

**PLANNING COMMISSION MINUTES**  
**February 9, 2012**  
**7:00 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE MARCH 8, 2012 PLANNING COMMISSION MEETING

**I. CALL MEETING TO ORDER:**

Chair Thomas Barnes opened the meeting at 7:00 p.m.

**II. ROLL CALL:**

Present:	Thomas Barnes, Chair	Cathy Stuhr, Vice Chair
	Art Smith	Lon Wall
	Gary Bliss	Philip Smith
	Mayor Bob Andrews, Ex-Officio	
Absent:	Allyn Edwards (excused)	Kale Rogers, Student PC (excused)
Staff Present:	Barton Brierley, Planning & Building Director	
	Steve Olson, Associate Planner	
	DawnKaren Bevill, Minutes Recorder	

**III. CONSENT CALENDAR:**

Approval of the January 12, 2012 Planning Commission Meeting Minutes

Commissioner Stuhr reiterated a point that she felt had been left out of the minutes. She stated at the last Planning Commission Meeting the Stormwater regulations are prescriptive in nature by design. It was never intended for the City to have studies done. Best management practices are considered in compliance. If the City Council is asked for a grant to do a study, it may not be worthless, but first ask Terry Mahr, City Attorney, for advice.

Chair Barnes entertained a motion to accept the minutes of the January 12, 2011 meeting.

<p><b>MOTION #1: Philip Smith/Stuhr</b> approve the minutes from the Planning Commission Meeting of January 12, 2012 as amended. Motion carried (6 Yes/ 0 No/ 1 Absent [Edwards]).</p>
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**IV. COMMUNICATIONS FROM THE FLOOR:**

No items were brought forward.

**V. WORKSHOPS:**

1. **Wineries, brewers and distilleries:** Review Newberg's current zoning regulations, discuss the reasons to consider changing the regulations, and review some of the issues that should be addressed.

Mayor Andrews asked the distinction between a brewery and a brew pub. Mr. Olson replied a brewery is focused primarily on wholesale and a brew pub on retail.

Mr. Steve Olson, Associate Planner presented the staff report and PowerPoint presentation (see official meeting packet for details). He reviewed the winery, brewery, and distillery (WBD) zoning and existing codes and stated Newberg's Code is very restrictive. Current code discourages WBD, even in Industrial zones; a Conditional Use Permit process is a barrier. City staff believes there can be more flexibility for these uses in a way that would benefit the City without creating significant negative impacts. Clarity is also needed in the code.

Mr. Olson reviewed why the current code should be changed. Newberg is surrounded by vineyards and rural wineries, but much of the direct economic impact is bypassing the City. Urban wineries and distilleries are a growing trend. Microbreweries and brewpubs are still expanding. Supporting the wine/tourism industry would help implement the Economic Opportunities Analysis (EOA). It would also support the "grape cluster": The Allison, wine tasting rooms, restaurants, art galleries & boutiques, and local suppliers to WBD. It will also help continue Newberg's long history as an agricultural processing center. Urban wineries, in particular, strengthen the connection to local agriculture. There is a strong consumer demand for local WBD products. Strengthening local agriculture also reinforces Oregon growth management goals. There have been several inquiries in recent years regarding opening a winery or brewpub in Newberg. It is appropriate to consider code changes when new business trends emerge or the City realizes a business type has been overlooked.

Mr. Olson showed examples of potential sites and reviewed the issues to consider. Potential negative impacts by wineries are seasonal impacts which involve 6 weeks of light industrial (truck traffic), 46 weeks of storage/retail. Wineries and distilleries do not seem to create problem odors. Breweries sometimes do, but it is a function of scale and intensity. Small breweries/brewpubs seem to be good neighbors in commercial areas. Noise from WBD does not seem to be a problem in other cities, but can be addressed by the City's noise ordinance. While they add vitality, the City does not want the industrial uses to overwhelm commercial areas or commercial traffic interfering with industrial areas. Limits can be placed on the size of mixed uses (as in M-4 zone). Implementation issues, such as wastewater pretreatment, need to be addressed by WBD when they build but are not Development Code issues.

State and Federal regulations: WBD are highly regulated by the federal government and Oregon's OLCC.

City zoning: Most cities have not adopted specific WBD definitions, which means they rely on commonly accepted definitions. Mr. Olson reviewed the zoning codes of surrounding cities as well as: Walla Walla, Washington; Aurora, Colorado; and Bloomington, Indiana.

Mr. Olson reviewed some code amendment options and explained that staff will develop draft code changes based on comments received from the Planning Commission and will ask City Council to initiate a development code amendment so the draft can be formally reviewed by the Planning Commission.

**Discussion:**

Art Smith stated, as he understands it, the history of Yamhill County was that of a dry county but that has changed. The advent of wineries and brew pubs has evolved and it is worth looking at the vision of the City as to what to emphasize. He is unsure if a goal or vision is given for making Newberg a centralized location for breweries; he is not sure what the potential is for more and if there is room for growth. He also believes it would be better to amend the code than rely on conditional-use permits.

Chair Barnes stated wineries and tourism are shown as a major part of the Economic Opportunity Analysis (EOA) and do meet part of the City vision. Steve Olson added there has been tremendous growth in wineries in

the last 20 years and he believes there will be cycles; he is not expecting the same level of growth for wineries in the short term. He will look into industry predictions.

Mayor Bob Andrews stated there are no wineries or distilleries in the City of Newberg. Mr. Olson agreed there are none at this time. Mayor Andrews stated the City needs to analyze what the impacts are on the infrastructure and City services; property taxes, and what the demands will be on the water and wastewater system. A philosophic change that has occurred in the State of Washington which he believes will migrate to Oregon is the role of Oregon Liquor Control Commission (OLCC) and whether the licensing will be at the State or County level. He would like for the City to be prepared to do it as a managed part of the City's growth and how it will represent income to City government as well as a burden to City government. These things need to be explored. He encouraged the Planning Commission to look at it in a positive way. Tourism is an industry. We cannot tie the City to one industry; flexibility is needed.

Commissioner Stuhr stated this is a unique opportunity to tie two industries together; promoting agriculture and tourism. The Chamber of Commerce is promoting the City of Newberg as the gateway to the wine country and tourism. She recently heard a wine industry expert speak at the Chamber and stated she was in awe at the amount of acres under cultivation for wineries in Oregon and the large potential for even more.

Commissioner Wall believes any decisions made will be based solely on the issues and not on the attitude toward alcohol sales. He is curious if the City Council has discussed this at all. Mayor Andrews replied they have not. Commissioner Wall said he would hate to see much work put into this before the City Council discusses it. Barton Brierley stated in the context of the EOA, staff did indicate the promotion of the winery and tourism industry was one goal and City Council did support it and weigh in to that extent.

Commissioner Philip Smith stated the City has already marketed itself as the gateway to the wine industry. Wine tourism is very important for the future of the City, thus the importance to carefully determine how the WBD's are placed into the City. Of the potential options that staff laid out, allowing WBD in all industrial with two-tracks in commercial seems to be a good, straightforward option.

Commissioner Bliss concurs with Commissioner Philip Smith. He finds it interesting that Newberg is the gateway to the wine country, yet is not developed in that vein. The City has a Class Five hotel and spa; a waterfront plan that has not yet been implemented but has great possibilities, which are terrific draws to this area, but in order to supplement that the City should implement the all industrial, commercial two-track option.

Commissioner Philip Smith stated in terms of planning, the Planning Commission needs input from the Engineering Department in regard to the water issue. How large of a footprint would lead to a wastewater problem and how would the City appropriately charge for it? Commissioner Bliss stated limiting the capacity and size is a possibility so as to not exceed the limits on the City.

Chair Barnes recessed for a five-minute break at 8:10 p.m.

2. **Zoning use table changes:** Discuss the process of updating the zoning use tables. Staff is asking for general direction from the Commission on the objectives, style, and process for making such a change.

Mr. Barton Brierley, Planning & Building Director, presented the staff report and PowerPoint presentation (see official meeting packet for details). He showed the current zoning lists and stated the challenges include undefined terms such as data processing center, health studio, gift shop and variety shop. As an example, the code currently lists "variety shop" as a permitted use in commercial zones without defining that term. Duplicate uses are also hard to define such as bars, cocktail lounges, night clubs, and taverns. There are overlapping uses such as hardware stores, building material sales, and floor covering stores.

Legal issues to be considered include the Religious Land Use and Institutionalized Persons Act (RLUIPA), which basically says you cannot treat religious type land uses any more restrictively than similar land uses. There is some verbiage in the code in section 15.304.020 (C) Churches are allowed, subject to the following conditions: Dedication and improvements of public streets, conveyance or dedication of public utility easements, as determined by the city. Churches are also allowed when using existing buildings. This should be reviewed. Family Child Care Home is defined as: a family child care home may provide care for up to 10 children in the provider's home. Family child care home must be permitted in all residential and commercial zones. Conditions may not be more restrictive than for a single family home.

The current zoning list is organized alphabetically. This can make it difficult to find a use, especially if the user does not know what a use is called. All uses should be placed in one table so the user can quickly see in which zones a particular use is allowed. This also serves to reveal hard to find uses.

Mr. Brierley reviewed the style options and stated Newberg's current code is in the Specific/Similar Use style. This code list a number of specific uses, and allows uses "similar" to those. Rather than list specific uses, some codes list broad categories of uses. Each use then fits into one category. Some code use specific limits on characteristics to separate use types, such as size limits, whether the use operates indoors or outdoors, or hours of operation. Form based codes focus more on what building types are allowed than what uses go in those buildings. A form based code could, for example, specify that buildings in the downtown would have to be two-story, brick facade, and built with certain architectural features.

The process of how to look at the use tables needs to be considered. It need to be very transparent so that the Planning Commission, City Council, and the public can understand what changes are being made and why. Some of the Planning Commission involvement would include: holding a series of Planning Commission workshops; splitting the commission into smaller workgroups, each which might look at one particular class, and appointing a subcommittee to make a recommendation.

**Discussion:**

Chair Barnes stated splitting into smaller groups to discuss uses in the different zones is a good approach. An electronic version of the samples would be helpful for each small group.

Commissioner Philip Smith stated the zoning-use table approach is a great idea. It will benefit a builder or applicant who comes to the City, helping them view a table to see what is permitted. Also, the City has 300 uses which should be reduced to perhaps 50 categories with good definitions since new land uses will continually be invented. Reducing the total number now will be advantageous.

Commissioner Bliss stated the applicant will be the user of the code and to give them easy to identify uses is a priority. There should be a list of applicants and engineers from over the years to possibly invite to a workshop to find their preferences and an overview of their ideas. He likes Attachment #4 which reduces the number of items in the code and readily identifies the categories and allowed uses.

Commissioner Art Smith stated this is an ideal time to look at this. Fewer categories that cover the basic requirements and make it user friendly is imperative; asking input from developers is a good idea.

Mayor Bob Andrews stated the points brought forward have been very good but there are two consumers since Staff will need to use this as well and they must be comfortable with the table chosen. Good definitions are very important, as well. He applauds staff and the Planning Commission for taking this on as a task. One of the things that we frequently find as a fault in government is the tendency to over-regulate. Over-regulating versus simplicity needs to be looked at.

Commissioner Philip Smith stated the form based code is a prescriptive method and he does not favor it.

Commissioner Bliss lived and worked in Pleasantville, California and he saw codes change as government changed. It created many different building styles throughout the city and that is where the form based codes would lead to.

Commissioner Wall stated styles and preferences change over time and so does the composition of the Planning Commission. The Planning Commission is better off looking at the actual impact of the particular industry and its characteristics.

Commissioner Stuhr asked if there are any Measure 37 or Measure 49 concerns. Mr. Brierley replied yes, but as long as you can show that someone can do the same uses on the properties after the change to a table format then there are no problems. He suggested adding a clause that if anyone can show the use could be done before but not now, there should be a grace period.

#### VI. ITEMS FROM STAFF:

Update on Council items:

Barton Brierley stated the City Council met February 6, 2012 and approved the repeal of the McClure annexation. City Council was upset it had not gone through as planned. At the Feb 21, 2012 meeting they will be considering the adoption of the Housing Trust Fund, as recommended by the Affordable Housing Committee. It would be nice to have a few members from the committee present to talk about that proposal.

The Planning Commissioners will be receiving their forms from the State Ethics Office and he reminded the Commissioners to fill them out and return them on time.

Staff is still working on the South Industrial Urban Growth Boundary and will come back before City Council in March. Changes are being made to the EOA and the proposal is for the City to use the safe harbor population projections, which will help achieve the amount of south industrial land that is needed.

The Mayor's Volunteer Appreciation will be held on April 30, 2012.

The next Planning Commission meeting is scheduled for Thursday, March 8, 2012.

#### VII. ITEMS FROM COMMISSIONERS:

Commissioner Gary Bliss will not be in attendance at the March 8, 2012 Planning Commission Meeting.

#### VIII. ADJOURN:

Chair adjourned the meeting at 9:12 p.m.

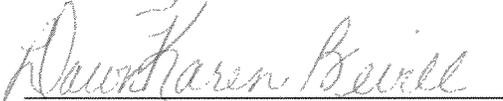
Approved by the Planning Commission on this 8<sup>th</sup> day of March, 2012.

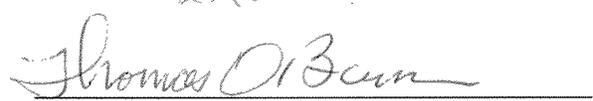
AYES: 5

NO: 2

ABSENT: 2 (Bliss)

ABSTAIN: 2 (Wall)

  
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Planning Recording Secretary

  
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Planning Commission Chair