



PLANNING COMMISSION MINUTES

December 11, 2008

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE JANUARY 8, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Thomas Barnes Derek Duff Matson Haug
 Phil Smith Cathy Stuhr, Chair Nick Tri
 Lon Wall

Staff Present: Steve Olson, Associate Planner
 Luke Pelz, Assistant Planner
 David King, Recording Secretary
 Mayor Andrews

II. OPENING:

Chair Stuhr opened the meeting at 7:01 PM by asking for the roll call.

III. CONSENT CALENDAR:

Motion #1: Tri/Barnes to approve the minutes from the Planning Commission meeting of November 13, 2008 (7 Yes/0 No).

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Stuhr invited the four citizens to propose other discussion items for the agenda. No one offered a new item of business.

V. QUASI-JUDICIAL PUBLIC HEARINGS:

- APPLICANT:** Greg Fischer (agent: Jeff Caines, SR Design)
REQUEST: Approval of an 8-unit residential Planned Unit Development/Conditional Use Permit/Design Review
LOCATION: 3509 N. College Street
TAX LOT: 3207 AC-800
FILE NO.: PUD-08-001/CUP-08-005/DR2-08-038
RESOLUTION NO.: 2008-260

CRITERIA: NDC 151.194-195, 151.210, 151.226-227

Chair Stuhr explained the procedure for tonight's quasi-judicial hearing. She also asked for abstentions, biases, or ex parte contact. No commissioners mentioned any issues. Steve Olson alerted the commissioners that a staff member lives close to the project, but has not been involved in the review of the project or the recommendation to the Planning Commission.

Chair Stuhr then read ORS 197.763 (P11 of the Agenda Packet).

Staff Report:

Steve Olson discussed the location of Lavender Hollow and the request for approval of an eight unit residential planned unit development. The units will be a single family detached condominium project.

Process: Previous condominium projects in the city were in the R-2 zone and were processed as Type II design reviews. This project site is in the R-1 zone, where it is a planned unit development and also requires a conditional use permit with design review. The PUD and CUP processes are Type IIIs, where the Planning Commission makes the final decision.

Zoning: The site with its adjacent lots was shown visually (see P49 of 169). The surrounding zoning is R-1 low density residential, except for the very low density County properties just north of the site.

Existing Conditions: The contours of the land were shown visually. Side note: Two adjacent properties to the north did not immediately receive the first notice. An extra notice period extension was allowed after additional notices were mailed.

Commissioner Smith asked about the north-south road that dead ends at the southern boundary of Terrace Heights. Steve Olson explained that a future hope would be to connect through with the properties to the south. However, ODOT will only allow so many driveways/connector roads on College Street, and the City will only allow two lots to share a driveway. We cannot determine at this time how the properties to the north may develop in the future.

Site Plan: The main note emphasized was that the 29 foot driveway/buffer/sidewalk needs to shrink to 25 feet wide as it goes by the existing house. Exterior views and floor plans of the proposed homes were shown.

Criteria: Within a PUD there needs to be a balance between flexibility and quality. The design character needs to blend with the surrounding houses. Density for a PUD is based on density points per acre, and the points per unit are based on the number of bedrooms.

The proposed units have few bedrooms, so the code allows more units. Lavender Hollow has amassed ~ 167 points, which allows the eight condominium units on this site.

Modification requests: The applicant has asked to reduce the driveway width and landscape buffer width near the existing house, and to slightly exceed the 30% parking coverage standard. The driveway width can be reduced and still meet Fire Code standards because the sidewalk will have a mountable curb and be capable of supporting the weight of a fire truck. Obviously, no parking will be allowed along the driveway curb.

Landscaping: Staff is recommending a three foot wide planter strip on the northern border, instead of the 2 foot width the applicant is requesting. The sun exposure plane is in compliance for the development. A usable outdoor area can be shared amongst residents, and private individual space will be available behind each unit.

Parking: The code requires at least two off-street spaces per unit, and the developer proposes four extra visitor parking spaces. Staff is recommending increasing this to six visitor spaces. Extra room for visitor parking could be accomplished by combining some driveways by having adjacent units flip the floor plan to combine the driveways.

Utilities: All regular utilities are available and accessible for this area.

Privacy: This can be improved by adding some landscaping and moving some proposed trees south. It is also recommended that a fence be placed around the entire property. Commissioner Haug wondered how a fence will provide any privacy for the two story units. Steve Olson said the fence will be only 6 feet tall, and therefore only provide privacy at the ground level. Trees can help provide privacy for the two story units.

A fence and hedge is required on the western boundary to cut down on head light glare in the evening. This will also aid privacy between this development and existing homes in the area.

Functional porches are required on the front of the units, and staff proposes extending the depth of the porches so they are functional.

There were two public comments, with one opposed to the development. There were concerns about safe fire access, parking and landscape buffers, which we have discussed.

If the application is approved and the project is built then the last step will be to turn these units into a condominium, which is primarily a State process but also has a city condominium final plat.

Staff recommendation: Staff recommends approval of the project with key conditions to be fulfilled:

- 1) Driveway with 3 foot landscape buffer on north
- 2) Driveway to be 20 foot wide near street
- 3) Mountable sidewalk curb along southern edge of driveway, with drivable sidewalk

- 4) Create six visitor parking spaces (by flipping units #3, #5 and combining driveways)
- 5) Extend porches
- 6) Plant more trees
- 7) Provide a six foot fence where one does not currently exist
- 8) Define private areas on site plan
- 9) Minimize grading on the west
- 10) Provide lighting plan

Steve Olson then reviewed the site plan, especially in reference to the driveway. Commissioner Haug asked for the distance from the street to the choke point next to the house. Steve Olson surmised that it is about 75 feet, which would allow room for about three cars to line up. Commissioner Duff mentioned that there is center turning lane on College Street.

Chair Stuhr asked for any late correspondences. Steve Olson reported there were none.

Commissioner Smith asked about the location of the new tree between units #3 and #4. Steve Olson said this location was chosen, not because there was more room between these two units, but because it is central to the whole piece of property.

Public Testimony:

Jeff Caines, Land Use Planner for SR Design, a proponent, highlighted certain key issues from the staff report. He proposed a new arrangement for adding two additional visitor parking spaces, where all of the units could look out on green space, and this would avoid flipping the unit footprints and combining driveways. Next to units #2 and #4 there would be an extra parking space that would maintain the green spaces in front of the units, especially in front of the windows.

He would also like to propose a two foot planting strip on the northern boarder instead of three foot, in light of hopeful future development of the adjacent northern property. He did some planning work for Terrace Heights, and thought the future is uncertain, if the property to the north is developed, there is a chance that the two developments would share a driveway. A two foot planter strip means tearing out less square footage in the future is a joint driveway is installed. The landscape architect for SR Design is also very capable of meeting the conditions of plant choice in the planting strip. They will also make sure that outdoor lights meet the code standards.

He pointed out that there is a distance of ~60 feet from the units and adjacent existing homes. Even though a six foot fence does not guarantee total privacy, there is still a great distance to the existing homes.

He would also like to highlight the request of a narrowed driveway as it goes by the existing house. If every unit had cars leaving at the same time, then obviously there

could be a bottleneck, but presumably departure times will vary. Two cars can pass each other in the 16 foot wide section.

He is excited for this development because of the size of the units, and because he believes that people desire smaller homes now for all sorts of reasons. The price of units is not known yet, but these units will be relatively affordable.

Commissioner Smith asked for a better definition of “smaller.” Jeff Caines said the units will range from 1,100 – 1,400 square feet.

Commissioner Haug asked about the adjacent property to the north and when it might be annexed. Jeff Caines did not know since he had not had any contact with them. Mr. Haug also wondered about Mr. Caines’ impression of this project’s potential of lowering the value of the existing and adjacent homes. Jeff Caines said that a long driveway already exists to the north. Lavender Hollow will have a long driveway with a fence and landscaping, which will buffer the homes to the north.

Commissioner Smith liked the proposal for visitor parking, and making the project look compatible with surrounding homes. But how can the developer make a two foot planter strip work when staff believes it should be a three foot strip. Jeff Caines believes that new plant varieties make it very possible to adequately achieve the desired landscaping with less open ground.

Commissioner Haug would like to see visual evidence of two foot planter strips working in similar situations.

Commissioner Wall wants to know where the extra foot would come from if the city’s recommendation stands pat. Jeff Caines says the extra foot would not be a deal killer, but that it would have to come from the green space in front of the units, shrinking the length of the driveways as well. This change would not decrease the bottleneck situation, however, unless the Planning Commission finds a different engineering design for going by the existing home on the property.

Commissioner Duff was curious about the driveway width next to the existing home. Jeff Caines said there would still be a 16 foot driveway next to the house, three feet for landscape buffer, with a rolled curb, 4 foot sidewalk. Building code would allow a 3 foot wide sidewalk, but the development code requires 4 feet. All of these standards could be tweaked to account for the extra foot. Steve Olson gave some clarity that emphasized that the sidewalk would still be one foot away from the house if the landscape buffer was widened to 3 feet. The 20 foot standard for fire trucks is maintained, in any case.

Chair Stuhr asked if the applicant is accepting of the extensions to private porches, and clearing of the blackberries, and the private outdoor areas. Jeff Caines said they accept the blackberry issue. The three foot buffer is up to staff. The applicant would like to keep the porch design as submitted so as not to take away the open area in front of the units. He also showed that a private area could be available to the right of the porches.

She also asked about the existing house, especially the fact that it is the entry point into the project. Jeff Caines said that it would be cleaned up significantly and repainted as part of the project.

Commissioner Barnes asked if P110 of 169 was indicating that a patio would be right up next to the southern boarder fence. Jeff Caines will investigate the scale of the drawings. There will be a patio behind each house but probably not right up to the fence.

Commissioner Wall commented that he likes the simple and pleasing architectural design of the proposed units.

Commissioner Barnes commented on the density of the surrounding areas. As with previous condominium projects this higher density is greatly needed in Newberg, and fits the density of the surrounding homes.

Commissioner Haug asked of the plans for garbage service. Jeff Caines said it was likely that the garbage would come down the driveway, instead of lining up garbage bins on College Street. Chair Stuhr alerted Mr. Haug that Newberg Garbage addressed the issue on P23 of 169.

Greg D. Fischer, the applicant, lives and works as a veterinarian in Newberg. He said that this style and cost of house is in high demand in real estate circles right now. The units they propose building are very much designed to be affordable housing. He is very willing to get in and clear out the blackberries. He believes the condominium association will regulate parking and maintain the property well. They desire plenty of green space, and he also promised that the existing house would be extensively upgraded.

Althea Beam, who lives on the western edge of the proposed development, is a proponent. She would like to ensure proper grading that preserves the existing trees west of the site. She also wants thorough removal of the blackberries.

Greg D. Fischer added that the setbacks and the patios would be addressed on the building permit site plans.

Commissioner Wall asked staff what is the difference between two and three foot planter strips. Steve Olson said that two foot strips are probably too shallow for plants to thrive in, which would lead to thin and straggly landscaping. Plus, even if the northern property is developed, and a shared driveway occurs on College Street, a buffer is still required on property lines.

Public Testimony Closed

Staff liked the applicant's idea of adding an extra parking spot on the western edge of the driveways to units #2 and #4. This cuts down the amount of open green space but avoids the triple-wide driveways. Units 3 and 5 would not have to be flipped. Otherwise, staff recommends Resolution 2008-260.

Commissioner Duff likes the emphasis on affordable housing in Newberg. He too would like to see photographs of two-foot landscaping buffers that accomplish their purpose.

Commissioner Tri likes to see affordable housing being proposed. The buffer issue is not a concern to him.

Commissioner Haug likes the proposal, but is concerned about the impact to the neighborhood on the western side of College St. He knows that the density is almost too dense compared to surrounding homes, and some privacy is going to be lost with two story units being built.

Commissioner Smith likes the progress this development makes for low income residents.

Chair Stuhr agrees that this is what Newberg has been looking for in infill development. She doesn't agree entirely with Commissioner Haug's density concerns.

Commissioner Wall likes this project; it is the wave of the future. Citizens will have to get used to this type of infill that benefits the city.

Commissioner Barnes recognizes that two parking spots per unit, which includes the garage, is still going to lead to people filling their garages and parking on the shared driveway. The condo association will have to work hard when garages fill up and two cars have to use the common driveway.

Motion #2: Haug/Barnes to accept the amendments of parking spaces on units #2, #4, and a buffer zone of two feet from College to the house, and three feet the rest of the way west.

Commissioner Smith suggested a three foot buffer from the existing house to the west, and a two foot buffer from the existing house out to College Street.

Commissioner Haug agrees with Commissioner Barnes that garages will fill up with possessions, and force the need of extra parking spaces. Chair Stuhr wondered if extra storage units could be required. Commissioner Tri pointed out that four parking spaces are available with the existing house. Steve Olson said that the four spaces relegated to the existing house include two in the garage, and two in the driveway. These would be assigned parking spaces just for the existing house.

Commissioner Smith believes that the garages need to be counted, and assume that people can keep their garages uncluttered and used for cars.

Commissioner Haug believes that there are not overflow parking spaces for the occasional party or sleepover. He believes this is not necessarily the best fit for the situation.

Commissioner Wall believes the development can go forward and parking not be an issue.

Chair Stuhr wants the Planning Commission to watch closely the affects of this and other denser developments down the road.

There was a review of the amendment language, including deleting the line of flipping units #3 and #5. Commissioner Barnes pointed out that the applicant wanted to not extend the porches. Commissioner Smith suggests deleting the requirement to extend the porches.

Vote on accepting amendments: (7 Yes/0 No).

Motion #3: Smith/Barnes to approve Resolution 2009-260 as amended (7 Yes/0 No).

* * * Chair allowed a five minute break * * *

VI. LEGISLATIVE PUBLIC HEARING:

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| APPLICANT: | City of Newberg |
| REQUEST: | Amend the Newberg Development Code to provide setback and camouflage standards for telecommunication towers |
| FILE NO.: | G-104-04 |
| RESOLUTION NO.: | 2008-259 |

Staff Report:

Luke Pelz laid out the process--review the staff report, discuss the issue, and then make a recommendation to City Council.

Demand has increased for cell towers since the 1980s. People are concerned with aesthetics, health concerns, and property values of nearby towers. The policy objective is to reduce such negative impact on neighborhoods. Mr. Pelz showed pictures of current towers in Newberg, assumed to be five at this time. In 2000 Newberg adopted a new city ordinance for towers.

What is a reasonable setback distance? This is more art than science. Staff has found studies that say that most towers collapse within a distance from the base equal to 50% of the height. Other municipalities have 100 to 200 foot setbacks.

Potential Text Amendment (read from P 146 of 169): the new amendment is that “All towers shall be set back from a residential zone a distance equal to or greater than 100% of the tower height, measured from the base of the tower to the nearest property line of a residentially zoned lot.”

Commissioner Smith asked for clarity on the language of concealing within an existing structure versus set back. Luke Pelz said that it would have to be set back from existing structure, but Steve Olson added that a tower could be included within a new structure.

Commissioner Barnes referenced the previous City Council discussion on franchise utilities that will be continued at an upcoming meeting. Mayor Andrews added that franchises might be able to lease available space on existing towers, and the city wants to investigate how to deal with such right-of-way issues.

Luke Pelz continued the staff report. He showed a camouflaged tower at Champoeg and others from other cities (see pictures P155, 156). He then covered the criteria for making an amendment changes.

What about the existing five towers in Newberg? They would be considered non-conforming, and therefore, any new construction on the towers would require additional work. An alternative approach would be to require that current towers are given a certain amount of time to be in compliance. In summary, staff recommends Resolution 2009-259.

Commissioner Haug wanted to know from staff how a 30% set-back distance from existing structures became the norm. Mr. Pelz did not know. Mr. Haug also asked about the cost of camouflaging—others pointed out that the workshop staff report discussed the issue (see P142).

Commissioner Wall recounted information from a communications director in Eugene. The gist of the friendly insights is that the city of Newberg needs to be very specific in its cell phone tower requirements. This avoids the issue of going back to the FCC that rarely sides with local communities. This employee of the City of Eugene is willing to help the Newberg Planning Commission.

Staff believes there is a public need for these changes and still recommends adoption of camouflage and setback requirements for cell towers. There were no late correspondences, nor any proponents, or opponents to publicly testify.

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| Motion #4: Haug/Tri to adopt Resolution 2008-259. |
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Commissioner Haug asked about zoning requirements of cell towers in R-1. Mr. Pelz said that cell towers are not allowed outright in R-1. Steve Olson added that there is a conditional use process for them to be added to existing structures in R-1. Mr. Haug suggests removing the conditional use language to keep cell towers out of R-1 zoning.

Chair Stuhr suggested that “free standing” be a potential text amendment to rectify the problem of “Phil’s Mill,” so only free standing towers would have to be setback from existing structures. Commissioner Smith asked about towers taller than 200 feet. Mr. Pelz said that FAA design regulations take over once the tower surpasses 200 feet in height.

Before voting Smith would like to add “unless the tower is attached to an existing structure.” Chair Stuhr suggested the use of two sentences. Mayor Andrews suggested getting code language from Eugene. He also added that the City is working with franchises to focus on facilities within the rights-of-way. Chair Stuhr also asked for clarity on tower height. It was suggested to strike out “all” and put in “freestanding.” It was agreed to let staff rework the wording for another meeting.

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| <p>Motion #5: Smith/Tri to table the motion to adopt Resolution 2008-259.</p> |
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VII. ITEMS FROM STAFF:

Steve Olson reported that the Planning Commission has one member on NUAMC, and that Mr. Smith’s alternate role is up. A memo from Barton Brierley was passed around describing the NUAMC alternate’s role (see handout). The Mayor stated that he would like to see the Planning Commission nominate the alternate themselves.

Steve Olson passed out certificates to certain commissioners for attending a workshop.

City Council took action on bypass interchange overlays, to remove the freeze on zone changes in those areas. And, Shadow the dog has been given a new home in the county.

The next Planning Commission meeting is scheduled for January 8, 2009, and the commissioners will hear about big box issues, Part 2.

VIII. ITEMS FROM COMMISSIONERS:

Commissioner Barnes pointed out that the wetland issue is progressing on the newly annexed property north of the hospital, with a mitigation transfer involved with wetlands in Carlton.

Commissioner Haug reminded the commissioners that long range planning has been done in the past. This is a good time to discuss if there is a need for some.

Commissioner Haug reported about the training session several commissioners attended in Cannon Beach.

Mayor Andrews mentioned that the Council will be working on strategic planning to provide additional direction to staff and the Planning Commission.

Mayor Andrews thanked the Planning Commissioners for their hard work on behalf of the city this past year.

VIII. ADJOURN:

Chair Stuhr adjourned the meeting at 10:16 p.m.

Approved by the Planning Commission this 8th day of January, 2009.

AYES: 7 **NO:** 0 **ABSENT:** 0 **ABSTAIN:** 0
(List Name(s)) **(List Names(s))**



Planning Recording Secretary



Planning Commission Chair