

**CITY OF NEWBERG CITY COUNCIL MINUTES  
MARCH 2, 2009  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM  
401 EAST THIRD STREET**

Work Session was held prior to the meeting. Presentations on municipal court and laptops were given. No decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:10 PM.

**II. ROLL CALL**

Members

Present: Mayor Bob Andrews                      Denise Bacon                      Bob Larson  
              Bart Rierson                                Stephen McKinney                Marc Shelton  
              Wade Witherspoon

Staff

Present: Daniel Danicic, City Manager                      Terrence Mahr, City Attorney  
              Barton Brierley, Planning and Building Director        Norma Alley, City Recorder  
              Howard Hamilton, Public Works Director                Jennifer Nelson, Recording Secretary

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reminded Council of upcoming events. He received a report on the Council's goal setting sessions, which he will review and send out this week. The Planning Department is working on the south industrial area part of the Urban Reserve Area (URA) expansion. A public meeting will be held on March 10 at 7:00 PM in the PSB with property owners on Wyooski Road and both sides of Hwy 219. He gave updates on the federal stimulus money anticipated to be received by Newberg.

**V. APPOINTMENTS**

Appointment of Les Hallman as the Newberg Fire Chief.

The appointment took place prior to the meeting at the Newberg Fire Station.

**VI. PUBLIC COMMENTS**

None.

## VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2008-2828** authorizing the submission of a grant application to the State of Oregon for the refinement of Newberg's Transportation System Plan.
2. Consider a motion approving City Council Minutes for February 2, 2009.

**MOTION: Rierson/Larson** to approve **Resolution No. 2008-2828** and the City Council Minutes for February 2, 2009 as amended. (7 Yes/0 No) Motion carried.

## VIII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2009-2710** amending the Newberg Development Code parking and access standards for multiple single family dwellings on a single lot and for multi-family dwellings.

TIME – 7:16 PM

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. None were stated.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended approval (see official meeting packet for full report).

Councilor Marc Shelton asked if there was any code concerning the distance between residences if the dwellings were on small lots. Staff replied there are building fire code issues if the distance is less than six feet, which would require fire walls.

Councilor Wade Witherspoon commended staff and asked if there were any units currently within the City that would not meet these standards and how it would be handled. Staff stated there are a number of units that would not meet the amended code; they would be grandfathered in and would continue in their current use.

Councilor Denise Bacon commented she felt it would be great to have a plan to provide adequate parking to ease the congestion on the streets as parking down 9<sup>th</sup> Street is almost impossible after 6:00 PM.

Councilor Bart Rierson also commended the work done on this ordinance and the benefits to the affordable housing goals by providing more flexibility; he offered his support.

Councilor Marc Shelton stated he would like to see street width taken into consideration during the assessment for viable on-street parking.

Mayor Andrews referred to page 13 for clarification of how the developments managed parking issues. Staff stated a sign was typically placed and enforced by the homeowner's association or landlord within the bylaws or rental agreements; violators could be towed or evicted based on the terms of the agreement. Mayor Andrews looked to page 28 and asked about the concerns for overflow. Staff discussed the causes for overflow parking spilling onto the 9<sup>th</sup> Street area because of a lack of unassigned visitor spaces and unused assigned parking spaces within developments.

Mayor Andrews asked Police Sergeant Tim Weaver to elaborate on comments he made during the January 12, 2009 Traffic Safety Commission (TSC) meeting. Mr. Tim Weaver, Police Sergeant, spoke of a large problem for law enforcement being cars stored on public streets, or left over 72 hours. He did not intend for his comments to appear he was targeting college students; it was an example of a situation caused by multiple tenants within a single rental space creating multiple drivers in need of parking.

Councilor Stephen McKinney echoed earlier concerns for the number of cars parking on the streets being an issue of public safety, making it difficult for fire trucks and ambulances to maneuver around vehicles. He spoke of homeowners not using garages to park their cars and the number of cars parking on streets affects livability in Newberg.

Mayor Andrews opened and closed public testimony. No citizens appeared to support or oppose the ordinance. Staff recommended approval. The public hearing was closed.

**MOTION: Larson/Shelton** to approve **Ordinance No. 2009-2710** amending the Newberg Development Code to include rules regarding general parking, unassigned parking spaces, visitor parking spaces, and adjacent on-street parking spaces for multiple single family dwellings on a single lot and for multi-family dwellings, read by title only.

**MOTION: Shelton/Rierson** to amend **Ordinance No. 2009-2710** to include language for street width and neighborhood impact to be taken into consideration, as well as on-street parking, when making the determination as for how many parking spaces will be required.

Mayor Andrews asked if these amendments would be for all types of development or just condominiums on a private driveway.

Councilor Shelton said he thought it was intended more for multiple housing on a single lot, but it is also important to consider on a single family dwelling as well because although the initial builder may be able to live under the code, subsequent renters may not.

Mayor Andrews stated he had reservations about the amendment if it applied to everything rather than being directed at condominium type developments on a private driveway. He did not feel this would be following what the Planning Commission (PC) approved and TSC endorsed. Staff said the general parking requirements would be for all projects, but the unassigned visitor parking only to projects that require ten or more spaces. A lesser number would be required for smaller dwelling spaces, like a duplex, to encourage affordability.

Councilor Shelton suggested separating the two discussions and only applying the amendment to multiple dwellings on a single lot for now; consideration for applying it to the rest of the community could occur at a later date.

Councilor McKinney felt the discussion tonight was much broader than this ordinance. He felt it should be applied for every project, if the goal is to endorse more livability. He did not feel either the ordinance or the amendment specifically addressed the task. He felt concerns still needed to be addressed and suggested staff brings back an amended version of the ordinance.

Councilor Bacon said she was in favor of the amendment because she felt the intent of the ordinance would be preventing the on-street parking issues.

Councilor Rierson said he liked the flexibility the ordinance offered and supported both the amendment and the ordinance.

**VOTE:** To amend **Ordinance No. 2009-2710** to add on page 16, in the right column of the table to the paragraph starting with “On-street parking spaces...” at the end add “When considering credit for on-street parking the access of emergency vehicles, the movement of the traffic on the adjoining street, and the livability of the neighborhood should be considered.”(6 Yes/1 No [McKinney]) Motion carried.

The details of the language and the proposed changes to the Parking Spaces Required table 151.612 on page 16 of the packet were discussed.

**MOTION: Andrews/Rierson** to amend **Ordinance No. 2009-2710** under the table named 151.612 Parking Spaces Required to remove the language “Dwelling, multiple or two family or single family” and replaced with “Multiple Single Family Dwelling Unit on a Single Lot” under the Use column under Residential Types; to remove the strike out in the box below keeping “Dwelling, single family or two family” and the strike out in the box directly across from it on the right keeping “2 for each dwelling unit on a single lot.”

**MOTION: Larson/McKinney** to remand **Ordinance No. 2009-2710** back to the Planning Commission and the Traffic Safety Commission for completion. (2 Yes [Larson, McKinney]/5 No) Motion failed for lack of a majority.

**VOTE:** On the second amendment to **Ordinance No. 2009-2710** to insert the Multiple Single Family Dwelling Units on a Single Lot (MSFDUOSL) language. (6 Yes/1 No [McKinney]) Motion carried.

Councilor Rierson desired to have staff return to Council with recommendations to address single and two family dwelling parking requirements in the future as they voted on the ordinance so concerns can be addressed at another time.

Councilor Witherspoon agreed the intent was to deal with MSFDUOSL and felt the concerns brought up for other types of dwelling units should be dealt with another night.

**VOTE:** To approve **Ordinance No. 2009-2710** read by title only as amended. (6 Yes/1 No [McKinney]) Motion carried.

**MOTION: Shelton/Larson** to ask the Planning Commission and the Traffic Safety Commission to have a discussion regarding access standards and parking standards for single and two family dwellings. (7 Yes/0 No) Motion carried.

**IX. CONTINUED BUSINESS**

None.

**X. NEW BUSINESS**

None.

**XI. COUNCIL BUSINESS**

TIME – 9:00 PM

Mr. Danicic discussed a site visit at the Huffman House.

Mr. Brierley reported on discussion with ODOT concerning Hess Creek corridor.

Councilor Rierson gave recommendations concerning the decorative elements and height of the fencing to be installed at the entrance to the City (see official meeting packet for report).

Mayor Andrews and Mr. Terrence Mahr, City Attorney, discussed PRES model of meeting procedures as well as evaluations for municipal judges, the City Manager, and the City Attorney.

Mayor Andrews discussed House Bill 2701 concerning photo radar restrictions for revenue.

**MOTION: McKinney/Rierson** to draft a letter to the legislature in support of photo radar red lights. (7 Yes/0 No) Motion carried.

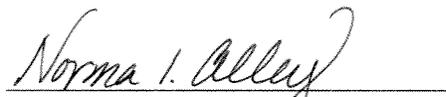
**XII. EXECUTIVE SESSION**

None.

**XIII. ADJOURNMENT**

**MOTION: Larson/Rierson** to adjourn at 9:23 PM (7 Yes/0 No) Motion carried.

**ADOPTED** by the Newberg City Council this 6<sup>th</sup> day of April, 2009.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of April, 2009.

  
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Bob Andrews, Mayor