

# NEWBERG PLANNING COMMISSION MINUTES

May 14, 2020 7:00 pm

414 E First St,

City Hall Permit Center Conference Room

*Meeting held electronically due to COVID-19 pandemic*

*This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history.*

Chair Jason Dale called meeting to order at 7:14 p.m.

## ROLL CALL

Members Present: Jason Dale  
Kriss Wright  
Robert Ficker  
Jenna Morris  
Colin Bolek, Student Planner

Members Absent: Sharon Capri,  
Jeffrey Musall  
Allyn Edwards

Staff Present: Doug Rux, Community Development Director  
Kristin Svicarovich, Engineering Associate  
Keith Leonard, Associate Planner

## PUBLIC COMMENTS:

None

## CONSENT CALENDAR:

1. Approval of the March 12, 2020 Planning Commission meeting minutes

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| <b>MOTION: PC Wright/PC Ficker</b> moved to approve the March 12, 2020 Planning Commission Meeting Minutes. Motion carried (4 Yes/0 No). |
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**QUASI-JUDICIAL PUBLIC HEARING:** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

**Conditional Use Permit** approval for an Oregon Liquor Control Commission regulated adult use marijuana processing facility

APPLICANTS: Anthony Stuart

LOCATION: 1015 N SPRINGBROOK RD

Chair Dale called the hearing to order at 7:16 p.m.

Call for Abstentions, Bias, Ex Parte Contacts, Conflicts of Interest, and Objections to Jurisdiction: None

Legal announcement read by Student PC Bolek.

**Staff Report:**

Community Development Director Rux presented the staff report. This was a request for Conditional Use approval for an Oregon Liquor Control Commission regulated adult use marijuana processing facility on N Springbrook Road. He described the subject site and how it was zoned C-2. The Planning Commission reviewed and approved this application once before. It went to the Oregon Liquor Control Commission for approval, but due to backlog the Conditional Use application was given a six month extension. However, OLCC had not been able to review it in that time. The applicant had submitted a new Conditional Use application that further explained and clarified the processing facility. They would like to do edibles, concentrates, extracts, and topicals and they had an additional endorsement for processing industrial hemp. He explained the applicable criteria. The facility was more than 1,000 feet from a school or park. There would be about five employees working at the processing facility and a total of ten vehicle trips per day. There would be no frontage improvements and the site was already connected to utility services. If any new utility service connections were required, they would need to be undergrounded. They would need an erosion control permit if the installation of a grease interceptor required disturbance of ground and they would need to comply with the plumbing code and municipal code for the grease interceptor. They would have to comply with exterior lighting requirements in the municipal code and OLCC regulations. There were comments from the Building Official about requiring building permits for mechanical equipment, plumbing, removing structural walls, etc. Staff found that the use given its location, design, and site planning provided a convenient, functional working environment and would be as attractive as the other uses in the general vicinity. The application was consistent with the code with conditions. He then reviewed the conditions of approval.

**Public Testimony:**

**Proponents/Applicant:**

Anthony Stewart, representing the applicant, said this was the second application to the Planning Commission for the same facility. He gave a background on the applicant and how their other facility in Newberg had zero infractions and had supported the community with tax dollars. This would be a processing facility, not sales. There would not be any visitors, and they would maintain one hundred percent compliance. Processing might include extraction or concentrates which had a higher threshold of regulatory approvals that they would have to receive from the State and the applicant was committed to maintaining those. They were hoping to expand and bring more jobs to the City.

**Opponents and Undecided:** None

**Close of Public Testimony:**

Chair Dale closed the public testimony portion of the hearing at 7:31 p.m.

**Final Comments from Staff:**

CDD Rux said staff's recommendation was to approve the application with conditions.

**Planning Commission Deliberation:**

PC Wright said there was a deficit in the State for these types of facilities. They had a good record and the applicant knew there would be stricter restrictions for extracts and concentrates. The facility would also provide more jobs in the City.

**MOTION: PC Ficker/PC Wright** moved to approve Planning Commission Order 2020-02 with conditions.  
Motion carried (4 Yes/0 No).

**LEGISTRATIVE PUBLIC HEARING:** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

**CPTA19-0001/DCA19-0001** Resolution amending the text of the Newberg Comprehensive Plan and the Newberg Municipal Code to implement appropriate recommendations found in the Yamhill County Transit Area Transit Development Plan.

File No.: CPTA19-0001/DCA19-0001

PC RESOLUTION: 2020-355

Chair Dale called the hearing to order at 7:35 p.m.

Call for Abstentions, Bias, Ex Parte Contacts, Conflicts of interest, and Objections to Jurisdiction: None

Staff Report: Presented by Associate Planner Leonard. These were Comprehensive Plan and Municipal Code amendments based on the Yamhill County Transit Area Transit Development Plan. This plan was started by the Transit Authority in 2017 and the City of Newberg participated on a Project Advisory Committee. The plan was approved by the Yamhill County Commission in 2019. The Newberg City Council then directed staff to draft code amendments to adopt the plan. The Planning Commission held a Workshop on these amendments as well. He reviewed the proposed Comprehensive Plan text amendments, which included changes to Goal 3 and adding three new goals, Goal 13, 14, and 15. The Municipal Code amendments included platting standards for blocks which provided more connectivity for pedestrians, required off-street parking that would cap the number of spaces allowed, facility requirements to delete “transit, transfer station” and add the term “transit center” and add more bicycle parking requirements, and front yard setbacks for C-1 and C-2 commercial zoned areas which would bring the buildings closer to the road and allowed flexibility for additional space to put in bus stops or shelters. The proposed amendments would meet nine of the Statewide Planning Goals. There were six goals that were not applicable. There were no conflicts with the goals. A public hearing would be held at the Planning Commission and City Council for these amendments. The amendments also met five of the Comprehensive Plan goals, some were not applicable, and there were no conflicts created.

Student PC Bolek asked what the term “facilitate” included when it said the City would “facilitate” transit service for transit dependent users.

AP Leonard responded when a developer came to the City and proposed a development, the City would be able to propose a transit stop. It urged the City to pay more attention to the populations that might not have access to a car or transportation.

PC Wright commended the City for coming up with alternatives for builders concerning parking issues.

Public Testimony:

Proponents: None

Opponents and Undecided: None

Close of Public Testimony:

Chair Dale closed the public testimony portion of the hearing at 7:49 p.m.

Final Comments from Staff:

AP Leonard said staff recommended approval of the resolution.

Planning Commission Deliberation:

**MOTION: PC Wright/PC Morris** moved to approve Planning Commission Resolution 2020-355. Motion carried (4 Yes/0 No).

#### **ITEMS FROM STAFF:**

CDD Rux gave a PowerPoint briefing on the Urban Renewal Feasibility Study. He discussed the projects that had been done over the past five years to find ways to enhance the local economy. These included the 2016 Newberg Economic Development Strategy (updated in 2019), 2016 Newberg Strategic Tourism Plan, 2016 Newberg Downtown Improvement Plan, 2016 Transportation System Plan update, 2017 Water Master Plan, 2018 Wastewater Master Plan, 2019 Newberg Housing Needs Analysis, 2019 A NewBERG Community Visioning program, 2019 Riverfront Master Plan, and 2020 Economic Opportunities Analysis and Urban Renewal Feasibility Study. As part of the Feasibility Study, they had to identify a boundary. They also had to look at finances and potential projects. The Advisory Committee met three times and had provided input on the boundary, projects, financial analysis, and public input opportunities. He discussed the map showing the proposed boundary that included downtown and cherry stems going down Blaine and River Streets to the Riverfront Master Plan area. The entire area was about 622 acres. There was a limitation for the size of an Urban Renewal area; it could be no more than 25% of the land area that was in the existing City limits. The proposed area was under that 25% limitation. The assessed value was about \$159.5 million, which was 7.8% of the entire City. The consultants looked at historical growth patterns from 2008 to 2020. There were some years where there was 12.9% real market value growth and years where there was a negative 9.96% growth. The highest was in 2018 at 33%. Urban Renewal operated off of assessed value and the changes year over year for assessed value ranged from 1.22% to 7.46% for the entire county. The annual average growth rate for the county was 4.3%. The consultants did a similar calculation for the real market value and assessed value in the City. The average annual growth rate came out at 4.78%.

CDD Rux said the financial projections looked at the growth rate in the Urban Renewal area at 4%, 5%, 6%, and 7%. The average annual exception value for 4% was \$1.8 million, for 5% was \$4.3 million, for 6% was \$7.7 million, and for 7% was \$12.3 million. The total net tax increment financing value for 4% was \$62 million, for 5% was \$88.3 million, for 6% was \$121.2 million, and for 7% was \$161.5 million. For each of those the consultant calculated the maximum indebtedness. Under the 4% it would be \$52.7 million, 5% would be \$75.3 million, 6% would be \$104 million, and 7% would be \$138.9 million. The capacity in 2020 dollars for 4% was \$29.2 million, for 5% was \$41.2 million, for 6% was \$56.2 million, and for 7% was \$74.4 million and the consultants broke that down for the 30 year life of the plan. Those numbers showed that the first years of the plan would start off low in the dollar value tax increment that was generated and being collected. When they got to years 20 to 30, the dollar values significantly increased. The Committee was going to make a recommendation on the growth rate to the City Council. The 4% might be conservative because the numbers showed that overall the City had been growing faster than that. If they went with the 5%, it was slightly higher than the assessed value average growth rate had been. The more aggressive would be the 6% and 7%. They had to factor in what might happen with development in the future. The consultants also ran numbers on the maximum assessed value based on the community size, and the range was between \$146 million and \$148 million. That was a little bit higher than what was identified in the 7% growth rate. In any of the scenarios they were under the maximum that the state statute would allow.

CDD Rux discussed the financial impacts to overlapping taxing districts and how the City would be one of those districts. Tax Increment Financing did not increase property taxes. It was a redirection of the property

taxes that were already being collected and instead of going to the overlapping taxing districts, a percentage went to the Urban Renewal District. There would be a 3% increase year over year and they would also collect the tax increment from new development and those funds would flow to the Urban Renewal District in order to do capital improvement projects. At a 4% annual growth rate, the impact to the City's General Fund would be \$11.3 million over a 30 year period. At 5% it would be \$16.2 million, at 6% it would be \$22.2 million, and at 7% it would be \$29.6 million. He then discussed the potential projects in the proposed boundary area, which was an estimated \$116 million worth of projects. That would exceed the financial capacity of the District, which showed Urban Renewal could not pay for all of the infrastructure needs of the City. Some of the projects would be eligible for SDC funds and there were other funding sources including developer contributions. It would be a partnership to get some of the improvements done. One of the reasons for Urban Renewal was to attract development, and that development brought in additional tax dollars and employment.

CDD Rux said due to Covid-19, they were not able to have an Open House, but were working on creating Urban Renewal 101 videos. These would explain the direct and indirect impacts to schools and other taxing districts as well as other information about the District. They also put together a two page informational sheet on Urban Renewal and there was information on the website. They might send out a postcard to the property owners within the proposed district boundary and direct them to the website as well. The next Committee meetings would be in June where they would make a recommendation on the feasibility to the City Council. This would be taken to the Council in July. If the Council wanted to move forward, they would need to form an Urban Renewal Agency by ordinance, create an Urban Renewal Plan with the projects that would be done, decide the Urban Renewal District boundary, and make any needed modifications to the Comprehensive Plan. This work would be done in 2020 and in the beginning of 2021 they would confer and consult with the other taxing districts and there would be public hearing processes. A plan and report would be delivered to the Planning Commission who would hold a hearing and make a recommendation to the Council.

PC Wright asked if the projections for growth were based on current taxes coming into the City. She was concerned about the effects of Covid-19 and potentially going forward with these numbers. CDD Rux responded these were preliminary numbers and there would be additional adjustments. He explained which projected numbers would need to be refined.

PC Morris asked how the proposed boundary area was chosen. CDD Rux responded they did not want to do two districts, so the boundary had a donut in the middle between River and Blaine Streets. They started with the Downtown Improvement Plan which was about 100 acres and the Riverfront Master Plan which was about 400 acres. If they only did a downtown district, 100 acres was not enough to generate tax increment to move projects forward. They were looking at the 115 acres of the mill site to be redeveloped and they wanted to link those two areas together which was why Blaine and River streets were chosen to make the connection.

PC Wright asked if there were other areas that should be included. CDD Rux explained how the current proposed boundary had been expanded from the original proposed boundary and the other areas the Committee had considered. The west end of the mill district was included in the boundary. Just because they could go to 25% did not mean they should. If they pushed the envelope too far, it had more near term and long term consequences on the overlapping tax districts.

CDD Rux updated the Commission on upcoming agenda items.

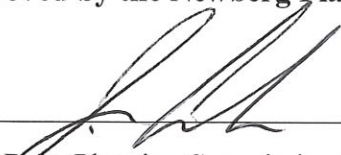
#### **ITEMS FROM COMMISSIONERS:**

The next Planning Commission meeting would be held on June 11, 2020.

#### **ADJOURNMENT:**

Chair Dale adjourned the meeting at 8:30 p.m.

Approved by the Newberg Planning Commission this June 11, 2020.

  
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Jason Dale, Planning Commission Chair  
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Bobbie Morgan, Office Assistant II