

## PLANNING COMMISSION MINUTES

December 8, 2011

7:30 p.m. Regular Meeting  
Newberg Public Safety Building  
401 E. Third Street

TO BE APPROVED AT THE JANUARY 12, 2012 PLANNING COMMISSION MEETING

### I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Art Smith	Cathy Stuhr
	Lon Wall	Allyn Edwards
	Kale Rogers, Student PC	

Absent: Gary Bliss (excused)

Staff Present: Barton Brierley, Building & Planning Director  
Steve Olson, Associate Planner  
Sonja Johnson, Environmental Specialist  
Alan Lee, Environmental Services Specialist  
DawnKaren Bevill, Minutes Recorder

### II. OPEN MEETING:

Chair Smith opened the meeting at 7:30 p.m. and asked for roll call.

### III. CONSENT CALENDAR:

Chair Smith entertained a motion to accept the minutes of the November 10, 2011 meeting.

Mr. Barton Brierley stated Mayor Andrews offered a correction to the minutes; to be listed as being present, not as a staff member.

<b>MOTION#1: Barnes/Edwards</b> to approve the minutes from the Planning Commission Meeting of November 10, 2011 as amended. Motion carried (6 Yes/ 0 No/ 1 Absent [Bliss]).
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The Stormwater & Erosion Control hearing has been moved to the January 12, 2012 Planning Commission Meeting because the required code revisions are not yet complete.

### IV. COMMUNICATIONS FROM THE FLOOR:

No items were brought forward.

### V. REVIEW OF PLANNING COMMISSION GUIDELINES:

Mr. Barton Brierley stated the draft should establish rules for conducting Planning Commission meetings, expectations for the roles and duties of Commissioners, rules concerning the Chair and Vice-Chair, procedures for scheduling of meetings and preparation of agendas, procedures for Planning Commission hearings and

public testimony, and expectations for the relationship between the City Council and the Planning Commission. Formal and informal discussions about the guidelines have taken place over the years; a Planning Commission Workshop was held on October 13, 2011 and there seemed to be consensus on many issues. Those consensus items were incorporated into the draft. A few issues that the Commission should discuss include:

**Attendance and Absences** (page 18 of 33 of the official meeting packet):

Section 3: There was general agreement that an excused absence is one where the commissioner provides notice before the meeting that he/she will not attend. The draft allows that Commissioner to request an excused absence after the fact, which would be voted on by the Commission.

**Discussion:**

Chair Smith recommended Section 3, Rule 3.1 be reworded to say, "*Four or more absences in a twelve month period*" and "*Two unexcused absences in a twelve month period.*"

Commissioner Edwards recommended striking the word, "*excused*" in the first sentence from Section 3, Rule 3.3.

The consensus of the Planning Commission agreed upon these changes.

**Voting and Abstaining from Voting** (page 24 of 33 of the official meeting packet):

Section 7, Rule 7.14: The draft proposes: "Commissioners shall vote on each motion brought before the Commission, or shall explain the reason for abstaining."

**Discussion:**

Commissioner Barnes stated the more dialogue the better. It is good to inform the Commissioners and the public as to the reason for abstaining.

Commissioner Wall believes there should be an explanation given for abstaining.

Commissioner Art Smith believes an explanation is reasonable.

Commissioner Edwards referred to the email from Planning Commissioner, Gary Bliss regarding Rule 7.14. Mr. Bliss had asked if it was necessary that a commissioner who chooses to recuse themselves from an item go to the lobby.

Mr. Brierley stated the draft proposes: "Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration. Commissioners may not provide testimony before the commission on any matter from which they abstain, but may designate a representative to speak to their interests." Mr. Brierley believes retiring to the lobby is a practical matter; the sound system can be heard in the lobby, and that way the commissioner's facial expressions or body language would not impact the decision. It is not a requirement but a decision should be established in the rules.

Chair Smith asked if there was a meeting with four commissioners present, making a quorum, and then one abstains, is a quorum lost? Mr. Brierley understands the reason for the person remaining in the lobby, and not leaving the building, is to keep a quorum present.

Commissioner Stuhr agrees as she is the only member outside the city and in the future may have to recuse herself on some decisions if the city expands to the area where she now lives.

The consensus of the Planning Consensus was to leave Rule 7.14 as written.

**Time Limits for Testimony** (page 23 of 33 of the official meeting packet):

Section 7, Rule 7.7: The draft proposes the principal applicant for a proposal will be allotted 15 minutes for an initial presentation, but may be extended to 30 minutes with prior approval of the Planning Director. A principal opponent, if any, will be allotted time in the same manner as the principal applicant. All other speakers will be given the opportunity to speak for no more than five minutes. Speaker may share their time at the discretion of the Chair. The Chair has the discretion to extend these time limits. Speakers may address the Planning Commission for less than their allotted time.

**Discussion:**

Chair Smith asked how many times have there been applicants that needed more than 30 minutes for a presentation. Mr. Brierley replied approximately one time in the past three years.

Commissioner Wall stated this issue is a philosophical discussion. The time allotted needs to be equal and the Planning Commission should be careful to receive technical arguments during extended testimony.

Commissioner Stuhr referred to the fourth sentence and suggested the language be changed to say, "*All other speakers will be given the opportunity to speak for up to five minutes.*" She also suggested deleting the last sentence of Rule 7.7.

The consensus of the Planning Commission was to accept Rule 7.7 with the suggested corrections.

**Written Testimony** (page 23 of 33 of the official meeting packet):

Section 7, Rule 7.8: The draft proposes that a staff report come out 8 days (Wednesday) before the meeting; written comments are due Monday by noon; late written comments will be read out loud at the meeting and subject to time limits for speakers. Currently the staff report is written 7 days in advance. This rule allows them to have the staff report and submit comments which can be emailed and mailed, as well before the meeting.

Commissioner Stuhr suggested deleting the first two words, "*In order*" and to begin the sentence with, "*To be considered...*"

The consensus of the Planning Commission was to accept Rule 7.8 with the suggested correction.

**Further Issues for Discussion:**

Commissioner Wall referred to the Newberg Planning Commission Guidelines, (page 11 of 33), Item 4 and asked for clarification. Mr. Brierley explained that is in regard to resolving personal conflicts.

Commissioner Stuhr stated she has been working with Mayor Bob Andrews and Terry Mahr, City Attorney to prepare a guideline for the Chair person for each of the various committees. In doing that, she made note of several editorial corrections to the Planning Commission Guidelines and reviewed each of those with the Commission. Mr. Brierley stated he would incorporate the changes and bring the guidelines back to the Planning Commission for a final review.

Commissioner Stuhr passed out the draft form of the Public Comment Registration Form that is being considered. Number four may vary per commission. She asked for the Planning Commission to contact her or the Chair regarding any comments they would like to offer.

**VI. ITEMS FROM STAFF:**

Update on Council items:

Mr. Brierley stated Commissioner Stuhr and Commissioner Philip Smith have been approved for reappointment to the Planning Commission by the City Council. Training regarding land use planning is available in Salem on January 29, 2012 from 9:00 – 4:00 p.m. The City of Newberg will pay the tuition for any Commissioners who choose to attend.

The next Planning Commission meeting is scheduled for Thursday, January 12, 2012. Election of the Chair and Vice Chair will be voted upon and the stormwater hearing will be held.

## **VII. ITEMS FROM COMMISSIONERS:**

Commissioner Art Smith stated in regard to the upcoming Planning Commission vote on the TMDL Stormwater Code, he was surprised in the previous deliberations that the issues that needed to be discussed with the City Attorney had not already been discussed. He is hoping that discussions have since taken place and that the issues will be resolved prior to the January 12, 2012 hearing.

Commissioner Wall thanked staff for their work and for the celebration that was held for them this evening.

Commissioner Barnes stated he has observed the traffic flow at Fred Meyer with the addition of the gas station traffic and stated it has not changed.

Commissioner Stuhr stated she had received an email from an individual who testified in regard to the proposed Stormwater and Erosion Control Codes. He felt she was the only Commissioner who really cared and understood his testimony. Commissioner Stuhr said perhaps the Commission could have been of more help to this individual who was struggling and could have asked questions or referred questions to staff. Discussion continued regarding acknowledging the concerns of the public and ways in which the Commission can be more helpful.

Commissioner Stuhr suggested Staff provide a spreadsheet in regard to the Stormwater Management hearing to help explain that the City will not be implementing any more than what is required.

## **VIII. ADJOURN:**

Chair Smith adjourned the meeting at 9:10 p.m.

Approved by the Planning Commission on this 12<sup>th</sup> day of January, 2012.

AYES:

7

NO:


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ABSENT:

0

ABSTAIN:

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Dawn Karen Beville  
Planning Recording Secretary

  
Thomas O'Brien  
Planning Commission Chair