

MINUTES OF THE PLANNING COMMISSION
School District Admin. Bldg. - 714 E. Sixth - Newberg, Oregon
Thursday, 7:00 PM **November 18, 1993**

Subject to P.C. Approval at 12/9/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight
Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 3

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting and asked if there were any additions or deletions to the agenda. No revisions were requested. No revisions or additions were requested.

III. APPROVAL OF MINUTES

Commissioner Haight indicated that on page 2 of the minutes she had asked who would pay for sewer, not who would install it.

Motion: Weaver-Ring to approve the minutes of the October 21, 1993 Planning Commission meeting as corrected. Motion carried unanimously.

IV. CONTINUED BUSINESS:

A. Specific Plan

APPLICANT:	City of Newberg
REQUEST:	Adopt the NW Newberg Specific Plan as an element of the Comprehensive Plan and enact related ordinance amendments
FILE NO:	GR-3-92

Chair Russell asked if there were any abstention or ex-parte contact. None were identified.

Development Director Scoles indicated that the hearing had been opened at the last meeting with a staff report indicating that there would be amendments to the comprehensive plan text and map, to the zoning ordinance text, and amendment of the zoning map relating to adoption of a specific plan and implementing measures. He also noted that the last hearing also included discussion relating to the Northwest Newberg Specific Plan and its proposed design standards and development pattern. He noted that the staff recommendation was for approval of implementing measures for specific plan and adoption of the Northwest Newberg Specific Plan. He reviewed the approval process required for each of the recommendations.

Planning Commission Discussion:

Commissioner Weaver felt that the Comprehensive Plan and Zoning Ordinance amendments should be discussed first, followed by the NW Newberg Specific Plan.

Commissioners concurred.

Commissioner Haight asked what creates a neighborhood identity; how many houses - 5, 50 or 100.

Mr. Scoles indicated that this amendment would allow planning for more than one piece of property at a time. He noted that in Newberg development has generally occurred on single parcels without planning joint uses on adjoining properties. He noted that a specific plan would look at multiple parcels and plan for the impacts on a greater area of land.

Commissioner Haight asked why the specific plan should result in changes to already planned uses.

Mr. Scoles indicated that this is an overlay designation to the existing Comprehensive Plan designation. He noted that the Comprehensive Plan designates certain types of development in the designated area. The overlay would allow for additional uses only in the specific plan area and it would allow some flexibility in the overlay area.

Commissioner Kriz asked if a commercial segment was identified in a specific plan, and it was designated as residential in the Comprehensive Plan, whether the designation would be revised on the Comprehensive Plan map.

Mr. Scoles indicated that the specific plan could either have uses specifically identified on the Comprehensive Plan map or the overlay could include the use as a modification to the uses listed in the comprehensive plan for that area.

Russell indicated that a specific plan would allow tailoring the needs of an area specifically.

Mr. Scoles indicated that based on the text amendments proposed, the location of the kinds of uses would be identified in a general way. It was noted that in no case should a specific plan violate any of the concepts of the Comprehensive Plan.

Commissioner Roberts indicated that the Comprehensive Plan is designed to protect the planning process on a general basis. He noted that a specific plan is intended to be more definitive. If a specific plan is in conflict with the Comprehensive Plan, the specific plan should not be approved.

Commissioner Kriz felt that the Comprehensive Plan Map should have the specific plan uses identified.

Mr. Scoles felt that specific plans should allow some flexibility, and that streets, utilities, topography, etc. would be identified through the review process.

Ms. King noted that some specific plans could be applied merely by meeting specific criteria.

Commissioner Haight asked how a decision is made regarding limiting or expanding uses. She asked who decides.

Mr. Scoles noted that limits or expansion identified in proposed section 270 is a definition of what a specific plan is. He noted that the method of adoption is further identified in this section.

Commissioner Haight felt there was some conflict between proposed section 428 (C) and Section 270.

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Mr. Scoles explained that the specific plan may set regulations which are different than that of the Zoning Ordinance, but that if no regulations were identified, then the Zoning Ordinance regulations would need to be complied with.

Commissioner Roberts noted that because a specific plan could override existing zoning, care should be taken relating to review of the specific plan, and that a specific plan was an extremely powerful tool which should not be used without careful consideration.

Commissioner Kriz suggested that additional language should be added to section 425 to include one or more owners as being eligible for participation in a specific plan. He also asked what happens if a specific plan with one or more owners is approved and one of the owners requests removal from the specific plan.

Mr. Scoles noted that the specific plan process is not very different from the existing process. He noted that City Council could initiate a specific plan or property owners in a specific area could submit applications for development.

He was asked if a specific plan could be adopted for a property whose owner did not desire inclusion.

Mr. Scoles noted that planning could be done for properties which were abutting or surrounded by those interested in being included. The planning for the area would be done in a hearing process which would allow public participation.

Commissioner Roberts noted that a specific plan is intended to act as a flagship for the area. He added that surrounding properties are affected because of the transportation and utility networks developed for the specific plan area. He indicated that property decisions would be made by abutting property owners based on monetary impacts.

Commissioner Haight asked what would happen if a property owner of a parcel approved for a specific plan choose to not comply with the specific plan requirements.

Mr. Scoles indicated that the Commission or the Council had the ability to add or subtract properties based on what they feel the final product should look like. He indicated that removal could occur in the decision making process.

Commissioner Haight asked what impacts would occur on the same withdrawn site if it were sold at a later date.

Mr. Scoles noted that the owner would be required to apply for a comprehensive plan amendment to remove the specific plan designation on that site.

Commissioner Roberts noted that a request for withdrawal could only occur up to the point of approval of the specific plan.

General discussion occurred relating to when continued participation in a specific plan would be required and the method of withdrawing the site from the specific plan.

Mr. Scoles indicated that changes to designated specific plan areas would be processed as a comprehensive plan amendment.

Commissioner Ring asked if the zones would be floating or if specific locations for various uses would be required.

Mr. Scoles noted that general densities could be used as a basis for overall intensity of use and development. He added that the level of detail would depend on the requirements for development of roads, parks, utilities and

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etc. He noted that the specific plan should identify the density of the area but not necessarily the style of the units.

Commissioner Roberts felt that the ordinance language should be flexible in the general criteria.

Mr. Scoles commented that many specific plans might not change the underlying Comprehensive Plan use at all. He noted that specific plans could include density shifting, types and styles of housing units, setback requirements, master utility plans, etc.

Commissioners further discussed section D-3 relating to extent of the uses of land. It was noted by several commissioners that there was not enough specific criteria relating to uses. Others noted that flexibility should be maintained.

Commissioner Haight asked if the listed criteria for a specific plan were complete or if any other items should be considered as criteria.

Mr. Scoles felt that the listed items should give the Commission enough information to make a decision. He added that general compliance with the comprehensive plan would also be required.

Commissioner Haight questioned why there was a need for major or minor amendments. She felt an amendment was an amendment.

Mr. Scoles noted the terms could be changed. A major amendment could be called an amendment and a minor amendment could be called an adjustment.

Commissioner Kriz noted that under **C - Minor Amendments** abutting property owners should also be notified of any minor amendments.

Mr. Scoles indicated that was appropriate and he included that change as part of the staff recommendation.

Commissioner Kriz asked if minor amendments to a specific plan were really Comprehensive Plan amendments and would need to be processed through the hearing process.

Mr. Scoles noted that minor amendments do not really affect the plan and would include minor modifications to the plan similar to the variance process which modifies the Zoning ordinance in a minor way.

Commissioner Haight asked if the City could be subject to a lawsuit if a request for modification would revise the plan in such a way that the property owner would lose a saleable lot.

Mr. Scoles noted that in terms of the liability of the City, the exposure of the City is pretty minimal. This is a comprehensive planning process. The City is not taking or adding anything to any particular properties in those districts. Opportunities for a hearing process would preclude any liability the City would be responsible for.

Commissioner Haight asked if shifting of streets should not be considered a major amendment.

Mr. Scoles felt that minor shifting of streets should be allowed by the developer, thus allowing flexibility of development.

Commissioner Russell reviewed the proposed ordinance language, noting the one change relating to abutting property owner notification for minor amendments.

Motion: Weaver-Post to recommend to City Council adoption of the proposed Comprehensive Plan and Zoning Ordinance amendments as revised.

Discussion of the Motion:

Commissioner Haight asked Mr. Scoles if he felt the ordinance would do the job.

Mr. Scoles felt that even though he was not a part of the initiation of this process, the flexibility proposed by these revisions will protect the existing ordinances. He noted that over the years it might be subject to modification but that it was a good start.

Vote on the Motion: Motion carried unanimously by those present.

NW Newberg Specific Plan Discussion:

Mr. Scoles noted that the previous issues relating to developing a specific plan were legislative in nature. He added that approval of the NW Newberg Specific Plan was more of a quasi-judicial process. He noted that the kinds of issues to be addressed should include findings that the proposed change was consistent with and promoted the objectives of the Comprehensive Plan and the Zoning Ordinance of the City, there is a public need for the change and the need will be best served by changing the classification of the particular piece of property in question as compared with other available property. Mr. Scoles highlighted the specific amendments required to be adopted for implementation of the NW Newberg Specific Plan. He noted that the staff recommendation was for approval and forwarding to City Council.

Commissioner Haight asked if collector streets would have bike paths on both sides. Staff noted that bike paths would be on both sides of the street.

Commissioner Haight felt that the staff should not make a recommendation to the Commission as to the whether or not they should adopt an ordinance.

Commissioner Weaver felt that the staff recommendation enabled him to make a more accurate decision.

Commissioner Haight did not feel that setbacks relating to garages was appropriate. She felt that the property owner should be given the choice of house styles without restriction.

Commissioner Roberts noted that the underlying purpose of the specific plan was to create a neighborhood with a specific character. He noted that the desire of the NW Newberg Specific Plan committee was to give a neighborhood identity to the community without a facade consisting entirely of garage doors.

Commissioner Haight did not feel this was a necessary restriction.

Commissioner Roberts asked for clarification of the open space designation on Figure 10, page 17 of the plan.

Mr. Scoles noted that the areas with potential open space would be reviewed when the preliminary plat was presented to the Planning Commission.

Commissioner Kriz asked if there was a time frame for development of the NW Newberg Specific Plan.

Mr. Scoles noted there was not.

Mr. Scoles noted that current regulations would apply unless revisions were made to exclude the NW Newberg specific plan from compliance with current regulations.

Commissioner Kriz expressed concern about the ability to increase the square footage of each of the parcels.

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Commissioner Roberts noted that densities could be shifted on the parent parcels to account for topography and lot design.

Commissioners extensively discussed the density requirements and how they were developed for the site. It was noted that topography was a primary issue in the decision making process.

Commissioner Kriz expressed concern about the requirement for commercial frontages abutting right-of-ways being required to have windows or be screened.

Mr. Scoles noted that designs could be developed for delivery areas which would allow appropriate screening.

Commissioner Haight expressed concern about sign standards included in the plan. She was concerned about the limitations of the standards.

Commissioner Roberts indicated that it was the intent of the plan to maintain the neighborhood atmosphere.

Commissioner Post felt the sign requirements were appropriate and would enhance the neighborhood.

Commissioner Kriz asked if the Austin property was still included in the plan.

Commissioner Russell indicated that the Commission could make a decision to include or exclude it.

Commissioner Roberts felt that it was appropriate to exclude the Austin property.

Motion: Roberts-Post to accept the withdrawal of the former Wilhoit property from the NW Newberg Specific Plan and modify the ordinance language as required.

Vote on Motion: Aye--Haight, Post, Ring, Roberts, Weaver, Russell; Nay--Kriz. Motion carried 6-1.

Commissioner Haight asked how much of the project was comprised of apartment housing.

Staff directed her to the Land Use Plan Figure of the Specific Plan which identified the number and types of dwelling units in the project area.

Commissioner Roberts indicated that it was the intent of the committee to identify that there was a variety of lot sizes and housing types. It was his opinion that there would be no apartment units in the project.

Mr. Scoles indicated that it was possible to develop rental units up to 8.8 units per acre. He noted that may or may not include apartment type dwelling units.

Commissioner Haight asked staff for clarification of a "cohesive neighborhood".

Associate Planner King indicated that it was an attempt to identify a residential area which contains a neighborhood atmosphere based on a specific feature, topography, historic identity, etc.

Commissioners generally discussed what made up the character of a neighborhood.

Motion: Roberts-Weaver to recommend to the City Council acceptance of the NW Newberg site specific development plan as amended. **Vote on Motion:** Aye--Kriz, Post, Ring, Roberts, Weaver, Russell; Nay--Haight.

Staff noted that the specific plan would be forwarded to Council for their review.

B. Transportation Plan

APPLICANT: City of Newberg
REQUEST: Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.
FILE NO: G-8-93
CRITERIA: Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).
RECOMMENDATION: Continued to Jan. 13, 1994

Chair Russell noted that this item has been continued to January.

Mr. Scoles noted that the transportation plan issues were being reviewed by staff relating to revised input from the Oregon Department of Transportation relating to the bypass.

Commissioner Weaver indicated that he had been contacted by the Statesman-Journal relating to the need for a bypass.

Mr. Scoles noted that current funding at the state level has been reduced and it is necessary to consider those impacts as they relate to the Newberg plan.

V. OLD BUSINESS

- Open Space Discussion

Chair Russell recommended that this issue be continued.

By consensus, the Commission chose to discuss the issue at this meeting.

Mr. Scoles noted that the Commission should identify any issues which should be revised or amended prior to hearing.

Commissioner Weaver asked what the term "stream bed" meant as it relates to distances.

CAP member Sid Friedman noted that staff was going to do some calculations to determine what distance would be required to maintain existing General Hazard acreage.

Commissioner Roberts indicated that the 100 ft. definition was only intended as a placemaker until accurate information could be identified.

Ms. King noted that original calculations included flood plain, flood hazard, parks and general hazard areas. She noted that current calculations identify that a 150 ft. corridor would approximate current GH designated land.

Mr. Friedman concurred with this calculation.

Commissioner Roberts recommended that section 566 be revised to read "within 150 feet of either side of the stream bed".

Commissioners discussed where that 150 ft. was measured from.

Commissioner Roberts indicated it should be from the center of the stream bed by line of site.

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Art Piculell, attorney and land developer, indicated he had concerns about the proposed ordinance and the method of open space calculation.

Commissioners discussed the method by which the 150 ft. calculation was developed.

Motion: Roberts to direct staff to bring back the proposal in final ordinance format for public hearing at the December meeting with calculations.

There being no second, the motion failed.

Commissioner Weaver felt that the Commission should accept the report and he thanked the committee for all their input.

Motion: Haight-Kriz that the open space discussion and ordinance language hearing be continued to the first available Planning Commission meeting with notice published in the Graphic. **Vote on Motion:** Motion carried unanimously.

VI. NEW BUSINESS

Mr. Scoles noted that the Development Office has relocated to 719 E. First.

Commissioner Weaver indicated that he attended the Planning Commission Training Session and appreciated being able to attend.

VII. COMMUNICATIONS FROM THE FLOOR

Dean Werth indicated that it would be helpful to know when issues such as open space were scheduled for public hearing.

VIII. ADJOURN

There being no further business, the meeting was adjourned at 10:45 pm.

