

PLANNING COMMISSION MINUTES
June 9, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE JULY 14, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present:	Philip Smith, Chair	Thomas Barnes, Vice Chair
	Lon Wall	Allyn Edwards
	Art Smith	Gary Bliss
	Kale Rogers, Student PC	

Absent: Cathy Stuhr (excused)

Staff Present: Barton Brierley, Building & Planning Director
Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

II. OPEN MEETING:

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

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the May 12, 2011 meeting.

MOTION #1: Art Smith/Gary Bliss approve the minutes from the Planning Commission Meeting of May 12, 2011. (6Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

Barton Brierley introduced Elizabeth Fouch who is a student from George Fox University and also doing an internship with the City of Newberg Planning Division.

V. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT:	City of Newberg	
REQUEST:	Amend the Newberg Development Code requirements for signs in the Civic Corridor zoning overlay.	
LOCATION:	Civic Corridor overlay zone	
FILE NO.	DCA-10-001	RESOLUTION NO.: 2011-289
CRITERIA:	15.302.030(C)	

Opening of the Hearing:

Chair Smith opened the hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction to either of the two Legislative Public Hearings to be heard at this meeting. None were brought forward.

Steve Olson gave the staff report and PowerPoint presentation.

Summary:

The existing Civic Corridor sign code is too restrictive.

Some good signs that meet the intent of the Civic Corridor overlay can't be approved.

City Council Resolution 2011-2939 initiated a development code amendment process.

The Planning Commission held a workshop on this issue 4/14/11.

Tonight: Public hearing on proposed changes & PC recommendation

Next step: City Council public hearing (tent. 7/18/11)

Purpose of Civic Corridor overlay:

It was created in 2002 to emphasize the civic heart of the community, characterized by the Library and City Hall. The overlay has specific design standards for buildings and signs to ensure that new developments are consistent with local historic traditions

Mr. Olson explained the existing sign code and reviewed the existing signs in the Civic Corridor. He then explained the proposed changes to the design themes.

Proposed Changes:

Current: Signs must include at least 4 out of 6 possible design elements + meet C-3 standards.

Proposal: Simplify - require signs to meet at least one of the design themes + meet C-3 standards. The proposal simplifies the code, and allows the CCC sign to be approved. It sets clear standards for signs within the Civic Corridor, and keeps the requirement to meet C-3 standards.

Development Code Changes:

(E) *Signage standards.* In addition to the C-3 signage requirements of § 15.435.010 through §15.435.120, to encourage the historic character of the Civic Corridor as described in § 15.350.010, sign lettering within the Civic Corridor shall not exceed 12 inches in height, and signs shall include at least **one** of the following elements:

- (1) The sign includes a frame, background or lettering in copper, bronze or brass in natural finishes, comprising at least 5 percent of the sign face.
- (2) The sign is a freestanding brick monument sign.
- (3) The sign lettering is in a raised relief, and is constructed of either naturally-finished metal or white-painted wood (or material that appears to be wood).
- (4) The sign lettering is engraved in either metal or masonry.
- (5) The sign is attached to a mounting bracket and allowed to swing freely.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-289 recommending that the City Council adopt the proposed Development Code amendments to the Civic Corridor sign regulations.

The commissioners generally agreed with the proposed changes. They discussed the impact the code changes would have, and did not propose any specific changes to the code language.

MOTION #2: Wall/Barnes moved to approve Planning Commission Resolution No. 2011-289. (6 Yes/ 0 No/1 Absent [Stuhr]) Motion carried.

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code pertaining to batch annexation procedures.
LOCATION: Citywide
FILE NO: DCA-11-002 **RESOLUTION NO.:** 2011-291
CRITERIA: 15.302.030(C)

Staff Report: Barton Brierley gave the staff report and Powerpoint presentation.

Proposed Amendments:

Create a “batch” annexation process, where annexation of a group of small properties could be considered together.

Clarify procedures for legislative annexations.

Modify procedures for annexation of properties surrounded by the city (“island” annexations) to conform to recent changes in state law.

Allow legal non-conforming residential use of property to remain after annexation.

Purpose of Amendments:

Reduce costs for housing (and other uses).

Clarify annexation process when City is applicant.

Conform to state laws.

Batch Annexations:

Allows small annexations (< 3 buildable acres) to be grouped.

Annexation considered directly by City Council when in compliance with comprehensive plan.

Annexations go to vote under one ballot title.

Legislative Annexations:

For City Council initiated annexations

For example – health hazards, islands, street right-of-ways

Could include R-4, LIDs

“Application” requirements not imposed

Island Annexations:

State law requires residents in island get to vote

Annexation of residential property “delayed” for 3-10 years.

Annexation of Non-conforming residential uses:

Law currently requires removal of non-conforming uses within 1-10 years of annexation

Applies to residences also

Proposal would allow non-conforming residential uses to remain indefinitely

Staff Recommendation:

Staff recommends adoption of Resolution 2011-291, recommending the City Council adopt the proposed amendments

Questions:

Commissioner Barnes asked for clarification regarding the annexation process deadlines on the bottom of page 34(B) and on page 40 B (1). Barton Brierley explained the first one is for the regular annexation process and the second one would be for the batch annexation which is a shorter process.

Commissioner Wall asked for clarification regarding the proposed amendments on page 30 and Action 4.2E on page 31. Barton Brierley explained the action in 4.2E is from the Affordable Action Plan recommendation but this amendment does not propose any changes to the voter annexation requirements.

Commissioner Wall referred to the Legislative annexations on page 38 and stated the Planning Commission will lose some oversight on some annexations in the future. He referred to page 40, item B (4) and asked why, if the City Council can initiate the batch annexation at any time, set specific deadlines for applications? Barton Brierley explained the code will have specific times when annexations can be initiated, giving property owner’s specific times they can apply and have their proposal considered. This City Council could also allow a batch annexation at other times, such as on a special election.

Chair Smith asked if an acreage limit can be placed on it, either taking it to the Planning Commission or to the City Council. Barton Brierley does not see an issue in doing that.

Commissioner Wall agreed with a limit on total acreage as Chair Smith suggested and believes the non-residential should be left out of batch annexations.

MOTION #3: Barnes/Art Smith moved to approve Planning Commission Resolution No. 2011-291.

MOTION #4: Wall/Barnes to amend the motion as follows: Batch annexations apply to only residential; adding A (4) on page 39; residential properties only. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION #5: Bliss/Smith moved to amend with the addition of B (5), page 40; if the total acreage of the batch annexations exceeds 15 acres, it shall be referred to the Planning Commission for a hearing and recommendation. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

MOTION # 6: Barnes/ Wall moved to amend re-number the paragraphs section B on page 40 as follows: B (1) remains the same; B (3) will become B (2); B (4) will become B (3); and B(2) will become B (4). (5 Yes/ 1 No [Philip Smith])/ 1 Absent [Stuhr]) Motion carried.

Vote on Motion #3: (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VI. NEW BUSINESS:

REQUEST: Consider initiating a Development Code Amendment to increase the maximum lot coverage allowed in the R-1 zone from 30% to 40%.

FILE NO.: DCA-11-005 **RESOLUTION NO.:** 2011-292

Chair Smith stated he has had second thoughts regarding the procedure of this request at the last Planning Commission meeting. After talking to Mr. Brierley and Mayor Bob Andrews he believes he erred. As Planning Commission Chair, he cannot commit City resources just on his say-so alone, but instead should have stated it would be taken under advisement and then it could be voted upon during the Items from Commissioners or New Business section of the meeting as to whether or not the Planning Commission instructs City Staff to develop a resolution.

Barton Brierley gave the following background on the request:

Doug Lanz- Managing Partner for the Terrace Heights Subdivision and Northwest Classic Custom Homes, spoke.

Doug's concerns were about Newberg's lot coverage requirements. Due to 30% lot coverage regulations, the size of a ranch home is limited to around 1800sq ft (Including garage)

The biggest complaint he hears from potential buyers is the inability to build a big enough home. They want a 2200-2400sq ft home on one level.

He is asking for lot coverage to be increased to 40%.

The Planning Commission can initiate the amendment. If they so chose, staff will schedule a hearing at a later date (most likely around July 14th).

Definitions:

Lot Coverage- portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where 50% or more of the perimeter of such structure is open from grade

Parking Coverage- portion of a lot covered by parking lots, aisles, and access, and parking structures, where 50% or more of the perimeter of such structure is open on its sides

Mr. Brierley reviewed the current standards

Purpose for Lot Coverage Standards:

Control Storm Drainage

Provide for Outdoor Living Area on a Lot

Limit Development Density to that Appropriate for the Zone

Mr. Brierley reviewed the City's recent changes made to development standards.

Request:

Amend the development code to increase the maximum lot coverage in R-1 from 30% to 40%

Issues:

Lot sizes have gone down, yet house sizes have increased

Preferences for single story homes and multiple car garages

Preferences more for indoor living and less for outdoor living

Options:

Adopt the resolution as attached or with amendments

Adopt the resolution, contingent on the requestor filing an application and filing fee (\$2,035)

Take no action

Deliberation:

Commissioner Bliss has difficulty with the confusing language about maximum coverage on page 51 (B) and asked for clarification from staff. Mr. Brierley explained it applies to lot and parking coverage and the language should probably be changed. Commissioner Bliss asked why a carport is different from a garage. Barton Brierley explained the code does not really define the purpose of that; his reading of it is a carport ends up being more like an outdoor area and less dense than an enclosed garage. Chair Smith said this does lack a purpose statement for the lot coverage limits because the language is not clear. Commissioner Bliss stated we will need to deal with the proximity of the houses to each other and there is nothing preventing a 2 – 3 story home.

Commissioner Art Smith stated this is an issue due to the element of population who want to move to Newberg and if this can be fixed rather easily, if 40% is a good percentage according to staff, then he agrees. It will be an asset to the community.

Commissioner Barnes stated due to the lot sizes being smaller; the 30% does not work anymore.

Kale Rogers stated if the resolution is adopted, it should be limited to single story houses.

MOTION#7: Edwards/Barnes moved to ask staff to prepare a resolution for a public hearing having to deal with 40% lot coverage in R-1; having it apply to residential uses only; for a single-story residential in the R-1 zone and not to apply to small accessory additions. (6 Yes/ 0 No/ 1 Absent [Stuhr]) Motion carried.

VII. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated at their last meeting the City Council heard the Economic Opportunities Analysis changes and the South Industrial Urban Growth Boundary amendment proposal. They will deliberate at the July 20, 2011 meeting. Also, the Habitat for Humanity partition has been appealed to the City Council and they will hear that June 20, 2011. The hearing will be a Record Hearing meaning there will be no oral testimony, just the minutes from the Planning Commission meeting. They will also discuss the uses and rules regarding public spaces on June 20, 2011.

Correspondence: Barton passed out information to the Commissioners from Mr. Anderson regarding the May 14, 2011 minutes.

The next Planning Commission Meeting is scheduled on Thursday, July 14, 2011.

VIII. ITEMS FROM COMMISSIONERS:

Gary Bliss will be away on vacation and will not be in attendance for the July 14, 2011 Planning Commission meeting.

IX. ADJOURN:

Chair Smith adjourned the meeting at 9:10 p.m.

Approved by the Planning Commission on this 14th day of July, 2011.

AYES: 5 NO: 2 ABSENT: 2 (Bliss, Stehr) ABSTAIN: 2

Aaron Karen Bevil
Planning Recording Secretary

Philip P. Small
Planning Commission Chair