

NEWBERG PLANNING COMMISSION MINUTES
May 24, 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
Robert Ficker
John Wuitschick
Gary Bliss

Members Absent: Ron Wolfe, excused
Miranda Piros, Student, excused

Staff Present: Doug Rux, Community Development Director

PUBLIC COMMENTS: None

LEGISLATIVE 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. **Accessory Dwelling Units:** Consider a Resolution recommending that the City Council amend the Newberg Comprehensive Plan and Newberg Municipal Code regarding accessory Dwelling Units (ADUs) policies and regulations. Resolution 2018-340. File No. CPTA18-0001 & DCA18-0001

CALL TO ORDER:

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

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

STAFF REPORT:

Community Development Director Doug Rux stated this was a proposal for modifications to the Accessory Dwelling Unit regulations in the Comprehensive Plan to be compliant with SB 1051. The Commission had several discussions on this topic. The modifications included: designating ADUs as a housing type, making ADUs a Type 1 review, changing the definition of ADU, changing the Land Use Table in the Development Code, requiring an off street parking space, removing language regarding the location of the front door, removing the requirements for frosted windows, removing the restriction that the property owner had to reside in the primary residence or ADU, not requiring a separate water connection and sewer connection, retaining the 500 square foot impervious surface area threshold, and maintaining the SDCs as proposed. He then reviewed the new proposed language. Staff thought the proposal complied with both statewide planning goals and the goals and policies of the Comprehensive Plan. Two letters had been submitted that were in the packet. A letter had been submitted today from the Fair Housing Council of Oregon requesting a continuance of the hearing to give them time to review the proposal. The Commission was required to continue the hearing, and he suggested continuing it to June 14. This meant that it would not be able to go before the Council by July 1 when SB 1051 went into effect. If someone came in with an application for an ADU on July 1, only the standards that were existing today could be used and they did not have to do a Conditional Use. He hoped to take it to Council on July 2.

Chair Smith explained the policy regarding requests for continuance.

There was discussion regarding the requirements for continuance and the disservice of this request to the community.

PC Edwards would vote against continuing the hearing as he thought it was an obstruction to the process.

PUBLIC COMMENTS:

Proponents:

Mike Gougler, Newberg resident, asked if the Fair Housing Council had standing to continue an action in Newberg. CDD Rux replied yes.

Mr. Gougler thought the response should be that they did not know who Louise Dix was and if she was authorized to act on behalf of the Fair Housing Council. If that could be verified by midnight then they would honor the request for continuance.

Mr. Gougler stated as a builder, he thought there would not be much ADU development in Newberg due to the size of the lots. The most likely ADU would be inside existing houses, and he proposed creating the opportunity for people to rent a portion of their homes. He did not think parking restrictions should be imposed on ADUs unless it became an issue in the future. He thought ADUs would not increase affordable housing, but would be used for people who needed to live with their parents.

Rick Rogers, Newberg resident, offered to call Ms. Dix tomorrow. He was not in favor of anything that would appear to be an impediment, and he thought parking was one of those impediments especially for in-fill projects. It was going to be difficult to get ADUs due to the lot sizes in Newberg.

PC Bliss had done more research regarding parking for ADUs and had changed his mind. He agreed with Mr. Gougler and Mr. Rogers about the parking. He asked if the new regulations would rescind CC&Rs in HOAs that did not allow parking on the street.

Mr. Gougler responded that he wrote the original CC&Rs for PC Bliss's subdivision and there was no parking restriction at that time. That was done later by the HOA. He did not think the HOA had the authority to restrict parking on a public street. If they did, he thought it could be changed through code.

PC Edwards said the reason for the parking restriction was due to the input from neighbors and their concerns about parking. If there was an issue with compliance, a variance could be requested. He did not think they should ignore inevitable parking problems.

Mr. Rogers asked rather than getting a variance, could it be at the discretion of the approving authority as to whether or not a parking space was needed. CDD Rux responded in a Type 1 process there were clear and objective standards and no discretion. To have discretion it would need to be a Type 2, which took more time and was more costly.

Mr. Gougler was hesitant to create regulations for something they did not know whether or not there would be a problem. He thought they should look for solutions for a particular area if there were problems in the future rather than impose regulations on the whole City.

The discussion continued on the parking requirement for ADUs.

Chair Smith added that in newer R-1 housing there would not be a problem as they already had enough parking for the house and an ADU. That was not the case in older neighborhoods, and people would park on the street if there was an ADU. He thought the parking space should be required. He suggested the Commission give staff a recommendation on the parking issue and then continue the hearing.

<p>MOTION: PC Bliss/PC Ficker moved to not require off street parking for ADUs. The motion failed (2 Yes/4 No [Edwards, Dale, Wuitschick, and Smith]).</p>

PC Edwards thought the letter from the Fair Housing Council should be dismissed and the continuance be denied.

MOTION: PC Bliss/PC Ficker moved to continue the hearing for CPTA18-0001 & DCA18-0001 to June 14, 2018. The motion passed (5 Yes/1 No [Edwards]).

Mr. Rogers thanked the Commission for their work.

ITEMS FROM STAFF:

CDD Rux reviewed the Commission's upcoming meetings. He then reminded the Commission about the federal compliance requirements regarding ADA ramps which they needed to keep in mind for future applications.

The next Planning Commission meeting was scheduled for June 14, 2018.

ITEMS FROM COMMISSIONERS:

There was discussion regarding the requirements for ADA ramps and possible litigation if they did not comply.

PC Wuitschick asked about contacting Ms. Dix. CDD Rux said all he could do was to inform her that the hearing had been continued and she had until June 11 to submit testimony for the packet.

PC Edwards requested that when testimony was submitted, that staff verify the person writing the letter had the authority to request a continuance. CDD Rux responded in Oregon's land use system, there was no requirement to verify the validity of submittals.

Chair Smith adjourned the meeting at 8:10 p.m.

Approved by the Newberg Planning Commission this June 14, 2018.


PC Philip Smith, Planning Commission Chair


Bobbie Morgan, Office Assistant II