

NEWBERG PLANNING COMMISSION MINUTES
November 8, 2018
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

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

ROLL CALL

Members Present: Philip Smith, Chair
Jason Dale
Gary Bliss
John Wuitschick
Capri Wheaton, Student

Members Absent: Zach Pelz, excused
Allyn Edwards, excused
Robert Ficker

Staff Present: Doug Rux, Community Development Director
Keshia Owens, Assistant Planner

PUBLIC COMMENTS: None

CONSENT CALANDER: To approve October 11, 2018 Planning Commission meeting minutes.

<p>MOTION: PC Wuitschick/PC Dale moved to approve the October 11, 2018 PC Meeting Minutes. Motion carried (3 Yes/0 No/1 Abstain [PC Bliss]).</p>

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

Stream Corridor variance to allow for the construction of a small portion of the Meadow Creek Apartments within a portion of the Stream Corridor Overlay

APPLICANT: AKS Engineering on behalf of MJG Development

LOCATION: 1306 N Springbrook Road

TAX LOTS: R3216CB 00200

FILE NO.: MISC318-0002

ORDER: 2018-13

CRITERIA: Newberg Development Code Section: 15.342.100, 15.342.120, and 15.342.140

CALL TO ORDER:

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

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACTS, CONFLICTS OF INTEREST, AND OBJECTIONS TO JURISDICTION:

PC Bliss had visited the site. He disclosed that Mr. Gougler was a personal friend, past client, and had built his house. He thought he could vote on this application without any restrictions.

Chair Smith had good relations with Mr. Gougler in the past regarding City business, but that was not associated with this application.

LEGAL ANNOUNCEMENT: Read by Student Capri Wheaton.

STAFF REPORT:

The staff report presentation was given by Assistant Planner Owens. This was a request for a stream corridor variance to allow for a small portion of Meadow Creek Apartments to be developed within the stream corridor overlay. The applicant had submitted a stream corridor impact report. The project would impact about 1,260 square feet of the stream corridor area. Fill and grading would not increase or create hazardous conditions on the site and no trees would be disturbed. The only wildlife found was American Robins and there would be a low impact to the stream corridor environmental values. The project was consistent with the purpose of the stream corridor overlay and would result in an equal or greater conservation of the resource. Staff recommended approval of the application.

PC Wuitschick asked what the applicant was planning to do in this area. Community Development Director Rux responded this area had been graded and it drained down to an inlet that went into a storm pipe that led out to Springbrook Road. The area would have to be piped to continue that flow. The applicant planned to enhance the vegetation and trees as well.

PC Wuitschick asked for the definition of stream turbidity. CDD Rux responded that was an issue of dirt getting into the waterway, and the applicant would be putting in an erosion control fence to ensure debris did not go in the stream corridor or wetland.

Chair Smith asked how much of the property would be developed due to the wetland and stream corridor. CDD Rux replied there was developable land to the east of the site and the access would come from a stub road to the north. If this application was approved, three additional units would be allowed to be developed.

Chair Smith asked if a traffic analysis was done regarding the additional burden on Springbrook Road because of this development. CDD Rux responded yes, that was included and staff found Springbrook Road could accommodate the volume of traffic from this development.

PC Bliss asked what it would take to move the stream corridor to enclose the stream. CDD Rux answered a consultant would need to be hired to evaluate the site and the zoning map would need to be amended.

PUBLIC TESTIMONY

Applicant:

Mimi Doukas, Representing MJG Development, stated many jurisdictions had stream corridor protections and she explained the typical process for determining stream corridor boundaries. Newberg had these fixed on the City's zoning map, and as streams changed course over time, the map was not updated. She suspected that was what happened here as the mapped stream corridor district did not match the resource. The delineated wetlands were protected by the state. The area proposed was already piped, and was not an open ditch drainage area, but it was still included in the stream corridor. Newberg did not have an adjustment process if an applicant wanted to propose an impact to a natural resource. In Newberg it had to be a variance, however the impact to the corridor from this application was negligible.

Proponents: None

Opponents and Undecided: None

CLOSE OF PUBLIC TESTIMONY:

Chair Smith closed the public hearing at 7:19 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Owens said staff's recommendation was to approve the application.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Bliss had visited the site and he thought it was ridiculous to go through this process when a simple adjustment could have been done. He thought the application met the criteria.

PC Dale agreed it was a no-brainer, especially since this development would include more affordable housing.

MOTION: PC Bliss/PC Dale moved to approve Order No. 2018-13. Motion carried (4 Yes/0 No).

Chair Smith thought a variance for this type of application was unnecessary and the code should be changed. CDD Rux would add it to the list.

Dave Kelly, Newberg resident, was concerned about traffic flow. He asked if it would be possible to change the speed limit in that area.

Chair Smith explained the procedure for changing the speed limit. The street was designated as a minor collector, and it might be difficult to change the speed.

CDD Rux would pass Mr. Kelly's information on to the Traffic Safety Commission.

Conditional use permit approval for a marijuana processing facility

APPLICANT: Midori, LLC

LOCATION: 1015 N Springbrook Road

TAX LOTS: R3216CB 00900

FILE NO.: CUP18-0006

ORDER: 2018-14

CRITERIA: Newberg Development Code Section: 15.225.060
040

CALL TO ORDER:

Chair Smith called the hearing to order at 7:23 p.m.

**CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACTS, CONFLICTS OF INTEREST,
AND OBJECTIONS TO JURISDICTION:**

PC Wuitschick said having an educational background, he did not think he could vote on the application without bias. The location was his concern.

LEGAL ANNOUNCEMENT: Read by Student Capri Wheaton

STAFF REPORT:

The staff report presentation was given by CDD Rux. This was a request for a Conditional Use Permit for a marijuana processing facility on Springbrook Road. There were two buildings on the site currently, one was Western Oregon Dispensary and the other was a vacant bank building. The applicant was proposing to locate in the vacant building. The zoning was C-2 and was in an area with other commercial businesses. The facility would bring 10 additional vehicle trips per day to the site and there would be up to a maximum of five employees. The site was already connected to sewer, water, and storm drainage systems. Two new exterior lights would be added. The Building Official stated the applicant would need to get a building permit for the interior tenant

improvements. It was consistent with other commercial businesses in the area. He explained the proposed conditions of approval.

PC Bliss asked if there were restrictions for having two marijuana facilities in close proximity. CDD Rux responded not in this case. There was no separation requirement between retail and processing facilities. This building was also more than 1,000 feet away from a school property.

PC Bliss asked what determined high temperature. CDD Rux answered that was regulated by the OLCC. The City could not regulate for noxious odors either.

PUBLIC TESTIMONY

Applicant:

Anthony Stuart, representing Midori, LLC, gave a summary of what the applicant intended to do, which was produce medical marijuana products. They had been based in Sherwood, but had been unable to expand the business to the adult use market there. He thought putting these types of facilities together was beneficial. The facility was subject to stringent regulations and enforcement by OLCC, more so than alcohol. Regarding the proximity to a school, state law stated it had to be a minimum of 1,000 feet and there was to be no noticeable change to the exterior other than lighting requirements. There would be no more than five employees and there would be a negligible impact to traffic. There would be no visual impact or smell. Regarding hazardous materials, pollution, or use of high temperatures, the high temperatures was in reference to a specific type of marijuana processing that required both high temperatures and pressures to separate the oils from the plant. That type of processing would not be done at this facility and there would be no hazardous materials used or pollutants released into the air. The public comments that had been submitted in opposition were misunderstandings on the processes that would occur at the facility. There would be no increased traffic congestion. He understood there was still some controversy surrounding marijuana facilities, but the state and city had both addressed it. This operator was an upstanding individual and wanted to create products that helped people. There was a demand for this product.

Proponents: None

Opponents and Undecided: None

CLOSE OF PUBLIC TESTIMONY:

Chair Smith closed the hearing at 7:46 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

CDD Rux said staff's recommendation was approval of the application.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Dale thought the application met the criteria.

PC Bliss was not a marijuana advocate, but he also agreed the application met the criteria and he would reluctantly vote in favor.

PC Wuitschick said he had a high level of bias and would not be able to vote on this application.

Student PC Wheaton thought having both of the marijuana facilities in close proximity was a benefit because it limited those uses to one location. There were also positive benefits for the economy and the facility was well thought out and the requirements were met.

MOTION: PC Dale/PC Smith moved to approve CUP18-0006. Motion carried (3 Yes/0 No/1 Abstain [PC Wuitschick]).

ITEMS FROM STAFF

1. An update on Council items was given by CDD Rux including the Riverfront Master Plan Committee appointments, Housing Needs Assessment Project Advisory Committee appointments, modification to marijuana retail hours, approval of funding for the Urban Renewal District feasibility study, and initiating a Development Code amendment for military banners.
2. CDD Rux discussed the anticipated schedule of Planning Commission activities.

PC Wuitschick asked if they were tracking the cumulative effect of all the approved developments' impact on traffic. CDD Rux responded the Transportation System Plan included traffic projections and capacity for different road classifications. When each development came in, if they generated more than 40 p.m. peak hour trips they had to do a traffic study. Staff worked with the applicants on what intersections needed to be evaluated and what mitigation would be required. If there was more than one application in an area, applicants were given the traffic studies from all the applications so they knew how much more traffic would be generated. Currently the new developments were not exceeding the carrying capacity on the City's roads. There was more traffic and congestion, but the roadways were designed to carry a certain volume of trips.

Chair Smith added that when the TSP was updated, it came to the Planning Commission for review. He thought it would be beneficial to have a joint meeting with the Traffic Safety Commission to discuss any concerns. CDD Rux commented that the TSP would need to be updated after the work on the Riverfront Master Plan and Newberg 2030 was completed.

PC Bliss discussed a cul-de-sac development off of Wynooski Street where the parking seemed to be functioning well. He suggested the Commission take a look at that development as an example.

Chair Smith agreed it might be helpful to take a tour to look at parking in the City.

3. Next Planning Commission meeting: December 13, 2018

VI. ITEMS FROM COMMISSIONERS


Chair Smith commented that the next Planning Commission meeting would be his and Commissioner Bliss's last meeting.

VII. ADJOURNMENT

Chair Smith adjourned the meeting at 8:06 p.m.

Approved by the Newberg Planning Commission this December 13, 2018.


PC Philip Smith, Planning Commission Chair


Bobbie Morgan, Office Assistant II