

NEWBERG PLANNING COMMISSION MINUTES
May 12, 2022

CALL MEETING TO ORDER

Vice Chair Aban called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Sharon Capri, Charles Aban, Kriss Wright, Jeffrey Musall, Jason Dale, Connor Hansen, Linda Newton-Curtis, Aiden Gray

Absent: None

Staff Present: Community Development Director Doug Rux; Paralegal Robin Steele; Office Assistant Fé Bates; City Manager Will Worthey; City Engineer Kaaren Hoffman

PUBLIC COMMENTS

None

CONSENT CALENDAR

Action: To approve the April 14, 2022 Planning Commission minutes.
Motion: PC Musall
Second: PC Capri

Vote: Yes 8 No 0

QUASI JUDICIAL PUBLIC HEARINGS

ORDER 2022-06- CUP22-0001/PUD22-0001 - Development of a 111-lot subdivision consisting of 14 detached single-family homes, 96 townhouses, and a 24-unit apartment building:

Vice Chair Aban opened the public hearing. He called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

PC Gray read the legal announcements.

Community Development Director Rux presented the staff report. This was a request for a Conditional Use Permit and Planned Unit Development of 111 residential lots located north of E Portland Rd. (OR 99W) and West of NE Benjamin Rd. The site consisted of two tax lots zoned R-1, R-2 and C-2. He gave a background on the application and discussed the applicable criteria. He reviewed the preliminary plat and the significant project issues. The two properties were brought into the Urban Growth Boundary in 2007 and were annexed into the City limits in 2008. A lot line adjustment was approved in May of 2022. Staff found that the proposed development and Conditional Use would be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood. The development would create a convenient and functional living environment and was consistent with the Municipal Code. He then discussed the proposed conditions of approval as well as applicable criteria and conditions for the Planned Unit Development (PUD) and public improvements. There were a variety of public comments, some submitted before May 9 that were in the report and some submitted after May 9 which would be read into the record. Staff recommended adoption of Order 2022-06 with conditions.

Applicant Testimony: Mercedes Serra with 3J Consulting was representing Westwood Homes. She gave a presentation on the project. She discussed the zoning of the site and noted residential uses were allowed in C-2 under a Conditional Use Permit. She explained the Conditional Use approval criteria and how the application met the criteria. The proposed development had been planned as a Planned Unit Development and she described the purpose of the PUD, proposed phasing, and density. The applicant was asking for some modifications including the minimum lot sizes for the attached homes in the R-2 and C-2 zones, minimum lot width and frontage for the attached homes in the R-2 and C-2 zones, setback in the C-2 zone, sun exposure standards for the attached homes on the interior lots, and window glazing on the townhome units. She showed images of the buildings and site design. The proposed onsite facilities would include extension and connection of

public utility lines, a wastewater pump station, and a stormwater detention and treatment pond. The proposed on-site circulation network included an extension of E Jory street and Willakenzie street from Crestview Drive to NE Benjamin, closure of the Benjamin and 99W intersection per the Transportation System Plan, primary access to 99W through Crestview Drive, and local and private street network.

Matt Hughart, Kittelson and Associates, explained the traffic study that was done for the project. The study had been reviewed by the City, County, and ODOT and generally the infrastructure around the site could absorb the additional traffic. There was concern about the closing of NE Benjamin Rd. However it was an unimproved County road and the intersection at 99W was difficult to see. He discussed the traffic volume, traffic operations, and recent reported crash data for the road and how the future Newberg-Dundee Bypass had plans to truncate Benjamin Road at E Jory Road. He explained the options considered for Benjamin Road.

Proponents: Vicki Shephard, Newberg resident, said the neighborhood was in support of closing Benjamin Road due to safety. The wetland would become part of her property. She thought the development would be a benefit to Newberg. There were more accidents at the intersection than what was reported in the traffic study.

Paul Anderson, Newberg resident, was also in support of closing the road. He expressed concerns about a permanent wall, preservation of trees near the property line, setbacks, and respecting neighbor's privacy.

Opponents: Christian DeBenedetti, Newberg resident, was opposed to the road closure due to the hardship on his business. He thought Benjamin should be improved, not removed. He suggested improvements that should be made. He asked that the record remain open for additional testimony.

David Wall, Newberg resident, opposed the development due to the concentration of building in Newberg. However, he believed Benjamin Road should be closed from 99W due to safety hazards. He thought Mr. DeBenedetti could use a different access he already had on 99W. He was concerned about crashes from the roads proposed for the development. The third phase of the Bypass was many years away, and the second phase was in jeopardy due to the cost. He thought the best access for the project was Crestview Drive. There should be a safety barricade around the pond.

Greg Haffner, Yamhill County, stated the County was neutral and wanted to hear all sides. They were trying to balance safety concerns with access to the local residents and businesses. They were listening to the information and wanted to make the best decision possible.

CDD Rux read the public comments that were received after the cut-off date.

There was no other public testimony.

PC Musall asked about the solar standards. Ms. Serra said the requirement was for the sun to be able to reach down to the first floor, and because of the building setbacks the interior lots would not meet that requirement.

PC Musall asked about the right in, right out option for Benjamin Road. Ms. Serra said she would have to check with the developers. City Engineer Hofmann pointed out that what was proposed for 99W was up to ODOT to approve. The current condition of approval was for the applicant to talk to the County and ODOT before moving forward.

CDD Rux noted that there was a request to keep the public record open. That meant they need to continue the hearing to June 9.

Chair Wright had a question in the chat about a letter from the US Army Corps of Engineers determination on jurisdiction under the Clean Water Act to require a wetland delineation. CDD Rux replied the applicant submitted a delineation report and there had been a final determination from the State about the location of the wetland. There was a condition that the stream corridor buffer was 50 feet or top of bank from that delineated wetland.

Action:	To keep the record open for 7 days for additional public comment and additional 7 days for the applicant to respond to the additional public comments, Continuing the hearing for Planning Commission Order 2022-06 to the June 9 PC Meeting.
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Motion: PC Capri
Second: PC Dale
Vote: Yes 8 No 0

LEGISLATIVE PUBLIC HEARING

A Resolution recommending City Council amend the Newberg Municipal Code, Title 15 Development Code, 15.435.030, 15.435.090, 15.435.100, and 15.435.110 related to portable and temporary signs

Vice Chair Aban opened the public hearing. He called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

CDD Rux presented the staff report on temporary and portable signs. The proposal was to modernize the sign code to more closely match the way residents desired to use signs today. That meant increasing the total number of flags a person could fly from 1 to 2 to allow for the flying of a personal flag along with the American flag, increasing the total number of signs a person could display from 1 to 2 to allow for a wide range of purposes like marketing home business or supporting two civic causes, removing political considerations from the sign code and allowing enforcement free of any suggestions of political bias, and adding a section allowing for extra flags to be flown when the American flag was flown at half-staff to allow for the celebration of the life of exceptional Americans. He reviewed the code language changes and findings. He explained that following many complaints in November and December of 2021 from residents about the positioning or validity of political signs, the City of Newberg's Code Enforcement Officer reported to the City Manager Pro Tem that these complaints were becoming a hindrance to normal safety related code enforcement operations. The City of Newberg last updated its Development Code regarding temporary and portable signs on September 8, 2015, with Ordinance No. 2015-2782. Staff recommended adoption of the resolution, which recommended the Council adopt the Development Code amendments.

Applicant Testimony: City Manager Pro Tem Worthey discussed the barrage of emails and phone calls to staff regarding signs in the City. They were accused of bias and staff did not desire to operate as the City's sign police. These changes would simplify and modernize the Code. He thought two was the right number of signs. Code Enforcement should be focused on code matters.

Opponents: Robert Soppe, Newberg resident, commented on the lack of enforcement of the sign code in the past. He thought the existing code was not the problem, but how it was being enforced was. The information on the sign code was misleading and he questioned the motivation for these changes. He thought the definition of election event should be changed as well as the definition of signs in residential zones and where they were located. He did not think it was appropriate to allow more than one portable sign downtown.

PC Capri didn't think they needed to allow twice as much signage as there already was.

CDD Rux read the public comments that were received after the cut-off date.

There was no other public testimony.

PC Musall asked about the policy regarding political signs in parks. CMPT Worthey said it depended on the placement of the signs. They were not allowed in the public right-of-way.

PC Musall asked about the farm area between 219 and the Airport that had several signs, some of them billboard size. CMPT Worthey said some were on private property. The current code would require Code Enforcement to take down signs on private property. The change suggested would allow people to do what they wanted on their property. If there were too many signs downtown, they could adjust the code.

Vice Chair Aban read Chair Wright's suggested changes to the wording.

CDD Rux reviewed the proposed changes.

CMPT Worthey commented that as long as they had campaign based language, staff would continue to receive many requests that were difficult to deal with.

PC Capri did not see the connection between political references and the additional signage and flags. CMPT Worthey said often people had two signs in their yards, but if it was the will of the Commission to go back to just one, as long as staff did not have to enforce political campaign issues, he would be fine with that.

PC Musall did not see a difference between 1 vs. 2 flags as long as it was on personal property. He thought it might be better to have 2 flags for home businesses.

Vice Chair Aban closed the public hearing.

Action: To approve Planning Commission Resolution 2022-380 with the revision to change all the references of 2 signs/flags back to 1.

Motion: PC Capri

Second: PC Dale

Vote: Yes 5 No 3 [Wright, Musall, and Hansen]

ITEMS FROM STAFF

CDD Rux reminded the Commission about the additional meeting in June. He would not be at that meeting.

ITEMS FROM COMMISSIONERS

None

ADJOURNMENT: The meeting was adjourned at 10:01 p.m.

Attest: 
Kriss Wright, Planning Commission Chair


Fé Bates, Office Assistant