

NEWBERG PLANNING COMMISSION MINUTES
July 13, 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: Allyn Edwards
Gary Bliss
Ron Wolfe
Jason Dale, Chair
Patricia Watson
Philip Smith
Miranda Piros

Members Absent: Cathy Stuhr, excused

Staff Present: Doug Rux, Community Development Director
Cheryl Caines, Associate Planner
Bobbie Morgan, Office Assistant II
Kaaren Hofmann, City Engineer

Also Present: Mayor Bob Andrews, Ex-Officio

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

Approval of the June 8, 2017 Planning Commission meeting minutes

MOTION: PC Watson/PC Wolfe moved to approve the June 8, 2017 Planning Commission meeting minutes.
The motion carried (6 Yes/ 0 No).

QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

1. **Conditional Use Permit-605 E Sheridan St:** Consider a conditional use permit application to allow use of an existing single-family dwelling as a vacation rental home.
APPLICANT: Lifestyle Properties, llc – Megan Carda, Property Manager
OWNER: Eric & Laura McGlynn
FILE NO: CUP-17-004 ORDER: 2017-04
CRITERIA: Newberg Development Code Sections: 15.225.060, 15.445.300-350

Chair Dale called the hearing to order at 7:01 p.m.

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

LEGAL ANNOUNCEMENT:

Miranda Piros read the legal announcement.

STAFF REPORT:

A staff report presentation was given by Associate Planner Cheryl Caines. This was a request for a Conditional Use Permit for 605 E Sheridan Street to allow the use of an existing one bedroom single family dwelling to be a

vacation rental home. The zoning was R-2, medium density residential. The home was close to downtown and the Civic Center. She reviewed the Conditional Use criteria. This was an existing single family home within a single family neighborhood. The property owners were planning to maintain it and had hired a vacation rental company. There would be garbage pick-up and two off street parking spaces would be provided on the adjacent site that the applicant also owned which was also a vacation rental. That rental was approved in 2016 and there had been no issues with its use. The location was attractive for a vacation rental due to its proximity to downtown, the Civic Center, library, and shopping. The applicant planned to do some cosmetic upgrades and the use was compatible. Since it was a one bedroom home, the applicant could only have two occupants. The applicant would register the vacation rental with the City. She discussed the site plan of the two vacation homes, parking, and easement for access and parking. Staff recommended approval of the request.

PUBLIC TESTIMONY: None.

CLOSE OF PUBLIC TESTIMONY:

Chair Dale closed the public testimony portion of the hearing at 7:11 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Caines confirmed staff's recommendation was for approval.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Bliss asked about the distance between the sidewalk and the front of the garage for the already approved vacation rental. CDD Rux explained there was discussion at the hearing for that rental regarding the space between the front of the garage and the sidewalk. The Planning Commission had approved the application even though a car might extend somewhat into the sidewalk. The applicant proposed two parking spaces on that property and there would be an access and parking easement for the benefit of this property. If the other vacation rental was sold, there would still be parking rights for this rental.

PC Smith asked about the applicant not being in attendance as evidence one way or the other. CDD Rux replied the applicant's representative was in attendance and had chosen not to make any comments. The application was being reviewed based on its merits.

PC Wolfe had driven by the site and he liked that there would be two full spaces for the rental and that there was an easement that would make the parking permanent even if the other rental was sold.

PC Watson wanted confirmation that if there was a pull out couch they still would not be allowed to have more than two people. AP Caines had talked with the applicant and it was understood that only two occupants were allowed.

MOTION: PC Smith/PC Wolfe moved to approve CUP-17-004, Order 2017-04. The motion carried (6 Yes / 0 No).

LEGISLATIVE PUBLIC HEARINGS:

1. **Land Division Regulations:** Consider a resolution recommending that the City Council adopt the proposed amendments to the Newberg Development Code Chapter 15.05.030 Definitions; 15.100 Land Use Processes and Procedures' and 15.235 Subdivisions for regulations on land division (partitions and subdivisions). Resolution 2017-332 File No. DCA-16-002

Chair Dale called the hearing to order at 7:17 p.m.

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

AP Caines handed out the supplement changes recommended by the City Attorney.

STAFF REPORT:

The staff report presentation was given by AP Caines. In February 2016 the Planning Commission passed a resolution that initiated the update to the land use division section of the Development Code. The purpose of the update was to clarify language in the Code and to improve the function and organization of the Code. There were two Planning Commission Work Sessions to discuss the proposed changes and the discussions and recommendations were reflected in what was being proposed. She then gave a summary of the amendments which included replacing Section 15.235 which was now called Subdivisions and the amended chapter would be called Land Divisions; amending Section 15.100 regarding processes and procedures; and adding a definition in Subsection 15.05.030. These were based on the Oregon model Development Code and reorganized for clarity and ease of use. The approval criteria had been clarified. Based on the City Attorney's comments, the preliminary plat approval period for phased subdivisions was also clarified. Some items that were added were when a Type 3 subdivision was required and the definition of substantially complete. The definition still allowed a bond with City Engineer approval so model homes would not be prevented. Staff recommended approval of the resolution.

PUBLIC TESTIMONY: None.

CLOSE OF PUBLIC TESTIMONY:

Chair Dale closed the public testimony portion of the hearing at 7:28 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Caines said staff's recommendation was adoption of the resolution with the amendment to the Code language regarding preliminary plat approval periods.

PLANNING COMMISSION DELIBERATION AND ACTION:

MOTION: PC Edwards/PC Watson moved to approve Resolution 2017-332, File No. DCA-16-002, with the modified Code language. The motion carried (6 Yes/ 0 No).

2. Stormwater Master Plan: Consider a resolution recommending that the City Council incorporate the 2014 Stormwater Master Plan into the Comprehensive Plan and amend section L. Public Facilities and Services of the Comprehensive Plan. Resolution 2017-330, File No. CPTA-17-002

Chair Dale called the hearing to order at 7:31 p.m.

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

STAFF REPORT:

The staff report presentation was given by Community Development Director Doug Rux. This proposal was to incorporate the Stormwater Master Plan into the Comprehensive Plan. State law and the Administrative Rules required the incorporation. The Stormwater Master Plan had recently been updated and approved in 2014. The plan was designed and developed for a 20 year horizon and would be updated every ten years. He reviewed the State law that the City had to comply with, identified the major elements in the plan, and discussed the evaluations that were done for the plan. The projects in the plan were incorporated into the Capital Improvement Plan and each year stormwater projects were completed. He then reviewed the findings that stated the plan was in compliance with both state and local regulations. To incorporate the Stormwater Master Plan into the Comprehensive Plan, a new Section 9 was created, some of the language had been changed, and new policies had been added. Staff recommended approval of the resolution.

PUBLIC TESTIMONY: None.

CLOSE OF PUBLIC TESTIMONY:

Chair Dale closed the public testimony portion of the hearing at 7:40 p.m.

PC Smith said this plan had already been in effect for three years and now they were incorporating it into the Comprehensive Plan. Was anything not working in the plan? City Engineer Kaaren Hofmann replied things were working and some projects were being completed, such as the Blaine Street project. Stormwater was getting more science based and requirements were continually changing which might affect the design and construction standards in the future.

PC Edwards asked if the rainy season they had just experienced would affect the prioritization of the plan. CE Hofmann did not expect last winter to change anything in the priorities. Stormwater was further behind in resources and funding, and they were planning to chip away at it over time. There had not been any issues with flooding even with all of the rain they had.

PC Edwards asked what was done with the abandoned stormwater pipes. CE Hofmann responded the pipes could be pulled out of the ground or the pipes could be left in place but filled up with grout so the pipes would not collapse. What was done depended on the location.

PC Bliss asked who was responsible for the pipes that went under housing if there was flooding. CE Hofmann answered it depended on the location. There were public easements over the pipes in Blaine Street. Once the pipe was removed, the easement was removed and there would be new easements placed on the new pipe. If there were public easements, it was the City's responsibility.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:
CDD Rux said staff's recommendation was to approve the resolution.

PLANNING COMMISSION DELIBERATION AND ACTION:

MOTION: PC Smith/PC Wolfe moved to approve Resolution 2017-330, File No. CPTA-17-002. The motion carried (6 Yes /0 No).

VI. WORKSHOPS:

1. Newberg 2030 Action Plan and Implementation Policies

A presentation was given by CDD Rux on Task 4 of the Urban Growth Boundary expansion project. The task was to create an action plan and implementation policies which were submitted on May 22. He reviewed the other tasks that had been done and the items that were included in the action plan. He then discussed how the Riverfront Master Plan, Economic Summits, Newberg Economic Development Strategy, and Newberg Tourism Strategy could affect the analysis on the Urban Growth process. The action plan identified efficiency measures, affordable housing measures, strategies and future planning efforts, and issues with the buildable lands inventory methodology. The City was at the point of deciding what they should do next and he had created an options chart to help with the decision. The first option was to proceed with the information they had and see what the results would be. The second option was to request LCDC to do technical fixes to the Administrative Rule. That letter had been sent and he was waiting for a response which could take three to six months. He was hopeful that the fixes could be made and they could still use the Division 38 Simplified process.

PC Smith suggested proceeding simultaneously with the Simplified process without any OAR fixes and making the assumption in every case that the County Assessor's value was right. That way the numbers of acres needed, though low, would be defensible. They could continue on while LCDC worked on the fixes as those fixes could take a long time. CDD Rux responded the low number might not be compatible with the population projection. They could not go back and use Division 38 again to expand the Urban Growth Boundary until 50% of the vacant land had been absorbed. He thought it might be more detrimental to follow Division 38 the way it currently was.

PC Edwards asked if they could request a classification for the specialized use property and under that classification would fall state occupied property and churches. That classification would not be considered in the standard, and everything else would remain the same. CDD Rux said that would require a fix to the Administrative Rule.

CDD Rux stated the third option was to let another community go through the process first. The fourth option was to go back and do the longer Division 24 process. He explained what work would need to be done for the Division 24 process. He discussed the pros and cons and risks of each option. The decision would not be made tonight. Staff would be looking for direction from the Commission and Council in October after LCDC decided whether or not they would do the needed fixes.

PC Smith was concerned that the new rules would be challenged and the process would not go into effect until it had gone through the courts.

Chair Dale asked if there was an advantage to being the first to use this process. Did the opportunities outweigh the costs? CDD Rux responded Newberg was the community that had gone the furthest with the process so far. There were two significantly smaller communities who were following the process and had run into questions about the methodology also. He had asked the State if there was another comparable size city going through the Division 38 process, and there was none yet.

PC Edwards asked if he had reached out to the Friends of Yamhill and asked them what their thoughts were on this issue. CDD Rux responded the Friends were on the citizens committee for this project. They agreed some technical fixes needed to be done to Division 38. The City could use another data source than the County Assessor's Office, although that would be expensive and the data would be open to challenge. The Assessor's numbers were for tax assessment purposes, not land use purposes. The Friends supported the City using the Division 38 process as it would take less time and be more cost effective.

CDD Rux was hopeful the State would take on the task of doing the technical fixes. They would know more in October. The City received the population number from Portland State University. Currently the City had a little over 23,000 residents. By 2035, it was estimated the City would have a little over 34,000 residents which was a 1.9% annual average growth rate. He thought that was a reasonable number. After 2035, the average growth rate started to go down due to birth rates dropping and people living longer. By 2067, the population was projected to be 53,000. There were social dynamics to that growth as well as infrastructure needs. They could make policy choices to slow the growth down, but that had not been discussed yet.

PC Edwards asked the Mayor if in discussions regarding the annexation to TVF&R, had growth and increasing needs been brought up especially if the City did not go forward with the annexation. Mayor Andrews responded yes, there was an analysis of what it would cost to reconstitute a City operated department and bring it up to the standards it would need to be at. It would be a significant cost increase to the City.

CDD Rux commented on the Commission's upcoming schedule and items that would come before the Commission on future agendas. The next Planning Commission meeting was scheduled for August 10, 2017.

ITEMS FROM STAFF: None.

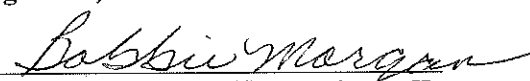
ITEMS FROM COMMISSIONERS: None.

Chair Jason Dale adjourned the meeting at 8:43 pm.

Approved by the Newberg Planning Commission this August 10, 2017.



Jason Dale, Planning Commission Chair



Bobbie Morgan, Office Assistant II