

PLANNING COMMISSION MINUTES
October 8, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE NOV. 12, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Lon Wall, Chair Derek Duff Thomas Barnes
 Matson Haug Philip Smith Amanda Golson, student PC

Absent: Nick Tri, Vice Chair (excused) Cathy Stuhr (excused)

Staff Present: Barton Brierley, Planning & Building Director
 David Beam, Economic Development Planner
 Jessica Nunley, Assistant Planner
 Luke Pelz, Assistant Planner
 Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING:

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Chair Wall entertained a motion to accept the minutes of the September 10, 2009 meeting.

MOTION #1: Haug/Smith to approve the minutes from the Planning Commission Meeting of September 10, 2009. (6 Yes/ 0 No/ 2 Absent [Tri, Stuhr]) Motion carried by unanimous voice vote.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Wall offered an opportunity for non-agenda items to be brought forth. No topics were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: Keith & Evelyn Barnes
REQUEST: Conditional Use Permit approval to build an accessory dwelling unit in the R-1 zone.
LOCATION: 429 S. Main Street
TAX LOT: 3219AC-8300
FILE NO.: CUP-09-003 **RESOLUTION NO.:** 2009-269
CRITERIA: Newberg Development Code 161.205 & 151.194

Opening of the Hearing:

Chair Wall opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. Commissioner Barnes stated that he has no relation to the applicants - Keith & Evelyn Barnes. Luke Pelz, Assistant Planner, presented the staff report (see official meeting packet for full report). The Planning Commission asked that staff clarify the City of Newberg's policy regarding sidewalk replacement and the applicant's proposal to use the dwelling for their personal use until a tenant occupies the unit. Chair Wall read ORS 197.763.

Public Testimony:

Chair Wall opened the public testimony portion of the hearing. There was a total of one proponent and no opponents. The proponent, Keith Barnes, asked that there be no condition of approval to replace the sidewalk on Fifth Street because it will cost burden the project and the sidewalk would incur damage from motor vehicles because no curb exists along Fifth Street. Chair Wall closed the public testimony portion of the hearing.

Deliberation:

Chair Wall opened the deliberation portion of the hearing. The Planning Commission discussed: the public testimony, whether to require sidewalk replacement along the Fifth Street frontage, the City's plans to improve Fifth Street, and the Planning Commission's authority to modify Development Code requirements. Chair Wall asked for final comments and recommendation from staff. Staff concluded with a recommendation to approve Resolution No. 2009-269 with no change to the proposed conditions of approval. Chair Wall asked for additional comments from Commissioners and after hearing none closed the public hearing.

MOTION #2: Haug/Barnes to adopt Resolution No. 2009-269 with the conditions as stated by staff; removing the condition of replacing the entire sidewalk along Fifth Street. (5 Yes/ 0 No/ Absent 2 [Tri, Stuhr]) Motion carried.

VI. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg

REQUEST: Amend the Newberg Development Code to include standards for a new M-4 industrial zoning district, new Interim Industrial Use overlay district, and amend the allowed uses in the M-2 and M-3 zoning districts.

FILE NO.: G-08-004

RESOLUTION NO.: 2009-270

TIME: 7:42 P.M.

Chair Wall opened the hearing and asked for the staff report.

Jessica Nunley, Associate Planner, explained the presentation is of the Development Code Amendments that implement Newberg's South Industrial Area Master Plan, as well as an interim Industrial Overlay Zone (see official meeting packet Exhibit A for details).

Chair Wall asked when light industrial becomes heavy industrial. Jessica Nunley explained the main distinction is external impact. Heavy manufacturing has outdoor storage and processing of goods and

materials that may exceed 10% of the site, and with light manufacturing the external impact is less than 10% of the site.

Commissioner Smith referred to the questions/suggestions brought up about the draft zoning by Steve Oulman, (page 59/122 of the meeting packet), and asked for staff's responses to all five.

Jessica Nunley explained the meeting packet has been amended from what is in the actual plan document. Ms. Nunley continued to review all five questions/suggestions as follows:

1. The purpose statement was linked in section 151.418 (pg. 45, second paragraph of the meeting packet) by stating why the Development Code amendments were needed and why the area chosen was best suited for the City's needs.
2. This suggestion was not used since the size limit placed on the retail component would be adequate.
3. Staff agreed it can be more of a retail commercial use and took it out.
4. This suggestion was not used since wineries are not allowed in the City at the moment and staff felt that the South Industrial area was an appropriate place for wineries.
5. At this time a trip cap would be premature. Trip caps and other conditions are usually discussed at the time of development, after a review of actual traffic impacts from proposed uses. The limited size of the commercial area itself may negate the need for trip caps.

MOTION #3: Haug/Duff moved to recommend Resolution No. 2009-270, which recommends to the City Council that they adopt the Development Code Amendments, Exhibit A of the meeting packet. (5 Yes/ 0 No/ 2 Absent [Tri, Stuhr]). Motion carried.

Discussion:

Commissioner Haug expressed his confusion regarding how much retail will be there and the rules pertaining to it.

Jessica Nunley explained that in the industrial employment area, which is most of the study area, there are some retail uses that staff deemed reasonable on site, such as a showroom or a winery tasting room. Staff did limit the size of retail sales to less than 25% of the total use and not in excess of 5,000 square feet.

Commissioner Smith asked if a drive-thru business would be allowed. Jessica Nunley replied no, they would not be permitted. Restaurants are allowed, without a drive-thru.

Commissioner Smith asked if the design standards are onerous or are they preventing businesses from coming in. Jessica Nunley replied no, while the bar is raised on some parts, it's lowered on others to balance it out. Newberg needs an attractive gateway into the city.

Chair Wall believes Commissioner Smith's point is valid and he feels the same. Whether or not it raises a threshold, making it difficult to sell parcels to industrial users, he's unsure. The planning is very well done, but he fears the reason developers aren't in attendance at this meeting is because the bars have been set too high.

Commissioner Haug remembers this same conversation in the past and the concern regarding the costs to developers in meeting the standards. He believed there was a consensus at that time that these standards are acceptable.

David Beam stated there are some businesses that want an attractive area and won't come into an area if it isn't attractive.

Jessica Nunley stated the planned biking and walking trails will help make the area an attractive place where people want to come to work. She believes this is similar to what other cities are doing.

Chair Wall understands and doesn't believe it needs to be changed, but stated that as a businessman, he's cautious.

VII. WORKSHOP: Residential Design Photos

TIME: 8:15 P.M.

Commissioner Barnes picked different zoning area and residences in making comparisons to design standards. He showed apartments on Cherry Street which had no porches and no overhang with mostly on-street parking. The apartments were built in the 1980s.

Immediately to the left, east of Cherry Hill is a new development. Off street parking is substantial; built late last year. The development has no color variation.

To the west of Cherry Hill are two units. Coyote Development built these, which were viewed as well constructed.

On Tenth Street across from Renne Field are recently renovated apartments; low cost housing. There are some carports and on-street parking; ten units in all.

Melody Court, which is a Coyote Homes development, are all in-fill. Many homes have been there a while with newer houses built behind. Varied materials were used from house to house; no two being the same. They all sold in the \$240,000- \$250,000 price range.

Oak Knoll on Foothills Drive are medium-sized homes. Recently, several have sold at \$200,000, all of which, have slopes. The garages are located in back; served by alleys. There is a variety of homes and the lots are all same size.

Jaquith Park Estates houses have no variation of siding materials and have minimal covered porches. These were built in the early 1990s. This development consists of homes built by different builders.

Orchards Lair homes, located on Second Street, are smaller built on small lots on the west end; garages with alleys, varying colors, all with porches and window treatments. SDCs were waived in this development. In total, 120 houses differ throughout the development.

Riverview Condominiums have more mature vegetation, which makes a big difference. The parking area is nice, single car garages, with extra parking in a lot. The prices are approximately \$180,000.

These have a Condominium Association. All the condos look different; some with porches. These scored high point-wise, especially with density.

Discussions included safety access to every home, connectivity to other neighborhoods and through streets, as well as street standards, topography, and whether it would be better if people owned their own condos or not.

Overall, the Planning Commission agreed the presentation was quite helpful and brought up many ideas and good discussions regarding the point system. The Committee thanked Commissioner Barnes for the time he spent in preparing the presentation.

VIII. ITEMS FROM STAFF:

TIME: 9:11 P.M.

Update on Council items:

Barton Brierley stated on the October 19, 2009 City Council will hear an UGB Amendment for a 1-¼ acre parcel on Wynooski Road.

On November 2, 2009 City Council will hear the Planning Commission's recommendation on the code amendments from tonight's meeting as well as the recommendations regarding the South Industrial Master Plan. Also, after much discussion and convincing, ODOT will be putting a traffic signal at Everest and Hwy 219, which has been a challenging intersection for quite awhile. An authorization is needed by City Council for that signal.

Other reports, letters, or correspondence:

Barton Brierley noted that a couple terms are expiring on the Planning Commission: Commissioner Matson Haug, who has reapplied, and Chair Wall. If anyone else in the community wants to serve, this is an opportunity to apply.

There are two terms expiring on NDRC, and Warren Parrish's term on NUAMC will be expiring, as well.

Commissioner Haug doesn't believe positions need to be reappointed time after time. He encouraged others in the community to become involved. If they're interested in applying for NUAMC, his term expires the end of this year. He currently serves as Chair of that committee and very much enjoys it.

Barton Brierley sent an email out today regarding the State Citizen Involvement Advisory Committee. This year they wanted to recognize local governments who do well with citizen involvement by giving out an award. Based on meetings regarding Newberg's future, neighborhood meetings, letters sent out to the community, etc., it was announced that Newberg won the 1st Star Citizen's Involvement Award in the State. Mr. Brierley congratulated all citizens who have shown up at the meetings, participated on a committee, etc.

The next Planning Commission meeting is on November 12, 2009.

IX. ITEMS FROM COMMISSIONERS:


X. ADJOURN:

Chair Wall adjourned the meeting at 9:20 p.m.

Approved by the Planning Commission this 12th day of November, 2009.

AYES: 7 **NO:** 2 **ABSENT:** 2 **ABSTAIN:** 2
(List Name(s)) (List Name(s)) (List Name(s))


Planning Recording Secretary


Planning Commission Chair