

NEWBERG PLANNING COMMISSION MINUTES
April 12, 2018
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Philip Smith called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Philip Smith, Chair
Jason Dale
Allyn Edwards
Ron Wolfe
John Wuitschick
Gary Bliss
Miranda Piros, Student

Members Absent: Robert Ficker, excused

Staff Present: Doug Rux, Community Development Director
Cheryl Caines, Senior Planner
Brett Musick, City Senior Engineer

PUBLIC COMMENTS: None

CONSENT CALENDAR:

Approval of the March 8, 2018 Planning Commission meeting minutes

MOTION: PC Edwards/PC Wolfe moved to approve the March 8, 2018 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).

Subdivision preliminary plat– South Park Newberg:

Consider a proposal to divide a 1.21-acre site into 12 lots for single-family homes. The property is zoned R-2 (medium density residential).

APPLICANT: Wynooski Street LLC

LOCATION: S Wynooski St. north of E Lilly Ct.

TAX LOTS: R3220CA-04500; 3220BD-02300

FILE NO.: SUB217-0004 ORDER NO.: 2018-02

CRITERIA: Newberg Development Code Sections 15.235.050(A)

CALL TO ORDER:

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

LEGAL ANNOUNCEMENT:

The legal announcement was read by Miranda Piros.

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

STAFF REPORT:

SP Cheryl Caines presented the staff report. The request was to approve a preliminary plat for subdividing a 1.21 acre site into 12 lots which would be developed into single family homes. The site was between S Wynooski and S Columbia Streets. The site was zoned R-2, medium density residential. This was the old CS Lewis School site and the adjacent uses were single family homes. The new proposed homes would have access on Wynooski and Columbia. Utilities would be provided in both of those streets and public utility lines that crossed the site. She reviewed the preliminary plat for the subdivision. The lots ranged from 3,000 to 6,000 square feet and there would be an access easement for lots 7, 8, and 9. She then discussed the criteria and how the application met those criteria for lot size, access, utilities, and public improvements. The issues raised by the public were traffic and safety. This proposal would add 12 more vehicles at the pm peak hours. The Transportation System Plan had been updated in 2016 and there were no identified safety issues or deficiencies for these streets. Another issue was street conditions on Wynooski and City repair projects would take place this summer between 4th and 7th on Wynooski. The applicant was required to do improvements along the frontage of Columbia and Wynooski. There was a question about adequate parking, and each lot was required to have two parking spaces. For lots 7, 8, and 9, the code required one additional parking space for each of those lots because they would have a shared access. The applicant was proposing to put in sidewalks along the frontages of the subdivision. Staff recommended approval of the application with conditions.

PC Bliss asked if there was a variance included in the application. SP Caines said originally when this application was submitted there were more lots and the applicant had requested a variance. After talking with staff, it was decided that the applicant would withdraw that variance and reduce the number of lots.

PC Edwards asked about the extra parking for lots 7, 8, and 9. SP Caines replied there would be one additional off street parking space per unit.

PC Edwards asked if there would be enough room for those parking spaces. SP Caines responded it was a condition that the applicant submit a revised preliminary plat to show those spaces.

PC Edwards wanted to ensure the shared driveway was not going to be used for parking as there needed to be space for fire truck access. CDD Rux said the driveway could be posted as no parking.

Chair Smith commented that the findings noted that the requirements would be done in the future, which was different from other applications that were further along in the process. SP Caines responded that there was not a concern that these requirements would not be met.

PC Bliss asked how staff came up with two required parking spaces per unit. SP Caines explained how typically these would be 3-4 bedroom homes, which required two spaces.

PC Bliss thought single family required a 15 foot rear yard. SP Caines responded the interior setbacks were five feet. CDD Rux clarified when the lot sizes were reduced, the interior setbacks were changed to five feet and the eaves could project three feet into that setback.

Chair Smith commented that setbacks should not be confused with lot coverage.

PUBLIC TESTIMONY:

APPLICANT

Jessica Cain, Wynooski Street LLC, concurred with the staff report. She thought the application met the subdivision criteria and should be approved. Typically they had to show they had the appropriate number of parking spaces at the time of the building permit. These homes would be 3-plus bedrooms and they were planning for two parking spaces per site. She explained the preliminary plat process, which was only at 30% and after they got the conditions of approval, a set of plans designed at 90% would be done. Construction did not begin until all of those details were worked out.

Dan Danicic, Wynooski Street LLC, thought the conditions were acceptable, except for the conditions where the City was asking for 15 foot wide public easements to be placed on the wastewater and stormwater lines. There were two public lines that crossed the site and they were currently in ten foot easements, however they were not in the center of those easements. The applicant had agreed to adjust the ten foot easements so the lines would be centered. The City requested to

add five more feet and he thought it was an onerous request that was a taking. There was no need for additional easement width as they were not being relocated or modified. The additional square feet equated to \$84,000 in land value.

Chair Smith suggested instead of removing Conditions B and C, they could change the wording to "ten foot public easements centered on the pipes." Mr. Danicic responded that language change would be acceptable.

PC Bliss thought public utility easements were required to be 15 feet to allow for working room for equipment. Mr. Danicic responded it was an imposition on the property owner to give up the value of that land.

PC Bliss asked how they were planning to add the three parking spaces for lots 7, 8, and 9. Mr. Danicic thought it could be done using different housing products and the location of the lot lines which could be adjusted.

Chair Smith clarified this was a proposal at a 30% stage, and the applicant was responsible to satisfy the City that the plan met the requirements before construction could be done. The Commission's approval of the preliminary plat did not commit the City to approve the plans that would come forward at a later time.

PC Bliss was skeptical that lot 7 could meet the requirements. CDD Rux commented that the requirements for parking would drive the size of the house. It was the responsibility of the applicant to meet the requirements.

Ms. Cain responded they had a housing product that could be put on lot 7 and that would meet the City's requirements.

PROPOSERS

None

OPPOSERS AND UNDECIDED

David Heikkinen, Newberg resident, said his property was adjacent to this property. This property was not 3.5 acres as advertised on the public notice signs, but was 1.2 acres. This made the neighbors think the lots would be larger than they were. He was concerned that the houses would not fit the neighborhood. If the stormline was moved to join the sewer line, it would free up some land and combine the easements. He would need to move his retaining wall to the west and needed to get a property pin between lots 6 and 10 so he could move the wall before construction began.

WRITTEN COMMENTS: None

APPLICANT REBUTTAL:

Ms. Cain thought this application met the criteria and requested reconsideration of the 15 foot easement. They would work with Mr. Heikkinen to locate the property pins for the wall.

PC Edwards asked about the easements. Ms. Cain discussed the locations of the existing easements and how the applicant was open to realigning the easements. The 15 feet changed how they could develop the property and she thought it was a taking. She was concerned that they would lose a lot due to this issue.

CLOSE OF PUBLIC TESTIMONY:

Chair Smith closed the public testimony portion of the hearing at 7:55 pm.

Senior Engineer Bret Musick said the 15 foot easement was the current standard for easements and was required. These were older lines and they would need maintenance in the future. That was what the 15 foot easement allowed for. An alternative would be to put a new pipeline in the existing 10 foot easements.

PC Dale asked which took precedence, an existing easement or current standards. CDD Rux responded the City Engineer had said the 15 foot easement was a requirement and there needed to be adequate space to maintain or replace the current lines.

The Commission took a five minute break.

APPLICANT RESPONSES:

Mr. Danicic did not disagree that the current engineering standard called for 15 foot easements. The question became how much upgrading they needed to do to meet current standards. He did not think new standards should be applied to old facilities at the expense of someone else.

Ms. Cain said because the easement on the south side of the property abutted the property line, it would make one lot too small and made it difficult to develop. This application met the criteria and the requirement to add five feet to an existing line was onerous and a taking. There should be a monetary compensation if it was required.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

SP Caines said staff recommended approval of the Order.

PLANNING COMMISSION DELIBERATION/DISCUSSION:

Chair Smith said the existing lines had not caused trouble when this was a church and school with a nice, flat parking lot. The use of the property had changed and what used to be an innocent problem might not be that any more. It was aging infrastructure and easements were not in the right place.

PC Bliss assumed that at the time the easements were approved, easements were ten feet. That was found to be inadequate, particularly in residential development where there was not enough room for the equipment. He did not think they should ask the developer to replace the pipe. There was no taking as the lot sizes did not change because they could build right up to the edge of the easement. He thought there was ample room to widen the 10 foot easement to 15 feet. He was in favor of approving the application with the existing conditions.

PC Dale referred to the preliminary plat map and showed how the lots could be accessed. He thought in looking at the lot layouts, there was no need to make the easements 15 feet.

PC Bliss commented that the lines did not have to be centered on the 15 foot easement and the pipes could be on the edge of the easements.

PC Edwards commented that there were portions where the easements did not encompass the pipes. He thought a ten foot easement encompassing the pipes would be appropriate.

ACTION BY THE PLANNING COMMISSION:

MOTION: PC Bliss/PC Wuitschick moved to approve SUB 217-0004 with the findings found in Exhibit A and the conditions found in Exhibit B.

AMENDMENT TO THE MOTION: PC Edwards/PC Dale moved to amend the motion to keep the easements at ten feet and that the lines encompass the easements. Amendment passed (4 Yes/ 2 No [PC Bliss/PC Wuitschick]).

VOTE ON THE MOTION: Motion passed (4 Yes/2 No [PC Bliss/PC Wuitschick]).

Chair Smith discussed changing the findings to reflect the decision to allow ten foot easements.

PC Edwards made suggested language changes to explain the existing ten foot easements would be adjusted to fit with the existing pipes. They did not anticipate the replacement of the pipes at this time.

MOTION: PC Edwards/PC Dale moved to approve the findings as amended. Motion passed (4 Yes/1 No [PC Bliss]/ 1 abstain [PC Wuitschick]).

WORKSHOP: SB 1051 Affordable Housing Provisions

CDD Rux passed out a spreadsheet regarding Accessory Dwelling Units. He gave a recap on this issue. The spreadsheet included the current regulations, Housing Newberg proposal, Affordable Housing Commission suggestions, SB 1051, DLCD guidance, and notes from staff. He discussed the timeline for the project, including a draft proposal to DLCD by April 18. The regulations had to be in effect by July 1. He discussed the definitions of dwelling in the code and how it should be aligned with the new law.

PC Edwards preferred the definition to mean an interior attached or detached.

CDD Rux discussed the zoning for ADUs in R-1 and the definition of “allow” which meant a permitted use. He explained the lot coverage allowed in R-1, which was 30% or 40% if all structures on the lot were one story. The maximum parking coverage was 30%. DLCD’s guidance was to allow up to two ADUs per lot in R-1.

Chair Smith was concerned that there would not be enough room for two ADUs, especially due to the lot coverage on 5,000 square foot lots. He was not in favor of two ADUs, and thought at most the second ADU should be a Conditional Use.

CDD Rux responded the lot coverage could be adjusted to accommodate the ADUs.

Mike Gougler, Newberg resident, suggested that the Commission not think of a detached facility as an ADU. As a builder and developer he would not consider putting two ADUs on a 5,000 square foot lot. He thought it made more sense to build on the house or over the garage rather than a separate facility. Most of the need for an ADU could be addressed by changing what was allowed to be put in an individual house. If they could be allowed to have a room with a separate kitchen and a separate entrance, that would take care of it.

PC Dale clarified Mr. Gougler was suggesting to remove the limitations on extra kitchen facilities in ADUs. Mr. Gougler wanted them to allow a builder to design a house that had a separate kitchen facility and separate entrance. CDD Rux would have to look into that idea more.

CDD Rux said currently ADUs were allowed in R-1 as a Conditional Use. The guidance was to allow ADUs as a permitted use in R-1. In R-2, R-3, and R-P ADUs were allowed as a permitted use, and he did not think that language should be changed. In C-2 there could be residential as a Conditional Use and the Conditional Use determined the density. He asked if ADUs should be allowed in C-2.

There was consensus to change the language to allow ADUs as permitted uses in R-1.

Chair Smith thought in C-2, if the residential met the Conditional Use and was approved, along with that they were allowed as a permitted ADU. He did not think they should grandfather in existing residential. If the existing residential wanted to add an ADU, that should be a Conditional Use.

Rick Rogers, Newberg resident, agreed with DLCD’s notion for parking and that doing a curb cut to gain one spot for an ADU would reduce the available on-street parking.

CDD Rux stated currently ADUs in C-3 were not addressed. Housing was allowed in C-3.

PC Dale thought it should be the same as what was suggested for C-2.

CDD Rux would make a technical fix in Institutional to show ADUs could be allowed. There was nothing currently in the code regarding ADUs in Airport Residential. PC Dale thought ADUs should be permitted when there was an existing house, not when someone was living in their hanger.

CDD Rux then discussed lot coverage. SB 1051 did not include anything about lot coverage. Currently the City designed the water quality requirements to anticipate 60% of the lot being covered. If there was a detached ADU, it might create more lot coverage. Should they adjust the lot coverage requirements to accommodate detached ADUs?

There was discussion regarding stormwater requirements.

Dan Danicic, Newberg resident, suggested they look at the actual coverage of the ADU and if it did not reach the 2,800 square foot threshold of impervious area, stormwater enhancements would not be needed as the enhancements had already been done for the existing house. There would be minimum impact to the stormwater system from a 500 square foot ADU.

Chair Smith commented that they should increase the percentage of lot size coverage, but the maximum lot and parking coverage should not be increased because there could be problems with impervious surface. They could increase it to in R-1, the lot coverage was 40% or 50% if all the structures were one story and maximum parking coverage remained at 30%. The total lot coverage would remain at 60%.

Mr. Danicic explained how a developer would have to mix and match the sizes of the house and parking to meet the 60%.

There was consensus to have the lot coverage at 40%, 50% if all structures were one story, with a total lot coverage of 60% for R-1 and R-2.

Chair Smith did not think the maximum lot coverage of 50% and 30% for parking in R-3 should be changed. This was the same in R-P.

CDD Rux said C-2 did not have the same lot coverage standards. For C-2, there was 15% landscaping requirement, and 75% of the lot could be for building and parking. C-3 could be fully built out with no landscaping. There was no limit in the Institutional zone. In A-R the maximum lot coverage was 50% and there was a 5% landscaping requirement.

There was consensus that the C-2, C-3, Institutional, and A-R regulations not be changed.

CDD Rux then discussed the parking regulations. Currently ADUs had to have one additional off street parking space. Housing Newberg and DLCD had suggested not requiring the additional parking space.

PC Bliss said they did not have to have a separate curb cut for the ADU.

PC Wolfe thought the requirement for the additional parking space should be maintained as most streets already had an issue with parking.

PC Bliss agreed, especially since very few people used their garage for parking. Some streets were narrow and there might be issues with the on-street parking on both sides of the street and fire truck access.

Chair Smith said the Senate Bill did not address the parking issue and he did not think it would apply well to Newberg to not require parking.

There was consensus to require off street parking for all zones except C-2 and C-3.

Mr. Danicic commented that it was highly unlikely that every house in the City would build an ADU.

CDD Rux continued with design standards. He would change the definition as discussed earlier. He asked if they wanted to keep the requirements that ADUs not exceed 50% of the size of the primary unit up to a maximum of 1,000 square feet. The number of residents in the ADU was regulated by the current edition of the Oregon Residential Specialty Code. There was consensus to keep those sentences. There was consensus to strike these: The front door of the ADU would not be located on the front façade of the primary residence unless the door was already existing. Second story windows ten feet or less from the property line would be made of privacy glass.

CDD Rux said there were no design standards for ADUs in C-2 or C-3. There was consensus to use the same standards as R-1.

Chair Smith noted that DLCD had recommended no owner occupancy requirements across the board, and he thought that was acceptable.

CDD Rux then discussed wastewater. The issue was whether to require a separate connection or allow the ADU to connect to the existing line for the site.

There was consensus that there was no need for a separate connection.

CDD Rux continued with stormwater. Currently if an ADU was over 500 square feet they would have to comply with the stormwater regulations.

PC Dale suggested increasing the number to 700 square feet before requiring compliance with stormwater regulations.

Mr. Danicic suggested making it specific that a water quality garden would satisfy the regulations.

Chair Smith thought they needed to consult the City Engineer about these changes.

Chair Smith extended the meeting for 15 more minutes.

CDD Rux continued with the SDC discussion. He explained the current charge for efficiency dwelling units. DLCD's guidance was to look at the actual impact of the ADU on the system.

PC Bliss said the purpose for ADUs was affordable housing and if they went with a number per fixture unit, the SDCs could become expensive. The infrastructure was already in place, and he did not think it should be per unit.

There was discussion regarding creating a flat fee for the fixture units. CDD Rux would talk to the City Engineer for a flat fee approach.

ITEMS FROM STAFF:

CDD Rux reminded the Commission to turn in their Statement of Economic Interest forms. He gave an update on the Council's recent actions on planning items.

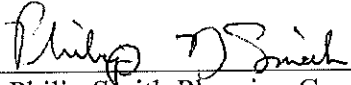
The next Planning Commission meeting was scheduled for May 10, 2018.

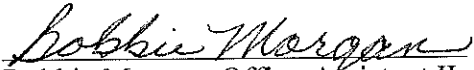
ITEMS FROM COMMISSIONERS:

PC Wuitschick might not be in attendance at the next meeting.

Chair Smith adjourned the meeting at 10:15 p.m.

Approved by the Newberg Planning Commission this May 10, 2018.


PC Philip Smith Planning Commission Chair


Bobbie Morgan, Office Assistant II