

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library

Newberg, Oregon

Thursday, 7:00 PM

May 21, 1992

Subject to P.C. Approval at 6/18/92 P.C. Meeting

I. OPEN MEETING - ROLL CALL

Chair Russell opened the meeting.

Planning Commission Members Present:

Jack Kriz

Mike McCauley (7:29 pm)

Mary Post

Carol Ring

Steve Roberts

Wally Russell

Elaine Smith

Donald Thomas

Roger Worrall

Staff Present:

Dennis Egner, Planning Director

Sara King, Associate Planner

Barb Mingay, Recording Secretary

CAP Members Present: None

Citizens Present: 1

Chair Russell welcomed new Planning Commissioners Elaine Smith and Roger Worrall. The Commissioners all identified themselves and their occupations, hobbies and interests.

II. APPROVAL OF MINUTES

Motion: Roberts-Post to approve minutes of the April 16, 1992 minutes as distributed. Motion carried unanimously.

Planning Commission Minutes
May 21, 1992
Page 2

III. WORK SESSION RELATING TO THE FOLLOWING PERIODIC REVIEW ISSUES:

- A. Historic Preservation
- B. Manufactured Housing
- C. Residential Facilities
- D. Farmworker Housing
- E. Public Facilities Planning
- F. Siting Streets In Resource Areas

Staff Report: Planning Director Egner indicated that the City has until August to complete updating the periodic review document and resubmit the material. He indicated that the City has a 20 day notice time in which to submit the material. He encouraged the Commission to formally review and make recommendations to the Council in June and July. He noted that many of the issues have been previously reviewed by the Council.

Chair Russell indicated that the packets include currently adopted ordinances and requested that Planning Director Egner provide some history relating to each topic.

A. Historic Preservation

Planning Director Egner reviewed the historic preservation ordinance and inventory which was adopted in May of 1991. He pointed out the items the State has identified as being in non-compliance with Goal 5. He indicated that the Planning Commission had recommended adoption of an ordinance and a historic landmarks inventory. He noted that the ordinance was revised by the Council to indicate that only the property owner can request inclusion on the landmarks inventory, essentially causing the inventory to be invalid. The State did not accept the ordinance as adopted by the Council. Mr. Egner indicated that the original ordinance proposed by the Planning Commission should be resubmitted to the Council for adoption. He also noted that the State does not recognize the financial hardship limitations in the existing ordinance.

Commissioner McCauley now present.

Planning Director Egner indicated that changes would include the addition of a new section which would include designation of the 116 listed properties as landmarks. Additionally, language would be added to section 421 to allow the Planning Director, Planning Commission or City Council to also initiate proceedings for adding other sites to the landmarks list. He also noted that Section 423 should be revised to delete the hardship section. He added that the primary review of any remodeling or other construction would be conducted at the staff level with the Planning Commission primarily

Planning Commission Minutes

May 21, 1992

Page 3

reviewing appeals and more intensive projects. He indicated that this process is intended to mitigate changes to properties designated as landmarks.

Commissioner Roberts asked if the financial hardship section could be rewritten to limit the ability of the applicants to appeal requirements if their cost was less than 15% of total project cost.

Chair Russell indicated that it appeared that state was trying to remove the financial limitation on projects.

Commissioner Thomas suggested that a tiered value be set for appeal limits.

Commissioner Post indicated that vast diversity in cost estimates for projects could be used in an abusive way by landmark designees when appealing.

Planning Director Egner indicated that the cost limits would not remove the site from the inventory, but would allow discussion relating to flexibility of standards for developing the project.

Commissioner Kriz reviewed DLCD's letter relating to the hardship clause and felt that DLCD desired that this clause be eliminated.

Planning Director Egner indicated that he anticipated sending the ordinance with revisions through the State Historic Preservation Office and if they accept it, DLCD would also.

Commissioner Thomas asked for clarification relating to the economic hardship for repair projects. He indicated that the hardship appeared to address projects which could be done less expensively using conventional materials not related to the character of the house.

Commissioner Smith asked if ESEE values could be included in the review of hardship cases to give more of a balance to the decision.

Planning Director Egner indicated that a new section could be added to the ordinance to expand the ESEE language.

Commissioner Roberts felt that language should be included in the ordinance to place an upper cap on those projects which could be appealed to the Planning Commission.

Planning Director Egner indicated that the staff could expand the ESEE section and that an optional 15% ceiling could be put in place before an economic hardship could be considered.

Planning Commission Minutes

May 21, 1992

Page 4

Commissioner Worrall felt that the hardship language should be put in less specific terms to allow for a more general interpretation.

Planning Director Egner indicated he felt it would be appropriate to delete the last sentence entirely from that section.

Commissioner McCauley asked how many potential projects would likely be reviewed by the Planning Commission.

Planning Director Egner indicated it would be 1-2 per year at most.

Chair Russell reviewed Section 421 of the ordinance.

Planning Director Egner indicated that the intent of the ordinance was to allow only the property owners to apply for landmark designation.

Commissioner Worrall indicated that it appeared the Planning Commission was in the middle between LCDC and the City Council. He asked what the downside was if the Council failed to revise the ordinance.

Planning Director Egner indicated that eventually an enforcement order was possible. DLCD would have the authority to withhold tax money from the City, limitations on building construction could be instituted, etc.

Commissioner Worrall asked if the downside could be identified in dollar figures to present as an argument to the Council.

Commissioner Russell indicated that he has reviewed various ordinances and felt that the City was attempting to balance the opportunity to nominate landmarks and to protect the property from mandatory designation.

Planning Director Egner indicated that by allowing nominations from the Planning Commission, Council and Planning Director, more flexibility for nominations would be available.

Commissioner Worrall asked if there was an appeal process after nomination as a landmark.

Planning Director Egner indicated that there was an appeal process but various specific criteria must be justified.

Planning Commission Minutes

May 21, 1992

Page 5

Commissioner Russell expressed concern that there did not appear to be an appeal opportunity listed in section 421.

Planning Director Egner indicated that section 421 should state that the matter would be heard at a public hearing.

Commissioner Kriz indicated that section C should include information relating to the public hearing process.

Commissioner McCauley asked how the 116 properties were included.

Planning Director Egner indicated they would be included as part of the ordinance adoption at the next meeting.

Commissioner Russell reviewed the effects of adopting a revised ordinance. He felt that it was unlikely that adopting the ordinance would result in massive audience input.

Various commissioners expressed their concern that many people likely to be listed would want to appear in opposition to the proposed ordinance.

Commissioner Roberts suggested that a special meeting be called to discuss historic preservation only.

Planning Director Egner reviewed the quasi-public issues proposed for next month's agenda and indicated that they could probably be completed in less than one hour. He felt that the Commission could review the historic ordinance at the regular meeting. He asked the Commissioners to clarify their intent relating to the 15% limit.

Commissioner Roberts withdrew his proposal for a 15% floor on appeals and concurred with the majority of the Commissioners that the last sentence in the hardship section should be deleted; however, he reserved the right to "I told you so" later.

Commissioner Russell expressed concern about location of next month's meeting if a large audience is anticipated.

Planning Director Egner suggested that perhaps all the other periodic review issues could be reviewed first with a possible special meeting June 25 for historic preservation discussion.

Chair Russell then called a special meeting on June 25 to discuss historic preservation issues.

Planning Commission Minutes

May 21, 1992

Page 6

B. Manufactured Housing

Planning Director Egner reviewed the state requirements for manufactured housing infill. He indicated that the City based manufactured housing needs on 20% of all housing. He indicated that the State has since presented a technical manual which said that 24% of all new homes should be manufactured housing.

Associate Planner King reviewed housing and manufactured housing percentage requirements. She reviewed three options including opening all R-1 to manufactured housing, expanding the existing R-1 MI overlay zone, or revising the housing needs analysis. She noted that the State's intent was to allow manufactured housing to be treated the same as any other kind of housing allowed within all single family housing zones. She indicated that adopting option 1 would open up all residential zones except R-3 to manufactured housing and that manufactured housing would be allowed in R-3 zone through a planned unit development process.

She reviewed option 2, pointing out that the State's intent was to allow manufactured house exclusively in the R-1 areas; however, the State has agreed that some of the need could be met in Newberg's R-2 zone. She reviewed the calculation process that resulted in a total requirement of 67 additional R-1 acres. She presented a map showing the proposed expansion of option 2.

She reviewed option 3 which would require completion of a new needs analysis. Both DLCD and the City have a desire to have an updated needs analysis. She reviewed the needs analysis and a table which presented scenarios using option 1 and option 2. She indicated that rezoning land to allow for additional MDR and HDR land would not likely be completed in time to meet the August deadline.

She commented that the staff recommended approving option 1 and allowing manufactured housing in the R-3 zone through a PUD.

Planning Director Egner reviewed the zoning map showing where the mixed infill can currently be located in the R-2 zone.

Commissioner Worrall expressed concern that specific guidelines should be included in the ordinance.

Associate Planner King indicated that generic guidelines that apply to all types of construction would be acceptable by the State.

Planning Commission Minutes
May 21, 1992
Page 7

Planning Director Egner indicated that standards relating to requirements for roof slope, insulation envelopes, etc. prevented installation of unacceptable units.

Commissioner Kriz asked if option 3 had already been completed.

Associate Planner King indicated it had been completed but that zoning changes required to implement the new percentages could not be completed by the August deadline.

Commissioner Thomas expressed concern that the manufactured housing expense would be above and beyond the financial limits of those individuals who need the housing.

Commissioner McCauley felt that this ordinance was not applicable to the Newberg market and Commissioner Thomas agreed.

Commissioner Russell asked if implementation of this ordinance would create any hazard to the community.

Planning Director Egner indicated that the State requires the opportunity to provide manufactured housing even though the market will likely drive the sale of homes.

Commissioner Roberts expressed concern that individuals unconcerned with market factors could place an unacceptable manufactured home on a lot.

Commissioners discussed detractions which should limit manufactured housing infill.

Planning Director Egner suggested that adopting requirements which merged Corvallis and Newberg's criteria would address these development concerns. He also indicated that no opportunity for an appeal currently exists in this ordinance.

The Commissioners discussed various criteria which could be used to ensure that the appearance of a manufactured home would be compatible with the standard residential zones.

Staff indicated that the Planning staff recommended option 1 together with a list of criteria that all residential construction must meet.

Associate Planner King indicated that most of the R-1 infill lots were large parcels and only 30-50 single lots existed in the R-1 zone.

Planning Director Egner indicated that all the land in the UGB designated LDR could be listed. He commented that upon annexation, the newly annexed parcels would be subject manufactured infill eligibility.

Planning Commission Minutes
May 21, 1992
Page 8

The commissioners concurred that all R-1 zoned land should be designated as eligible for infill subject to criteria consisting of standards created by combining Corvallis and Newberg criteria.

Planning Director Egner indicated that an additional issue was to include single family and manufactured housing in the R-3 zone as a conditional use.

A 5 minute recess was called after which the meeting was reconvened.

C. Residential Facilities

Associate Planner King indicated that Newberg must revise its ordinance defining family. She noted that if regulations do not exist limiting the number of related family members, then the same regulations must not discriminate against the number of handicapped or aged individuals living together as a housekeeping unit. She indicated that two options were available: 1) amend the ordinance which currently limits residential facilities to specific zones, or 2) revise the definition of "family". She noted that the staff recommendation was to allow residential facilities outright in any residential zone.

Chair Russell indicated that even though this appears to impact many areas of Newberg, other state laws implement criteria which would place restraints on this type of use.

Commissioner Worrall questioned whether college dorms would fall under this definition.

Planning Director Egner indicated that the state definition of residential facility does not include college dorms. He added that college students are not protected under the Fair Housing Act the way handicapped individuals are.

Commissioner Kriz indicated that we should replace the term "group care home" with the term "residential facility".

The Commission concurred that staff could revise this section as indicated.

Commissioner Roberts felt that a requirement should be placed on all residential construction which would provide a square footage requirement per individual resident. He felt that the definition for family should be stricken from the Zoning Ordinance and that a square footage requirement per individual should replace it. He requested that the Planning Director provide the Planning Commission with information from the Building Code relating to this issue.

Planning Commission Minutes
May 21, 1992
Page 9

D. Farmworker Housing

Associate Planner King indicated that a needs analysis must be completed prior to finalization of this requirement. She indicated that she has been working with Charlie Harris of CASA and that he will be presenting some ideas for this analysis at the June Planning Commission meeting.

Planning Director Egner indicated that he felt this issue should not be included as part of periodic review at this time. He felt that the State has not raised this issue at the appropriate time.

Chair Russell requested that a written copy of Charlie Harris testimony be provided to the Commission for their review.

Commissioner Kriz requested that Charlie Harris presentation be postponed until July. The Commissioners concurred.

E. Public Facilities Plan

Planning Director Egner indicated that revisions to the master plan including relocating proposed water lines within the UGB would resolve Goal 11 and 14 violations identified by the State. He added that expansion of the water reservoirs, wells and transmission lines in resource areas will be required and going through an exceptions process will be necessary.

The Commissioners questioned why the State was concerned about the location of the City's wells. Planning Director Egner indicated that if there were alternative sites at locations outside of resource areas, the State felt they should be reviewed. He added that the State is requiring resource protection and the City will be required to justify the expansion of the wells.

Chair Russell noted that this appeared to be a negotiation issue with the State.

F. Siting Streets in Resource Areas

Planning Director Egner indicated he met with Bob Rindy of DLCD in March to discuss street siting in resource areas. He noted that if there is an inventory of resources, an ESEE analysis must be performed if any fill is done. Mr. Egner noted that the State objected to Newberg's ordinance, indicating that the City hasn't gone through an ESEE analysis at the current site. They requested that a wetlands inventory be completed. Mr. Egner indicated that Newberg's acknowledged comprehensive plan doesn't address wetlands and so we shouldn't have to address this issue. He noted that the State feels

Planning Commission Minutes
May 21, 1992
Page 10

a comprehensive plan amendment should be required every time a fill is required. He indicated that it was likely that a wetlands inventory would be required with an analysis similar to the ESEE analysis done for the historic landmarks ordinance. Mr. Egner indicated that a wetlands analysis was costly. He indicated that he was working with DLCD to resolve this issue and further information would be presented to the Planning Commission next month. He noted that the issue would arise in relation to projects such as the proposed upgrade to the Eighth Street pump station. He recommended that the Commission take no action on this issue until further consultation has occurred with the State.

Commissioner McCauley said that the State would ultimately require a wetlands inventory of the community.

Chair Russell indicated that Newberg currently has wetland protection in place and that DSL permits are required for exceptions such as the pump station which is proposed.

The Commissioners concurred that Planning Director Egner could bring the matter back at his convenience.

Planning Director Egner noted that a press release would be done relating to the historic preservation and mobile home issues. He added that owners of historical inventory sites would also receive written notification prior to public hearing.

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

Planning Director Egner indicated that Commissioner Thomas has been appointed to the Newberg-Dundee Corridor Committee, and Chair Russell has been appointed as an alternate. He indicated that the committee is being staffed by the County and a Chair will be appointed at the first meeting.

Chair Russell indicated that a NUAMC member must be appointed to replace retired Commissioner Molzahn. Commissioner Kriz, the current alternate, was appointed as the NUAMC member. Commissioner Smith was appointed as the alternate.

IX. ADJOURN

There being no further business, the meeting was adjourned at 10:00 pm.