PLANNING COMMISSION MINUTES
September 9, 2010
7 p.m. Regular Meeting
Newberg Public Safety Building,
401 E. Third Street

TO BE APPROVED AT THE OCTOBER 14, 2010 PLANNING COMMISSION MEETING

I. ROLL CALL

Present:
Thomas Barnes
Derek Duff (arrived 7:04 pm)
Matson Haug
Philip Smith, Vice Chair
Nick Tri, Chair
Lon Wall

Absent:
Cathy Stuhr, excused

Staff Present:
Barton Brierley, AICP; Planning & Building Director
Steve Olson, AICP; Associate Planner
Luke Pelz, AICP; Assistant Planner
Tami Bergeron, Recording Secretary

II. OPEN MEETING

Chair Tri opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Chair Tri entertained a motion to accept the minutes of the August 12, 2010 meeting.

MOTION #1: Wall/Haug to approve the minutes as presented from the Planning Commission Meeting of August 12, 2010. (5 Yes/ 0 No/ 2 Absent [Duff/Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Tri offered an opportunity for non-agenda items to be brought forth. Nothing was offered from the floor.

V. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: L. Johnson Furniture, Inc.
REQUEST: Designate the Johnson Furniture site as a local historic landmark on Newberg's historic resources inventory, and change the zoning designation of the property

from C-3 Central Business District to C-3/H Central Business District/Historic Landmark Sub-District.
LOCATION: 204, 206 and 208 E. 1st Street
TAX LOTS: 3219AB-10300, -10301, and -10400
FILE NO.: HISD-10-001 RESOLUTION NO.: 2010-283
CRITERIA: Newberg Development Code 151.491

Opening of the Hearing:
Chair Tri asked the Commissioners for any abstentions, conflicts of interest, or objections to jurisdiction. Lon Wall stated that he travels by the furniture store each day. Philip Smith said he purposely went by the store to review the signage and building in question. Thomas Barnes said he purchases furniture from the Johnson's Furniture store at that same location. Commissioners Wall, Smith and Barnes all stipulated that they could make an unbiased judgment in this matter. Chair Nick Tri read the state law requirements regarding quasi-judicial public hearings.

Luke Pelz gave the staff report (see official meeting packet for details). Luke showed photos and shared facts that illustrated the Johnson's Furniture Store is of similar historical value as other designated buildings in Newberg. Staff is recommending the site be designated as a local historic landmark and be included in Newberg's historic resources inventory. Staff also recommends that the Planning Commission adopt Resolution 2010-283 changing the zoning designation of the property from C-3 Central Business District to C-3/H Central Business District/Historic Landmark. The Commission had a few clarifying questions.

Public Testimony:
Chair Tri opened public testimony at 7:25 p.m.

Mike Gunn, the applicant's representative, summarized the proposal. He represented the Johnson Family in 1990s when the historic inventory concept was first being developed in Newberg. Mike Gunn stated that Johnson's reasons for requesting the change in designation as a historic property are two-fold. First, the Johnson's have witnessed that the historic landmark regulations are not excessively restrictive. Second, the Johnson family needs the designation as a historic building due to the change in the City's sign ordinance. Because they did not apply to allow the non-conforming sign to remain, they are left with few options. The options include: modify the sign, remove the sign, replace the sign, or request historic landmark designation. Mike Gunn further referred the commissioners to review the City's staff report, which shows how this site meets the historical building designation criteria.

Matson Haug asked if it were possible later, for historical buildings to be removed from the historical buildings inventory if desired. Mike Gunn stated that it is possible to remove the designation through a similar process.

Philip Smith thought it normal to have a property owner such as Johnson to have opted not to be included in the historical inventory at the beginning of the process. He asked Johnson or his consultant to speak to what items they feel were so onerous twenty years prior that are now otherwise. Mike Gunn stated that they felt the designation would add restrictions to the property that would prohibit changes and improvements that were needed. They now realize that the designation is not too restrictive.

Chair Nick Tri asked Mr. Johnson if he wanted to speak since he submitted a public comment form. Mr. Johnson declined.

Chair Tri closed public testimony at 7:42 pm and opened deliberation.

VOTE ON MOTION #2: Wall/Barnes moved to adopt Resolution 2010-283, a resolution recommending the City Council amend the Newberg Historic Resources Inventory to designate the Johnson Furniture site as a local historic landmark, and amend the Zoning Map from C-3 Central Business District to C-3/H Central Business District/Historic Landmark subdistrict at 204, 206, and 208 E. First Street, Tax Lots 3219AB-1030, -10301, and -10400 (6 Yes/ 0 No / 1 Absent [Stuhr]) Motion carried by audible vote confirmation.

VI. ITEMS FROM STAFF

1. Update on Council items:
   - Kale Rogers was appointed as new Student Planning Commissioner and will attend the October 14, 2010 meeting.
   - Terms expire at the end of this year: Thomas Barnes, Nick Tri, and Derek Duff have an opportunity to reapply for these positions if they desire.
   - City Council had a meeting on Tuesday night. They deliberated on the Fred Meyer gas station continuation. The application was unchanged from what had been presented to Planning Commission. The vote was four to three to overturn the Planning Commission decision and approve the application.
   - City Council also held a hearing on the Affordable Housing topic. They have not made any final decision and intend to hold deliberation at their October 18 meeting.
   - The Economic Opportunities Analysis was reviewed by the City Council. They recommended this go to the Land Use Board of Appeals for review.
   - The next City Council meeting is October 4, where they will review the Electronic Signs code amendment.
2. Other reports, letters, or correspondence:
   - None brought forward.
3. Next Planning Commission Meeting: October 14, 2010.

VII. ITEMS FROM COMMISSIONERS

Commissioner Lon Wall wanted to discuss criteria review. He stated that in the past, information has been in staff reports that had nothing to do with the application criteria. The staff report might be construed as prejudicial since it was offering information outside of the criteria. Barton Brierley said it is appropriate to include background information about a project; sometimes the information indirectly relates to the criteria. The commissioners asked whether questioning the staff report and discussing the information was appropriately when reviewing the criteria in question.

Matson Haug announced that upon the conclusion of tonight's meeting, he was resigning from the Planning Commission and the Citizen's Rate Review Committee. He will send a letter of resignation the following day to Mayor Bob Andrews and copy the Planning Commission members. Matson thanked the current commissioners for the opportunity to serve with them and thanked staff. Barton Brierley thanked Matson Haug for the many years of service he has offered the City of Newberg by serving on the Planning Commission.

VIII. ADJOURN

Chair Tri adjourned the meeting at 8:05 pm

Approved by the Planning Commission on this 14th day of October, 2010.

AYES: 6 **NO:** 0 **ABSENT:** 0 **ABSTAIN:** 0

Dawn Karen Bevill
Planning Recording Secretary

Nick Tri
Planning Commission Chair