



Planning Commission Meeting

February 12, 2026

CALL MEETING TO ORDER

The Newberg Planning Commission meeting of February 12, 2026 was called to order at 6:30 PM at the Public Safety Building, 401 E Third Street, Newberg, Oregon.

ROLL CALL

Commissioners Present: Kriss Wright
 Jason Dale
 Mathew Mansfield
 Jose Villalpando (Vice Chair)- via Zoom
 Randy Rickert
 Abby Seits (Student Commissioner)

Commissioners Absent: Linda Newton-Curtis(Chair)

City Council Representative: Absent

Staff Present: Community Development Director: Scot Siegel
 Associate Planner: Jeremiah Cromie
 Administrative Assistant/Secretary: Fé Bates

INTRODUCTION OF NEW COMMISSIONERS

Introduction of newly appointed Student Commissioner, Abby Seits

Administrative Assistant Fe Bates reported that the Commission's other newest appointed member declined to serve after receiving the first packet. The position remains vacant.

ELECTION OF NEW CHAIR AND VICE CHAIR

Following discussion of seniority and availability, Commissioner Kriss Wright was nominated for Chair and Commissioner Jose Villalpando was nominated for Vice Chair for the 2026 term.

Motion to elect Commissioner Kriss Wright as Planning Commission Chair for 2026 was made by Commissioner Jason Dale and seconded by Commissioner Randy Rickert. The motion carried unanimously (6-0).

Motion to elect Commissioner Jose Villalpando as Planning Commission Vice Chair for 2026 was made by Commissioner Matthew Mansfield and seconded by Commissioner Jason Dale. The motion carried unanimously (6-0).

PUBLIC COMMENTS

There were no public comments for items not on the agenda.

CONSENT CALENDAR

12/11/2025 Planning Commission Meeting Minutes

Motion to approve the December 11, 2025 Planning Commission meeting minutes was made by Commissioner Randy Rickert and seconded by Commissioner Jason Dale.

The motion carried by voice vote.

QUASI-JUDICIAL PUBLIC HEARINGS

Land Use Appeal APL-26-1: Appeal of 3-lot Partition and 3 Middle Housing Land Division Approvals at 1929 E Orchard Dr (PLNG-25-42)

Chair Wright opened the quasi-judicial public hearing. The required ORS 197.763 legal announcement was read by Student Commissioner Seits. Due to a temporary Zoom connection issue, the announcement and hearing procedures were repeated following a brief recess.

Staff Report

Associate Planner Jeremiah Cromie presented the staff report. The application involves a 3-lot partition of a single parcel at 1929 E Orchard Drive, zoned R-1 (Low Density Residential), with a subsequent Middle Housing Land Division on each partition lot to accommodate a triplex on each, for a total of nine dwelling units. Applicable criteria are found in NMC 15.235. The director's decision approving the application with conditions was issued on January 7, 2026 and was timely appealed by Ryan Adovnik. Staff addressed each of the eight appeal issues raised as follows:

- **Fire turnaround and fire flow:** Tualatin Valley Fire & Rescue (TVFR) approved permit No. 2025-10121. In lieu of a turnaround, TVFR required the buildings to be sprinklered. A fire flow test confirmed the system meets the 1,000 GPM threshold for a 4-inch line.
- **Frontage, operational feasibility, and access:** The access easement on Orchard Drive is 30 feet wide, exceeding the 25-foot minimum. All partition lot frontages exceed 70 feet. Waste Management was notified and raised no objections.
- **Traffic analysis:** The application's traffic generation memo, prepared using ITE methodology, estimated 9 PM peak hour trips. A full traffic impact study is required only when a development generates 40 or more PM peak hour trips. No known safety deficiencies trigger a study under the applicable code section.
- **Utility adequacy:** The applicant submitted a waterline capacity memo and a preliminary stormwater report demonstrating feasibility, including rain garden infiltration facilities supported by geotechnical testing. A final stormwater plan is conditioned as part of the public improvement permit process.
- **Lot coverage, parking, and building height:** No building permits were submitted with this application. All dimensional standards—including 40% lot coverage, off-street parking (1 space per

unit for middle housing as permitted by state law under HB 2001), and the 30-foot height limit—will be evaluated and enforced at the building permit stage as conditions of approval.

- **Future development impacts:** Speculative future development on adjacent parcels is not an applicable approval criterion. No other applications are currently pending on Orchard Drive.
- **Private street maintenance burden:** The maintenance of the existing private street is a private matter among property owners and is beyond the city's regulatory scope for this application type.
- **Public notice:** The city's code does not prescribe the type of envelope used for applicant-issued mailed notices. The required notice content was correct, and the property was posted. The city's own mailing for the appeal hearing was sent on city letterhead.

Senior Engineer Brett Musick further clarified that the existing Orchard Drive private street predates current code provisions (the road easement was created in 1971) and is therefore not subject to new private street standards. The pavement condition conditions require the applicant to match existing paving at the project frontage. Staff recommended adoption of Planning Commission Order 2026-01 denying the appeal and sustaining the January 7, 2026 director's decision with conditions.

Commissioner Questions

Commissioner Mansfield sought clarification on the Commission's scope of review, confirming that unlike a discretionary conditional use permit, this appeal involves more objective partition and middle housing land division criteria derived largely from state law, and that the applicant bears the burden of proof. Staff confirmed that tripled housing is a permitted use in R-1 with a 5,000 square foot minimum lot size, met by all three partition lots, and that the Commission's review is confined to whether applicable code criteria are met.

Applicant Testimony

Applicant Dean Hereford (17809 NE Moraine Drive, Portland, OR 97230) stated that the property has been in his family for over 40 years and that the project has been developed to comply with all city requirements. He acknowledged that the notice envelope bearing his business address may have caused confusion and noted the property had been posted and noticed twice given a prior withdrawn application. Devin Jackson, Principal Engineer of Jackson Civil Engineering, testified that all appeal issues reflected either misunderstood documentation or were addressed by conditions of approval. He emphasized that the application is for a permitted use, not a variance or conditional use, and that the concept plan has demonstrated feasibility for lot coverage and stormwater management, with final compliance confirmed at the building permit stage.

Appellant and Public Testimony

Ryan Adovnik (1910 Orchard Drive), the primary appellant, acknowledged that staff's responses addressed many of his concerns. He raised continuing concerns regarding the narrow physical character of the private street, the lack of any on-street parking, and the cumulative operational challenges of simultaneously accommodating fire access, mail delivery, waste management, and private vehicles at nine new units. He presented photographs illustrating the limited sight lines at the Villa Road intersection. He requested denial and asked that the applicant return with a two-lot plan with single-family homes, and noted his concern about the precedent the approval could set for development of an adjacent vacant parcel. He also expressed dissatisfaction with the notice envelope.

Judy Durkey (1911 Carroll Avenue) questioned whether a current TVFR fire service plan had been made publicly available and raised concerns about the physical proximity of the proposed fire apparatus staging area to a fire hydrant, adequacy of space for waste management containers given the fence at the road terminus, and the insufficiency of a one-space parking requirement given the absence of on-street parking.

Andrea Waybright (1930 Orchard Drive, directly across from the subject property) testified that the street is approximately 18–20 feet wide, that the proposed nine units would double the density of the street within a

footprint equivalent to a backyard, and that the development is out of character with the existing single-family neighborhood. She expressed support for more modest development such as one or two single-family homes on the parcel.

Applicant Rebuttal

Mr. Hereford reiterated that the required fire and sprinkler systems mean the proposed dwellings will be safer than existing homes on the street. He stated he received only one phone call from neighbors throughout the process and expressed his intent to develop quality, affordable housing. Mr. Jackson noted that the project involves a permitted use meeting adopted code standards, that the concept of inconsistent housing styles already characterizes the street, and that the applicant would be willing to discuss formation of an HOA for street maintenance purposes.

Deliberation

Commissioner Mansfield confirmed his understanding that the Commission's role is limited to evaluating whether applicable objective code criteria are met, and acknowledged that livability and neighborhood character—while legitimate concerns—are not criteria applicable to this type of application. Commissioner Rickert concurred.

Chair Wright acknowledged the public safety concerns raised regarding road width and pedestrian conditions, and proposed an amendment to condition a traffic and road safety study. That motion did not receive a second and was tabled. Commissioner Dale noted that the Planning Commission acts in a quasi-judicial capacity and cannot deny an application that meets all applicable criteria on grounds outside those criteria.

Motion to adopt Planning Commission Order 2026-01, denying the appeal and sustaining the January 7, 2026 Community Development Director's decision approving PLNG-25-42 with conditions, was made by Commissioner Jason Dale and seconded by Commissioner Randy Rickert. The motion carried unanimously (6-0).

CONTINUED BUSINESS

a. Discuss newly adopted City Council, Board, Commission & Committee Guidelines and if the Planning Commission would like to adopt additional rules that would accompany the 2025 Committee Guidelines.

Administrative Assistant Fe Bates and Director Siegel outlined areas where the Planning Commission's existing rules differ from or conflict with the newly adopted 2025 City Council Board, Commission & Committee Guidelines. Key points of discussion included testimony time limits, the optional nature of formal minute approval under state law, the retention of quasi-judicial conflict-of-interest and ex parte requirements (which are more rigorous than the council rules), and the updated hearing scripts prepared for the Commission. The Commission expressed a preference to maintain its existing procedures where they are more rigorous than the council's, and directed staff to return with a revised draft that removes conflicting language while preserving Planning Commission-specific provisions.

Motion directing staff to prepare a revised set of Planning Commission rules and procedures that removes conflicts with the 2025 Council Guidelines while retaining existing Planning Commission-specific procedures was made by Chair Kriss Wright and carried by voice vote.

ITEMS FROM STAFF

Anticipated Schedule of Planning Commission Activities

Director Siegel advised that the Housing Capacity Analysis is anticipated to come before the Commission this spring as the first long-range planning project of the year. No quasi-judicial hearings are currently

scheduled. He noted that a short legislative session is underway with numerous pending land use bills and offered to schedule a work session for the Commission to review recent and pending state legislative changes.

Staff Updates for Planning Commission

Administrative Assistant Fe Bates reminded commissioners that Statement of Economic Interest (SEI) filings are due and that notification emails from the City Recorder had been sent to commissioners' city email accounts.

ITEMS FROM COMMISSIONERS

Chair Wright raised the issue of public notice envelopes following the testimony received during the evening's hearing. SHE proposed that a code amendment be added to the city's code maintenance docket requiring land use notice mailings to be sent in plain envelopes without advertising or promotional markings. Director Siegel confirmed that this recommendation is within the Commission's purview and that it could be added to the code maintenance docket for future action.


ADJOURNMENT

Chair Wright adjourned the February 12, 2026 Planning Commission meeting: 8:46 p.m.

Attest:



Kriss Wright, Planning Commission Chair



Fé Bates, Secretary