

**PLANNING COMMISSION MINUTES**  
**February 11, 2010**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE MARCH 11, 2010 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

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

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

Others Present:	Councilor Denise Bacon	Lee Does
	Saj Jivanjee	Charles Harris
	Mr. and Mrs. Robert Roholt	

**II. OPEN MEETING:**

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

**III. CONSENT CALENDAR:**

Chair Tri entertained a motion to accept the minutes of the January 14, 2010 meeting.

**MOTION #1: Haug/Stuhr** to approve the minutes from the Planning Commission Meeting of January 14, 2010. (7 Yes/ 0 No/ 0 Absent) Motion carried.

**V. COMMUNICATIONS FROM THE FLOOR:**

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

## VI. LEGISLATIVE PUBLIC HEARING:

**APPLICANT:** City of Newberg

**REQUEST:** Flood plain map adoption & flood plain management rules. Consider changes to the Newberg Comprehensive Plan text to add flood hazard policies, changes to the Newberg Development Code to create flood plain development standards, and adoption of the most current Yamhill County Flood Insurance Study and associated National Flood Insurance Rate Maps.

**FILE NO.:** CPTA4-09-002

**RESOLUTION NO.:** 2010-277

**CRITERIA:** Newberg Development Code § 151.122(B)

### **Opening of the Hearing:**

Chair Tri opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. Commissioner Haug stated Hess Creek is in his backyard and excused himself from the hearing. Commissioner Wall asked staff for clarification on where his property is located in association with the flood plain. After talking with Barton Brierley, Commissioner Wall found it unnecessary to abstain.

Luke Pelz, Assistant Planner, presented the staff report (see official meeting packet for full report). Barton Brierley, Building and Planning Director, handed out the Flood Plain Map to each Commissioner. Staff recommends that the Planning Commission adopt Resolution 2010-277 with the Comprehensive Plan amendments contained in Exhibit "A", the Development Code amendments contained in Exhibit "B", and findings contained in Exhibit "C".

Commissioner Smith asked staff if the City does not cooperate with the Federal Emergency Management Agency (FEMA) would the landowners be unable to purchase individual insurance. Luke Pelz replied the landowners would be unable to purchase insurance through the National Flood Insurance Program. Barton Brierley stated if there were a flooding, the City would not be eligible for federal aid.

TIME - 7:17 PM

Chair Tri asked if anyone in the audience would like to speak regarding this agenda item.

Saj Jivanjee commented the flood hazard policy does not show in context the watershed districts implementation and believes that needs to be clearly defined as part of this flood plain issue.

Chair Tri closed public testimony at 7:18 p.m.

Commissioner Stuhr referred to page 36 of the meeting packet and recommended the language in the first sentence under findings should state the amendments are consistent with the goals of the Newberg Comprehensive Plan.

Chair Tri entertained a motion for Resolution 2010-277.

**MOTION #2:** Smith/Wall moved to adopt Resolution 2010-277, as proposed by staff. (6Yes/ 0 No/ 0 Absent/ 1 Abstain [Haug]). Motion carried.

Chair Tri recessed for a short break at 7:23 PM.

TIME - 7: 25 PM

**APPLICANT: City of Newberg**

**REQUEST: Housing Element update. Consider updates to the Housing element of the Newberg Comprehensive Plan, including updates to residential & institutional land need and supply tables.**

**FILE NO.: G-09-007**

**RESOLUTION NO.: 2010-276**

**CRITERIA: Newberg Development Code § 151.122(B)**

**Opening of the Hearing:**

Chair Tri opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. Barton Brierley explained this is a repackaging and update on the Comprehensive Plan and there are not many policy changes involved. Mr. Brierley presented the staff report (see official meeting packet for full report). Staff recommends the adoption of Planning Commission Resolution 2010-276 that recommends that the City Council adopt the proposed amendments to the Newberg Comprehensive Plan, as detailed in Exhibits A and B to the resolution.

Commissioner Wall referred to the conclusion on page 61 of the meeting packet and asked for clarification on, *"various income levels and housing needs."* It was his understanding that the concept had been abandoned regarding affordable housing at all income levels and he is uncomfortable with the language. Commissioner Smith suggested the wording would be more accurate to say, *"Newberg can ensure that there is an adequate supply of affordable housing units and other housing units to meet the needs of City residents and various income levels and housing needs."* Barton Brierley stated the Affordable Housing Committee had chosen "affordable housing" to mean no more than 30% of income it spent on housing. He believes it is technically correct but the wording can be changed.

Commissioner Smith referred to the letter received from Mia Nelson, 1000 Friends of Oregon. She claims the county does not have a coordinated county forecast of population. Barton Brierley stated Yamhill County adopted population projections for every urban area within the county and for the unincorporated areas in the county as part of their Transportation Systems Plan. Subsequent to that, Newberg has adopted population projections, and those projections have been coordinated with all the cities and the county together. Commissioner Smith stated in the display of residential zoning, all manufactured homes would be going into R-2 zones. A year ago while Commissioner Smith was serving on the Affordable Housing taskforce there was an idea of inventing an R-4 zone specifically for manufactured homes. He asked why it is not on the allocation of housing needs. Barton Brierley replied the Affordable Housing Committee is working on that particular issue now and if agreed upon, land will be allocated for that.

Barton Brierley addressed the 8 comments included in the letter from Mia Nelson as follows:

Buildable land is not necessarily a 5-acre empty lot. If a lot is over twice the minimum lot size, the amount over the minimum lot size is considered as buildable land. Those assumptions are stated in the Buildable Lands Inventory attachment.

The recent trends are from the Ad Hoc Committee for Newberg's Future report and cover the information they had gathered from 1990 -2004.

The error in the table was corrected in this draft that is currently before the Planning Commission.

There was a reference to a case with McMinnville where there was an interpretation of a statute. That case related to ORS 197.296 and specifically applies to cities with a population over 25,000. Because Newberg is less than 25,000 that statute and case do not apply. There is a corollary case, GMK Developments v. Madras (2008) that confirmed that it is ok to do a housing needs element first then adopt measures to address that need later.

Concerning double counting of institutional land needs, it is anticipated that between the years 2031 and 2040 Newberg institutional structures such as churches, schools, and other facilities will be built to serve the growing population. Therefore, there will be additional needs based on the new population.

Mr. Brierley noted the population projection requirements state the county has to adopt a forecast for the county and all urban areas in the county; this has been done. The city has to adopt a forecast for the urban area into its comprehensive plan; this has been done. Notice has to go to all cities in the county; this has been done. The county has to coordinate the forecast; this has been done. All requirements have been done regarding population projections.

Parks can go in unbuildable areas, but the City wants areas within stream corridors to remain a natural environment. Therefore, these lands do not really meet the needs for park lands. Newberg does not have large floodplain lands that could be suitable for parks but not for building.

Through the Ad-Hoc Committee process, private and public schools were interviewed in regard to their future needs, facility and land-use needs, and based the needs on that and not on generic guidelines from other communities.

Mr. Brierley appreciates Ms. Nelson's comments but they have either been addressed or are inapplicable to Newberg.

TIME – 8:01 PM

Chair Tri opened the public hearing.

**Proponents:**

Charles Harris, a member of the Affordable Housing Ad-Hoc Committee, is testifying on his own behalf. Mr. Harris referred to page 44 of the meeting packet, and believes the statewide planning goal should be #10. On page 57 he asked if Table 13-11 refers to the maximum or target density. Also, the numbers in the development report for July 2009 and Table 13-12 are quite different in regards to buildable acres needed for residential development. It appears to Mr. Harris from looking at chart starting on page 78 of the meeting packet, which addresses potential buildable lands, there is not 45 acres of buildable R-3 land and if there are, every one of them except for one is less than an acre. Lastly, he asked about the staff indicating that 20% of the R-2 land is actually going to be developed with Single Family housing. Historically that number has been much higher than 20%. What can the Planning Commission do to require R-2 land have R-2 housing built on it? More density, apartments, and rental housing is needed and the ability to do that depends on building those in the R-2 and R-3 zones.

Commissioner Wall asked Mr. Harris if he believes the 30% figure serves the purpose for affordable housing. Mr. Harris replied, no. With regard to affordable housing, the City should be looking at median income and below. The homeless population in Newberg is also growing. Commissioner Haug

referred to Mr. Harris' testimony and asked why the numbers have changed in the charts; if staff could comment on the 45 acres that is not all buildable land, and why only 20% single family homes in R-2. Mr. Harris reminded staff of his question regarding density. Barton Brierley replied regarding the inventory of R-3 land, he referred to the Buildable Lands Inventory on page 76 of the meeting packet and explained Newberg has various kinds of zoning and the table show many designations of density. On Fernwood Road there are two properties that are designated high density residential; the property behind Fred Meyer, and there is an area in the Springbrook Village on North Springbrook Road that is planned for high density residential. There are also properties that have more than one designation. Regarding the 20% allocated toward medium density residential, the reason why people have requested a zone change to R-2 is not for multi-family but to have single-family dwellings on smaller lots. The associated amendments would reduce the minimum lot size in R-1. It is anticipated there will be less requests to change zoning to R-2 in order to build single-family dwellings. Regarding the change in numbers, Mr. Brierley explained the timeframe is to the year 2030 and begins at 2010 instead of 2005, which may cause a discrepancy in the numbers. Lastly, Table 13-11 shows the target density.

### **Opponents:**

Lee Does stated he and his wife, Dr. Amy Does have serious reservations as to both the size and location of a proposed school site at the intersection of Renne Road and Wilsonville highway, as well as the City's insistence on "buildable" parcels for new parklands. It is their understanding that state guidelines suggest that new schools be sited on lot sizes of 20 acres or less. This is less than half the acreage Newberg is currently specifying for an all-new school in the proposed southeast Urban Reserve Area. Regardless of the school district's investment in the land, the City simply cannot justify condemning so much farmland for the sake of a high school. Mr. Does reminded the City that LCDC voiced a similar opinion when reviewing Newberg's Urban Reserve Area application last spring. From a student's point of view, locating a school on a busy highway and at the extreme fringe of the city would essentially guarantee the need for bus or car transportation to and from school. Mr. Does likewise pointed out that Newberg students from developed areas to the west of town are already facing a similar situation.

From a purely monetary viewpoint, locating a school so far from the main population will guarantee the taxpayers an ongoing expense for maintaining bus transportation. Since Newberg appears to have scrapped its transportation plan, Mr. Does would encourage the City to move toward a walking/biking approach by locating any new schools closer to town. Regarding parks locations, while flat lands are essential for a tennis court, Hoover Park is an excellent example of a successful park on an otherwise non-standard site. Parklands are not required to be on flat land, and Newberg should not be stipulating that recreational lands be flat or even buildable. Indeed, many of our country's most scenic and enjoyable hiking and biking trails were laid out on land with character but little building value. Mr. Does submitted written testimony. Commissioner Stuhr stated she has heard Dr. Paula Radich talk about campuses and schools having efficiency when there is a grade school, middle school, and high school together. Commissioner Stuhr can see there is a potential justification for the numbers.

Robert Roholt stated livability starts with a place to live but that is not where it stops. Why do we have to supply land for people in Portland? Newberg should not want to consider the largest number of population. Why cause ourselves to be just like Sherwood? Why do we think we are going to grow that much? We have constraints on how to get in and out of Newberg. Planning needs to be more careful in the future as well as the institutional land needed. Mr. Roholt believes both high and low density is needed. He would like to see housing incorporated where people can walk or bike to where they are going. Commissioner Wall stated the City of Newberg is fortunate. In going back 5 - 6 years, Newberg has made a conscience decision not to grow like Sherwood. Newberg has realized there are forces and compromises you have to make in order to accommodate the growth.

Saj Jivanjee stated crunching numbers is a paralysis of analysis. His opinion is there is no flavor or context in this entire thing. There is not a single planner who works for the City who has a design education. Cities need to be designed to detail from the texture to the character. The plan has no context. There is no reality in the plan regarding affordable housing; it is only lip service.

Commissioner Haug asked Mr. Jivanjee to be specific about innovative ideas and vision and would like him to submit in writing his specific ideas and vision and clarify how to economically and feasibly input his ideas. Mr. Jivanjee stated he gave specifics in his testimony and believes he is swimming upstream with this process.

Chair Tri asked for closing comments from staff. Barton Brierley stated there is a vision for Newberg and the City is trying to deal with one element at a time. Mr. Brierley is encouraged regarding the future of Newberg and shared his optimism regarding the new Cultural Center, the Animal Shelter, the downtown, new Providence Hospital, the Art Walk, etc., as well as seeing the citizens of Newberg volunteer in various ways. Mr. Brierley is truly positive for Newberg's future.

Chair Tri closed public testimony at 9:12 p.m.

Chair Tri entertained a motion for Resolution 2010-276.

<b>MOTION #3: Haug/Stuhr</b> to adopt Resolution 2010-276. (7 Yes/ 0 No/ 0 Absent) Motion carried.
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**Deliberation:**

Commissioner Wall stated he could not find in this proposal where it mentions the 30% rule, which leads to the conclusion. He is concerned about voting on the 30% rule as a foundation for defining affordability for all income levels. Commissioner Stuhr recommended deleting the word, "affordable" in the conclusion.

Commissioner Smith suggested adding the following language:

<b>MOTION #4: Wall/Duff</b> moved to amend Motion #3 and adopt Resolution 2010-276; removing "affordable" and adding the following language in the Introduction of the Comprehensive Plan Housing Element: <i>"To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of housing units to meet the needs of City residents of various income levels and housing needs. With proper planning, Newberg can encourage affordable housing for residents below the median income."</i> (7 Yes/ 0 No/ 0 Absent) Motion carried.
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Chair Tri recessed for a five-minute break at 9:27 PM.

TIME - 9:32 PM

**APPLICANT: City of Newberg**

**REQUEST: Affordable Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of more affordable housing. The changes would:**

- **Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.**

**FILE NO.: G-09-007**

**RESOLUTION NO.: 2010-278**

**CRITERIA: Newberg Development Code § 151.122(B)**

**Opening of the Hearing:**

Chair Tri 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). Barton Brierley reviewed the proposed Single Family Residential Design Standards and how points would apply to the various existing housing examples. Mr. Beam reminded the Commission that Commissioner Barnes had presented a series of design slides of existing developments to the Commissioners at the October 8, 2009 Planning Commission Meeting. Staff recommends the adoption of Planning Commission Resolution 2010-278 that recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

Chair Tri closed public testimony at 10:05 PM

Mr. Beam asked the Planning Commission to adopt Option 1 or Option 2 on page 102 of the meeting packet regarding natural features design standard.

**MOTION #5: Huff/Haug** to adopt Option 2; *“1 point per 1,000 square feet of natural area, up to 20% of the required design point total”*; Exhibit A to Resolution 2010-278. (7 Yes/0 No/ 0 Absent) Motion carried.

**MOTION #6: Barnes/Smith** to adopt Resolution 2010-278 as amended with option 2. No vote was taken, due to this agenda item being tabled to the next Planning Commission meeting.

**Deliberation:**

Commissioner Haug stated the need to raise the standards and have a hearing if the developers do not meet them. He suggested if the developer cannot reach the 5% minimum in each category then perhaps it needs a public review, as well as an appeal process. He is concerned with the point system for compatibility in communities. Commissioner Smith stated if they have a standard with a minimum amount in all three categories and they are unable to reach it in one, they can waive that part if they overshoot the minimum by 20% or 25% of the total.

David Beam stated that late written testimony has been received from Mr. Rydell regarding design points. Chair Tri stated he received it from Mr. Rydell by email as did the other Commissioners. Barton Brierley stated it should not have been sent to the Commissioners but to staff.

**MOTION #7: Haug/Duff** moved not to include Mr. Rydell’s late correspondence. (7 Yes/ 0 No/ 0 Absent) Motion carried.

**MOTION #8: Smith/Haug** moved to amend Motion #6 and adopt Resolution 2010-278; on 10 units or more, at least 5% of the points can be earned in all 3 design element categories. (5 Yes/ 2 No [Duff, Wall]/ 0 Absent) Motion carried.

**MOTION #9: Wall/Duff** moved to modify the language on Agenda Item #3; Resolution 2010 – 278; deleting the first work “*Affordable*” and to read as follows: “*Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of attractive, livable, and functional neighborhoods.* No vote was taken, due to this agenda item being tabled to the next Planning Commission meeting.

Commissioner Wall wants it worded more strongly or clearer so it shows the end result has nothing to do with affordable housing.

**MOTION#10: Smith/Barnes** moved to tentatively approve Resolution 2009-278; staff returning with language modifications to the resolution at the March 11, 2010 Planning Commission Meeting. (7 Yes/ 0 No/ 0 Absent) Motion carried.

**APPLICANT: City of Newberg**

**REQUEST: Affordable Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of more affordable housing:**

- **Make an overall recommendation on a set of affordable housing Development Code and Comprehensive Plan amendments to the City Council.**

**FILE NO.: G-09-007**

**RESOLUTION NO.: 2009-274**

**CRITERIA: Newberg Development Code § 151.122(B)**

**MOTION #9: Smith/Duff** to table Agenda Item #4; Resolution 2010-274 until the March 11, 2010 Planning Commission Meeting. (7 Yes/ 0 No/ 0 Absent) Motion carried.

TIME – 10:49 PM

## **VII. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated at the last City Council meeting the Council approved the Economic Opportunities Analysis (EOA) unanimously and voiced their appreciation to the Planning Commission for their work.

Other reports, letters, or correspondence: None.

The next Planning Commission Meeting is scheduled for March 11, 2010

## **VIII. ITEMS FROM COMMISSIONERS:**

None.



**IX. ADJOURN:**

Chair Tri adjourned the meeting at 10:54 PM.


**Approved by the Planning Commission on this 11<sup>th</sup> day of March, 2010.**

**AYES: 5**

**NO: Ø**

**ABSENT: 2**  
**(Wall/Stehr)**

**ABSTAIN: Ø**

  
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Planning/Recording Secretary

  
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Planning Commission Chair