## VI. QUASI-JUDICIAL PUBLIC HEARING:

1. **APPLICANT:** Stuart D. Brown  
**REQUEST:** Comprehensive plan map amendment from MDR to COM, zoning map amendment from R-2 to C-2, design review for change of use from residential to office use and reconfiguration of existing parking.  
**LOCATION:** 613 N. Elliot Rd.  
**TAX LOT:** 3217DC-00402  
**FILE NO.:** CPA-08-001/ZMA-08-001/DR2-08-005  
**RESOLUTION:** 2008-255  
**CRITERIA:** NDC 151.122 & 151.194

**Chair Stuhr** read from ORS 197.763 (see Agenda Packet P15/49).

**Chair Stuhr** asked fellow commissioners if anyone needed to abstain, admit bias, ex parte contact, or exceptions to jurisdiction. **Barton Brierley** explained Philip Smith serves on the Housing Taskforce which met Tuesday, August 12, 2008. Charles Harris, who also serves on the Housing Taskforce, has submitted a letter to the Planning Commission based on comments brought forth at the August 12, 2008 meeting. Commissioner Smith declined to participate on the motion presented during that meeting to oppose this zone change application. The motion was not passed by the taskforce. Mr. Brierley reported this as ex parte contact.

### Staff Report:

**Luke Pelz** explained the application is a zone change. The request is for three items; a zone change from R-2 (Medium Density Residential) to C-2 (Community Commercial) which is related to the comprehensive plan amendment from MDR (Medium Density Residential) to COM (Commercial), and design review approval to change the existing residential use to office use and reconfigure the existing parking. Adjacent land uses include an apartment complex to the north and west, a single family home to the north, two vacant lots directly south, and an apartment complex to the east across Elliot Road.

#### Zone change criteria:

- Is it consistent with the Newberg Development Code & Comprehensive Plan;
- Are public facilities and services available;
- Does it comply with the State Transportation Planning Rule

The C-2 district allows many uses that aren't compatible with residential when they're adjacent to each other. Adoption of a limited use overlay for this proposal is recommended to exclude the incompatible uses. There is a need in the community for both R-2 and C-2 land. The existing building is proposed to be converted from residential use to office use. Approval of the zone change would make the existing single-family home non-conforming in regard to the C-2 design standards. However, the exterior design of

the building is compatible with other buildings in the neighborhood. Conditions of approval, Exhibit 6, P38 – 39/49 were reviewed by Mr. Pelz.

The Planning Staff recommends adoption of Resolution 2008-255, recommending the City Council approve with conditions; a zone change from R-2 to C-2 with a limited use overlay subdistrict; a comprehensive plan amendment from MDR to COM; and approve the site design for office use. The project meets the criteria required within the Newberg Development Code, subject to completion of the conditions of approval.

#### **Questions of Staff:**

**Commissioner Smith** stated this is his first encounter with a limited overlay zone. He referred to the allowable uses (P27 – 28/49) commenting that #57 is suitable and voiced concern about many of the other allowable uses. He asked if the uses can be more limited. **Luke Pelz** replied, yes. When staff reviewed the list they basically looked at the uses that are auto, noise, and odor oriented with the expectation of limiting the most intensive uses. The extracted uses are shown in the packet (P26/49).

**Chair Stuhr** asked about non-conforming in regards to the design standards; does that need to be explicit in the resolution or just understood. **Luke Pelz** replied it's in the findings which are part of the resolution.

**Luke Pelz** stated a letter was received from Charles Harris after the Staff Report was written. A vote must be taken in order to include it in the record. **Chair Stuhr** stated the Planning Commission should hear testimony from Charles Harris first and then ask for late correspondence.

#### **Public Testimony:**

Stuart Brown (proponent), is a mortgage professional and principal managing partner of a small firm, Western Heritage Design. The primary focus is development and design work for properties that have social and historical significance. He has spoken to staff about affordable housing and is interested in the public planning process. The best use for this property is to be integrated into the R-2 environment and function with R-2 which is technically impossible in his perspective, as well as physically impossible due to separate ownership and current functions, or integrate with the C-2 development they are currently engaged in to the other direction. For many reasons, this functions best with the C-2 parcel. Mr. Brown explained the design changes that will be done down the road in order to help with compatibility. He agrees with the Planning Staff regarding the limited use overlay.

Charles Harris (opponent), is a member of the Ad Hoc Committee on Housing for Working Families. Mr. Harris does not question Stuart Brown's commitment to affordable housing but believes the requested zone change is inconsistent with the Comprehensive Plan's Housing Goal, which is to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. R-2 land is signifi-

cant and to say this has a minimal impact due to the size of the parcel is incorrect. While the City does not have sufficient higher density residential lands to meet its needs, the City does have sufficient commercially designated land within its UGB to meet the city's needs for the next 20 years. Mr. Harris doesn't believe the zone can be changed legally.

**Commissioner Smith** moved by consensus to accept Mr. Harris' written testimony, which was agreed upon by the other members of the Planning Commission.

Stuart Brown stated he has much respect for Charles Harris, although they disagree on this request. That parcel is not ideally suited to creating 2 -3 residential dwelling units as it relates to the environment around it. This is not a question of economics but it's his opinion when dealing with issues of affordable housing, economics have to be dealt with head on. Mr. Brown stated he would be willing to be part of replacing this R-2 parcel, finding another parcel that is more suitable, and pay the fees for a zone change in order to replace it.

**Commissioner Wall** gave an analogy and asked Mr. Brown if he was in his shoes, at what point does the Planning Commission stop and do what the City Council has said should be done.

Stuart Brown replied he would go back to the City Council and explain activism is not the answer; pro-activism is the answer and each case needs to be looked at individually.

#### **Closed Public Testimony**

**Luke Pelz** stated the Planning Staff recommends approval of Resolution 2008-255 as stated previously.

**Chair Stuhr** asked about having enough commercial land and whether a change of the zone is legal, as Charles Harris had voiced during his testimony. **Barton Brierley** believes this change can be made legally. **Chair Stuhr** suggested it would be helpful if the staff could track the supply to see a running tally concerning decisions made not only by the Planning Commission but by the City Council.

#### **Deliberation:**

**Commissioner Wall** is inclined to vote no; this does not meeting the housing policies.

**Chair Stuhr** is inclined to vote yes; the trade-off in this situation is one R-2 house for one business, not for the potential of three duplexes.

**Commissioner Smith** stated the City has a goal of encouraging economic growth for the benefit of the people, as well as encouraging affordable housing for a wide range of income levels. R-2 serves one goal and C-2 the other. He would like to hear more deliberation before deciding.

**Commissioner Tri** believes a commercial entity should be located on the parcel; he agrees with Chair Stuhr and will vote in favor.

**Commissioner Duff** agrees the business would have a higher priority.

**Commissioner Barnes** believes this parcel could be the link to an entire commercial development providing employment for those who need affordable housing.

**Commissioner Wall** has nothing against the application. The chart shows the City is falling behind on high density land, with plenty of commercial land.

**Commissioner Tri** moved to adopt as presented with the particular recommendations.

**Commissioner Smith** moved to amend the motion and the limited use overlay making Item #57 (P27/49) permitted uses.

**Motion #2 Smith/Tri** to amend Resolution 2008-255 making #57 (P27/49), Items A – K permitted uses; the 91 other uses as conditional uses in the limited overlay zone. (4 Yes/2 No [Stuhr, Duff] /1 Absent).

**Motion #3 Tri/Duff** to approve Resolution 2008-255 as presented with the recommendations by staff. (4 Yes/ 2 No/ [Smith, Wall] /1 Absent).

**Chair Stuhr** called a five-minute break.

## **VII. WORKSHOP: FLEXIBLE DESIGN STANDARDS FOR HOUSING:**

**Barton Brierley** explained the proposed Development Code amendments provide an opportunity for a land owner to gain flexibility in the density and design of a development. Utilizing the proposed flex standards should enable the development to be designed more efficiently and should be more profitable for the developer. The proposed flex standards include the following:

### **Subdivision lot design flexible standards:**

- 1) Lot size averaging: The consensus was to score this higher than 3.3.
- 2) Street Frontage Reduction: The consensus was this score was about right, or perhaps a little higher than 2.8.
- 3) Lot depth to width ratio: The consensus was to score lower than 2.8, but make exceptions for stream corridors.
- 4) Other lot dimensions: The consensus was this requires much mitigation. There needs to be a connection between this and the design standards. Limits need to be explored.

5) Rounding credit for partial lots: The consensus was to score this higher, and have a maximum.

**Site design standards:**

- 1) Reduced side yard setbacks: The consensus was to encourage this, insisting on much mitigation and good design.
- 2) Lot coverage increase: The consensus was this score was about right. They suggested looking at rules for pervious pavement.

**Building design elements:**

- 1) Building height increase: The consensus was to research negative impacts and restrictions. This should have a lower score than 3.1.

**Street and access standards:** Modified street standards: Conditional use permit allows modification of street standards for up to six lots. The consensus was to research the impacts further. This should have a lower score (more mitigation required).

**Multi-unit density bonus** allows a 5% increase in multi-unit density and scored the highest. Mitigation could take place in design review.

**Other Suggestions:**

**Commissioner Smith** suggested looking at street proposals made by the Austin development, using some of those ideas as standards, working them into the code for other areas in the city.

**VIII. ITEMS FROM STAFF:**

**Barton Brierley** reported that the City Council will vote on the variance on August 19, 2008 by Mr. Hill which the Council took up on appeal.

The City Council has heard annexation requests, approving two. The Council approved the Gish annexation and sent it to the November ballot. The Council decided that the Kimball Annexation met the criteria for annexation but delayed their decision on whether to send it to the November ballot; and the Thomas Annexation was held over with no decision.

A grant is being applied for to do a plan for the south industrial area in the new UGB.

The next Planning Commission meetings will be held on September 11 & 25, 2008

**Chair Stuhr** announced she may miss both September meetings.

**Barton Brierley** announced this is Teanna Rice's last meeting. Barton presented her with a certificate of appreciation signed by staff and the Planning Commission.

**IX. ITEMS FROM COMMISSIONERS:**

**Commissioner Smith** gave an update on the Housing for Working Families Ad Hoc Committee explaining that one of the barriers to housing is a lack of education. Yamhill County has a Housing Fair in McMinnville yearly and a proposal will be coming in the next few months on having the Fair in Newberg, as well. Discussions have included city fees which can be a detriment in providing new affordable housing; a sub-committee has been formed to research fees.

**Chair Stuhr** asked about the proposed URA expansion to the state. **Barton Brierley** replied it's being presented now; staff is compiling the records. Two letters of objection have been received at the LCDC.

**Chair Stuhr** commented on the lack of landscaping at KFC on Hwy 99W. **Barton Brierley** stated they were in part a victim of the highway widening and they've chosen not to tend to it any further. Staff will look into the problem.

**X. ADJOURN:**

**Chair Stuhr** adjourned the meeting at 10:00 p.m.

Approved by the Planning Commission this 11th day of September, 2008.

AYES: 4 NO: 00 ABSENT: 03 ABSTAIN: 00  
(List Name(s)) M. Haug (List Name(s))  
C. Stuhr  
N. Tri

  
\_\_\_\_\_  
Planning Recording Secretary

  
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Planning Commission Chair

9/25/08  
\_\_\_\_\_  
Date