



**PLANNING COMMISSION AGENDA
June 9, 2016 7:00 PM
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER

II. OATH OF OFFICE FOR NEW COMMISSIONERS

III. ROLL CALL

IV. PUBLIC COMMENTS (5-minute maximum per person – for items not on the agenda)

V. CONSENT CALENDAR

1. Approval of the May 12, 2016 Planning Commission meeting minutes

VI. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

1. **Stream Corridor Variance – 714 Dayton Avenue:** Consider a variance request to the Stream Corridor overlay regulations to allow a treehouse in the stream corridor. The site is within the R-1 (Low Density Residential) zone, and has a Stream Corridor overlay over most of the backyard.
APPLICANT: Andrew Parker
LOCATION: 714 Dayton Avenue TAX LOT: 3219DB-4701
FILE NO.: MISC-16-011 ORDER: 2016-22
CRITERIA: Newberg Development Code Sections: 15.342.100(B)

VII. NEW BUSINESS: Planning Commission Rules Update. PC Resolution 2016-320.

VIII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters or correspondence
3. Next Planning Commission meeting: July 14, 2016

IX. ITEMS FROM COMMISSIONERS

X. ADJOURNMENT

FOR QUESTIONS, PLEASE STOP BY THE COMMUNITY DEVELOPMENT DEPT. AT 414 E. FIRST STREET, OR CALL 503-537-1240

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: *In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.*

NEWBERG PLANNING COMMISSION MINUTES
May 12, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Allyn Edwards called the meeting to order at 7: 00 p.m.

ROLL CALL

Members Present:	Allyn Edwards, Chair	Jason Dale
	Philip Smith	Gary Bliss
	Cathy Stuhr	Ron Wolfe
	Luis Saavedra, Student	

Staff Present: Doug Rux, Community Development Director
Bobbie Morgan, Office Assistant II
Steve Olson, Senior Planner
Jessica Pelz, Associate Planner
Kaaren Hofmann, City Engineer

PUBLIC COMMENTS: None

CONSENT CALENDAR:

Approval of the April 14, 2016 Planning Commission Meeting Minutes

<p>MOTION: PC Cathy Stuhr/PC Ron Wolfe moved to approve the April 14, 2016 Planning Commission meeting minutes. Motion carried (6 Yes/ 0 No).</p>
--

QUASI-JUDICIAL PUBLIC HEARING:

Chair Allyn Edwards read the public hearing process and requirements.

1. **North Valley Annexation:** Consider a proposal to annex 10.37 acres of property. The property is located within the Newberg Urban Growth Boundary and has a Comprehensive Plan designation of PQ. Annexation would change the zoning from Yamhill County AF-10 to Newberg R-1.

APPLICANT: Newberg First Baptist Church

LOCATION: 24950 North Valley Road TAX LOT: 3207-900

FILE NO.: ANX-16-001 RESOLUTION: 2016-317

CRITERIA: Newberg Development Code Sections: 15.250.030 & 15.302.030

Chair Allyn Edwards opened the public hearing at 7:06 pm.

Call for abstentions, conflicts of interest, bias, ex parte contacts, and objections to jurisdiction: None

Staff Report: PowerPoint presentation given by Associate Planner Jessica Pelz. This was a request for annexation of 10.37 acres located at 24950 North Valley Road and change of zoning from Yamhill County AF-10 to Newberg R-1. The Comprehensive Plan designation was PQ and was consistent with the R-1 zoning. The property was directly north of Newberg's city limits on the southeast side of the North Valley Road and Chehalem Drive intersection. The property was located in the Urban Growth Boundary and was contiguous to the City limits. The rights-of-way would be included in the annexation which would provide for future continuity of the streets. Public utilities would be extended from the Foothills Drive and Chehalem Drive intersection. Future development would require right-of-way dedication and frontage improvements to North Valley Road and Chehalem Drive, intersection improvements as necessary to meet safety standards, and a sidewalk extension south to Foothills

Drive. Police, fire, parks, and school services were available. The proposal complied with the Transportation Planning Rule because the zoning was consistent with the Comprehensive Plan designation, the acknowledged Transportation System Plan took this property into account as being urbanizable, and the property was included within the UGB amendment in 2006 that did analysis for transportation and other public facilities. Staff recommended approval of the resolution.

Public Testimony:

Proponents:

Dan Danicic and Jessica Cain, representing the developer Del Boca Vista, said the church originally submitted the application and assigned the rights to Del Boca Vista when they entered into a real estate sales agreement. They were there to answer any questions. There were no questions.

Marc Willcuts did not testify.

Opponents and Undecided: None

Close of public testimony: Chair Allyn Edwards closed the public testimony at 7:16 pm.

Deliberation of Commission: Chair Allyn Edwards commented on a letter that was received. The concern was regarding traffic issues at the intersection of Chehalem and North Valley Roads. This was not a part of the annexation process, but would be addressed when the property was developed.

PC Philip Smith commented on the process, clarifying this was an annexation hearing and the criteria the Commission had to use for a decision were the criteria for annexations. Some of the written comments did not directly speak to annexation, but the later plan to develop the property. The traffic on this corner had to be addressed during the development process. He did not think there was any reason not to approve this application.

Final comments from staff: AP Jessica Pelz said staff's recommendation was approval of the resolution.

MOTION: PC Philip Smith/PC Cathy Stuhr moved to adopt Resolution 2016-317, recommending the City Council approve the requested annexation for the 10.37 acres of property located at 24950 North Valley Road. Motion carried (6 Yes/ 0 No).

QUASI-JUDICIAL PUBLIC HEARING: Chair Allyn Edwards opened the public hearing at 7:21 pm.

2. **Columbia Estates Annexation:** Consider a proposal to annex 3 parcels (with a total of 3.06 acres). The properties are located within the Newberg Urban Growth Boundary and have a Comprehensive Plan designation of MDR. Annexation would change the zoning from Yamhill County VLDR-1 to Newberg R-2
APPLICANT: Del Boca Vista, LLC
LOCATION: North of Columbia Dr., south of Lynn Dr. TAX LOTS: 3218AB-1700, -1701, & -1702
FILE NO.: ANX-16-003 RESOLUTION: 2016-319
CRITERIA: Newberg Development Code Sections 15.250.030 & 15.302.030

Chair Allyn Edwards read the public hearing process and requirements.

Call for abstentions, bias, conflicts of interest, ex parte contacts, and objections to Jurisdiction: None

Staff Report: PowerPoint presentation given by Senior Planner Steve Olson. This application was to annex 3.06 acres into the City and rezone the property from Yamhill County VLDR-1 to Newberg R-2. The Comprehensive Plan designation was MDR and would be consistent with the R-2 zoning. The location of the parcel was north of Columbia Drive, south of Lynn Drive and Heritage Way. The site was within the Urban Growth Boundary and

was contiguous to the City limits. The annexation would include the right-of-way to the middle of Columbia Drive to allow for future continuity of the City limits. Many of the comments received were about the 3,000 square foot lots which were allowed in R-2. The R-2 zone was flexible as duplexes and multi-family developments would be allowed at the same density standard. He explained to develop the property, the applicant would have to come back with a subdivision application which would have more details on sewer, water, and stormwater and grading. Other comments received on this application were related to stormwater issues and concerns, but they would apply during the subdivision phase not for the annexation phase. Sewer and water lines were available north of the site on Lynn Drive. The stormwater system design would have to meet the standards in the Code at the time of development. There was a preliminary assessment of the Highway 240 pump station and it was determined to have adequate capacity, but a more detailed analysis would be required at the time of development. Future development would require street improvements on Lynn and Columbia. Also at the time of development a limited traffic study would be required for the intersection of Main Street and Lynn Drive. He then discussed the concept plan for the site. Police, fire, parks, and schools were available. The application complied with the Transportation Planning Rule because the zoning was consistent with the Comprehensive Plan, the property was included in the Transportation System Plan as urbanizable, and when the UGB amendment for this area was done, transportation analysis had been done and it was factored into the long term transportation plan. The applicant's traffic engineer did a report for the TPR and stated the maximum density was 27 units and recommended a cap for that number. However, the density standard he used was not a maximum density, but a target density, and the density could be higher. The number was modified to put the cap at 29 units for the site. The condition was changed to reflect the new number. Staff recommended adoption of the resolution.

PC Philip Smith asked why the utilities would be extended from Lynn Drive instead of Columbia. SP Steve Olson replied the water and sewer lines were coming from Lynn because Columbia did not have a sewer line. He explained how the lines would be connected.

PC Philip Smith asked about pedestrian connectivity, and SP Steve Olson stated they would have to meet the connectivity standards in a subdivision application. He explained how the connectivity would work in this area.

Public Testimony:

Proponents:

Dan Danicic & Jessica Cain, Del Boca Vista, had nothing to add to what staff had said. They asked if the Commission had any questions. There were none.

Marc Willcuts did not testify.

Opponents and Undecided:

Michael Brown said most of his comments were regarding the future subdivision. He was against the zoning change because it would allow 3,000 square lots. This was a mature neighborhood and all of the lots were larger than 3,000 square feet. He did not think it would fit with the neighborhood and was concerned about property values going down.

PC Philip Smith asked how large his lot was. Mr. Brown responded it was 6,000 square feet.

Maurine Rogers was representing the water district down Columbia Drive. She asked why the traffic study would only be for Main and Lynn, not Columbia and Main as Columbia was narrower and more dangerous and closer to Newberg.

City Engineer Kaaren Hofmann responded that when the application came in the Lynn and Main Street intersection was identified as the area of concern because it had the most traffic. This would specifically look at the intersection and whether there was a need for traffic control devices or additional sight distance.

Mitzi Vondrachek said her property was on the eastern boundary of the proposed development. She asked why they were sending all of the utilities down Lynn Drive. This was a rural area and there was not the infrastructure to properly put in development. She did not think it was the time for this side of the City to be developed. She thought the traffic study should include Columbia. She asked if R-2 had been redefined to allow 3,000 square foot lots. The character of the neighborhood was different from this new definition of R-2.

SP Steve Olson replied there was a Code change that changed the minimum lot size for R-2 to 3,000 square feet.

Bill Rogers said his primary concern was the density. He lived across the street and this would have an impact on livability. The number of cars and construction were also concerns. There was a lot of pedestrian traffic in the area. The current infrastructure was an issue as there were old pipes running under Columbia. The last two times there was construction there had been breaks in the pipes which the small water district had to pay for. The street going through would affect the traffic patterns on Columbia and increase the traffic.

Amy Sorensen gave a handout to the Commission. She was there on behalf of those living on Lynn and Crater. There was only one house in this area that had a 3,800 square foot lot and most of the houses were 5,000 to 6,000 square foot lots. She was looking for something more compatible. With more cars on the road, there was more chance of there being safety and parking issues. The pavement was in poor condition on Columbia and Main and there were no sidewalks.

Ed Christie said his property was adjacent to this parcel to the east. He thought it was not the right time to annex this parcel, especially with the small lot concept. He was opposed to it because of the small lots. He asked if the minimum was 29 lots, could more than that be put in? There was a 10 foot slope from the north to the south and about halfway down there would have to be a fill and that was where his property sat. He wondered what would happen to the water runoff.

Chair Allyn Edwards clarified the maximum, not the minimum, was 29 lots.

PC Philip Smith said stormwater runoff was always an issue and the developer would have to come up with a reasonable plan to handle it during the development phase.

PC Cathy Stuhr said the densities had been increased due to groups putting pressure on the City to increase it.

William Haines took issue with the transportation study stating only 29 trips would be added during peak hours, which was one trip per household. Most people had multiple cars per household and multiple family members who would be traveling during rush hour. He thought it would be more than 40 trips and should trigger a transportation study.

PC Philip Smith asked what he thought Columbia Drive should look like in the future. Mr. Haines responded that it would have to be larger than it was currently to allow for traffic, bicycle lanes, and sidewalks.

Dawn Hall thought the infrastructure in this area was not adequate for development. There was a big problem on Columbia as there were limited resources there and it was a narrow road. It was an area not patrolled by the police. She was also concerned by the smaller housing and the livability in the neighborhood. When the last development went in this area, the water table was changed. She now had standing water in her yard and trees that died because of the water. Columbia was narrow and dangerous and she agreed that there would be more than 29 trips added and a transportation study should be done. This should be part of a larger annexation.

PC Cathy Stuhr asked about taking these City/County issues to the Newberg Urban Area Management Commission. SP Steve Olson responded that group's focus was Urban Growth Boundary expansion. The vast

majority of sidewalk and street improvements happened during development. New development also brought in SDCs for future transportation improvements.

Ms. Hall commented on how it was already confusing with the parts of this area that were in the County and those that were in the City and this would add to the confusion.

Close of public testimony: Chair Allyn Edwards closed the public testimony at 8:26 pm.

Final comments from staff:

SP Steve Olson said the staff recommendation was to approve the resolution with conditions. One of the conditions regarding the Transportation Planning Rule report was to change the limitation of 27 to 29 units and from 258 to 300 trips. There had been requests to have a traffic study for Columbia and Main as well as the study of Lynn and Main.

Community Development Director Doug Rux said annexations typically occurred by the request of property owners. If this parcel was annexed, there would be a subdivision application process. Using fill and how it would affect the area would be looked at during the time of the subdivision application. The zoning was consistent and compatible with the Comprehensive Plan designation and the application met the criteria.

PC Philip Smith said in this annexation, a portion of Columbia Drive would become City and it needed to be developed to the correct standards. How did they make sure that every part of the street was developed as it should be when it was annexed. CDD Doug Rux said for the subdivision application, the developer would have to do a half street improvement on Columbia Drive as a minor collector.

PC Gary Bliss asked if the Boundary Commission was still in effect and if this project had to be taken to them. CDD Doug Rux answered they could extend City infrastructure outside of the City limits to connect to other portions of the community that were in City. There would be coordination for the City infrastructure to go into County right-of-way.

PC Gary Bliss asked about adding a condition for a cost comparison study for a gravity sewer to the east versus filling the property. CDD Doug Rux said the Sewer Master Plan identified this area draining to the Highway 240 lift station and there was not a way to go to the east. This would be dealt with at the subdivision application stage.

The Commission took a five minute break.

Deliberation of commission:

PC Jason Dale agreed it would be nice to have all the adjacent land annexed at the same time, but that did not always happen and they had to accept the developments as they came. All the concerns would be brought up during the subdivision application. The stormwater drainage could be solved by engineering and traffic improvements would be dealt with during the subdivision application.

MOTION: PC Cathy Stuhr/PC Ron Wolfe moved to approve Resolution 2016-319 with conditions including the change to the condition regarding the TPR change of 27 to 29 units and 258 to 300 trips and the limited traffic study to include Columbia Drive. Motion carried (6 Yes/ 0 No).

QUASI-JUDICIAL PUBLIC HEARING: Chair Allyn Edwards opened the public hearing at 8:50 pm.

Chair Allyn Edwards read the public hearing process and requirements.

- 3. Public Works Maintenance Yard – 520 W. Third St. Annexation:** Consider a proposal to annex 1.41 acres of property. The proposed annexation is located within the Newberg Urban Growth Boundary and has

a Comprehensive Plan designation of IND (industrial). Annexation would change the zoning from Yamhill County HI (heavy industrial) to Newberg M-2 (light industrial).

APPLICANT: City of Newberg Public Works Dept.

LOCATION: 520 W. Third St. TAX LOT: 3219BD-1000 (western part)

FILE NO.: ANX-16-002 RESOLUTION: 2016-318

CRITERIA: Newberg Development Code Sections 15.250.030 & 15.302.030

Call for abstentions, bias, conflicts of interest, ex parte contacts, and objections to jurisdiction: None

Staff Report: PowerPoint presentation given by SP Steve Olson. This was an application to annex 1.41 acres for a Public Works maintenance yard. The zoning would change from Yamhill County HI to Newberg M-2. The Comprehensive Plan designation was IND which was consistent with the M-2 zoning. The property was within the Urban Growth Boundary and was contiguous to the City limits. The proposed use for a maintenance yard was allowed in the M-2 zone. There was a stream corridor overlay in the southwest corner. The flat part of the site had been developed previously as a cement plant and the stream corridor area was undeveloped. The Department of State Lands commented that any future work outside of the already developed footprint would need to be reviewed by them to determine if a permit or wetlands inspection was needed. There were sewer and water lines available in 3rd Street and future development might require improvements on 3rd Street. Police, fire, parks, and schools were available. It complied with the Transportation Planning Rule because the proposed zoning was consistent with the Comprehensive Plan designation, Newberg had an acknowledged Transportation System Plan and the zoning was consistent with the TSP, and the TSP accounted for the future urbanization of this property. Staff recommendation was to adopt the resolution.

PC Philip Smith asked in annexing this property, did it include a portion of the railroad? SP Steve Olson said no, the property was deeded to the railroad and they would need approval of the railroad to annex it. CDD Doug Rux explained the railroad was deeded a lot of land in order to build the railroad. They could only go up to the railroad property line because the railroad had not consented to the annexation.

PC Jason Dale asked about half of the tax lot being in the County and half in the City. SP Steve Olson responded the lot was odd and explained what part was in the City limits and what was not.

Public Testimony:

Proponents: Kaaren Hoffman, City Engineer, agreed with staff's recommendation.

Opponents and Undecided: None.

Close of public testimony: Chair Allyn Edwards closed the public testimony at 9:09 pm.

Final comments from staff:

SP Steve Olson said staff's final recommendation was to approve the resolution with conditions.

MOTION: PC Philip Smith/PC Jason Dale moved to adopt Resolution 2016-318 with conditions. Motion carried (6 Yes/ 0 No).

QUASI-JUDICIAL PUBLIC HEARING: Chair Allyn Edwards opened the public hearing at 9:10 pm. Chair Allyn Edwards read the public hearing process and requirements.

4. **Subdivision preliminary plan & variance – Nova Grace:** Consider a proposal to divide a 1.99 acre parcel into 14 lots for single-family homes. The property is zoned R-2 (medium density residential). Includes a variance request to increase the maximum building height from 30 feet to 33 feet.

APPLICANT: Del Boca Vista, LLC

LOCATION: 900 Wynooski St. TAX LOT: 3220CA-900
FILE NO.: SUB3-16-001/VAR-16-001 ORDER: 2016-21
CRITERIA: Newberg Development Code Sections 15.235.060(A) & 15.215.040

Call for abstentions, bias, conflicts of interest, ex parte contacts, and objections to jurisdiction: None

Staff Report: PowerPoint presentation given by SP Steve Olson. This was a subdivision preliminary plan and variance for Nova Grace. This was the first part of the process to approve a tentative plan for a 14 lot subdivision for single-family homes. The variance was to increase the maximum building height from 30 feet to 33 feet. The property was zoned R-2 and there was a stream corridor overlay on the northeast corner of the property. The location was 900 Wynooski Street. The property surrounding the parcel was single family residential. Wynooski was a two lane major collector and under Yamhill County jurisdiction at this location. There were sewer and water lines in Wynooski and a stormwater ditch was on Wynooski as well. The subdivision proposal would not use that ditch but would go downhill towards the stream corridor and a detention pond would be built on the site. He explained the subdivision plan. Due to the way Wynooski was designed, the subdivision would have to be a cul-de-sac. The subdivision complied with all the Development Code standards. The average lot size was 4,500 square feet but if the stream corridor was taken into account it would be 3,189 square feet and the minimum lot size was 3,000 and maximum was 5,000 for this area. All lots had at least 25 feet of frontage either directly on a street or through an access easement, and were at least 30 feet wide on the front building line. An access permit would be required from the County for work in the street. Frontage improvements and bike lanes were required on Wynooski. A site distance report was required and access drives on lots 8, 9, and 10 would have to have a 20 foot wide drivable surface marked with no parking fire lane signs on both sides of the access. Other requirements were: a revised utility plan to address utility line separation standards and alignment, fire flow and domestic flow, new hydrants might be required, the existing septic system had to be removed and decommissioned, revised and more detailed stormwater report, a more detailed long term maintenance plan, and a restoration plan for the disturbed area within the stream corridor. The Department of State Lands wanted contact to determine if a permit was required for work in the stream corridor. Two off street parking spaces needed to be provided per house. Staff encouraged the applicant to arrange the driveways to maximize the available amount of on street parking. There was no on street parking on Wynooski. These improvements would need to be completed before final plat approval. For the variance, there was a practical difficulty and extraordinary circumstances that did not apply to every lot in that zone and strict interpretation would deprive the applicant of some privileges enjoyed by other property owners in that zone. Granting the variance would not constitute a special privilege and would not be detrimental to public health, safety, or welfare. He explained how height was measured. In this case the stream corridor constrained 21% of the site which was an exceptional circumstance. The applicant argued that the resulting small lots were impractical to develop without the ability to increase the height from 30 to 33 feet. This was a 10% height increase and would have no effect on health, safety, or welfare. The houses would have to meet the front and side setbacks and lot coverage standards. Staff recommended approval of Order 2016-21 which included the variance, findings, and conditions. One addition to the findings and conditions was to contact the State Lands Coordinator to determine if a permit would be required for this project for work in the stream corridor.

Chair Allyn Edwards thought there would be an HOA for this development which would take care of some of the concerns that had been raised, such as parking.

PC Gary Bliss did not think the plans for this project conformed to the Oregon Revised Statutes because there were no signatures on any of the plans. CDD Doug Rux responded it was prepared by Emerio Design and had an engineer's stamp but agreed there were no signatures. It could be a condition of approval to have the documents signed as per ORS.

PC Gary Bliss asked what the minimum number of lots was for this site. SP Steve Olson replied for R-2 it was 9 units per acre, but that was a target density used for long range planning purposes and not actually a maximum.

PC Gary Bliss was trying to justify the additional three feet of height. Maybe this was the wrong house on the wrong site. CDD Doug Rux suggested asking the applicant for the justification.

Public Testimony:

Proponents:

Dan Danicic of Del Boca Vista was in support of the staff report and conditions for the application. The coordination with State Lands was appropriate. The reason for the additional height was to allow the upper floor to have a vaulted ceiling to give a greater feeling of space. These would be 1,500 square foot homes on smaller lots and they were trying to maximize the feel of space in the plan.

PC Philip Smith asked for clarification in connecting the stream corridor as a special circumstance to the need to have a taller house. Mr. Danicic clarified the stream corridor resulted in the overall smaller lot sizes and without the ability to go three levels, it would seriously limit the square footage available for the houses. They wanted to build a product that was acceptable and desirable for buyers. There would be no negative impact to the increase.

PC Cathy Stuhr asked if they built fewer houses and increased the lot sizes, could they meet the standards. Mr. Danicic explained they could do that, but the net result was it would be more expensive per unit. They were trying to provide less expensive new homes in Newberg.

PC Cathy Stuhr said price point was not a Code requirement, but PC Philip Smith pointed out that density was and at 14 units, it came in lower than the City's goal of 9 units per acre and if it was reduced to 11 units, it would be lower still.

Opponents and Undecided: None.

Close of public testimony: Chair Allyn Edwards closed the public testimony at 9:46 pm.

Final comments from staff:

SP Steve Olson stated staff's final recommendation was to adopt the order, approving the tentative application and variance request, findings, and conditions. Added conditions were to contact the State Lands Coordinator to determine if a permit was required for work in the stream corridor and to require the applicant to supply a set of tentative plans signed by the engineer who stamped them.

PC Cathy Stuhr thought maintaining the density in a place where they would not impose on someone's backyard privacy, and as long as the parking issues could be addressed, made this a unique case where the variance was appropriate.

PC Jason Dale did not think granting an extra three feet of height would negatively impact the surrounding neighborhood. He did not see a reason to deny the application.

PC Philip Smith had a question about the HOA for Dan Danicic. How would the HOA fix the parking issues?

Chair Allyn Edwards reopened the public testimony at 9:51 pm.

Mr. Danicic asked if an HOA was required for the subdivision. SP Steve Olson explained it was not required.

PC Philip Smith said parking was where this development could cause trouble. Mr. Danicic thought there would be opportunity to address it in the CC&Rs for the subdivision. SP Steve Olson clarified CC&Rs were private contracts between the people who bought the property and were recorded and became part of the property, and an HOA was an active group where people met to decide things.

PC Cathy Stuhr asked Mr. Danicic if there would be parking on the street around the cul-de-sac. Mr. Danicic said there would be a portion on the north side by the stormwater facility and lots 10 and 11 would have a longer than normal driveway pad.

PC Cathy Stuhr said this was a subdivision with no on street parking and small lots, where would people park their boats or trailers? Mr. Danicic said those who had a boat and trailer would probably bypass this development because there was no storage. The homes had one car garages, single depth.

PC Gary Bliss said most people could not park in the garage because it was used as storage and they parked in the driveway and street. Several of the lots had no place to park in front of them and some of the lots had a common driveway. He saw a big parking issue as generally speaking there were two cars per unit. Mr. Danicic said each home had a garage and a 20 foot parking space in front of it. He did not plan to have an HOA, but to have CC&Rs to address the parking.

Chair Allyn Edwards asked if these homes would sell due to these restrictions. Was a townhouse situation explored? Were there concerns that there was no parking for people who wanted to visit? Mr. Danicic responded he preferred to build single family, detached housing. He thought there was a market for this type of smaller and affordable housing. The concern regarding parking was to be determined by the buyer.

PC Philip Smith said people would buy if it was affordable and well-built and would end up parking on Wynooski. There needed to be a way that the people who lived there could also park there.

PC Ron Wolfe asked about creating some overflow parking area on the site. SP Steve Olson responded the applicant had the flexibility to design it differently and build in additional parking. The Code required two off street parking spaces per unit and allowed tandem parking and a garage and a single space in front of it. The Code did not require on street parking on the adjacent street. Wynooski had bike lanes and could not be used for on street parking. An HOA would not have any authority over on street parking, but they could enforce CC&Rs.

CDD Doug Rux commented that the driveway placement was important to create on street spaces. There were a lot of restrictions on where to put the driveways or where to provide overflow parking.

Chair Allyn Edwards closed the public testimony at 10:31 pm.

Deliberation of Commission:

PC Jason Dale thought the application met all the Code requirements. There were two parking spots per lot and he agreed with the reasons given by the applicant for the height variance.

PC Gary Bliss said by his own observations in other areas, the parking would not work. He thought it would be a problem, but he could not find any criteria for denial based on parking. He thought a vaulted ceiling could still be created without the need for the additional three feet. This was not the best use of the property.

Chair Allyn Edwards agreed the parking was an issue, but it was not an approval criterion. He thought the extra height would be more aesthetically pleasing and more desirable for future buyers.

PC Philip Smith would be voting in favor of the subdivision. He agreed with the justification for the height variance.

MOTION: PC Cathy Stuhr/PC Jason Dale moved to approve Order 2016-21 with the conditions as presented by staff. Motion passed (5 Yes/ 1 No [Gary Bliss]).

NEW BUSINESS: None.

ITEMS FROM STAFF:

CDD Doug Rux gave updates on Council approval of the repeal of the early ban on the sale of recreational marijuana, Wilsonville Road realignment, Economic Development Strategy, and Conditional Use off of Chehalem Drive for a home occupation for Robert’s Ice Cream.

Next Planning Commission meeting: June 9, 2016

ITEMS FROM COMMISSIONERS:

PC Philip Smith would not be in attendance at the next meeting.

CDD Doug Rux said this was Luis Saavedra’s last meeting as a student Planning Commissioner. Mr. Saavedra thanked the Commission for this opportunity.

There was discussion regarding getting the right regulations for development and need to update the Code.

PC Cathy Stuhr thought there also needed to be outreach to the public, especially when they were increasing density.

PC Jason Dale said there was a disconnect between what the rules were in the past and what they were in the present and the density allowed.

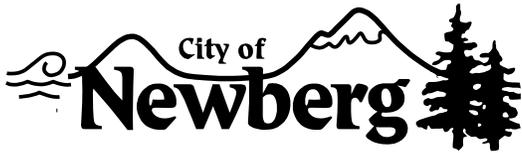
Chair Allyn Edwards said recently they had approved the roads to be narrowed and density would become more and more a concern.

Chair Allyn Edwards adjourned the meeting at 10:35 pm.

Approved by the Newberg Planning Commission this 9 day of June, 2016.

Allyn Edwards, Planning Commission Chair

Bobbie Morgan, Office Assistant II



Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT PARKER TREEHOUSE – STREAM CORRIDOR VARIANCE

HEARING DATE: June 9, 2016

FILE NO: MISC-16-011

REQUEST: Stream Corridor variance to allow the construction of a treehouse in the stream corridor

LOCATION: 714 Dayton Avenue

TAX LOT: 3219DB-4701

APPLICANT: Andrew Parker

OWNER: same

ZONE: R-1 with Stream Corridor overlay

ATTACHMENTS:

- Order 2016-22 with
- Exhibit "A": Findings
 - Exhibit "B": Conditions
1. Aerial Photo w/SC overlay
 2. Site Plan
 3. Treehouse Photos
 4. Public Comments
 5. Application



A. DESCRIPTION OF APPLICATION: The applicant has applied for a variance to the Stream Corridor overlay regulations to allow the construction of a treehouse in their back yard, which is in the stream corridor. The application describes the impact to the stream corridor from the development and the proposed mitigation to restore and improve the stream corridor. The treehouse has already been constructed; if this application is approved then the treehouse would be allowed to remain in the stream corridor. The treehouse includes an elevated platform approximately 14 feet by 16 feet, primarily supported by the trees, with a maximum platform elevation of 11 feet. The platform has a 9.5 foot by 11 foot structure on it, and is reached by a set of stairs.

B. SITE INFORMATION:

1. Location: 714 Dayton Ave.
2. Size: Approx. 19,200 square feet
3. Topography: Relatively flat where the house is located, dropping steeply to the stream
4. Current Land Uses: Single-family home
5. Natural Features: Stream corridor with mature trees
6. Adjacent Land Uses:
 - a. North: Single-family residential
 - b. East: Stream corridor, then single-family residential
 - c. South: Single-family residential
 - d. West: Single-family residential
7. Access and Transportation: The site has access from Dayton Avenue.
8. Utilities: The house has existing sanitary sewer and water connections. No utility changes are proposed.

C. PROCESS: The stream corridor variance request is a Type III application and follows the procedures in Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial hearing on the application. The Commission is to make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

1. May 20, 2016: The Community Development Director deemed the application complete.
2. May 16, 2016: The applicant mailed notice to the property owners within 500 feet of the site.

3. May 20, 2016: The applicant posted notice on the site.
4. May 25, 2016: The *Newberg Graphic* published notice of the Planning Commission hearing.
5. June 9, 2016: The Planning Commission will hold a quasi-judicial hearing to consider the application.

D. AGENCY COMMENTS: The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

1. City Engineering: *Reviewed; no conflict*
2. Oregon Dept. of State Lands (summarized – the full comment is in Attachment 4): *Based on a review of the available information, the treehouse has avoided impacts to jurisdictional wetlands or waters. A state permit will not be required.*

E. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments.

F. ANALYSIS: The criteria can be summarized as, on the whole, does the proposed mitigation plan adequately compensate for the impact to the stream corridor and take steps to improve the stream corridor. The application describes the impact to the stream corridor, and describes the mitigation that will be done. Some of the mitigation has already been done.

G. PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt Planning Commission Order 2016-22, which approves the requested stream corridor variance with the attached conditions.



PLANNING COMMISSION ORDER 2016-22

AN ORDER APPROVING FILE MISC-16-011, A STREAM CORRIDOR VARIANCE FOR A PROPERTY LOCATED AT 714 DAYTON AVENUE, YAMHILL COUNTY TAX LOT 3219DB-4701

RECITALS

1. Andrew Parker submitted an application for a variance to the Stream Corridor overlay zone subdistrict regulations to allow the construction of a treehouse at 714 Dayton Avenue, Yamhill County Tax Lot 3219DB-4701.
2. After proper notice, the Newberg Planning Commission held a hearing on June 9, 2016 to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings shown in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Stream Corridor Variance application MISC-16-011 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective June 24, 2016, unless appealed prior to that date.
4. This order shall expire one year after the effective date above if the applicant does not complete all required conditions within one year.

Adopted by the Newberg Planning Commission this 9th day of June, 2016.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2016-22
Findings –File MISC-16-011**

A. Stream Corridor Criteria that apply - Newberg Development Code 15.342.100

15.342.100 Type III process for exceptions and variances.

B. Variance. A variance to the standards of this chapter may be granted under the Type III process. A variance to this chapter shall be processed as a Type III procedure and shall only be subject to the following criteria:

1. A stream corridor impact report (SCIR) shall be submitted which meets the criteria indicated in NMC 15.342.140; and

2. The proposed development will result in equal or greater conservation of the identified resources and functional values on the site and will, on balance, be consistent with the purpose of the applicable regulation.

Finding: The applicant submitted a stream corridor impact report (SCIR). Criteria no. 1 above is addressed immediately below; the stream corridor impact report (SCIR) section lists 10 individual criteria to address. Criteria no. 2 above will be addressed in the findings that follow.

15.342.140 (B): Stream corridor impact report (SCIR) and review criteria. SCIR Review Criteria. The following standards shall apply to the issuance of permits requiring an SCIR, and the SCIR must demonstrate how these standards are met in a manner that meets the project purpose.

1. Where possible, the applicant shall avoid the impact altogether.

2. Impact on the stream corridor shall be minimized by limiting the degree or magnitude of the action, by using appropriate technology, or by taking affirmative steps to avoid, reduce or mitigate impacts.

Finding: Nearly all of the applicant’s back yard is in the stream corridor overlay, so it would not be possible to build a treehouse without some impact to the stream corridor. The applicant took several steps to minimize the impact: the stairs and access ramps are on posts above the ground, and there is no foundation for the structure as it is supported by tree trunks and one post. No fill was used. Five post holes were dug, and less than 12 square feet of ground area were excavated for placing ramps. No other grading was done. The total area of the treehouse and ramps is approximately 300 square feet, so the project was designed to have a small footprint in the stream corridor.

3. The impacts to the stream corridor will be rectified by restoring, rehabilitating, or creating comparable resource values on the site or within the same stream corridor.

4. The remaining resource values on the stream corridor site shall be protected and enhanced, with consideration given to the following:

a. Impacts to wildlife travel and migratory functions shall be maintained to the maximum extent possible; and

b. Native vegetation shall be utilized for landscaping to the extent practicable; and

c. The stream bed shall not be unnecessarily or detrimentally altered.

Finding: Approximately 300 square feet of the stream corridor is impacted by the treehouse project. The applicant has taken steps to rehabilitate and restore some of the area, and plans to ultimately mitigate approximately 5,700 square feet of the stream corridor on the site. Much of the stream corridor on the site contained invasive species such as Himalayan blackberries and English ivy. The applicant has removed much of this, and has planted native species of trees and shrubs in the stream corridor. The area does not have a known migratory function, but does serve as a wildlife habitat. Deer have been eating some of the new native plants, so the planting will be an ongoing effort. The treehouse is approximately 38 feet from the stream bed, and there has been no impact or alteration to the stream bed.

5. The fill shall primarily consist of natural materials such as earth or soil aggregate, including sand, gravel, rock, and concrete. Culverts, bridges, reinforced retaining walls, or other similar structures which require manmade structural materials shall be permitted.

6. The amount of fill used shall be the minimum required to practically achieve the project purpose.

7. If the fill or grading is within a designated floodway, the proposed action shall maintain the flood storage capacity of the site.

8. The proposed fill or grading shall not significantly increase existing hazardous conditions or create significant new hazardous conditions related to geology, hydrology, or soil erosion.

9. Stream turbidity shall not be significantly increased by any change in a watercourse that results from the fill. Measures shall be taken to minimize turbidity during construction.

10. The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements authorized by this chapter. [Ord. 2451, 12-2-96. Code 2001 § 151.478.]

Finding: No fill was used in the construction of the treehouse. The floodway is in the base of the stream corridor and was not affected by this project. No changes were made to the watercourse, and no trees were removed by the treehouse project.

15.342.100(B) 2. The proposed development will result in equal or greater conservation of the identified resources and functional values on the site and will, on balance, be consistent with the purpose of the applicable regulation.

Finding: The purpose of the stream corridor overlay subdistrict is excerpted below.

15.342.010 Purpose.

The purpose of the stream corridor (SC) overlay subdistrict is to implement the goals and policies of the comprehensive plan relating to open space, scenic, and natural resources which are intended to “. . . ensure that adequate land shall be retained in permanent open space use and that natural scenic and historic resources are protected.” Furthermore, this subdistrict is intended to “. . . protect, conserve, enhance, and maintain the Willamette River Greenway.” The subdistrict allows for a balance of protection of open space, scenic and natural resources and environmentally sensitive development. The designation of lands within this subdistrict is used to provide reasonable regulation of development in or adjacent to stream corridors. This subdistrict does not provide for or authorize

public access to private properties designated within this subdistrict. Additionally, the provisions of this subdistrict do not provide measures for the public acquisition of private property. [Ord. 2451, 12-2-96. Code 2001 § 151.465.]

The purpose of the stream corridor overlay can be summarized as to protect open space and natural resources along streams, while allowing some environmentally sensitive development. The stream corridor overlay does not permit new structures in the stream corridor unless a variance is approved, so the applicant has applied for a variance to allow a treehouse in the stream corridor. The treehouse impacts approximately 300 square feet of the stream corridor. The applicant has already partially mitigated this impact by removing invasive species and planting new native plants over more than 300 square feet of the stream corridor area. The applicant also intends to continue to remove invasive species and plant native plants over the entire 5,700 square foot stream corridor area on their site; this will only increase the amount of mitigation in relation to the impact. If the applicant removes invasive species and plants new native plants over at least 900 square feet of the stream corridor area (three times the area impacted by the treehouse) then the treehouse can be considered an environmentally-sensitive development, which will result in equal or greater conservation of natural resources on the site. The applicant shall contact the city Planning Division and arrange an inspection of the site when at least 900 square feet of the stream corridor area has had invasive species removed and native species planted. This inspection must occur and be approved by the Planning Division by June 9, 2017 or this stream corridor variance approval is void, and the treehouse will need to be removed. On balance, the treehouse development and mitigation plan are consistent with the purpose of the stream corridor regulations.

B. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions.

Exhibit “B” to Planning Commission Order 2016-22
Conditions –File MISC-16-011
Treehouse – 714 Dayton Avenue

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE STREAM CORRIDOR VARIANCE APPROVAL IS CONSIDERED FINAL:

1. The applicant shall contact the city Planning Division and arrange an inspection of the site when at least 900 square feet of the stream corridor area has had invasive species removed and native species planted. This inspection must occur and be approved by the Planning Division by June 9, 2017 or this stream corridor variance approval is void, and the treehouse will need to be removed.

Attachment 1: Aerial Photo with Stream Corridor overlay



Attachment 2: Site Plan



Attachment 3: Treehouse photos



Attachment 4: Comments



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2016-0201

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Steve Olson from city of Newberg submitted a WLUN pertaining to local case file #: MSC-16-011.

Activity location:

township: 03S	range: 02W	section: 19	quarter-quarter section: DB
tax lot(s): 4701			
street address: 714 Dayton Ave, Newberg			
city: Newberg		county: Yamhill	
latitude: 45.294362		longitude: -122.980668	

Mapped wetland/waterway features:

Oregon Removal-Fill requirement (s):

A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

Your activity:

A state permit will not be required for the proposed project because based on the submitted site plan the project appears to avoid impacts to jurisdictional wetlands and waters.

Contacts:

This is a preliminary jurisdictional determination and is advisory only.

Comments: Based on a review of the available information, the treehouse has avoided impacts to jurisdictional wetlands or waters.

Response by: Chante Stevenson date: 05/12/2016

622-16-000109-PLNG



TYPE III APPLICATION - 2016 (QUASI-JUDICIAL REVIEW)

File #: MISC - 16 - 011

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain) STREAM CORRIDOR VARIANCE

APPLICANT INFORMATION:

APPLICANT: Andrew Parker
ADDRESS: 714 Dayton Ave - Newberg, OR - 97132
EMAIL ADDRESS: asparker@frontier.com
PHONE: 503-537-6227 MOBILE: 503-341-1646
OWNER (if different from above): Same

GENERAL INFORMATION:

PROJECT NAME: Parker Tree house PROJECT LOCATION: 714 Dayton Ave.
PROJECT DESCRIPTION/USE: Family treehouse - Recreation
MAP/TAX LOT NO. (i.e. 3200AB-400): R3216DB04701 ZONE: SQ. FT. ACRE
COMP PLAN DESIGNATION: TOPOGRAPHY:
CURRENT USE:
SURROUNDING USES:
NORTH: SOUTH:
EAST: WEST:

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant Signature: Andrew Parker Date: 4-8-2016
Print Name: Andrew Parker

Owner Signature: Andrew Parker Date: 4-8-2016
Print Name: Andrew Parker

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

RECEIVED

APR 8 2016

Initial:

Stream Corridor Variance

File # MISC-16-011

Proposal: Allow the Construction of a
Treehouse inside the Stream Corridor

714 Dayton Ave
Newberg, Or 97132

Stream Corridor Impact Report

Proposed Development

Location:

The area identified in this report is located at 714 Dayton Ave. (Tax Lot #R3216DB 04701). The treehouse is located along the north edge of the property approximately 38 feet from the west bank of the Dayton fork tributary of Chehalem Creek

Accessory Structure Description:

The platform is 11 feet off the ground at its highest point (southeast corner). At its lowest the platform is approximately 3 feet above the ground in the northwest corner. The platform is supported by 3 trees and one post located in the northeast corner. The platform is approximately 16 feet by 14 feet. The structure is approximately 100 square feet. (The dimensions of the platform and structure were determined by the recycled materials used in their construction).



This is a recreation structure only and will not have water or sewer connected to it. As resources permit, solar powered low voltage lighting will be installed.

Great care has been taken to assure that the disturbance to the site has been kept to a minimum. The only disturbances are the limited holes dug to receive posts, primarily for stairs and elevated pathway supports. The largest post is 6"X8" used to support the platform and is located in the northeast corner of the structure. In addition to the post holes small areas were leveled in order to place loose bricks to support the pathway to the treehouse. The largest of these areas is approximately 28" by 18".

Pathway and Stairs:

The current pathway and stairs leading down to the structure are temporary and will eventually be replaced using materials better designed for this type of use. (Prior to the installation of the stairs the area of the property in the stream corridor was considered inaccessible)

Physical Analysis

Soil

The soil series for this area consists of very deep, somewhat excessively drained soils that formed in loamy and sandy alluvium from sedimentary and basic igneous rocks. The establishment of a soil profile is difficult due to the disturbance caused by the installation of the sewer line.

Stream Research Assessment

The Dayton fork is a tributary to Chehalem Creek. Dominant land use surrounding this small stream is dense residential. Hill slopes are steep and the vegetation is dominated by Big Leaf Maple Douglas fir and English Ivy. Vegetation in the upper half of the stream has generally been replaced with ornamental species in the back yards for residences. The flood plane is narrow and limited for most of the stream except at the confluence with Chehalem Creek where it broadens to more than 50 feet.

Hill slope Dominant Vegetation of the Dayton Fork includes: Big Leaf Maple, Douglas fir, Oregon White Oak, Black Cottonwood, Cherry, Red Elderberry, Western Hazelnut, Himalayan Blackberry, English Ivy and Misc. Ornamentals

Environmental Values

Erosion potential is considered high in the area where the slope is greater than 20% The Riparian water quality protection is moderate and majority of the slope has dense patches of Himalayan blackberry and English ivy which limits the organic duff (Invasive species issue will be addressed in the enhancement proposal).

Other natural conditions are low due to the area being surrounded by dense residential. Impacts which include urban surface runoff, the installation of the sewer line and invasive species (dense patches of Himalayan blackberry and English Ivy).

Wildlife Habitat is moderate with seasonal water, woody debris, trees and shrubs. The wildlife inventory includes deer, squirrels, skunks, possums, raccoons. This is only a partial list of mammals that have been observed by the author and in the case of the skunks the observation was made by the property owners' dog.

Impact review

1. Avoid Impact:

Multiple steps have been taken to avoid any type of impact to the stream corridor. This includes building stairs and access ramps above the ground. There is no foundation associated with this structure; it has been secured to the identified trees using the latest technology in treehouse attachment. The total area of the treehouse and ramps is approximately 300 square feet.

2. Impact on the stream corridor will be my limiting degree or magnitude of action of the action by using appropriate technology, or taking affirmative steps to avoid reduce mitigated impact:

In order to avoid impact on the mitigated area no fill or grading was used. The only disturbance to the site has been the 5 post holes dug to support the treehouse, walkway and stairs. Four small areas of less than 3 square feet each were excavated for ramps leading to the structure.

There has been no change to the water course, the structure has been constructed at a distance far enough from the water course that there is no anticipated future impact.

3. The impact to the stream corridor will be rectified by restoring rehabilitating comparable resources values on the site or within the stream corridor.

Steps have been taken to rehabilitate the area surrounding the treehouse. This rehabilitation will include removing invasive species including Himalayan blackberry, English Ivy and Morning Glory. This is an ongoing process that will take many years until native vegetation

can be established that will shade out the invasive species. The area to be mitigated is approximately 5,700 square feet.

4. The remaining resource values on the stream corridor site shall be protected and enhanced with consideration given to the following:

- a. Impact to the wildlife travel and migratory function shall be maintained to maximum extent possible:

This area has no associated migratory function and observations have shown that wildlife continue to visit the area and have been observed thwarting the mitigation efforts by eating the new growth on the recently planted trees.

- b. Native vegetation shall be utilized for landscaping to the extent practicable:

Mitigation efforts have been ongoing for several years this includes planting a variety of native species this includes:

- 4 - Western Red Cedar
- 5 - Vine Maple
- 6 - Oregon Ash
- 3 - Oregon White Oak
- 2 - Western Dogwood
- 3 - Big Leaf Maple
- 3 - Sedge
- 1- Flowering Currant
- 1 - Douglas Spirea

In addition to the species listed above other native ground cover plants have also been planted with limited success. Natural reseeding has also been encouraged through the use of hand release and pruning.

- c. The stream bed shall not be unnecessarily or detrimentally altered.

There has been no change to the water course

5. The fill shall primarily consist of natural materials

No fill was used in the construction of this treehouse.

6. The amount for fill shall be the minimum required

No fill was used in the construction of this treehouse

7. If the fill or grading is within a designated floodway, the proposed action shall maintain the flood storage capacity of the site.

No fill was used in the construction of this treehouse

8. The proposed fill or grading shall not significantly increase existing hazardous conditions or create significant new hazardous

No fill was used in the construction of this treehouse

9. Stream turbidity shall not be significantly increased by any change in a water course that results from the fill measures shall be taken to minimize turbidity during construction.

There has been no change to the water course and no fill was used in the construction of this treehouse

10. The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements.

No trees were removed during the construction of the treehouse.

Enhancement Proposal

In order to maintain and enhance the stream corridor and the property, owners will focus on abatement of invasive species and the introduction of native species. Invasive species abatement has been conducted primarily through the use of mechanical processes. This is an ongoing multiyear process that is focused on the removal of English Ivy, Morning glory and Himalayan blackberry.

Establishment of native species with an emphasis on water quality and soil/slope stabilization will continue to be a priority for this area

In order to enhance water quality, the following species have been planted within 30 feet of the west bank of the Dayton fork tributary: Western red cedar, Oregon ash, Sedge and Douglas Spirea. Although this area has a slope of less than 20% the addition of this vegetation will increase soil stability and eventually work to shade out

invasive species that are not shade tolerant. This would include Himalayan Blackberry and Morning Glory.

The steeper areas of the property where the slope is up to 60% and slope stabilization is a high concern, the property owners have been planting and encouraging the natural reseeding of native trees. In order to increase the survival rate we will continue to hand release native and planted trees and shrubs until they become dominate and are no longer threatened by invasive species. The following species have been planted in the steeper areas of the property:

- Vine maple
- Western Dogwood
- Salala
- Red Flowering Currant
- Big Leaf Maple
- Oregon Ash
- Oregon White Oak

In order to increase wildlife population, increased habitat will be created. This will be accomplished through the introduction of bird houses and bat boxes. As other habitat restorative processes are identified these will be added to the area.

Debris Removal: there is an ongoing concerted effort to remove garbage that has been deposited in the stream corridor by previous owners of the property.

Conservation Proposal:

In order to offset any impact on this area created by the construction of the tree house, the following mitigation proposal has been developed. Restorative actions have been and will continue to be conducted to enhance the natural and scenic resources of the stream corridor. The area receiving this mitigation is approximately 5,700 square feet, the impact of the treehouse is 300 square feet this, include the stairs and approach to the treehouse. The remaining open spaces shall be retained as a permanent open space with no plans to for additional development.

Protect

Throughout the construction of the treehouse as well as during the ongoing mitigation process, great care has been taken to retain existing native plants. When necessary, only light pruning has been done to allow for the placement of the treehouse. In addition, great care has been taken to ensure all construction debris is removed from the area, in an effort to eliminate any impact on the stream. The construction of the treehouse has not changed the stream location and there has been no affect on stream turbidity.

Conserve

Hand release techniques have been used to clear non-native species away from native plants providing them with an opportunity to grow without competing for light and water. This process has helped species like Bracken Fern, Sword Fern and other native ground covers to start to reclaim the areas of the property once covered by Himalayan Blackberry.

Future conservation efforts include the removal of old fencing material along the lower edge of the property that has become not only an eyesore but has also become a trellis of sorts for non-native vine like Morning Glory and English Ivy.

Enhance

Native trees and plants will be used to create an area of biodiversity that will complement adjoining areas of land and are consistent with other parts of the Willamette River Greenway. To date over three dozen native trees and plants have been planted in the area with additional plants on order through the City of Newberg Stream Corridor enhancement program. The removal of non-native species will continue to be a priority for this area. This is done by cutting back the non-native species and the continued removal from areas where native species are growing or have been planted. This removal will reduce the new plantings' competition for available sunlight, water and nutrients. When possible, non-native species are pulled from the ground, exposing their root system. Although it would be ideal to remove all non-native species in this manner, it appears only to be a viable option for new plants with limited root systems and in the spring when the ground is soft.

Impact Report Author Curriculum Vitae

- Associate of Science Forest Management
- Associate of Science Forest Engineering
- Associate of Science Survey Engineering
- Bachelor of Science Forest Resource Management
- 1991-97 Vocational Forestry Instructor Clackamas School District

ATTACHMENT 5: APPLICATION



ATTACHMENT 5: APPLICATION

City of Newberg Stream Corridor Inventory

STREAM REACH ASSESSMENT

SITE NO. C2	STREAM: Tributary of Chehalem Creek	% SLOPE: = 40%	FP WIDTH: ≤ 20 ft	RFZ: (ft) = 175
MAP NO. F 13	LOCATION: Dayton Fork, south of 5th Street	AERIAL: SW		DATE: 1-19-95
OBSERVATION POINT: West end of 8th Street, 5th Street		ADJACENT LAND USE: Residential		

GENERAL DESCRIPTION: C2, Dayton Fork, is a tributary to Chehalem Creek. Dominant land use surrounding this small stream is dense residential. Hillslopes are steep and vegetation is dominated by big leaf maple, Douglas fir, and English ivy. Vegetation in the upper half of the stream has generally been replaced with ornamental species in the back yards of residences. The flood plain is narrow and limited for most of the stream except at the confluence with Chehalem Creek where it broadens to more than 50 ft.

DOMINANT VEGETATION:

HILLSLOPES

* big leaf maple
* Douglas fir
Oregon white oak
black cottonwood
red elderberry

western hazelnut
* Himalayan blackberry
* English ivy
ornamentals

FLOOD PLAIN

upper
creeping buttercup
horsetail
stinging nettles

mouth
* reed canarygrass
red alder
Oregon ash

ENVIRONMENTAL VALUES

Rating **

comments

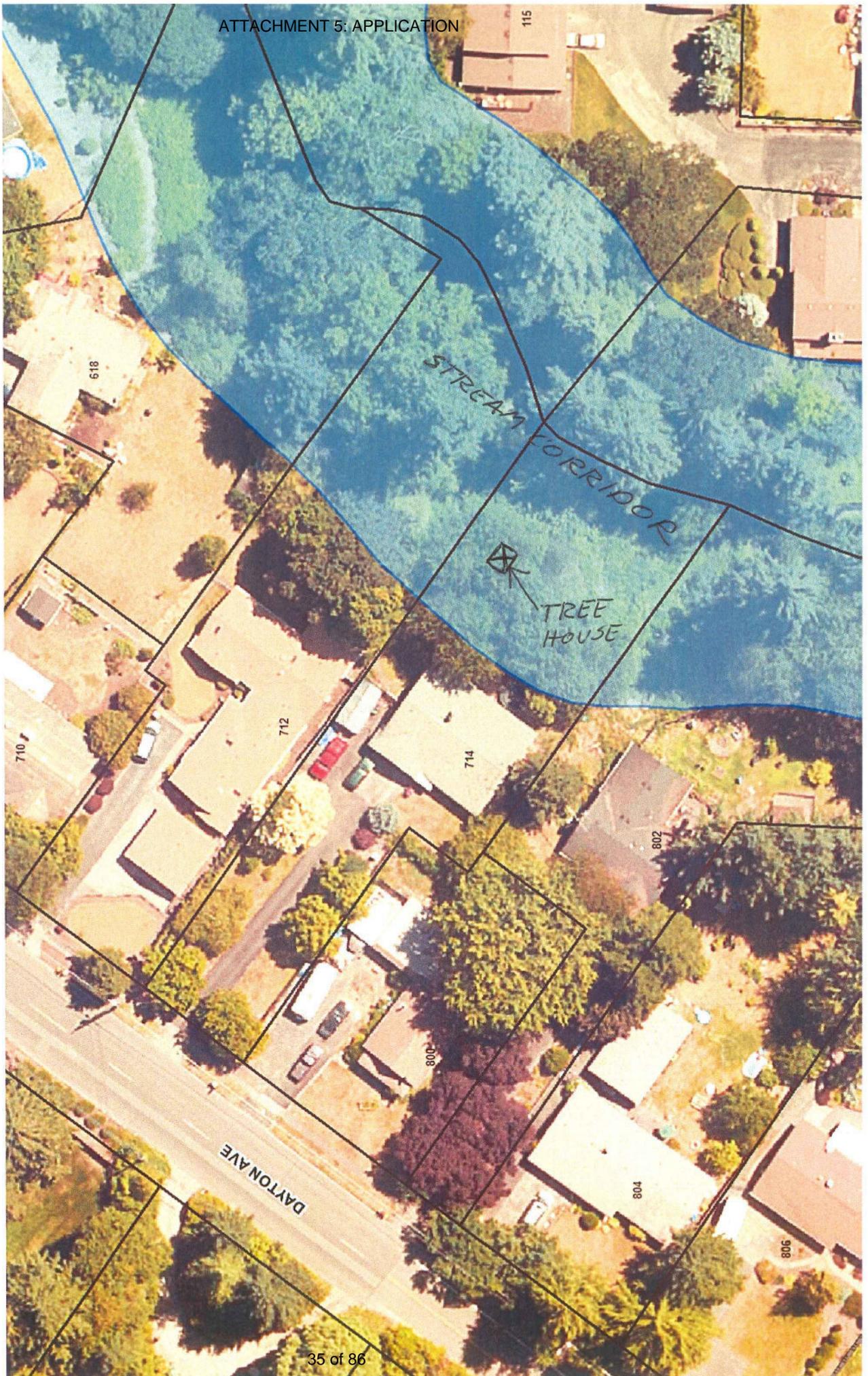
1. EROSION POTENTIAL	H	slopes > 20%
2. WILDLIFE HABITAT	M	seasonal water, woody debris, trees & shrubs
3. RIPARIAN WQ PROTECTION	M	south & east bank protected, ivy limits organic duff
4. FLOOD PLAIN WQ PROTECTION	M	limited flood plain except = 50 ft at mouth
5. NATURAL CONDITION	L	surrounded by dense residential
6. ECOLOGICAL INTEGRITY	M-L	English ivy ubiquitous, canopy native in lower half

CONTRIBUTING FEATURES: ∅

IMPACTS: Urban surface runoff, sewer line; invasive species (dense patches of Himalayan blackberry & English ivy)

* major dominant

** L = Low, M = Moderate, H = High





ASSESSMENT & TAX
CARTOGRAPHY

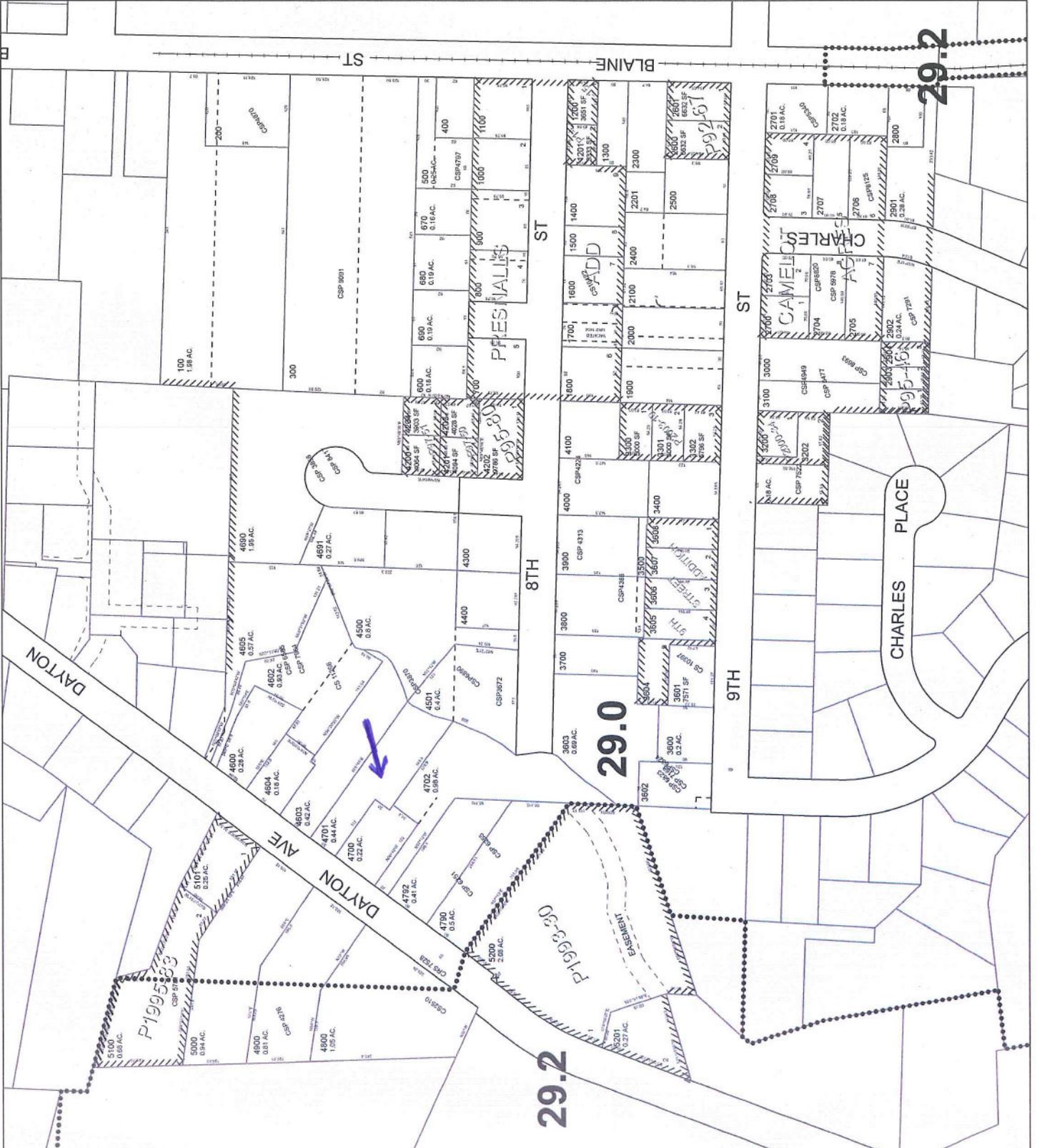
N.W. 1/4 S.E. 1/4 SEC. 19 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 100'

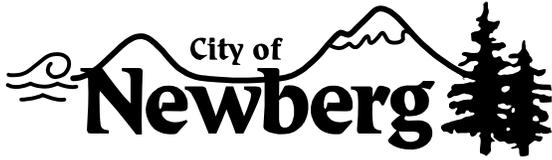
ATTACHMENT 5: APPLICATION

CANCELLED TAXLOTS:
4791
4792
3650
3651
2200
2202
2102
2103
871

DATE PRINTED: 11/12/2014

This product is for assessment and taxation (AST) purposes only and not be used for any other purpose, including but not limited to surveying or any purposes other than assessment and taxation.





Community Development Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT Planning Commission Guidelines and Rule Update

MEETING DATE: June 9, 2016

FILE NO: G-16-009

APPLICANT: Community Development Department

REQUEST: Amended guidelines and rules for the Planning Commission

ATTACHMENTS:

Planning Commission Resolution 2016-320
Exhibit "A" Planning Commission Guidelines and Rules

1. Track Changes version of Amendments to Guidelines and Rules

B. SUMMARY: The proposed amendment to the guidelines and rules would do the following:

1. Update all references of Planning Director to Community Development Director throughout the document.
2. Rule 2.9 Record of Proceedings – clarify that the Community Development Department will provide a recording secretary rather than the City Recorder.
3. Rule 5.1 Regular meetings – update the reference to the Newberg Municipal Code that establishes the frequency of Planning Commission meetings.
4. Rule 7.8 Written Testimony – updates the reference to the Community Development Department from the former Planning and Building Department.

C. BACKGROUND: The Planning Commission discussed and developed guidelines and rules for operation of the Commission in 2011 and were formally adopted by Resolution No. 2012-297 on January 12, 2012.

D. DISCUSSION:

Community Development Department staff has reviewed the Guidelines and Rules identifying amendments that need to occur to the document. The update is due to the changing of the Department's name from the Planning and Building Department to the Community Development Department in February 2015. Staff discussed the need for this housekeeping update with the Planning Commission Chair in May 2016 with guidance to

bring the proposal before the Commission in June 2016. As noted in the Summary section above the updates are straight forward in context. No changes to the Guidelines are proposed.

- E. PRELIMINARY STAFF RECOMMENDATION:** The preliminary staff recommendation may be modified subsequent to the close of the business item. At this writing, staff recommends the following motion:

Move to adopt Resolution 2016-320, which adopts the amended guidelines and rules.



PLANNING COMMISSION RESOLUTION 2016-320

A RESOLUTION AMENDING PLANNING COMMISSION GUIDELINES AND RULES

RECITALS

1. The Newberg Planning Commission adopted Guidelines and Rules by Resolution No. 2012-297 on January 12, 2012.
2. The Name of the Planning and Building Department was changed in February 2015 to the Community Development Department and the Planning and Building Director's title was changed to Community Development Director.
3. Rule 1.4 requires that amendments to the Planning Commission Rules will be by resolution.
4. The Newberg Planning Commission held a meeting on June 9, 2016, to consider the resolution amending the guidelines and rules.
5. The Commission finds that the guidelines and rules as amended will provide for effective operation of the Commission.

The Newberg Planning Commission resolves as follows:

1. The Commission hereby adopts the Planning Commission Guidelines and Rules as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 9th day of June, 2016.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Planning Commission Guidelines and Rules

Exhibit A

CITY OF NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES

**Adopted January 12, 2012
Amended June 9, 2016**

NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES

Newberg planning commission members will strive to:

- 1) Trust and respect the opinions of fellow commission members, staff, and the public and actively participate in the decisions of the planning commission.
- 2) Attend all planning commission meetings.
- 3) Notify the planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any personal conflict with a fellow planning commissioner prior to bringing the conflict to the attention of the planning commission.
- 5) Study material presented in a timely manner and be informed on the issues that come before the commission.
- 6) Follow the commission rules.

NEWBERG PLANNING COMMISSION MEETING EXPECTATIONS

Newberg planning commission members will:

- 1) Be courteous and respectful of citizens and create a welcoming environment that actively involves citizens in the governmental process.
- 2) Communicate in clear, concise and audible verbal and written communications.
- 3) Use a friendly and sincere tone of voice.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities, with non-commission members.
- 6) After an issue has been voted on, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the planning commission, even if their personal opinion differs from the planning commission's decision.
- 7) Vote on all motions before the commission, or explain the reasons for abstaining.

CITY OF NEWBERG PLANNING COMMISSION RULES

**Adopted January 12, 2012
Amended June 9, 2016**

TABLE OF CONTENTS

Table of Contents 5

SECTION 1 – AUTHORITY 7

 Rule 1.1 Authority of Rules..... 7

 Rule 1.2 Questions about these Rules 7

 Rule 1.3 Presentation of Rules to Planning Commission Members..... 7

 Rule 1.4 Amendments to Planning Commission Rules 7

SECTION 2 – GENERAL RULES 7

 Rule 2.1 Public Meetings Law 7

 Rule 2.2 Quorum 7

 Rule 2.3 Lack of Quorum..... 7

 Rule 2.4 Rules of Order..... 8

 Rule 2.5 Enforcement of Rules 8

 Rule 2.6 Suspension of Rules..... 8

 Rule 2.7 Commissioners Duties to Uphold Rules and Decorum 8

 Rule 2.8 Removal of Any Person for Violation of Rules 8

 Rule 2.9 Records of Proceedings..... 8

SECTION 3 – PLANNING COMMISSION MEMBERS 9

 Rule 3.1 Attendance 9

 Rule 3.2 Excused Absences..... 9

 Rule 3.3 Report of Absences 9

 Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission 9

 Rule 3.5 Student Planning Commissioner..... 9

 Rule 3.6 Planning Commissioner Training 9

SECTION 4 – PRESIDING OFFICER 10

 Rule 4.1 Chair..... 10

 Rule 4.2 Vice Chair 10

 Rule 4.3 Chair Pro Tem..... 10

 Rule 4.4 Election of Chair and Vice Chair..... 10

SECTION 5 – PLANNING COMMISSION MEETINGS 10

 Rule 5.1 Regular Meetings 10

 Rule 5.2 Meeting Times and Places 10

 Rule 5.3 Notice of Meeting 11

 Rule 5.4 Special Meetings..... 11

 Rule 5.5 Cancellation of Meeting..... 11

SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION 11

 Rule 6.1 Preparation of Agenda 11

 Rule 6.2 Non-Agenda Items 11

 Rule 6.3 Time for Submission of Items 11

 Rule 6.4 Staff Reports 11

 Rule 6.5 Agenda Availability 11

 Rule 6.6 Regular Meeting Agenda 12

 Rule 6.7 Consent Calendar 12

SECTION 7 – PROCEDURES AT MEETINGS..... 12

 Rule 7.1 Call to Order 12

 Rule 7.2 Public Comment on Non-Agenda Items 12

Rule 7.3	Legislative Public Hearings	13
Rule 7.4	Quasi-judicial Public Hearings	13
Rule 7.5	Public Comment Registration.....	13
Rule 7.6	Public Testimony	13
Rule 7.7	Time Limits for Testimony.....	13
Rule 7.8	Written Testimony	13
Rule 7.9	Ex parte Contact.....	14
Rule 7.10	Questions of Speakers.....	14
Rule 7.11	Order of Deliberation.....	14
Rule 7.12	Speaking and Addressing the Chair.....	14
Rule 7.13	Motions, Seconds, and Decisions by Unanimous Consent.....	14
Rule 7.14	Voting and Abstaining from Voting	14
Rule 7.15	Tabled Items.....	15
Rule 7.16	Reconsideration	15
SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION		15
Rule 8.1	Electronic Mail and Electronic Communication	15
Rule 8.2	Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items	15
SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL		15
Rule 9.1	Role of Planning Commission in Relation to the City Council	15
Rule 9.2	Joint Meetings with City Council or Other Boards	15
Rule 9.3	Planning Commission Presentations at City Council Work Sessions	16
Rule 9.4	Attendance at and Participation in City Council Meetings.....	16

Newberg Planning Commission Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

The planning commission will adopt commission rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. The rules are intended to serve as a guide for the planning commission. One of the goals of the planning commission is to work with the residents of Newberg and provide a positive atmosphere at planning commission meetings. These rules provide the basic outline required to work together. The commission may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Questions about these Rules

All questions regarding these rules will be resolved by majority vote of the commission.

Rule 1.3 Presentation of Rules to Planning Commission Members

These planning commission rules will be presented to all planning commission members at or before the time they take the oath of office.

Rule 1.4 Amendments to Planning Commission Rules

Amendments to these planning commission rules will be made by resolution.

SECTION 2 – GENERAL RULES

Rule 2.1 Public Meetings Law

All planning commission meetings will be held in accordance with the Oregon Public Meetings Law (“OPML”). The meetings of the commission, including regular meetings, special meetings, work sessions and emergency meetings are open to the public. The meetings are considered a limited public forum at which planning commission business is conducted in accordance with the agenda and rules of the planning commission. The chair, along with the commission, has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The planning commission has the right to require persons attending the meeting, addressing the commission or participating in the meeting to conform to the rules of the commission and directions of the chair.

Rule 2.2 Quorum

Section 2.15.280 of city’s municipal code provides that a majority of the voting members of the planning commission constitutes a quorum to conduct business.

Rule 2.3 Lack of Quorum

If there is a lack of quorum at any scheduled meeting, any hearings scheduled shall be continued to the next scheduled meeting of the commission by announcement to those present, or by posting notice of such continuance prominently at the meeting location.

Rule 2.4 Rules of Order

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern all planning commission proceedings unless they conflict with these rules. The chair will have the authority to appoint a parliamentarian for the commission. If there is no person appointed as parliamentarian or that person is absent, the city attorney or community development director will advise the chair concerning parliamentarian matters.

Rule 2.5 Enforcement of Rules

The chair will enforce the planning commission rules. In addition, the chair has the authority to preserve decorum and will determine all points of order, subject to the right of any planning commissioner to appeal to the commission. The chair will enforce order, prevent attacks on personalities or the impugning of members' motives, and keep those in debate to the question under discussion.

Rule 2.6 Suspension of Rules

The vote to suspend commission rules, including Robert's Rules of Order, requires a majority vote of those members of the planning commission who are present. If the motion is carried, the rules will be suspended for that item only.

Rule 2.7 Commissioners Duties to Uphold Rules and Decorum

Commissioners will preserve order and decorum during planning commission meetings, and will not by conversation or other action delay or interrupt the proceedings or refuse to obey the orders of the chair and commission rules. Commissioners will, when addressing staff or commissioners, confine themselves to questions or issues that are under discussion, will not engage in personal attacks, will not impugn the motives of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Commissioners will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in commission or at any city meetings.

Rule 2.8 Removal of Any Person for Violation of Rules

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the commissioners present. The community development director or chair may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the community development director or chair should fail to act, any commissioner may obtain the floor and move to require enforcement of this rule, upon an affirmative vote of the majority of the commissioners present, the police or administrative staff will be authorized to remove the person(s) as the chair so directs.

Rule 2.9 Records of Proceedings

The Community Development Department will provide a secretary for the commission who will keep a record of commission proceedings. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the Oregon Public Records and Meetings Law.

SECTION 3 – PLANNING COMMISSION MEMBERS

Rule 3.1 Attendance

It is the duty of each commissioner to attend all meetings of the planning commission unless excused. A member of the commission may be removed by the city council after hearing for misconduct or nonperformance of duty. Per Newberg Code 2.15.250(C), a member who is absent from two consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing.

Rule 3.2 Excused Absences

When a commissioner cannot attend a meeting, the member is to notify the community development director prior to the meeting. Absences will be considered excused when such notice is given. An absence will be considered unexcused if there is no notification of the absence prior to the meeting, unless otherwise determined by vote of the commission.

Rule 3.3 Report of Absences

The community development director will report to the city council any time a commissioner has four or more absences in a twelve-month period, along with the reasons for any excused absences. The community development director also will report to the city council any time a commissioner has two or more unexcused absences in a twelve-month period. The purpose of this notice is to inform the council of the member's attendance, and does not require any particular action by the council unless they so elect.

Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission

By code, the mayor serves as a non-voting ex-officio member of the planning commission. The mayor shall be invited to, but is not obligated to, attend all meetings and activities of the planning commission. When attending, the mayor shall sit with the commission.

When participating in legislative matters, the mayor shall be invited to participate in the discussion. The mayor shall recuse himself/herself from quasi-judicial matters that eventually may be before the council for decision. This is to avoid questions of ex parte contact or bias in the decision.

Rule 3.5 Student Planning Commissioner

The student planning commissioner is a high school student who applies for the position by filling out an application for the city committee and gives the City of Newberg a letter of recommendation from a teacher. The mayor selects an individual student and the city council approves the mayor's nomination. The student planning commissioner is expected to attend all planning commission meetings, unless excused by the planning commission. The student commissioner serves a one year term and is allowed and encouraged to participate in all planning commission events and activities except for voting. The chair shall seek the opinion of the student prior to any significant votes.

Rule 3.6 Planning Commissioner Training

The City shall offer training to planning commissioners to educate them in their duties. It shall be the duty of any newly appointed planning commissioner to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed planning commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months of the beginning of that person's appointed term. Planning commissioners are strongly

encouraged to attend training of some kind annually.

SECTION 4 – PRESIDING OFFICER

Rule 4.1 Chair

The chair will preside over and facilitate all planning commission meetings, preserve order, enforce commission rules, and determine the order of business pursuant to planning commission rules. The chair is a voting member of the commission and will sign all records of planning commission decisions.

Rule 4.2 Vice Chair

In the absence of the chair, or if the chair is unable to perform the chair's duties, the vice chair will act as the presiding officer. Whenever in these rules the chair is mentioned, the vice chair acting as presiding officer can exercise the same authority as the chair. The vice chair also assists the chair in his/her duties, such as keeping time, maintaining order, and determining order of speakers.

Rule 4.3 Chair Pro Tem

In the absence of the chair and vice chair at any meeting of the planning commission where a quorum is present, the planning commission members present shall appoint a chair pro tem who will act as presiding officer. The chair pro tem will exercise all the authority of the chair during that meeting.

Rule 4.4 Election of Chair and Vice Chair

At the first meeting of each year, or upon vacancy of the current chair or vice chair, the commission shall elect a chair and vice chair for the remainder of the calendar year. The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as vice-chair, and then the following year as chair. Newly appointed members will be placed at the bottom of the current rotation to allow them to serve a few years first as commissioner then later as chair and vice chair. In case multiple members are appointed at the same time, the commission will decide seniority by vote. The policy does not compel any member to serve as chair who is unwilling, nor does it compel election when the majority determines the commission would be better served by election of different officers. The commission shall consent to the election of each chair and vice chair and absent such consent, shall elect positions by majority vote.

SECTION 5 – PLANNING COMMISSION MEETINGS

Rule 5.1 Regular Meetings

Section 2.15.280 of city's municipal code provides that the planning commission must meet at least once a month at a time and place designated by the planning commission. The planning commission designates through these rules that the regular meetings of the commission will be held on the second Thursday of each month, except on holidays in which event the commission will meet on the second Wednesday. The commission also will meet on the fourth Thursday if business so requires.

Rule 5.2 Meeting Times and Places

The regular meetings of the commission will begin at 7:00 p.m. Regular planning commission meetings will take place in the Public Safety Building in the training room at 401 E. Third St., unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting. There will be no new items presented after 10:00 p.m. except by vote of the planning commission.

Rule 5.3 **Notice of Meeting**

The notice of the regular meeting of the planning commission, including the agenda which lists items to be considered by the planning commission, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the planning commission nor prevent the commission from taking up any matter brought before the commission in accordance with the OPML.

Rule 5.4 **Special Meetings**

The chair, upon the chair’s own motion and after consulting the community development director, may, or at the request of three members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

Rule 5.5 **Cancellation of Meeting**

Upon a majority vote of the planning commission members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the planning commission cannot attend and there is no urgent necessity to have the meeting, the community development director with advice and consent of the chair may cancel the meeting. Planning commission members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

**SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR
CONSIDERATION**

Rule 6.1 **Preparation of Agenda**

The community development director with the advice and consent of the chair will prepare the agenda along with appropriate documentation for planning commission meetings. Any member of the planning commission may request, through the chair, for a matter to be placed upon the agenda. Such request is subject to the advice of the community development director. Each meeting agenda’s format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the planning commission.

Rule 6.2 **Non-Agenda Items**

Prior to the meeting, the community development director may send out additions to the agenda with the appropriate documentation. The planning commission may consider the items which are not listed on the published agenda. The planning commission must, by a majority, place the item on the agenda. Action may then be taken on the item.

Rule 6.3 **Time for Submission of Items**

Items for the planning commission agenda will be submitted in time to allow for sufficient research by staff.

Rule 6.4 **Staff Reports**

Normally the staff will send a report of each planning commission item to be considered by the planning commission at least eight days prior to the commission meeting.

Rule 6.5 **Agenda Availability**

Planning commission agendas and the accompanying documents are available at the city planning

division office and are posted on the city website normally eight days prior to the planning commission meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the community development director or city staff prior to the meeting. The community development director and planning commission value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the planning commission meeting.

Rule 6.6 Regular Meeting Agenda

The regular meeting agenda will be as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office (if needed)
- III. Roll Call
- IV. Public Comment (30 minutes maximum which may be extended at the chair’s discretion; an opportunity to speak for not more than five minutes per speaker allowed)
- V. Consent Calendar
- VI. Public Hearings
- VII. Continued Business
- VIII. New Business
- IX. Items from Staff
- X. Items from Commissioners
- XI. Adjournment

At the chair’s discretion, the chair may change the order of the agenda and allow communications concerning items on the agenda or other commission business.

Rule 6.7 Consent Calendar

The community development director will place items which have been previously reviewed by the planning commission or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the chair or by request of a planning commission member. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Call to Order

The chair will call the planning commission members to order at the hour designated for the meeting. The secretary will call roll. Should there not be a quorum within 15 minutes, the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the planning commission or to the next regular meeting time.

Rule 7.2 Public Comment on Non-Agenda Items

Persons speaking to the planning commission concerning items not on the agenda or items that are on the consent calendar would speak under the public comment period. Those persons will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair. The maximum time allowed for public comment, including all speakers, is 30 minutes. The chair has the discretion to extend these time limits. Speakers may address the planning commission for less than their allotted time. Speakers may also submit information at the meeting. The commission normally will

not take immediate action on any request raised, but may consider acting on a request during items from commissioners.

Rule 7.3 Legislative Public Hearings

For legislative hearings, the commission will follow the legislative hearing format shown in Exhibit “1”. The planning commission’s legislative authority is usually exercised by the adoption of a resolution.

Rule 7.4 Quasi-judicial Public Hearings

For quasi-judicial hearing, the commission will follow the quasi-judicial hearing format shown in Exhibit “2”. The planning commission’s quasi-judicial authority is usually exercised by adoption of an order when the commission is the final decision maker, and by adoption of a resolution when the commission is a recommending body only.

Rule 7.5 Public Comment Registration

In order to properly notify persons who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the planning commission meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request. When the interested person addresses the commission or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the planning commission. The community development director may produce and revise the necessary form that complies with this rule.

Rule 7.6 Public Testimony

Each interested person addressing the commission should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the commission rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the planning commission.

Rule 7.7 Time Limits for Testimony

The principal applicant for a proposal will be allotted 15 minutes for an initial presentation. Prior to the meeting the applicant may petition the planning director for additional time for the initial presentation, not to exceed 30 minutes.

A principal opponent, if any, will be allotted time in the same manner as the principal applicant.

All other speakers will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair.

The chair has the discretion to extend these time limits.

Rule 7.8 Written Testimony

In order to be considered at a hearing, written testimony must be received at the Community Development Department by noon on the third business day (typically Monday) prior to any meeting. Written testimony received after that date will be read out loud at the meeting, subject to time limits for

speakers, and will be included in the record if there are future proceedings.

Rule 7.9 Ex parte Contact

Whenever the planning commission conducts a quasi-judicial public hearing, the planning commission must declare any ex parte contact. Rules concerning ex parte contact are set forth in state law.

Commissioners may visit a site individually prior to hearing an application, and shall declare the substance of that visit as ex parte contact. Otherwise, planning commissioners should avoid ex parte contacts.

Rule 7.10 Questions of Speakers

Commissioners may ask questions of speakers following their testimony. Such questions should be directed to elicit information that will help the commission reach a decision. Commissioners should avoid debating or arguing with speakers.

Rule 7.11 Order of Deliberation

The commission's deliberation on an agenda item may begin with a formal motion, or an informal discussion. If the informal discussion is not leading toward a decision, the chair shall call for a formal motion.

The chair shall determine the order of speakers to a motion. Except as otherwise determined by the chair, the maker of the motion will speak first to the motion, followed by the second, and then by other commissioners in the order they request to speak.

Rule 7.12 Speaking and Addressing the Chair

When any commissioner is about to speak in debate or deliver any matter to the planning commission, that commissioner should respectfully address the chair, and be given the floor before speaking. The commissioner should confine the remarks to the question under consideration.

The commissioner should use electronic speaking equipment provided to insure his or her comments are recorded.

Rule 7.13 Motions, Seconds, and Decisions by Unanimous Consent

Generally, no motion will be considered unless it has been seconded. However, routine motions that have the general consent of the planning commission do not require a second, unless requested by any member of the planning commission. Motions brought forth by the chair, which receive no seconds, but also no objections, will be passed by unanimous consent.

Rule 7.14 Voting and Abstaining from Voting

Commissioners shall vote on each motion brought before the commission, or shall explain the reason for abstaining.

Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration. A commissioner in the lobby will continue to be counted in the quorum. Commissioners may not provide testimony before the commission on any matter from which they abstain, but may designate a representative to speak to their interests.

Rule 7.15 Tabled Items

Items that are tabled may be taken from table by majority vote any time during the calendar year, but no later. Items may be postponed to a time certain, including to a following year.

Rule 7.16 Reconsideration

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next meeting only. For quasi-judicial matters, a motion for reconsideration at the next meeting only may be made upon request of the applicant, having waived rights to the time limits for decisions, and only to correct any technical issue in a decision and not to reverse a decision or decide again any substantive issue.

SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION

Rule 8.1 Electronic Mail and Electronic Communication

E-mail or other forms of electronic communication may be used to schedule meetings, send informative messages, or request information from other planning commissioners or the community development director, except as limited by these rules or other applicable law. E-mail or other electronic communication may not be used to discuss policy issues with a quorum of the planning commission at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML. All planning commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

Rule 8.2 Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items

Commissioners shall refrain from sending electronic communication regarding the substance of any quasi-judicial item. If commissioners receive e-mail or electronic communication concerning the substance of any quasi-judicial item, they shall forward the communication to the community development director. As such information may be ex parte contact, commissioners shall avoid reading such communication outside the period the record is open for written comment. If reading such items is unavoidable, the commissioner shall declare the ex parte contact.

SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL

Rule 9.1 Role of Planning Commission in Relation to the City Council

Members of the planning commission are appointed by the mayor with consent of the city council. The mayor and council appoint them to provide study and perspective on issues beyond what the council can provide. Commissioners provide the highest value providing independent recommendations and not anticipating or mimicking what they feel the council’s decision on a matter would be.

After the city council has voted on an issue that previously has been before the planning commission, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the city council, even if the their personal opinions or the commission’s decisions differ from the city council’s decision.

Rule 9.2 Joint Meetings with City Council or Other Boards

The commission should periodically hold joint meetings with the city council to share directly information and perspectives regarding particular issues. The mayor shall preside at such joint meetings.

The commission also may have joint meetings with other boards or commissions, such as the traffic safety commission. The chairs of the boards shall determine the agenda and the manner of facilitating the meeting.

Rule 9.3 Planning Commission Presentations at City Council Work Sessions

The city council has established a work session before council meetings, and has invited the planning commission to make presentations on any matter during that meeting. The commission may appear as a whole, the chair or vice-chair may represent the commission, or the commission may appoint one or more members to represent the commission to the council. The planning commission chair shall notify the mayor as far in advance as possible and at least one week in advance of the meeting if the commission wishes to make use of this time

Rule 9.4 Attendance at and Participation in City Council Meetings

In legislative matters, after the planning commission has taken action on an item, the mayor or city manager may request that the chair or chair's designee attend a city council meeting to report the commission's recommendation. The planning commission also may appoint a representative to attend the city council meeting and convey the commission's recommendation.

On quasi-judicial items, the planning commission's report to the council consists of their written decision, findings and the record. Commission members do not speak at the council meeting unless requested by the city council or mayor.

Otherwise, planning commissioners may attend any meeting of the city council. They may speak to the council for themselves as a citizen on any item.

OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 5. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT REBUTTAL
- 6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 7. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 8. PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
- 9. ACTION BY THE PLANNING COMMISSION**
 - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the council.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

Attachment 1

CITY OF NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES

Adopted January 12, 2012

Amended June 9, 2016

NEWBERG PLANNING COMMISSION PARTICIPATION GUIDELINES

Newberg planning commission members will strive to:

- 1) Trust and respect the opinions of fellow commission members, staff, and the public and actively participate in the decisions of the planning commission.
- 2) Attend all planning commission meetings.
- 3) Notify the planning staff of an absence as soon as practical prior to the meeting time.
- 4) Make every attempt to resolve any personal conflict with a fellow planning commissioner prior to bringing the conflict to the attention of the planning commission.
- 5) Study material presented in a timely manner and be informed on the issues that come before the commission.
- 6) Follow the commission rules.

NEWBERG PLANNING COMMISSION MEETING EXPECTATIONS

Newberg planning commission members will:

- 1) Be courteous and respectful of citizens and create a welcoming environment that actively involves citizens in the governmental process.
- 2) Communicate in clear, concise and audible verbal and written communications.
- 3) Use a friendly and sincere tone of voice.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities, with non-commission members.
- 6) After an issue has been voted on, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the planning commission, even if their personal opinion differs from the planning commission's decision.
- 7) Vote on all motions before the commission, or explain the reasons for abstaining.

CITY OF NEWBERG PLANNING COMMISSION RULES

Adopted January 12, 2012
Amended June 9, 2016

TABLE OF CONTENTS

Table of Contents 5

SECTION 1 – AUTHORITY 7

 Rule 1.1 Authority of Rules..... 7

 Rule 1.2 Questions about these Rules 7

 Rule 1.3 Presentation of Rules to Planning Commission Members..... 7

 Rule 1.4 Amendments to Planning Commission Rules 7

SECTION 2 – GENERAL RULES 7

 Rule 2.1 Public Meetings Law 7

 Rule 2.2 Quorum 7

 Rule 2.3 Lack of Quorum..... 7

 Rule 2.4 Rules of Order..... 8

 Rule 2.5 Enforcement of Rules 8

 Rule 2.6 Suspension of Rules 8

 Rule 2.7 Commissioners Duties to Uphold Rules and Decorum 8

 Rule 2.8 Removal of Any Person for Violation of Rules..... 8

 Rule 2.9 Records of Proceedings..... 8

SECTION 3 – PLANNING COMMISSION MEMBERS 9

 Rule 3.1 Attendance 9

 Rule 3.2 Excused Absences..... 9

 Rule 3.3 Report of Absences 9

 Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission 9

 Rule 3.5 Student Planning Commissioner..... 9

 Rule 3.6 Planning Commissioner Training 9

SECTION 4 – PRESIDING OFFICER 11+0

 Rule 4.1 Chair..... 11+0

 Rule 4.2 Vice Chair 11+0

 Rule 4.3 Chair Pro Tem..... 11+0

 Rule 4.4 Election of Chair and Vice Chair..... 11+0

SECTION 5 – PLANNING COMMISSION MEETINGS 12+1

 Rule 5.1 Regular Meetings 12+1

 Rule 5.2 Meeting Times and Places 12+1

 Rule 5.3 Notice of Meeting 12+1

 Rule 5.4 Special Meetings..... 12+1

 Rule 5.5 Cancellation of Meeting..... 12+1

SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION 12+1

 Rule 6.1 Preparation of Agenda 12+1

 Rule 6.2 Non-Agenda Items 13+2

 Rule 6.3 Time for Submission of Items 13+2

 Rule 6.4 Staff Reports 13+2

 Rule 6.5 Agenda Availability 13+2

 Rule 6.6 Regular Meeting Agenda 13+2

 Rule 6.7 Consent Calendar 13+2

SECTION 7 – PROCEDURES AT MEETINGS 15+3

 Rule 7.1 Call to Order 15+3

Formatted: Font: Times New Roman, 12 pt, Check spelling and grammar

Formatted: Normal

Rule 7.2	Public Comment on Non-Agenda Items	15+3
Rule 7.3	Legislative Public Hearings	15+3
Rule 7.4	Quasi-judicial Public Hearings	15+3
Rule 7.5	Public Comment Registration	15+3
Rule 7.6	Public Testimony	15+3
Rule 7.7	Time Limits for Testimony	16+4
Rule 7.8	Written Testimony	16+4
Rule 7.9	Ex parte Contact.....	16+4
Rule 7.10	Questions of Speakers.....	16+4
Rule 7.11	Order of Deliberation.....	16+4
Rule 7.12	Speaking and Addressing the Chair.....	16+4
Rule 7.13	Motions, Seconds, and Decisions by Unanimous Consent.....	17+5
Rule 7.14	Voting and Abstaining from Voting	17+5
Rule 7.15	Tabled Items.....	17+5
Rule 7.16	Reconsideration	17+5
SECTION 8	– ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION	17+5
Rule 8.1	Electronic Mail and Electronic Communication	17+5
Rule 8.2	Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items	17+5
SECTION 9	- RELATIONSHIP WITH THE CITY COUNCIL	18+6
Rule 9.1	Role of Planning Commission in Relation to the City Council	18+6
Rule 9.2	Joint Meetings with City Council or Other Boards	18+6
Rule 9.3	Planning Commission Presentations at City Council Work Sessions	18+6
Rule 9.4	Attendance at and Participation in City Council Meetings.....	18+6

Newberg Planning Commission Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

The planning commission will adopt commission rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. The rules are intended to serve as a guide for the planning commission. One of the goals of the planning commission is to work with the residents of Newberg and provide a positive atmosphere at planning commission meetings. These rules provide the basic outline required to work together. The commission may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Questions about these Rules

All questions regarding these rules will be resolved by majority vote of the commission.

Rule 1.3 Presentation of Rules to Planning Commission Members

These planning commission rules will be presented to all planning commission members at or before the time they take the oath of office.

Rule 1.4 Amendments to Planning Commission Rules

Amendments to these planning commission rules will be made by resolution.

SECTION 2 – GENERAL RULES

Rule 2.1 Public Meetings Law

All planning commission meetings will be held in accordance with the Oregon Public Meetings Law (“OPML”). The meetings of the commission, including regular meetings, special meetings, work sessions and emergency meetings are open to the public. The meetings are considered a limited public forum at which planning commission business is conducted in accordance with the agenda and rules of the planning commission. The chair, along with the commission, has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The planning commission has the right to require persons attending the meeting, addressing the commission or participating in the meeting to conform to the rules of the commission and directions of the chair.

Rule 2.2 Quorum

Section 2.15.280 of city’s municipal code provides that a majority of the voting members of the planning commission constitutes a quorum to conduct business.

Rule 2.3 Lack of Quorum

If there is a lack of quorum at any scheduled meeting, any hearings scheduled shall be continued to the next scheduled meeting of the commission by announcement to those present, or by posting notice of such continuance prominently at the meeting location.

Rule 2.4 Rules of Order

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern all planning commission proceedings unless they conflict with these rules. The chair will have the authority to appoint a parliamentarian for the commission. If there is no person appointed as parliamentarian or that person is absent, the city attorney or ~~community development~~~~planning~~ director will advise the chair concerning parliamentary matters.

Rule 2.5 Enforcement of Rules

The chair will enforce the planning commission rules. In addition, the chair has the authority to preserve decorum and will determine all points of order, subject to the right of any planning commissioner to appeal to the commission. The chair will enforce order, prevent attacks on personalities or the impugning of members' motives, and keep those in debate to the question under discussion.

Rule 2.6 Suspension of Rules

The vote to suspend commission rules, including Robert's Rules of Order, requires a majority vote of those members of the planning commission who are present. If the motion is carried, the rules will be suspended for that item only.

Rule 2.7 Commissioners Duties to Uphold Rules and Decorum

Commissioners will preserve order and decorum during planning commission meetings, and will not by conversation or other action delay or interrupt the proceedings or refuse to obey the orders of the chair and commission rules. Commissioners will, when addressing staff or commissioners, confine themselves to questions or issues that are under discussion, will not engage in personal attacks, will not impugn the motives of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Commissioners will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in commission or at any city meetings.

Rule 2.8 Removal of Any Person for Violation of Rules

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the commissioners present. The ~~community development~~~~planning~~ director or chair may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the ~~community development~~~~planning~~ director or chair should fail to act, any commissioner may obtain the floor and move to require enforcement of this rule, upon an affirmative vote of the majority of the commissioners present, the police or administrative staff will be authorized to remove the person(s) as the chair so directs.

Rule 2.9 Records of Proceedings

The ~~Community Development Department~~~~city recorder~~ will provide a secretary for the commission who will keep a record of commission proceedings. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the Oregon Public Records and Meetings Law.

SECTION 3 – PLANNING COMMISSION MEMBERS

Rule 3.1 Attendance

It is the duty of each commissioner to attend all meetings of the planning commission unless excused. A member of the commission may be removed by the city council after hearing for misconduct or nonperformance of duty. Per Newberg Code 2.15.250(C), a member who is absent from two consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing.

Rule 3.2 Excused Absences

When a commissioner cannot attend a meeting, the member is to notify the [community development planning](#) director prior to the meeting. Absences will be considered excused when such notice is given. An absence will be considered unexcused if there is no notification of the absence prior to the meeting, unless otherwise determined by vote of the commission.

Rule 3.3 Report of Absences

The [community development planning](#) director will report to the city council any time a commissioner has four or more absences in a twelve-month period, along with the reasons for any excused absences. The [community development planning](#) director also will report to the city council any time a commissioner has two or more unexcused absences in a twelve-month period. The purpose of this notice is to inform the council of the member's attendance, and does not require any particular action by the council unless they so elect.

Rule 3.4 Mayor as Ex-Officio Member of the Planning Commission

By code, the mayor serves as a non-voting ex-officio member of the planning commission. The mayor shall be invited to, but is not obligated to, attend all meetings and activities of the planning commission. When attending, the mayor shall sit with the commission.

When participating in legislative matters, the mayor shall be invited to participate in the discussion. The mayor shall recuse himself/herself from quasi-judicial matters that eventually may be before the council for decision. This is to avoid questions of ex parte contact or bias in the decision.

Rule 3.5 Student Planning Commissioner

The student planning commissioner is a high school student who applies for the position by filling out an application for the city committee and gives the City of Newberg a letter of recommendation from a teacher. The mayor selects an individual student and the city council approves the mayor's nomination. The student planning commissioner is expected to attend all planning commission meetings, unless excused by the planning commission. The student commissioner serves a one year term and is allowed and encouraged to participate in all planning commission events and activities except for voting. The chair shall seek the opinion of the student prior to any significant votes.

Rule 3.6 Planning Commissioner Training

The City shall offer training to planning commissioners to educate them in their duties. It shall be the duty of any newly appointed planning commissioner to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed planning commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months of the beginning of that person's appointed term. Planning commissioners are strongly

| encouraged to attend training of some kind annually.

SECTION 4 – PRESIDING OFFICER

Rule 4.1 Chair

The chair will preside over and facilitate all planning commission meetings, preserve order, enforce commission rules, and determine the order of business pursuant to planning commission rules. The chair is a voting member of the commission and will sign all records of planning commission decisions.

Rule 4.2 Vice Chair

In the absence of the chair, or if the chair is unable to perform the chair's duties, the vice chair will act as the presiding officer. Whenever in these rules the chair is mentioned, the vice chair acting as presiding officer can exercise the same authority as the chair. The vice chair also assists the chair in his/her duties, such as keeping time, maintaining order, and determining order of speakers.

Rule 4.3 Chair Pro Tem

In the absence of the chair and vice chair at any meeting of the planning commission where a quorum is present, the planning commission members present shall appoint a chair pro tem who will act as presiding officer. The chair pro tem will exercise all the authority of the chair during that meeting.

Rule 4.4 Election of Chair and Vice Chair

At the first meeting of each year, or upon vacancy of the current chair or vice chair, the commission shall elect a chair and vice chair for the remainder of the calendar year. The commission's policy is to rotate the positions by seniority in such a fashion that each member has the opportunity to serve first as vice-chair, and then the following year as chair. Newly appointed members will be placed at the bottom of the current rotation to allow them to serve a few years first as commissioner then later as chair and vice chair. In case multiple members are appointed at the same time, the commission will decide seniority by vote. The policy does not compel any member to serve as chair who is unwilling, nor does it compel election when the majority determines the commission would be better served by election of different officers. The commission shall consent to the election of each chair and vice chair and absent such consent, shall elect positions by majority vote.

SECTION 5 – PLANNING COMMISSION MEETINGS

Rule 5.1 Regular Meetings

~~Section 2.15.280 of city's municipal code Section 12 of the city charter~~ provides that the planning commission must meet at least once a month at a time and place designated by the planning commission. The planning commission designates through these rules that the regular meetings of the commission will be held on the second Thursday of each month, except on holidays in which event the commission will meet on the second Wednesday. The commission also will meet on the fourth Thursday if business so requires.

Formatted: Font: (Default) Times New Roman

Rule 5.2 Meeting Times and Places

The regular meetings of the commission will begin at 7:00 p.m. Regular planning commission meetings will take place in the Public Safety Building in the training room at 401 E. Third St., unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting. There will be no new items presented after 10:00 p.m. except by vote of the planning commission.

Rule 5.3 Notice of Meeting

The notice of the regular meeting of the planning commission, including the agenda which lists items to be considered by the planning commission, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the planning commission nor prevent the commission from taking up any matter brought before the commission in accordance with the OPML.

Rule 5.4 Special Meetings

The chair, upon the chair's own motion and after consulting the ~~community development~~planning director, may, or at the request of three members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

Rule 5.5 Cancellation of Meeting

Upon a majority vote of the planning commission members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the planning commission cannot attend and there is no urgent necessity to have the meeting, the ~~community development~~planning director with advice and consent of the chair may cancel the meeting. Planning commission members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

SECTION 6 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 6.1 Preparation of Agenda

The ~~community development~~planning director with the advice and consent of the chair will prepare the agenda along with appropriate documentation for planning commission meetings. Any member of the planning commission may request, through the chair, for a matter to be placed upon the agenda. Such request is subject to the advice of the ~~community development~~planning director. Each meeting agenda's format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered

accordingly. The final authority on the agenda matters is the planning commission.

Rule 6.2 Non-Agenda Items

Prior to the meeting, the [community developmentplanning](#) director may send out additions to the agenda with the appropriate documentation. The planning commission may consider the items which are not listed on the published agenda. The planning commission must, by a majority, place the item on the agenda. Action may then be taken on the item.

Rule 6.3 Time for Submission of Items

Items for the planning commission agenda will be submitted in time to allow for sufficient research by staff.

Rule 6.4 Staff Reports

Normally the staff will send a report of each planning commission item to be considered by the planning commission at least eight days prior to the commission meeting.

Rule 6.5 Agenda Availability

Planning commission agendas and the accompanying documents are available at the city planning [division](#) office and are posted on the city website normally eight days prior to the planning commission meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the [community developmentplanning](#) director or city staff prior to the meeting. The [community developmentplanning](#) director and planning commission value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the planning commission meeting.

Rule 6.6 Regular Meeting Agenda

The regular meeting agenda will be as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office (if needed)
- III. Roll Call
- IV. Public Comment (30 minutes maximum which may be extended at the chair’s discretion; an opportunity to speak for not more than five minutes per speaker allowed)
- V. Consent Calendar
- VI. Public Hearings
- VII. Continued Business
- VIII. New Business
- IX. Items from Staff
- X. Items from Commissioners
- XI. Adjournment

At the chair’s discretion, the chair may change the order of the agenda and allow communications concerning items on the agenda or other commission business.

Rule 6.7 Consent Calendar

The [community development](#) director will place items which have been previously reviewed by the planning commission or items which are routine in nature on the consent calendar. Items may be

removed from the consent calendar by the chair or by request of a planning commission member. Public comments will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Call to Order

The chair will call the planning commission members to order at the hour designated for the meeting. The secretary will call roll. Should there not be a quorum within 15 minutes, the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the planning commission or to the next regular meeting time.

Rule 7.2 Public Comment on Non-Agenda Items

Persons speaking to the planning commission concerning items not on the agenda or items that are on the consent calendar would speak under the public comment period. Those persons will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair. The maximum time allowed for public comment, including all speakers, is 30 minutes. The chair has the discretion to extend these time limits. Speakers may address the planning commission for less than their allotted time. Speakers may also submit information at the meeting. The commission normally will not take immediate action on any request raised, but may consider acting on a request during items from commissioners.

Rule 7.3 Legislative Public Hearings

For legislative hearings, the commission will follow the legislative hearing format shown in Exhibit “1”. The planning commission’s legislative authority is usually exercised by the adoption of a resolution.

Rule 7.4 Quasi-judicial Public Hearings

For quasi-judicial hearing, the commission will follow the quasi-judicial hearing format shown in Exhibit “2”. The planning commission’s quasi-judicial authority is usually exercised by adoption of an order when the commission is the final decision maker, and by adoption of a resolution when the commission is a recommending body only.

Rule 7.5 Public Comment Registration

In order to properly notify persons who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the planning commission meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request. When the interested person addresses the commission or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the planning commission. The [community development planning](#) director may produce and revise the necessary form that complies with this rule.

Rule 7.6 Public Testimony

Each interested person addressing the commission should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the commission rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the planning commission.

Rule 7.7 Time Limits for Testimony

The principal applicant for a proposal will be allotted 15 minutes for an initial presentation. Prior to the meeting the applicant may petition the planning director for additional time for the initial presentation, not to exceed 30 minutes.

A principal opponent, if any, will be allotted time in the same manner as the principal applicant.

All other speakers will be given the opportunity to speak for up to five minutes. Speakers may share their time at the discretion of the chair.

The chair has the discretion to extend these time limits.

Rule 7.8 Written Testimony

In order to be considered at a hearing, written testimony must be received at the [Community Development Planning and Building](#) Department by noon on the third business day (typically Monday) prior to any meeting. Written testimony received after that date will be read out loud at the meeting, subject to time limits for speakers, and will be included in the record if there are future proceedings.

Rule 7.9 Ex parte Contact

Whenever the planning commission conducts a quasi-judicial public hearing, the planning commission must declare any ex parte contact. Rules concerning ex parte contact are set forth in state law.

Commissioners may visit a site individually prior to hearing an application, and shall declare the substance of that visit as ex parte contact. Otherwise, planning commissioners should avoid ex parte contacts.

Rule 7.10 Questions of Speakers

Commissioners may ask questions of speakers following their testimony. Such questions should be directed to elicit information that will help the commission reach a decision. Commissioners should avoid debating or arguing with speakers.

Rule 7.11 Order of Deliberation

The commission's deliberation on an agenda item may begin with a formal motion, or an informal discussion. If the informal discussion is not leading toward a decision, the chair shall call for a formal motion.

The chair shall determine the order of speakers to a motion. Except as otherwise determined by the chair, the maker of the motion will speak first to the motion, followed by the second, and then by other commissioners in the order they request to speak.

Rule 7.12 Speaking and Addressing the Chair

When any commissioner is about to speak in debate or deliver any matter to the planning commission, that commissioner should respectfully address the chair, and be given the floor before speaking. The commissioner should confine the remarks to the question under consideration.

The commissioner should use electronic speaking equipment provided to insure his or her comments are recorded.

Rule 7.13 Motions, Seconds, and Decisions by Unanimous Consent

Generally, no motion will be considered unless it has been seconded. However, routine motions that have the general consent of the planning commission do not require a second, unless requested by any member of the planning commission. Motions brought forth by the chair, which receive no seconds, but also no objections, will be passed by unanimous consent.

Rule 7.14 Voting and Abstaining from Voting

Commissioners shall vote on each motion brought before the commission, or shall explain the reason for abstaining.

Commissioners who abstain from participating in a matter due to a conflict of interest shall retire to the lobby during the time the matter is under consideration. A commissioner in the lobby will continue to be counted in the quorum. Commissioners may not provide testimony before the commission on any matter from which they abstain, but may designate a representative to speak to their interests.

Rule 7.15 Tabled Items

Items that are tabled may be taken from table by majority vote any time during the calendar year, but no later. Items may be postponed to a time certain, including to a following year.

Rule 7.16 Reconsideration

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next meeting only. For quasi-judicial matters, a motion for reconsideration at the next meeting only may be made upon request of the applicant, having waived rights to the time limits for decisions, and only to correct any technical issue in a decision and not to reverse a decision or decide again any substantive issue.

SECTION 8 – ELECTRONIC MAIL AND ELECTRONIC COMMUNICATION

Rule 8.1 Electronic Mail and Electronic Communication

E-mail or other forms of electronic communication may be used to schedule meetings, send informative messages, or request information from other planning commissioners or the [community development planning](#) director, except as limited by these rules or other applicable law. E-mail or other electronic communication may not be used to discuss policy issues with a quorum of the planning commission at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML. All planning commission e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

Rule 8.2 Electronic Mail and Electronic Communication Regarding Quasi-Judicial Items

Commissioners shall refrain from sending electronic communication regarding the substance of any quasi-judicial item. If commissioners receive e-mail or electronic communication concerning the substance of any quasi-judicial item, they shall forward the communication to the [community development planning](#) director. As such information may be ex parte contact, commissioners shall avoid reading such communication outside the period the record is open for written comment. If reading such items is unavoidable, the commissioner shall declare the ex parte contact.

SECTION 9 - RELATIONSHIP WITH THE CITY COUNCIL

Rule 9.1 Role of Planning Commission in Relation to the City Council

Members of the planning commission are appointed by the mayor with consent of the city council. The mayor and council appoint them to provide study and perspective on issues beyond what the council can provide. Commissioners provide the highest value providing independent recommendations and not anticipating or mimicking what they feel the council's decision on a matter would be.

After the city council has voted on an issue that previously has been before the planning commission, commission members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the city council, even if their personal opinions or the commission's decisions differ from the city council's decision.

Rule 9.2 Joint Meetings with City Council or Other Boards

The commission should periodically hold joint meetings with the city council to share directly information and perspectives regarding particular issues. The mayor shall preside at such joint meetings.

The commission also may have joint meetings with other boards or commissions, such as the traffic safety commission. The chairs of the boards shall determine the agenda and the manner of facilitating the meeting.

Rule 9.3 Planning Commission Presentations at City Council Work Sessions

The city council has established a work session before council meetings, and has invited the planning commission to make presentations on any matter during that meeting. The commission may appear as a whole, the chair or vice-chair may represent the commission, or the commission may appoint one or more members to represent the commission to the council. The planning commission chair shall notify the mayor as far in advance as possible and at least one week in advance of the meeting if the commission wishes to make use of this time

Rule 9.4 Attendance at and Participation in City Council Meetings

In legislative matters, after the planning commission has taken action on an item, the mayor or city manager may request that the chair or chair's designee attend a city council meeting to report the commission's recommendation. The planning commission also may appoint a representative to attend the city council meeting and convey the commission's recommendation.

On quasi-judicial items, the planning commission's report to the council consists of their written decision, findings and the record. Commission members do not speak at the council meeting unless requested by the city council or mayor.

Otherwise, planning commissioners may attend any meeting of the city council. They may speak to the council for themselves as a citizen on any item.

**Exhibit “1”
To Planning Commission Rules**

OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

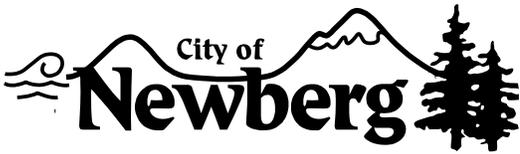
**Exhibit “2”
To Planning Commission Rules**

OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING

Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 5. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT REBUTTAL
- 6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 7. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 8. PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
- 9. ACTION BY THE PLANNING COMMISSION**
 - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the council.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

Formatted: Indent: Left: 0", First line: 0", Tab stops: Not at 0.5" + 1"



Community Development Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

MEMORANDUM

TO: Newberg Planning Commission
FROM: Doug Rux, Community Development Director
SUBJECT: Anticipated Schedule of Planning Commission Activities
DATE: June 9, 2016

To assist the Planning Commission in gauging activities for 2016, below is a preliminary schedule of actions.

June 9, 2016

- Stream Corridor Variance
- Planning Commission Guidelines and Rules Amendment

June 27, 2016

- City Council/Planning Commission Joint Work Session on Newberg Downtown Improvement Plan

July 14, 2016

- Transportation System Plan Update Workshop

August 11, 2016

- Thrift Shop Rezone/Comprehensive Plan Amendment/Property Line Adjustment (Tentative)
- Cell Tower – Illinois Street (Tentative)
- Marijuana Regulation Reconciliation
- Transportation System Plan Update (Tentative)

September 8, 2016

- TBD

October 13, 2016

- TBD

November 10, 2016

- Newberg Downtown Improvement Plan

December 8, 2016

- TBD

There are additional activities the Community Development Department may bring forward to the Planning Commission for consideration. Staff is looking at various updates and cleanup actions to the Development Code such as:

"Working Together For A Better Community-Serious About Service"

1. Urban Forestry program
2. Fences in Industrial zones
3. Parking for subdivisions/partitions/design review
4. C-3 zone – reduce front yard landscaping from 10 feet to 5 feet
5. Industrial outdoor storage
6. ADU – for R-2 and R-3
7. Downtown sign point system
8. Vacation home rentals
9. Roof top mechanical unit screening
10. Historic review process
11. Zoning Use Table
12. Undergrounding utilities
13. Driveway width
14. Home occupations
15. 15.405.030B – “The creation” ~~development~~ of lots under 15,000 sf.....
16. 15.302.010 – add R-4 to the list
17. Replace parking diagrams in 15.440.070 for readability
18. Replace airport overlay diagrams in back of Dev. Code for readability
19. Temporary Merchant standards

Doug Rux

From: Roger <rcurrier@hevanet.com>
Sent: Friday, May 27, 2016 11:06 AM
To: PLANNING
Cc: Sue Ryan; Main Contact Legal
Subject: Sub division with no Parking
Attachments: Ella Street Parking Violations 001.jpg; Ella Street Parking Violations 002.jpg; Ella Street Parking Violations 003.jpg; Ella Street Parking Violations 004.jpg; Ella Street Parking Violations 005.jpg

**Please forward to all members of the Planning Commission
And City Council**

I am submitting this as a subject for evidence to "maybe" consider changing our City Code?

This is because of the recently approved Housing project (somewhat contested) on Wynooski.

The attached Sub-Division on Ella St. (which is directly North of the ODOT building on College St. was approved back when I was on Council. I did not approve of it since the builder said NO ONE would be parking on the streets! All visitors would be parking over across by the old Allen Mfg. building and walking over! And yes it will be posted as well so there would not be a problem even for Fire!

As a follow up to this, I have observed cars parked there continually for all these years. I have followed up with a report to Code Enforcement to look at. His report was that he did contact the Developer and he placed new signs up on the street. But as you can see from these pictures that I took on 5-27-16 at 10: 45 AM it does not get followed! This is and has been an on going practice on this street; even though the signs and agreement as a subject to allow building was written in when passed.

So please look at the pictures and use as a subject of discussion for allowing these to be built.

The rules are never followed after the fact of passage!

*Thank You
Roger Currier
P.O.Box 45
504 Pinehurst Dr.
Newberg, Or.97132
503-538-9058 H*



**NO
PARKING**

**PRIVATE
ROAD**







NO
PARKING

PRIVATE
ROAD

Ella Pvt Ct

N COLLEGE ST



CHILD PLAY