

PLANNING COMMISSION MINUTES
November 12, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE DEC. 10, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL:

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

Absent: Amanda Golson, student PC

Staff Present: Barton Brierley, Planning & Building Director
 David Beam, Economic Development Planner
 Steve Olson, Associate Planner
 Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING:

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

III. CONSENT CALENDAR:

Chair Wall entertained a motion to accept the minutes of the October 8, 2009 meeting.

MOTION #1: Haug/Duff to approve the minutes from the Planning Commission Meeting of October 8, 2009. (7Yes/ 0 No/) Motion carried.

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: City of Newberg
REQUEST: Annexation of a 19.68 acre parcel
LOCATION: 1409 S. Sandoz Road (new animal shelter will be located on southeast corner)
TAX LOT: 3229-100
FILE NO.: ANX-09-001 **RESOLUTION NO.:** 2009-271
CRITERIA: Newberg Development Code §151.262

Opening of the Hearing:

Page 3 of 153

Chair Wall opened the public hearing and read ORS 197.763. He asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. Steve Olson, Associate Planner, presented the staff report (see official meeting packet for full report) and passed out Exhibit B Annexation Map & Exhibit C Legal Description that will become an official part of the resolution if approved.

Public Testimony:

Chair Wall opened the public testimony portion of the hearing. There were no proponents or opponents present. Councilor Bart Rierson, who also serves on the Animal Shelter Sub-Committee, was in attendance and made himself available for any questions. Councilor Rierson explained there is expansion room available for growth at the shelter. The Planning Commission discussed the zone change for this property and the future changes south of Wynooski.

Deliberation:

Chair Wall opened the deliberation portion of the hearing and asked for final comments and recommendation from staff. Staff concluded with a recommendation to approve Resolution 2009-271, which recommends to the City Council approval of the requested annexation with concurrent zone change, withdrawal of the parcel from the Newberg Rural Fire Protection District, and that if the annexation is approved by the voters then recommend Council initiate a request to Yamhill County to transfer jurisdiction of Sandoz Road to Newberg. Chair Wall asked for additional comments from Commissioners and after hearing none, closed the public hearing.

MOTION #2: Haug/Tri to adopt **Resolution 2009-271**, recommending to the City Council approval of the requested annexation. (7Yes/ 0 No) Motion carried.

VI. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg

REQUEST: Consider changes to the Newberg Development Code to support the development of more affordable housing; allow duplexes in R-1; allow more flexibility for accessory dwelling units; allow multiple second-story residences in C-1; incentivize more affordable dwelling units in PUDs; allow legal non-conforming duplex and mutli-family units to be reconstructed if destroyed; and reduce and provide flexibility to parking standards for affordable housing projects.

FILE NO.: G-09-007

RESOLUTION NO.: 2009-272

CRITERIA: Newberg Development Code § 151.122(B)

TIME: 7:42 PM

Opening of the Hearing:

Chair Wall opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report) and handed out the proposed December 2007 Newberg Development Code Changes as reference for the Commissioners. This was the same information sent to them by email earlier in the week. Commissioner Haug commented that he liked the staff presentation, as it clarified many points. He expressed he wished he had this information prior to the meeting. He also asked how affordable housing affect property values of surrounding developments. Mr. Beam handed out a copies of an item printed

off the internet from Habitat for Humanity. The handout lays out a collection of studies from various groups regarding how affordable housing affects property values. The vast majority of the studies have shown that affordable housing does not negatively affect existing property values. Mr. Haug stated he would like to have seen other viewpoints about this issue other than Habitat for Humanity.

TIME – 8:10 PM

Public Testimony:

Chair Wall opened the public testimony portion of the hearing. Roger Grahn stated he is both a proponent and opponent. His belief is that low-income housing will never be built in Newberg under current conditions. He's tried to build affordable housing himself, without success. Land is too expensive, as well as the cost of permits. Building affordable housing is a worthwhile cause, but the City needs to participate in the effort financially by subsidizing the land cost and/or reducing fees. It's more beneficial for him to build in Portland because the permit fees are significantly less. Portland offers density bonuses for certain issues, such as safety. Mr. Grahn suggested using a method by which a builder would write a check to the City for a portion of the fees and then pay to the City a certain percentage of the gross for 10 years after the project has been built and keeps its deed restriction. Mr. Grahn will write down his suggestions and forward to City staff. Mr. Grahn doesn't believe affordable housing will have a serious effect on property values, if managed properly.

Proponent Lee Means, Executive Director of YCAP, which is a social services agency serving low-income seniors and disabled individuals and families in Yamhill County. They run Harvest House, which is a transitional shelter home in Newberg for homeless families, and are the managing owners of Camelia Court, an affordable housing complex in Newberg. There is a lot to be said for spreading out affordable housing and not concentrating it all in one area. Ms. Means spoke to the humanitarian side, stating that as wonderful as Yamhill County is, people don't realize the extent of the low-income housing problem. In the last three months, they've seen a 48% increase in the number of people seeking help so they can stay in their homes. This county is in desperate need of affordable housing. YCAP is a funnel for state and federal housing to assist people with paying rent. Ms. Means just did a study on how much of that money is spent in each of the communities and it showed Newberg has significantly less affordable housing to refer people in need to. She spoke to the parking issue and stated many families have single parents and normally only have one car if any at all, as well as disabled individuals with one or no car.

Closing Comments from Staff:

Chair Wall asked for final comments from the Commissioners and recommendations from staff. Mr. Beam stated staff recommends the adoption of Resolution 2009-272 that recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution. Staff will also define "special needs housing" and will bring that definition back to the Commission for their consideration in the near future.

Commissioner Haug suggested moving some of these suggested development code changes along more slowly. For example, for ADUs in the R-1 zone, we could loosen some of the rules, but we should keep the conditional use in place so individual neighborhoods can be involved in these changes. If successful, then later we could make them outright permitted. This proposal has a number of changes all at once.

Barton Brierley explained that the change before the Planning Commission tonight would be changing accessory dwelling units in the R-1 zone from a conditional use to a permitted use. About eight years

Page 5 of 153

ago, ADUs were put into the Development Code and at that time, they were made a conditional use in the R-1 zone. In essence, it already has been a gradual process. The recommendation before the Commission came from the Affordable Housing Ad Hoc Committee. Mr. Brierley noted there are two sides to this story. On one side, a conditional use would give opportunities for neighbors to comment and issues could be addressed. On the other hand; the conditional use process costs the applicant time and money. There have only been three requests for ADUs in R-1 in the last eight years. Concerning duplexes in R-1 there hasn't been any in the last 8-year period.

Chair Wall closed the public hearing and recessed at 9:04 PM for a five-minute break.

Deliberation:

TIME – 9:09 PM

Chair Wall opened the deliberation portion of the hearing.

MOTION #3: Haug/Tri to adopt **Resolution 2009-272**, recommending the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A.

The Planning Commission reviewed the proposed changes and actions (pages 73 – 74 of the official meeting packet).

Commissioner Haug referred to Action 4.2I and believes it's more reasonable to reduce the square footage, but keep that change as a conditional use in order to see how it impacts neighborhoods.

MOTION #4: Commissioner Haug amended the motion; and moved to change Action 4:2I allowing duplexes in R-1, keeping them as a conditional use. No second was given; motion failed.

Commissioner Stuhr is concerned with Action 4.2C and the possibility of everyone adding accessory dwelling units, which can add demands to sewer, parking, water, etc. This application to existing homes where this wasn't anticipated or planned is something different from planning for future developments. She isn't convinced this won't affect livability.

Commissioner Smith stated he isn't persuaded by the Habitat for Humanity study, as many of the studies are too dated. He referred to Mr. Grahn's testimony and is intrigued by his idea of spreading payments for fees out over time. He noted that Lee Means spoke regarding the homeless count and it would be a great mistake to equate the need for the homeless with the need for affordable housing, since it is far larger and includes many different income levels. The Affordable Housing Action Plan is large and complicated and that is why the Commission is only hearing it bit by bit and not as a whole. ADUs only address a small part of the need for affordable housing. Also, keeping affordable housing all in the same area is a social disaster and is better to place it within other housing stock. He doesn't agree with the comments in Roger Currier's letter (see official meeting packet). Commissioner Smith is sympathetic to Commissioner Haug and Commissioner Stuhr's concerns, but is in support of this proposal. He also stated he believes the proposed parking standards are sufficient.

Chair Wall will vote for this resolution but understands the concerns voiced. City Council will need to make the political decision on this.

Commissioner Haug stated when you waive fees and permits, you do it on new development SDCs. However, that cost to build new systems is still there, and therefore, those costs are just transferred to existing residents living in the city. Mr. Haug is also the Chair of the Citizen Rate Review Committee and stated there is a lack of reserve funds for the Wastewater Treatment Plant. A 20% annual rate increase is needed per year over the next several years and asked the Commission to keep the SDCs needs in mind.

Vote on Motion #3: (5 Yes / 2 No [Haug, Stuhr]) Motion carried.

VIII. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated the City Council did approve one small UGB amendment on the south side of Wynooski Rd. for 1.2 acres. At the next City Council meeting on December 7, 2009, they will be considering the Planning Commissioner appointments; there are two spots available and three applicants.

The next Planning Commission Meeting: December 10, 2009 and the Commission will be hearing more of the affordable housing amendments and an update to the Economic Opportunities Analysis.

Holiday Dinner Plans:

Barton Brierley stated the Commission needs to discuss the date and place for the holiday dinner. Commissioner Smith suggested the Yamhill Grill where they can have a private room for dinner. Mr. Brierley will suggest dates and the Commissioners can respond by email.

Other reports, letters, or correspondence:

The Electronic Sign Committee has had three meetings so far and Mr. Brierley is pleased with the group and the variety of opinions, thoughts, and interests. At this point, they've focused time on reviewing other cities' codes and interviewed three of the pilot program participants. At least three to four meetings are left, including a field trip to see existing signage.

IX. ITEMS FROM COMMISSIONERS:

None.


X. ADJOURN:


Chair Wall adjourned the meeting at 10:14 PM.

Approved by the Planning Commission this 10th day of December, 2009.

AYES: 7 NO: 0

ABSENT: 0 ABSTAIN: 0
(List Name(s)) (List Name(s))


Planning Recording Secretary


Planning Commission Chair
Page 7 of 153