

PLANNING COMMISSION MINUTES

September 11, 2008

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE OCTOBER 9, 2008 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Thomas Barnes Phil Smith Nick Tri
Lon Wall

Absent: Derek Duff (excused)
Cathy Stuhr – Chair (excused)
Matson Haug (excused)

Staff Present: Barton Brierley, Planning Director
Steve Olson, Associate Planner
Luke Pelz, Assistant Planner
David King, Recording Secretary

II. OPENING:

Vice-Chair Wall opened the meeting at 7:04 PM by asking roll call.

III. CONSENT CALENDAR:

Motion #1 Tri/Wall to approve the minutes from the Planning Commission meeting of August 14, 2008 (4 Yes/0 No, 3 Absent).

IV. COMMUNICATIONS FROM THE FLOOR:

Vice-Chair Wall had no citizens to address, so there were no communications from the floor.

V. WORKSHOPS:

- APPLICANT:** City of Newberg
REQUEST: Should the City amend the Newberg Development Code parking and access standards for multiple single family dwellings on a single lot

Staff Report:

Steve Olson explained that this will be a meeting with two workshops. The first workshop questions what to do with MSFDUOSL? The Multiple Single Family Dwelling Units On a Single Lot are condominium projects. The development code applies multifamily development standards to multiple single family detached dwellings on a single lot. The finished project, however, looks like a single family subdivision with private streets, which has raised concerns about safe access and parking issues.

Commissioner Smith would like to see figures that compare the cost savings of buy-in prices of condominiums to an equal number of single family units on separate lots.

Steve Olson presented some street level pictures of condominium developments in and around Newberg. He then utilized aerial views to show the current location of such condominium developments in Newberg. This includes W. First Street (Craftsman Square and Sunnycrest) and Ninth and River (Riverpointe). Highlighted in the presentation were the driveways and parking areas with accompanying landscaping. Newberg City Council has passed Resolution 2007-2753 initiating a development code amendment to address the perceived problems of private streets, parking enforcement, and long term maintenance. One option suggested by the Council was to limit these developments by limiting the number of single family detached units (four was suggested) that can access a driveway. The Council wanted the Planning Commission to review that suggestion and explore other possible solutions. Tonight's workshop is to brainstorm for more solutions.

Vice-Chair Wall questioned the sale sign in the visual presentation. "Advertised affordable homes" was questioned, and discussion continued on the difference between the proper definitions of (single family) home vs. condominium (no single family ownership of land).

The developments are built and coded as multi-family designs. Currently city code requires two off-street parking places, which does include the spots in a garage or on a driveway or parking pad. There is no requirement for visitor parking. This brings tonight's workshop topic to the table—are the current city codes appropriate for these condominium projects? Other issues to consider are: assigned vs. unassigned parking, garage(s) vs. outdoor spaces (consider storage spaces). Staff investigation of other cities has found that most cities require two parking spaces per single family detached dwelling unit, and less parking for multifamily dwelling units, depending on the number of bedrooms. Some cities give credit for adjacent on-street parking, and others do require visitor parking.

Conclusions that cannot be denied: Parking takes up a lot of space, and requires more piping for runoff water. If parking requirements are excessive they make housing less affordable. It is also true that our current parking standard is simple, and easy to understand and apply. All of the recent condominium developments in Newberg have

exceeded the minimum code requirements because the developer chose to do so, but future development might benefit from an improved code. These condominium units are also the most affordable new single family ownership units in Newberg.

Suggested Solutions for Consideration:

- A) Prohibit more than 4 SF d.u. on private drive
- B) Require some unassigned parking and visitor parking for larger projects, give credit for adjacent on-street parking
- C) Option B plus 100 sf. storage units or can't count garage as parking
- D) Require CUP process
- E) Other solutions as suggested by Planning Commissioners
- F) No change

Staff prefers option B, with option C having some appeal in light of the storage units.

Vice-Chair Wall wanted to know why communal ownership of the property mitigates against private drives. **Steve Olson** said the city concern has partly been based on private ownership maintenance, or the lack thereof, of such communal situations. A typical private street would be maintained by a homeowners association, which may or may not be active. A condominium association is required to be active, collects maintenance funds on a regular basis, and is more likely to actually maintain the common property and enforce parking problems.

Commissioner Smith noted that the private drive issue can present an unmentioned but clear elitism within neighborhoods. Can condominium developments in Newberg post such private drive signs on their driveways? **Steve Olson** said yes, but they cannot gate the drive. **Commissioner Barnes** referenced the townhouses south of Fred Meyer having a sign communicating something to this effect. The neighborhood behind Fred Meyer has public streets with a "No through traffic" sign(s).

Vice-Chair Wall suggested that the Traffic Safety committee pass the issue back to Planning Commissioners before it is sent to City Council. He also suggests that excessive parking is an advantage for the developers because the amount of parking becomes a positive selling point.

Commissioner Smith stated that option A is not an option, even if his work with Affordable Housing committee is coloring his view. These recent developments—all in-fill developments—help raise the density of Newberg. **Steve Olson** agreed and also pointed out that safe access is part of the design review. All multifamily projects driveways and parking areas are required to meet development code and fire code requirements for access.

Commissioner Smith also liked the idea of relating parking spaces to the number of bedrooms.

Vice-Chair Wall asked for some suggestions on how to proceed. **Commissioner Barnes** expressed concern over the access/private street issue. **Vice-Chair Wall** brought the conversation back to the buyer. The buyer decides, in the case of condominiums, that they do or they don't want to buy such properties, and whether they will want one or two parking spaces, etc. In summary, he is not sure any changes to code are needed right now. He also wants to hear from traffic safety and any concerns that they might or may not have on the issue.

Steve Olson reminded the commissioners that any change made for the sake of condominiums will affect other multifamily housing projects.

Commissioner Smith does not like option A, and in turn would like to see something tied to the number of bedrooms, and some credit given for parking available on the street. He also recommends hearing from developers on counting a garage as half a parking space.

The consensus of the Planning Commissioners is to have the staff take the many ideas floated forth and turn them into a working option.

2. **APPLICANT:** City of Newberg
REQUEST: Should the City adopt a vacancy ordinance for large scale retail and require an Economic Impact Assessment for large scale retailers
FILE NO.: DCA-06-004

Staff Report:

Luke Pelz introduced the workshop facts and figures. Big box building vacancies can have all sorts of negative impacts on a community. The cause for such vacancies is a surplus of retail space in a community. Some retailers have even moved to bigger buildings but continued to pay the bills at the previous location to keep competitors from moving into the market.

Luke Pelz showed a simple US map of Walmart store locations from 1965 to 2005 to dramatically show the spread of big box buildings. When such buildings are vacant the impacts include: a negative image of dead landscaping, no building maintenance, and depressed land values nearby. They may discourage other potential retailers from coming to town.

What would keep big box vacancies from happening? Limit the size of the buildings allowed in Newberg, reduce surplus of land zoned for retail, require design of such buildings to be reusable as a mixed use setting, ensure vacant buildings will be re-let, and/or require an economic impact review.

Vice-Chair Wall asked if any of these suggestions would have prevented Walmart from their practice of holding on to unused big box buildings. **Luke Pelz** said lease agreements can be submitted to the city attorney to ensure such ongoing vacancies do not occur, and he wasn't sure if Walmart is the only retailer that holds on to empty buildings.

City ordinances from other cities that have been designed to avoid vacant big box buildings: Bond money set aside for demolition, money given for a land conservation fund, market availability ordinance (avoid sitting on unused sites), and re-use ordinances that require designs to be able to be reused.

The staff recommendation of a proposed ordinance includes: All large scale retail development sites shall submit a surety bond equal to 1 % of the total value of the building cost that would be used if the building did end up vacant. This fund could also be used to encourage a new tenant to take over the use of the building.

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Commissioner Smith asked if CPRD could use an empty big box building in case this ever happens in Newberg. No one believed so, but there has been a successful re-use of a building in Tualatin (the former Costco building) as a health club/sports facility.

Commissioner Barnes noted that the former Wilco building did sit empty for over a year. Buildings owned by someone other than a large, national chain, might be harder to work with than large corporate owners. **Vice-Chair Wall** noted that investment groups own much real estate these days and are in the leasing business.

Commissioner Smith discussed the 1% bond issue, wanting contracts written correctly in light of the proposed owners, all in the effort to have the city able to enforce compliance. It was suggested that staff investigate if 1 % is enough—see what other cities require.

Luke Pelz presented Big Box Economic Impacts. They affect retail employment, including wages and benefits, existing businesses, and even poverty rates. The local municipal costs include: extra police work is common, in part, because of the increased attempts at shop lifting.

The proposed ordinance for Newberg includes:

The Economic Impact Assessment should be conducted by an independent consultant chosen by the director. The Planning Division Director would then review the analysis, and if any negative impacts were found, then a Planning Commission hearing would be required of the retailer.

Commissioner Barnes believes that an EIA might seem necessary, but the retailers will have already crunched their numbers, and wouldn't be moving here unless it was feasible.

Commissioner Smith hesitates to have a negative impact ordinance. If certain retail businesses are going to bring harm to the community, then some ordinances are required. He likes the approach of determining the municipal affects, and having the merchant pay for negative impacts.

Commissioner Smith said that a certain size building could be required to apply for a CU permit. Everyone agreed that Smith's suggestion was worth following.

VI. ITEMS FROM STAFF:

Barton Brierley reported that the City Council has sent the three Portland Road annexations to the November ballot.

On September 15 the Council will hold a hearing on the zone change on Elliot St.

The City Council is also dealing with the 10 year limitation of getting city signs to conform to the new standards. Year ten has arrived.

There will be a special Planning Commission meeting on September 25, including a continuation of the big box workshop focusing on green design, and a cell tower workshop to consider camouflage designs.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Barnes asked if Alice Way, now included in the city, still has a commercial business being run on one of the lots.

Commissioner Smith reported that the Affordable Housing committee continues to meet and discussed potential zoning changes.

VIII. ADJOURN:

Vice Chair Wall adjourned the meeting at 9:10 p.m.

Approved by the Planning Commission this 9th day of October, 2008.

AYES: 7


NO: ☐

ABSENT: ☐
(List Name(s))

ABSTAIN: ☐
(List Names(s))



Planning Recording Secretary



Chair, Planning Commission