

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:30 PM

January 17, 1991

Subject to P.C. Approval at 2/21/91 P.C. Meeting

New Planning Commissioners were introduced and welcomed.

I. OPEN MEETING

Present:

Jack Kriz
Rob Molzahn
Mary Post
Sandy Prewitt
Carol Ring
Steve Roberts
Donald Thomas
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary

Citizens: None

II. APPROVAL OF MINUTES

Motion: Post-Molzahn to approve the minutes of the October 18, 1990 Planning Commission. Motion carried unanimously.

III. ELECTION OF OFFICERS

Jack Kriz nominated Roger Veatch as Chair. Mary Post moved to close the nominations. The Commissioners unanimously re-elected Roger Veatch as Chair.

Mary Post nominated Jack Kriz as Vice-Chair. Rob Molzahn moved to close the nominations. The Commissioners unanimously re-elected Jack Kriz as Vice-Chair.

IV. PUBLIC HEARING

APPLICANT: City of Newberg

REQUEST: Zoning Ordinance amendments related to State law concerning land use decisions, notice requirements, timelines for final actions, family day care, and siting requirements for residential care homes and facilities.

FILE NO: PR-4-90

No objections to jurisdiction, abstentions or ex-parte contact were indicated.

Staff Report:

Associate Planner Michael Unger reviewed Section I, Land Use Decision Notice Requirements. He identified the current Zoning Ordinance requirements as noted in Exhibit A. He noted that the proposed amendments to the Zoning Ordinance identified in Exhibit B as Section 766 Land use hearing notice requirements, and Section 768 Notice of land use decisions made without a hearing would bring the City Zoning Ordinance into compliance with State notice requirements. In addition, each section of the Ordinance addressing notice requirements would be deleted and a reference to Sections 766 and 768 would be inserted in its place.

Proponent/Opponent: None

Commissioner Sandy Prewitt noted a language clarification in Section 766 (g. and h.) to read as follows:

- g. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a *copy* will be available at reasonable cost;
- h. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a *copy* will be provided at reasonable cost.

Mr. Michael Unger next reviewed II. Timelines for Final Action. He noted that our current Zoning Ordinance doesn't identify specific ending time limits for final action on permits and zone changes. Section 804 Timeline for Final Action on Permits and Zone Changes would provide appropriate language to identify a specific time limit for final action.

Proponent/Opponent: None

Mr. Unger next addressed III. Home Day Care. He noted that the 1987 State Legislature liberalized requirements for siting residential day care facilities. He reviewed day nursery restrictions listed under Section 438 Home Occupation Standards. He recommended that these restrictions be deleted based on State requirements.

Planning Director Egner reviewed the childcare requirements under CSD licensing procedures.

Proponent/Opponent: None

Commissioner Prewitt expressed concern that CSD requirements were not listed as a requirement for day care facilities within the Zoning Ordinance. Mr. Egner noted that State requirements are implied; he stated that only Zoning requirements were at issue.

Mr. Unger reviewed IV. Residential Care Facilities, noting the State definitions for residential care "home" and "facility". He noted that homes serving less

than six persons are now permitted outright in residential districts and homes serving 6-15 persons are now allowed in multi-family zones. He added that the Department of Human Resources requires licensing for residential care homes and facilities.

Proponent/Opponent: None

Concern was expressed by Commissioner Roberts regarding siting half-way houses within residential areas. He asked whether half-way houses dealing with drug addiction, sex offenders, etc. were among those to be allowed outright. Planning Director Egner noted that it was possible under the new State regulations for such uses to occur.

Mr. Egner reviewed the State law regarding home day care. He noted that building occupancy violations and limitations were addressed under the Uniform Building Code. The Commissioners extensively discussed Building Code violations relating to occupancy, square footage requirements per person and sanitary service requirements.

Commissioner Prewitt expressed concern about the need for day care facilities to comply with Department of Human Resources (DHR) requirements. She felt that DHR requirements should be required as part of establishing a day care facility, regardless of size.

The Commission discussed development of a City license to address day care facilities. It was noted that the license could include compliance with Department of Human Resources criteria as part of the approval process. Planning Director Egner commented that the City Council had authorization to establishment new City licenses; however, the Planning Commission could recommend that the Council review the issue.

Extensive discussion followed regarding siting and control of day care and group care homes and facilities. The Commissioners also suggested that the definition for "day care" be revised to include compliance with Department of Human Resources requirements:

General Discussion:

Commissioners noted that public notice in the paper should be re-included under Section I. Staff noted that notice of public hearings was generally advertised in the Newberg Graphic; however, advertising deadlines do not always coincide with current notice timelines. After a brief discussion, a consensus of Commissioners recommended including the following statement within Section 766:

Land use decisions requiring a public hearing shall be advertised in a local newspaper prior to the hearing.

Commissioner Kriz commented that group care and day care homes are not necessarily appropriate in a residential area without community input.

Commissioners Kriz and Prewitt indicated they would support the amendment only under protest.

Public Hearing Closed.

Staff Recommendation:

Staff recommended that the Planning Commission approve and forward to Council for adoption a Zoning Ordinance amendment implementing House Bill 2288 and ORS 227.175 (see Exhibit 2 of Staff Report).

Motion: Roberts-Post to approve and forward to City Council for adoption Zoning Ordinance Amendments implementing House Bill 228 and ORS 227.175 as identified in Exhibit 2 of Planning Commission Staff Report dated January 17, 1991, as amended.

Motion carried unanimously.

Staff Recommendation:

Staff recommended that the Planning Commission approve and forward to Council for adoption an ordinance implementing ORS 197.178, regarding the 120-day timeline for final action on permits and zone changes (see Exhibit 3 of Staff Report).

Motion: Kriz-Post to approve and forward to City Council for adoption Zoning Ordinance amendments implementing ORS 197.178 as identified in Exhibit 3 of Planning Commission Staff Report dated January 17, 1991. Motion carried unanimously.

Staff Recommendation:

Staff recommended that the Planning Commission approve and forward to Council for adoption an ordinance to delete Section 438(4) of the Home Occupation standards regarding day nurseries (see Exhibit 4 of Staff Report).

Commissioners briefly discussed revisions to the definition for "day care" under section 254 of the Zoning Ordinance. A consensus of Commissioners recommended that the definition of "day nursery" be amended to include compliance with Oregon Department of Human Resources standards.

Motion: Kriz-Molzahn to approve and forward to City Council for adoption an ordinance amending Newberg Zoning Ordinance Section 438 of the Home Occupation standards to read as follows:

Home Occupation Standards. Shall mean any occupation or profession carried on by a member of the family residing on the premises, provided the following conditions are satisfied:

1. No sign is used other than a name plate not over one square foot in area.

2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. No more than one employee shall be permitted to work at the residence at any given time. (As amended by Ord. 2117, 5/2/83).
5. The building retains the characteristics of a residence.
6. The use does not destroy the residential character of the neighborhood.

and amending Newberg Zoning Ordinance Section 254 - Definitions as follows:

Day nursery. An institution, establishment or place in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period not to exceed 12 hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward, and which comply with Oregon Department of Human Resources standards.

Motion carried unanimously.

Motion: Kriz-Molzahn to recommend that the City Council pursue licensing of residential and day care facilities as a part of a City-wide business licensing program. Motion carried unanimously.

Staff Recommendation: Staff recommended that the Planning Commission approve and forward to Council for adoption an ordinance implementing ORS 197.665 and 197.667 regarding siting requirements for residential care homes and residential care facilities (see Exhibit 5 of Staff Report).

Motion: Roberts-Thomas to recommend and forward to City Council for adoption an ordinance amending Newberg Zoning Ordinance Section 254 - Definitions as follows:

Group care home. Shall mean any home or private institution maintained and operated for the care, boarding, housing and training of physically, mentally or socially handicapped persons or delinquent or dependent persons, by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. A group care home serving fewer than six persons shall be allowed as a single family residential use; a group care home serving between 6 to 15 persons shall be allowed as a multi-family use.

Discussion: The Commissioners protested the Legislative mandate that required residential care homes and facilities in residential neighborhoods.

Vote on Motion: Motion carried unanimously.

V. PUBLIC HEARING:

APPLICANT: City of Newberg
REQUEST: Subdivision Ordinance amendments related to changes in State law.
FILE NO: PR-4-90

No objections to jurisdiction, abstentions or ex-parte contact were indicated.

Staff Report: Associate Planner Michael Unger identified the areas within the Subdivision Ordinance which required changes to comply with new State laws. They include the following sections:

Section 4 - Definitions;
Sections 6 and 7 - Prohibition of Sales;
Section 17 - Appeal for Minor Partition Decisions;
Sections 28 through 34 - Platting Process;
Section 67 - Notice; and
Section 80 - Timeline for Final Action.

He noted that Sections 4 and 37 have been amended to be consistent with the street classification standards of the City Comprehensive Plan.

Planning Director Egner noted that the Director of Public Works requested a change to Section 37 - Width, which would revise collector streets from a paved width of 44 feet to a paved width of 46 feet. He added that Section 65 - Public Land, should also be revised to indicate that fees should be set by resolution, not included within the Subdivision Ordinance. He commented that subject to Planning Commission and Council approval, minor partitions could also be required to pay public land fees in the future.

Public Hearing Closed.

After a brief discussion, the Planning Commission made the following motion:

Motion: Kriz-Post to recommend approval and forward to Council for adoption the revised Subdivision Ordinance with the addition of a public land fee for minor partitions. Motion carried unanimously.

VI. OLD BUSINESS:

Planning Director Egner updated the Planning Commissioners on current Council action relating to the Historic Landmarks Ordinance. He noted that they have adopted a Manufactured Housing Overlay Zone which was substantially revised from that approved by Planning Commissioners. He noted on a map those possible R-2 sites that could have a manufactured home located on them.

Commissioner Kriz commented that if the ordinance was radically different from that approved by the Planning Commission, it should have been reheard by the Planning Commission.

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It was noted that location restrictions applied near historic sites. Mr. Kriz questioned the location of historic sites since no historic preservation ordinance has been adopted by City Council.

VII. NEW BUSINESS:

A letter of resignation from Commissioner Kathleen Sullivan was read.

Commissioners discussed the possibility of establishing a fund to pay for a percentage of repair and/or restoration expense on historic properties, thereby making the prospect of a historic ordinance more palatable.

Planning Director Egner indicated that the Historic Landmarks Ordinance would be further discussed at the February Council meeting.

There being no further business, the meeting was adjourned.