

NEWBERG PLANNING COMMISSION MINUTES
December 14, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Jason Dale called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Jason Dale, Chair
Cathy Stuhr
Philip Smith
Patricia Watson
Ron Wolfe
Gary Bliss
Allyn Edwards

Members Absent: Miranda Piros, Student, excused

Staff Present: Doug Rux, Community Development Director
Steve Olson, Senior Planner
Cheryl Caines, Associate Planner
Bobbie Morgan, Office Assistant II

Also Present: Brett Musick, Senior Engineer

PUBLIC COMMENTS:

None

CONSENT CALENDAR:

Approval of the November 9, 2017 Planning Commission meeting minutes

<p>MOTION: PC Stuhr/PC Wolfe moved to approve the November 9, 2017 Planning Commission meeting minutes. The motion carried (7 Yes/ 0 No).</p>
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LEGISLATIVE PUBLIC HEARING (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

1. **Private street regulations in Planned Unit Developments (continued):** Consider a proposal to amend the Newberg Development Code to allow the creation of private streets within a Planned Unit Development.

Applicant: J.T. Smith Companies

File No.: DCA17-0004 Resolution No.: 2017-335

Chair Dale reopened the public hearing.

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION: None

STAFF REPORT:

The staff report presentation was given by Senior Planner Steve Olson. This was a continued hearing to allow the creation of private streets within a Planned Unit Development. This would be a code amendment and would apply City-wide. At the last meeting, the Commission had expressed interest in the proposal, but had additional questions. The Commission wanted more detailed language about the management of the HOA for enforcement of no parking on private streets and for maintenance of private streets. They also determined that the revised code was better located in the PUD section of the

Code. Private streets allowed for more flexibility in the design and possibly reduce the cost of the development. One of the questions was how large the development needed to be to have a sustainable HOA. Staff had proposed 19 units previously, and the applicant proposed 50 dwelling units as a minimum. Another requirement was that a professional management company would continue to manage the HOA in perpetuity. He explained the exception language to allow private streets in PUDs. The prohibition of private streets in general remained. He then explained the code language that was changed in the PUD section. It stated a private street may be allowed if there were at least 50 dwelling units and if the purpose statement in the PUD, a through c, were satisfied by the evidence in the application. The applicant would also need to provide a plan for managing the on street parking, maintenance, and financing of the private road including a draft reserve study showing the future HOA could financially maintain the private street. It also required a statement demonstrating the on and off street parking would be sufficient for the expected parking requirements. The proposed CC&Rs would include the requirement of the management by a professional management company in perpetuity. The private street would be of sufficient width and construction to satisfy the requirements of the Fire Marshall and City Engineer. The PUD should be a Class 1 Planning Community as defined in ORS Chapter 94. There would be an annual written report to the Community Development Director that would include the most recent reserve study, name and contact information of the management company, and a report on the condition of the private street and any plans for maintenance.

PC Edwards asked about the annual report and what would happen if the reserve fund fell below the perceived attainable limit. Community Development Director Doug Rux explained how it would be difficult to project the amount needed as costs and maintenance needs changed over time. If they were not collecting the money, it could be turned over to Code Enforcement to enforce the regulations. The management company should be keeping track of what was being collected to cover the costs of the maintenance.

PC Edwards recommended that in the covenants they add an assessment clause that in the event there was a shortage of funds there would be a special assessment on the owners to build the fund back up.

PC Smith pointed out a Class 1 Community was defined in terms of lots and the PUD was defined in terms of residences. SP Olson did not think that would create a problem as both would apply.

PC Stuhr asked why the purpose statement for a through c had been used, but not d and e. She also asked about the use of the words "expected parking requirements." SP Olson said a through c were the most relevant. The intent was to follow the code requirements and cover the potential visitor parking issues. CDD Rux clarified the parking issues that might come up in PUDs.

PC Smith commented that by leaving the language the way it was, it was on the developer to make some choices regarding the dwelling units that would be put on a private street that would meet the parking requirements.

PC Bliss asked how a statement could demonstrate the parking requirements were met. He suggested requiring applicants to provide a parking plan that demonstrated the parking requirements were met. SP Olson said those kinds of plans would be part of a PUD application.

PUBLIC TESTIMONY:

Proponent:

Michael Robinson, representing the applicant, said their goal was to get it right and not create a project that would be a problem in the future. Regarding the meaning of demonstrate by statement, one of the requirements for PUDs was a preliminary parking plan and the statement was a written narrative explaining how the parking would work. The wording could be changed to demonstrate by substantial evidence that parking would be adequate. One of the issues with private streets was parking and it was important to show that any new proposal would not cause a resident lifestyle problem. The language gave applicants choices and tools to create good PUDs. There were approval criteria that allowed the Commission to deny an application. The most relevant was the purpose statement in the PUD code, letters a through c, but d and e could be added as well. PUDs allowed the applicant to deviate from the normal parking requirements, and the proposed language required applicants to give the Commission a narrative on the analysis of resident and visitor parking to make sure there was enough parking. Regarding using the term dwelling units or lots, the current PUD language used the term dwelling units. He thought it could either be 13 lots as stated in the Class 1 Community regulations or 50 units as stated in the proposed PUD code. Applications would still need to meet the Class 1 Community requirements. They could change units to lots, but if there were rental units, they might not have 50 lots. He explained how reserve studies were

done and how the assessment was based on current market conditions. They could add in the code that if the assessment proved not to be enough for the street maintenance, a special assessment could be placed on the owners. He hoped that the Commission would be able to make a decision that night and recommend approval of the text amendments to the City Council. He noted that the concern regarding being able to deny private streets was addressed as the proposed language gave the Commission more criteria to do that. There was concern about the number of units, and the proposed 50 units addressed that issue. Another concern was an annual report be submitted to the City, and that requirement was added along with the requirement for a reserve study so the City had a mechanism to make sure the assessment was being done right.

PC Stuhr wanted to make sure it was understood that the Planning Commission could approve a private street if it found the applicant had satisfied the purpose statement of the PUD. She suggested instead of saying "demonstrate expected parking requirements", it could be changed to "expected parking needs." Mr. Robinson responded those language changes could be added.

Opponent: None.

Undecided:

Rick Rogers, Newberg resident, discussed affordability. If private streets were narrower and created a greater number of units on the land, that often led to less land cost per house. However private streets had a greater maintenance cost and greater HOA fees. He cautioned that the HOA fees not raise the cost of the units so much that it made the units unaffordable.

Chair Dale thought that had been addressed by requiring a minimum of 50 units.

PC Smith asked Mr. Roger's opinion of allowing narrower streets City-wide. Mr. Rogers thought narrower streets should be considered. They had to defer to the Fire Department if that was acceptable or not.

Mr. Robinson gave rebuttal. He discussed how housing in the City of Portland had become unaffordable and how there was a shortage of affordable housing in Portland. This text amendment was an opportunity to lower the cost of infrastructure which would contribute to the affordability of new units on a private street. His client had already agreed to commit a certain number of units to affordable prices. The City could look into narrower streets City wide, but the reason his client chose this path was that he would like to submit his PUD application in the spring. This was the fastest way to do that as updating the City's Transportation System Plan would be a much larger task.

CLOSE OF PUBLIC TESTIMONY

Chair Dale closed the public testimony portion of the hearing at 7:56 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

SP Olson clarified the criteria included that the Planning Commission could approve a private street if it found that the purpose statements a through c were satisfied by the evidence in the subsections a through e. The a through e were not the criteria, but were evidence that the applicant must supply as part of their application. The purpose statements were somewhat subjective, but there were specific pieces of evidence that had to be satisfied.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Stuhr was in support of the text amendment with the minor changes that had been suggested. She clarified that under a, the last sentence should be changed to say the Planning Commission may approve the private street if it finds the applicant demonstrated the purpose statements in a through d were satisfied by the evidence. And under b, a written description or plan would be required that demonstrated on and off street parking would be sufficient for the expected parking needs and applicable code. She was fine with the either 50 units or 13 lots language.

PC Smith thought the development had to meet both of those minimums. SP Olson clarified it was written as an and statement, and both applied.

PC Smith was comfortable keeping it as an and statement. He thought 50 units was a good minimum and he liked the specificity of a Class I Community. He also liked the clear reporting language as well.

PC Bliss discussed his calculations for the HOA costs per unit. He thought 50 units was a good number. They could also allow for special assessments if necessary.

MOTION: PC Smith/PC Stuhr moved to approve Resolution No: 2017-335 with the changes proposed by the Commission. The motion carried (7 Yes/ 0 No).

2. Population Projections: Consider a proposal to amend the Newberg Comprehensive Plan Section IV, subsections A and B, to reflect updated historic population and population projections.

File No.: CPTA17-0004 Resolution No.: 2017-336

Chair Dale opened the public hearing.

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION: None

STAFF REPORT:

The staff report presentation was given by Associate Planner Cheryl Caines. The Oregon Revised Statutes required Portland State University's Population Research Center to issue a population forecast for counties in Oregon to assure a uniform methodology was used and to provide regular updates to the population forecasts. Recently Yamhill County's population forecast was completed for 50 years, but for Newberg's planning purposes they used a 20 year forecast. The proposed amendment to the Comprehensive Plan would update the population information in the Plan. This information was used to do long range planning to make sure the community's needs were being met.

PC Edwards thought with past population projections and all of the projects going on in the City that they would exceed these new projections. CDD Rux explained the City's growth rate was slower than what was projected in 2012. In the new projections, it stated the average annual growth rate was 1.9%, and when they got to the 20 year mark, it would drop to 1.3%. This was due to an aging population and lower birth rates. He gave examples of how even with population gain from new developments, there was population loss in other groups.

PC Edwards said they had been experiencing growth in the last two years that had not been seen in many years prior and there were many approved projects currently on the books. There were also snowbirds, or people who spent the summer in Newberg, but did not live here year-long. He was concerned that the numbers were extremely conservative. CDD Rux said there was an upward trend on home construction, but the population projections were also looking at snapshots in time and giving estimates of what the populations would be. The growth was taken into account in the 1.9% growth rate. There would be an update to these numbers in 3 to 4 years, and if construction continued to increase the numbers would reflect that in the next projection.

PC Bliss asked clarifying questions about the report, and CDD Rux explained the items.

PC Smith said the point of the projections was for planning and the legislature required that all jurisdictions use these numbers. He questioned whether they could rely on the slower growth. If the Commission's hunch was right that the growth rate would be faster, these numbers would be updated again in 3 to 4 years. CDD Rux responded that these were officially adopted numbers and the City was required to use them for planning purposes. This resolution took the first 20 year horizon and put it into the Comprehensive Plan. In 3 to 4 years it would be updated. They were not able to debate whether the numbers were correct or not.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Wolfe said the numbers would be revisited in 3 to 4 years and the numbers would be reassessed based on the growth that had occurred. CDD Rux replied they would look backward at the 3 to 4 years since the time the numbers were adopted to see what the growth trend was.

MOTION: PC Stuhr/PC Wolfe moved to approve Resolution No: 2017-336. The motion passed (5 Yes/ 1 No [Edwards]/ 1 Abstain [Bliss]).

PC Bliss abstained due to insufficient information in the report to make a decision.

The Commission took a five minute break.

WORKSHOP: Comprehensive Plan Change regarding R-3 Annexation Regulations

SP Olson presented information on the proposed Comprehensive Plan and Development Code amendments to the City's annexation policies, specifically regarding R-3 land. He reviewed the items that had consensus previously. These included the definition of large as 15 net acres and some as 10% of the net size, using the net size of the parcel as opposed to the gross size, the size was the aggregate size of all the parcels not individual parcels, removing the low and moderate income language and replacing it with multi-family, removing rental and replacing it with multi-family, putting weight on the location policies and disbursing R-3 throughout the community, and the process for adding R-3 was not only in the annexation stage, but also at the UGB amendment stage. He then discussed the current annexation section of the code and the proposed changes to that section. Some public testimony had been received from Charlie Harris regarding some minor changes to the proposal. He was in support of what was being done. He then handed out a comment that had been received from Sid Friedman who stated the Friends of Yamhill County were in support. SP Olson asked if there were any other changes the Commission wanted to make. Staff planned to bring back the draft amendments to a future public hearing.

PC Stuhr suggested that some be defined as 10% or more. SP Olson said it would have no negative impact to define some that way.

There was discussion regarding the impacts of these changes to developers.

There was consensus for staff to move forward with the proposed changes.

ITEMS FROM STAFF:

CDD Rux gave an update on the UGB expansion project. This was Commission Stuhr's last meeting and a new Planning Commissioner would begin in January. He discussed the process for initiating Development Code and Comprehensive Plan amendments. There would be some amendments needed to implement SB 1051 regarding affordable housing. There would also be a Comp Plan amendment for the Wastewater Master Plan update and Development Code amendment regarding street frontages on public streets. He announced that SP Olson was retiring and his last day was January 15.

PC Edwards suggested holding a party for Commissioner Stuhr and SP Olson. There was consensus to schedule a party.

CDD Rux said at the January meeting, there would be an election for Chair and Vice Chair.

The next Planning Commission meeting was scheduled for January 11, 2017.

ITEMS FROM COMMISSIONERS:

Chair Jason Dale adjourned the meeting at 9:22 pm.

Approved by the Newberg Planning Commission this January 11, 2017.



Jason Dale, Planning Commission Chair


Bobbie Morgan, Office Assistant II