

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
JULY 13, 1995
Thursday, 7:00 P.M.

APPROVED AT THE AUGUST 10, 1995 MEETING

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney

Matson Haug

Absent: Rick Mills

Jim Morrison

Roger Worrall

Mary Post

Jack Kriz, Chair

Staff Present:

John Knight, Planning Manager

Barbara Mingay, Planning Technician

Tabrina McPherson, Recording Secretary

Terry Mahr, City Attorney

Citizens Present:

Twenty citizens were present.

II. OPEN MEETING

Chair Jack Kriz opened the meeting at 7:00 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

III. APPROVAL OF MINUTES

Chair Kriz opened the meeting by reviewing the June 8, 1995 meeting minutes.

Motion #1:	Commissioners Haug/Worrall to approve the minutes of the June 8, 1995, Planning Commission Meeting.
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Vote on Motion #1:	Motion carried unanimously (5/0).
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The agenda order was revised as follows:

III A. PRESENTATION BY TERRY MAHR

City Attorney, Terry Mahr discussed procedures on public comment. His presentation covered the handout given and commissions may call him if they had any questions. He briefly described some areas of concern regarding conflicts of interests during the public hearings process. He reviewed ex-parte contacts, site visits, conflicts of interest, and bias. In each case he mentioned the information that needs to be disclosed prior to the hearing and what information would disqualify a commissioner from debating or voting on an issue. He cautioned the Commission on discussing issues with each other outside of the meetings and with members of the City Council.

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III B. SPECIAL MEETING DATE

Planning Manager John Knight noted that staff had received an appeal on the proposed Sumitomo STX Facility. He stated it is likely there will be a significant number of people at the next Planning Commission meeting where the appeal will be heard. He suggested having the commission conduct a separate meeting for this item and possibly at a larger facility. He stated the Klages Dining Hall at George Fox College would be available on August 3, 1995.

Motion #2:	Commissioners Haug/Harney to hold a special meeting, Thursday, August 3, 1995 at the Klages Dining Hall at George Fox College to hear the appeal on the Sumitomo STX Facility.
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Vote on Motion #2:	Motion carried (4/0). 1 abstain-Worrall.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)
none

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: Wilhelm Foods, Ltd.

REQUEST: Conditional Use Permit to allow a food processing facility in an M-2 Zone.

LOCATION: Lot 6 - Parcel 2 - Flightways Industrial Park, N. Elliott

TAX LOT: 3220AD-502

FILE NO: CUP-3-95

RESOLUTION#: 95-16

ZONE: M-2

OPEN FOR PUBLIC HEARING.

Chair Kriz entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: Commissioner Haug had visited the site.

Commissioner Harney drives by the site everyday and his wife works at Current Electronics.

Objections: None

Staff Report: Planning Technician Barb Mingay presented the staff report. She noted the applicant currently conducts business on the west side of Elliott Road and has been successfully operating in that location for four years. There have been no complaints about this facility.

Preliminary Staff Recommendation: In the absence of testimony at the Public Hearing, staff recommended that the Planning Commission move to adopt Planning Commission Resolution 95-16.

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Proponent: Charles Cox, 101 N. Elliott Road, Newberg, OR 97132. Stated he has been very happy working in this neighborhood and would like to continue.

Opponent: None

Questions to Proponent: Commssioner Worrall asked the applicant if he had reviewed the conditions listed in the staff report. Mr. Cox stated he had no problem with any of the conditions.

Public Agency Reports: None

Letters: Letter from Dan McCracken, Barclay Press was submitted into the record.

Proponent/Opponent Rebuttal: None

Staff Recommendation: Staff recommends that the Planning Commission adopt Resolution 95-16, approving the use permit with conditions.

Hearing Closed.

Commission Deliberation:

Commissioner Worrall noted the applicant seems to have a good relationship with the neighbors.

Motion #3:	Commissioners Haug/Harney to adopt resolution 95-16 based on facts with conditions.
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Vote on Motion #3:	The motion carried (5/0).
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PUBLIC HEARING (#2)

APPLICANT: George Fox College (GFC)

REQUEST: Approval of a conditional use permit to allow construction of a 33,107 sq. ft. dormitory to house 120 students; and variance to the height requirement to allow construction of a three story structure in an R-2 Zone.

LOCATION: 1313-1415 E. North Street

TAX LOT: 3217CD-4700, -4701, -4800

FILE NO: CUP-4-95 / V-8-95

RESOLUTION#: 95-17

ZONE: R-2

Abstentions/ex-parte contact: Commissioner Harney had visited the site.

Commissioner Haug also visited the site and noted North Street to be a very cozy street.

Commissioner Worrall lives adjacent to the site.

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Commissioner Morrison had ex-parte contact last time this proposal was on the agenda.

Objections: None

Staff Report: **John Knight** briefly discussed the staff report. He stated E. North Street is a gravel road and the College has no plans to use this for access, so the City will not require them to pave it at this time. He discussed the variance to the height requirements and staff comments regarding the use.

Preliminary Staff Recommendation: In the absence of testimony at the Public Hearing, staff recommended that the Planning Commission adopt Planning Commission Resolution 95-17.

Proponent: Don Millage, 2136 Thorne Street, Newberg, OR 97132. He introduced several people that would be available to answer questions of the Commission. Mr. Millage indicated that George Fox College has built six other dorms and all have been permitted uses in the R-2 Zone. Mr. Millage felt staff was trying to make a change in policies without changing the ordinance. Mr. Millage continued his discussion regarding the housing needs for the College in order for it to continue to grow.

Proponent: Jack Sumner, 1525 Hess Creek Court, Newberg, OR 97132. He is the Director of Finances at Providence Newberg Hospital. He stated the Hospital strongly supports the use permit for GFC and he also stated the hospital is currently trying to purchase the three properties directly adjacent to this site.

Proponent: Russell Leach, P.O. Box 1016, Sherwood, OR 97140. He stated he is prepared to design the dorm to meet all of the conditions requested by staff.

Opponent: David Rudman, 617 N. Villa Road, Newberg, OR 97132. He felt this three story dorm in this zone would greatly affect his liveability. He felt the City should work with the College on a master plan and have the College grow in a more planned fashion.

Opponent: Lois Rudman, 617 N. Villa Road, Newberg, OR 97132. She described how this facility would greatly affect her liveability. She expressed her concerns regarding the traffic problems. She felt the College should be required to provide a master plan for staff's approval. She suggested the College expand in areas closer to the College.

Opponent: Greg Lutje, 10260 SW Greenburg Road, Tigard, OR 97223-5575. He is the attorney representing the Rudman's. He stated that the comprehensive plan does not allow this type of living quarters in the R-2 Zone, not even as a conditional use. He also felt the College needs to have a master plan approved prior to any more development. He felt the applicant has given inadequate justification on how they plan to meet the conditions for the variance. Mr. Lutje then requested the record be left open for an additional seven days in order for opponents to submit arguments.

Opponent: Phyllis Wilkinson, 1208 Marguerite Way, Newberg, OR 97132. Mr. Wilkinson stated her concerns regarding the potential noise problems. She also was worried that sooner or later the College would be trying to buy out the houses in that area.

Questions to Proponent: Commissioner Worrall asked Mr. Millage if the College has ever had a master plan and if that plan could be shared with the public. Mr. Millage stated a master plan had been produced and is available, however, the College out-grew that plan within two years.

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Commissioner Haug asked Mr. Millage if any other sites or options have been looked at. Mr. Millage explained some of the options they had researched, however this is the best option that meets their needs at this time.

Public Agency reports: None

Letters: Two letters were received (enclosed in the staff report): Letter 1) from David & Lois Rudman 617 N. Villa Rd. Newberg, OR 97132; they addressed their concerns based on the impact the facility would have on the liveability and value of their home and property, the proposed use of a dormitory in an R-2/MDR Zone, opposition to the height variance, and requested the Planning Commission and City Council to consider the future plans of the College and their impact on land use in that area. Letter 2) from John & Bonnie Newman 517 N. Villa Road, Newberg, OR 97132; they also addressed their concerns about the liveability of the neighborhood and also felt that the condition to build the dorm should also include relocation of the adjacent homeowners.

Proponent/Opponent Rebuttal: None

Staff Recommendation: John Knight clarified some issues that were brought up during the discussion. He reminded the Commission that there had been a request for the record to remain open for an additional seven days.

Hearing Closed.

Commission Deliberation:

Chair Kriz asked about the setbacks required. Mr. Knight indicated those types of issues would be handled through the design review process.

Commissioner Haug was concerned about the traffic turning off of Villa Road. He suggested the Engineering Manager do a traffic analysis of that intersection to see what changes need to be made.

Chair Kriz questioned why the last time the dorms were built they did not need a Conditional Use Permit (CUP). Mr. Knight indicated all other dorms had been built on the College property directly adjacent to the College and this facility is proposed across the creek from the College.

Commissioner Worrall felt it should not matter of what side of the creek the property is on; the property is still owned by the College.

Commissioner Morrison had a concern about letting the College expand in this piece-meal fashion. He felt they should be submitting some type of master plan for review.

Motion #4:	Commissioners Haug/Harney to keep the written record open for seven days and at that time have an additional seven days for proponents and opponents to respond to initial comments, and continue the hearing on August 10, 1995.
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Vote on Motion #4:	The motion carried (5/0).
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PUBLIC HEARING (#3)

APPLICANT: Jeff and Deona Twenge
REQUEST: Partition of an 18,700 sq. ft. parcel into three parcels of 4,200; 4,240; and 4,320 sq. ft.; together with an adjustment of the minimum lot size from 5,000 sq. ft. to a minimum of 4,200 sq. ft.
LOCATION: Intersection of Hancock Street extension and Springbrook Road South
TAX LOT: 3221-1101
FILE NO: P-9-95 / ADJ-10-95
RESOLUTION#: 95-18
ZONE: Newberg Subdivision Ordinance 2294, Section 66

Abstentions/ex-parte contact: Chair Kriz noted DCI is adjacent to this property and they are a client of his, however this would not sway his decision.

Objections: None

Staff Report: John Knight reviewed the staff report and the reason why this is a major partition instead of a minor partition. Because the applicant has been requested to do the street improvements to Hancock Street, they are requesting an adjustment to the minimum lot size requirement.

Preliminary Staff Recommendation: In the absence of testimony at the Public Hearing, staff recommended that the Planning Commission adopt Planning Commission Resolution 95-18.

Proponent: Jeff Twenge, 213 Sunset Drive, Newberg, OR 97132. Although he is requesting an adjustment to the minimum lot size, the area around this site is a mobile home park, so the density standards would be about the same. He also stated it would not be economically feasible to develop this land if three lots were not approved.

Opponent: None

Questions to Proponent: None

Public Agency Report: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: Staff recommends that the Planning Commission adopt Resolution 95-18, which approves the partition and modification of provisions as requested by the applicant.

Hearing Closed.

Commission Deliberation:

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Commissioner Worrall felt if the City is requiring this street improvement, the least we could do is allow the adjustment to the minimum lot size requirements.

Commissioner Harney asked how long the applicant has to develop the roadway. **John Knight** confirmed that the applicant will be required to improve that portion of Hancock Street prior to construction.

Motion #5:	Commissioners Worrall/Haug to adopt resolution 95-18 approving the major partition.
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Vote on Motion #5:	The motion carried (5/0).
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VI. OLD BUSINESS None

VII. NEW BUSINESS None

VIII. STAFF AND COMMISSION REPORTS

1. Update from Open Space Committee: **John Knight** reported that the last public meeting had been held and it went OK. He stated there will be changes made to the ordinance and it will be handed out. Commissioner Worrall was thanked for chairing the committee.
2. Update on Council Items: **John Knight** stated the Development Code has been to council and they have requested two meetings in August to discuss it as well as a few work sessions. They should reach a decision in September or October.

Commissioner Morrison asked about the joint Planning Commission and City Council meeting regarding the comprehensive plan that is required by ordinance to be conducted every December. **John Knight** indicated he would talk to City Manager Duane Cole about scheduling this.

Chair Kriz reminded the commissioners to be sure they are not discussing items with the community as a Planning Commissioner, they need to be sure they are only speaking for themselves. **John Knight** encouraged the commissioners to talk to Terry Mahr about any questions or concerns they have regarding the public hearing process.

3. Other reports, letters, or correspondence: John Knight gave a small presentation thanking Commissioner Worrall for his service on the Planning Commission. The other commissioners also expressed their appreciation. Richard Waldren was introduced and will be starting his seat on the commission at the special meeting on August 3, 1995. (changed to August 10 upon cancellation of 8/3/95 meeting).
4. Next Planning Commission Meeting: August 10, 1995.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 9:48 p.m.

Passed by the Planning Commission of the City of Newberg this 10 day of August, 1995.

ATTEST:

Darla Baldoni

Darla Baldoni, Planning Commission Recording Secretary