

NEWBERG PLANNING COMMISSION MINUTES
June 14, 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
Robert Ficker
Gary Bliss
Ron Wolfe

Members Absent: John Wuitschick, excused
Allyn Edwards, excused

Staff Present: Doug Rux, Community Development Director
Keith Leonard, Associate Planner
Kaaren Hofmann, City Engineer

PUBLIC COMMENTS: None

CONSENT CALENDAR

1. Approval of the May 10 and May 24, 2018 Planning Commission meeting minutes.

MOTION: PC Bliss/PC Wolfe moved to approve the May 10 and May 24, 2018 Planning Commission meeting Minutes. The motion carried (5 Yes/ 0 No).

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

Continued hearing form May 24, 2018

CALL TO ORDER:

Chair Smith called the hearing to order at 7:02 p.m.

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

STAFF REPORT:

Community Development Director Rux said there was a hearing on Accessory Dwelling Units on May 24 and the Commission continued that hearing to tonight. This was due to a continuance request by the Fair Housing Council and Housing Land Advocates to allow them time to review the proposal. Both organizations had submitted comments and had asked that the decision be deferred to resolve the issue on parking and referenced ORS 197. There was nothing in SB 1051 that addressed parking requirements. The Commission had discussed ADUs since January and the Affordable

Housing Commission and Housing Newberg had given their opinions on the parking issue. The issue was whether or not to require ADUs to have one off street parking space.

Chair Smith discussed the evidence from the City of Portland on how ADUs led to more on street parking. The recommendation from the Planning Commission was to require one off street parking space. He asked if this was still the recommendation of the Commission.

PC Wolfe was concerned about the current congestion on City streets and thought they should require the one off street parking space.

PC Dale concurred.

PUBLIC COMMENTS: None

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 7:10 p.m.

ACTION BY PLANNING COMMISSION:

MOTION: PC Bliss/PC Wolfe moved to approve Resolution 2018-340. The motion carried (5 Yes/ 0 No).
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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. Development Agreement Amendment Springbrook Master Plan** – Consider eight (8) new paragraphs to amend the Development Agreement Springbrook Master Plan.

APPLICANT: Pahlisch Homes, Inc.

FILE NO.: MISC318-0001

RESOLUTION: 2018-341

CRITERIA: ORS 94.504-94.528, NDC 151.255-151.259

CALL TO ORDER:

Chair Smith called the hearing to order at 7:12 p.m. and read the hearing statement.

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION:

PC Dale stated that AKS Engineering was also working on a project with his employer. He had not been in contact with AKS and thought he could render an impartial decision.

STAFF REPORT:

Associate Planner Leonard entered the staff report into the record as well as a letter from AKS dated June 12, 2018. This was a request to amend the 2008 Development Agreement for the Springbrook Master Plan. Eight new paragraphs were being proposed to be added. The first paragraph would allow the Community Development Director to make certain Type 1 decisions. Any changes would have to meet the purpose of the master plan. The second paragraph dealt with the goal post rule, which meant that approval or denial of an application would be based on the standards and criteria that were applicable at the time the application was first submitted. The third paragraph stated the City would accept stormwater facilities that met the applicable standards as public facilities. The Engineering Department suggested adding that the regional stormwater facilities that met the applicable standards of the City's Public Works design and construction standards would be accepted as public facilities. The applicant was required to minimize the number of regional stormwater facilities where possible. The fourth paragraph acknowledged the mutual agreement between the property owner and Chehalem Parks and Recreation District regarding the park land in this area. The fifth was that the City would approve a phased subdivision schedule as proposed describing the expiration and tentative plan for each subdivision phase. The sixth paragraph said that the development agreement would trump the master plan if there was a conflict. The seventh paragraph said a property owner that was party to this agreement could assign or transfer ownership to someone else. The eighth paragraph dealt with the Public Utility Master Plan standards, SDCs, and credits. The Engineering Department clarified that the standards were those in use at the time the application was submitted. The Transportation Impact Study was done in 2007 at the time the master plan was adopted. However, any modification that changed the street classifications, trip cap, or otherwise modified the existing transportation projects list would require an update to the

Traffic Impact Study. Some public comments had been received. One was in opposition of the development phase, which was not part of this public hearing for the development agreement. Another had to do with the Type 1 decision on street locations and sizes, which had already been stricken from the language.

CDD Rux gave a background on the Springbrook Master Plan, which was approved in 2007. The Development Agreement had a time limit of 15 years and what was being proposed were modifications to this agreement for the future development of this property.

PC Bliss asked if the development had to be completed in 15 years or started within the 15 years. CDD Rux responded they had 15 years where the development standards in the master plan could be used, and after that they would have to use the current development standards.

PC Bliss asked if there was a way to extend the 15 years so the developments would match. CDD Rux said a lot of the standards had changed since this master plan was adopted and some of those changes would be less expensive for the applicant, such as the reduced size of pipe. This was one of the reasons for changing the Type 1 decisions so he could decide if the applicant could put in what the current standards called for instead of what was in the master plan.

Chair Smith preferred the language stating the applicant would propose a schedule for the subdivision phases as summarized in the staff report, not that the City would approve a phased subdivision schedule.

PUBLIC COMMENTS:

Proponents:

Michael Robinson, representing the applicant, asked for approval of the proposed amendments to the development agreement. He clarified this was not an application for development; that came later in the process. Regarding what would happen when the development agreement ended and they were in the process of completing a development, the goalpost rule would still apply and the standards that were in effect when the subdivision was approved could still be used. They had taken out the approval of street size and location from the Type 1 decisions. He did not think an application would have an effect on the trip cap or type of facility. Regarding the difference in the language about the schedule, the reason it was written that the City would approve it was because of the concern about being able to record all of the final plats by the time the tentative plat approval expired.

Chair Smith explained he would rather hear the proposal and then approve it, not that the Planning Commission would approve it.

Mr. Robinson said he would talk to his client about this issue. They agreed with the staff report and comments from the Engineering Department. These amendments applied to the entire development agreement area.

Mimi Doukas, AKS Engineering, discussed how she had helped with developing the master plan. The heart of the master plan was the Allison Hotel, and the Allison had been built before the recession hit. They had to wait until the economy got back to a healthy place before they decided how to move the master plan forward. They were working with Pahlisch Homes to develop a portion of the master plan area. There were assumptions that went into the original development agreement that needed to be revisited. These amendments would give staff some clarity on where they had discretion and where they did not and codified what the expectations were back in the day but had not been written down. There was confusion in the community about what was being done, and she explained how they had responded to some of the comments.

Mr. Robinson reviewed the approval criteria and clarified how this application met the criteria.

Mike Morse, Pahlisch Homes Inc., said they were honored to help carry out the vision that was originally planned for the property. This was not an application for development, but they wanted to introduce themselves. He asked that the Commission approve the amendments.

Brett Baker, President of Austin Industries, was representing the owners of the property. The family wanted the development to honor the original vision. The Allison was the anchor for the master plan and with the economic downturn the residential phase needed to wait. It now made sense to bring new homes to Springbrook and Newberg. They did a

thorough and thoughtful outreach effort to find a development partner who would fit the family's expectations for quality, integrity, and design. They had selected Pahlisch Homes to move forward with the next stages of the master plan. The proposed amendments to the development agreement were the first step in the process. He requested approval of the amendments.

Opponents and undecided:
Don Cline had no comments.

Robert Somokovic lived across the street from this property. He was concerned about being annexed into the City in the future.

CDD Rux described the process for annexation which was property owner driven, not City driven. The City Council did not have a policy to actively annex property.

Frank Page had submitted written testimony and had no verbal comments.

Michael White, Newberg resident, said he was undecided. He had testified in 2007 in favor of this plan although he was the most affected parcel for the development. He asked what would happen with the park land and if the Chehalis Parks and Recreation District would maintain the park land.

CDD Rux explained CPRD was not a party of the development agreement. Originally the parks were going to be maintained by HOAs, but it had been discussed that CPRD might be interested in owning some of those parks. Staff had asked the applicant to discuss it with CPRD. There had been no decision yet whether they would be public or private parks, but it provided the opportunity in the development agreement. The City owned some park land, but they had an agreement for CPRD to maintain them. The City did not have staff to maintain parks, and did not want to have ownership of parks.

Mr. White had worked with AKS and Pahlisch Homes and worked for the city of Tigard that was suffering the growing pains that Newberg might have with this development.

Mark Wagner, Oxberg Lake Estates representative, said two days ago they received a letter from Ms. Doukas acknowledging Oxberg Lake's well system and water rights and agreed to protect the area's resources by using standards agreed to of best practices. On behalf of Oxberg, they thanked the applicant and owner for following the agreement and committing to protect Newberg's water resources.

REBUTTAL:

Ms. Doukas gave rebuttal. Regarding the concerns about the park land, CPRD was not interested in taking on all of the park land in this master plan. There was still the expectation that most of the open space would be owned and maintained by the HOA. CPRD was interested in the large park in the center of the site, and it might extend to the Hess Creek corridor and the medium sized park on the other side of Hess Creek. Those made sense for CPRD to be involved with and to have traditional public parks. They would like the opportunity to look into this issue further to see if it made sense for all of the parties involved.

Mr. Robinson commented on Chair Smith's language concern. The reason it had been written this way was to give them time to record all of the final plats before the tentative plat expired. They wanted to be able in the course of submitting a subdivision application to develop their own schedule. He had not meant to remove the City's authority to change it, but it was written to be clear there had to be a schedule. He suggested adding the following wording after the last sentence, "subject to the City's right to modify the proposed schedule."

Chair Smith agreed with the language except to change the word "right" to "authority." Mr. Robinson was fine with that change.

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 8:10 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Leonard recommended approval of the resolution as amended with the removal of the street locations and sizes in the Type 1 decisions and the addition of the City's authority to modify the proposed schedule.

PLANNING COMMISSION DELIBERATION:

Chair Smith said this was an overarching plan that everyone knew would change over time. He thought these amendments were appropriate to keep the plan in place so the property would be developed in an orderly way and fulfill the vision that was put forth in 2007.

ACTION BY PLANNING COMMISSION:

MOTION: PC Bliss/PC Dale moved to approve Resolution 2018-341 as amended. The motion carried (5 Yes/ 0 No).

2. **Conditional Use Permit – 801 E Third St.:** Consider a conditional use permit application to allow use of an existing single-family dwelling as a vacation rental.

APPLICANT: Michael and Rachel Sherwood

FILE NO.: CUP18-0001

ORDER: 2018-03

CRITERIA: Newberg Development Code Sections: 15.225.060, 15.445.300-350

CALL TO ORDER:

Chair Smith called the hearing to order at 8:23 p.m. and read the hearing statement.

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

STAFF REPORT:

AP Leonard entered the staff report into the record. This was a request for a Conditional Use Permit to use an existing four bedroom single family dwelling as a vacation rental. The location was 801 E Third Street and the zoning was R-3, high density residential. Vacation rentals in R-3 were considered special uses. He described the subject site and applicable criteria. The property owner had done some improvements to the home with landscaping, painting, and exterior/interior repairs. The location was attractive for a vacation rental due to its proximity to downtown. It was a compatible use with other residential uses. The owners would register the vacation rental with the City and pay the Transient Lodging Tax. The home had six off-street parking spaces. The maximum occupancy for the house would be eight guests. The appropriate information would be posted in the house. One public comment had been received in opposition to the request.

Chair Smith asked about the size of the house. The property owner clarified it was 1,476 square feet.

PUBLIC COMMENTS:

Proponents:

Michael Sherwood, applicant, gave his background and how he had been active in the community. This vacation rental was part of his retirement. He and his wife had put a lot of effort into remodeling the home and landscaping.

Rachael Sherwood, applicant, said they were passionate about Newberg and they had worked to keep the 1897 vintage and Newberg personality of the home, but gave it a new breath of life. The letter in opposition came from someone who lived across the street. She was surprised that they objected to the vacation rental due to retaining a sense of community. She thought they would bring in people who wanted to be in a home and neighborhood and would not be disruptive to the community.

Opponents and undecided: None

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 8:40 p.m.

PLANNING COMMISSION DELIBERATION:

PC Dale thought this was good project and should be approved. PC Wolfe concurred.

ACTION BY PLANNING COMMISSION:

MOTION: PC Ficker/PC Wolfe moved to approve Order 2018-03. The motion carried (5Yes/ 0 No).

3. **Conditional Use Permit – 114 S. Parkview Dr.:** Consider a conditional use permit application to allow use of an existing single-family dwelling as a vacation rental.

APPLICANT: Diane Wright

FILE NO.: CUP18-0002

ORDER: 2018-04

CRITERIA: Newberg Development Code Sections: 15.225.060, 15.445.300-350

CALL TO ORDER:

Chair Smith called hearing to order at 8:42 p.m. and read the hearing statement.

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

STAFF REPORT:

AP Leonard entered the staff report into the record as well as a letter from Tom Fuller dated May 17, 2018. This was a request for a Conditional Use Permit to use an existing five bedroom single family dwelling as a vacation rental. The property was located at 114 S Parkview Drive. The zoning was R-2, medium density residential. He discussed the subject site and applicable criteria. The home was 2,084 square feet and it was located close to downtown. It was similar to other residential uses and five off-street parking spaces were provided. The owner would register the rental with the City and pay the TLT. The maximum occupancy was ten guests and the appropriate information would be posted in the house. One public comment had been received in support of the request.

PUBLIC COMMENTS:

Proponent:

Diane Wright, applicant, had owned the home for two years and had previously rented it out to George Fox students. Those students had graduated, and she would like to make the home a vacation rental.

Opponents and undecided: None

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 8:50 p.m.

ACTION BY PLANNING COMMISSION:

MOTION: PC Wolfe/PC Ficker moved to approve Order 2018-04. The motion carried (5 Yes/ 0 No).

VII. ITEMS FROM STAFF

CDD Rux gave updates on the Riverfront Master Plan process, Urban Growth Boundary expansion process, grant for a housing needs assessment, grant for Crestview Drive improvements, current and upcoming housing projects, George Fox projects, Affordable Housing Commission seminar he attended, and Expression of Interest process for the Butler property. Most of the current developments were residential. He then discussed the anticipated schedule of Planning Commission activities and meetings. The next Planning Commission meetings would be on June 28 and July 12, 2018.

VIII. ITEMS FROM COMMISSIONERS

PC Bliss asked if staff was keeping track of the vacation rentals. He had heard that there were rentals that were not registered. CDD Rux said staff was tracking them. The Finance Department searched quarterly on the web for vacation rentals and those who were not registered were contacted. There was no maximum number of vacation rentals in Newberg.

PC Bliss asked that once the Bypass had been operating for a year, a survey of the downtown businesses be conducted to find out the impact the Bypass had on them. CDD Rux responded the Downtown Coalition was working on a survey of downtown businesses and the Chamber was working on a survey for businesses outside of downtown. There were not many vacant spaces downtown. He thought the vehicular traffic downtown was less, but there was more pedestrian traffic.

PC Dale discussed how Newberg was currently a hot spot for restaurants to move to.

IX. ADJOURNMENT

Chair Smith adjourned the meeting at 9:12 p.m.

Approved by the Newberg Planning Commission this July 12, 2018.


Philip Smith, Planning Commission Chair


Bobbie Morgan, Office Assistant II