

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
August 10, 1995
Thursday, 7 PM

Approved at the September 14, 1995 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney	Matson Haug	Rick Mills
Jim Morrison	Mary Post	Richard Waldren
Jack Kriz, Chair		

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Darla Baldoni, Recording Secretary

Citizens Present:

17 citizens were present.

II. OPEN MEETING

Chair Jack Kriz opened the meeting at 7:03 p.m.

III. APPROVAL OF MINUTES

No comments.

Motion #1:	Harney/Post moved to approve the minutes of the July 13, 1995, Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried (7-0).
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ELECTION OF VICE CHAIRPERSON

Chair Kriz opened for elections for Vice Chairperson. Commissioner Morrison elected Commissioner Harney. Commissioner Harney declined. Commissioners Harney/Post elected Commissioner Haug.

Motion #2:	Harney/Post moved to elect Commissioner Haug as Vice Chair for the Planning Commission.
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Vote on Motion #2:	The Motion carried (6-0), with Commissioner Haug abstaining.
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Chair Kriz announced the procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

Barb Mingay, Planning Technician announced the public hearing process (ORS 197).

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person) none

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V. PUBLIC HEARINGS

PUBLIC HEARING (#1) Continued from 7/13/95 Planning Commission Meeting

APPLICANT: George Fox College (GFC)

REQUEST: Approval of a conditional use permit to allow construction of a 33,107 square foot 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 (Medium Density Residential)

OPEN FOR DELIBERATION

Chair Kriz opened the deliberations.

Abstentions/ex-parte contact:

Commissioner Post stepped down from the hearing.

Commissioner Waldren visited the site.

Commissioner Mills reviewed the documents of the prior Planning Commission Meeting, as well as the new information as provided.

Preliminary Staff Recommendation: At the July 13, 1995 meeting, the Planning Commission closed the hearing and continued the deliberation to August 10, 1995 to allow seven (7) days for written testimony and seven (7) additional days for rebuttal testimony. A letter and rebuttal letter were received, and copied into the staff packet. Barb Mingay, Planning Technician referred the commissioners to the July 13, 1995 staff report for staff recommendations and conditions, and stated that the staff recommendation stands.

Commissioner Morrison asked if there was possible mediation from the parties, and for engineers to take a look at the Villa Road intersection. John Knight responded that the parties had met, and the City engineers did look at the Villa Road Intersection.

^^need correction ck tape

Commissioners discussed conditions from the staff report, uses of residential zones/high density, noise, screening, and on the minimal use of North Street. They suggested that George Fox College (GFC) work with City staff on an overlay zone and work out the R-2 zoning.

Commissioner Mills requested that the definition on medium density residential be changed to include all multi-unit institutional residential facilities. Commissioner Mills withdrew the request after commission discussion.

Proponent: / Opponent: not applicable - hearing closed.

Letters: Letter 1 received: from Gregory Lutje and Associates, P.C., representing Lois and David Rudman. The letter addressed that dormitories as proposed are not allowed in the R-2 Zone, and that the applicant had not adequately demonstrated need for a variance. Letter 2 received: from Donald J. Millage, Vice President, Finance Department at George Fox College. His letter was in response to the letter received from Lois and David Rudman.

Motion #3:	Commissioners Morrison / Haug to adopt Resolution 95-17.
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Vote on Motion #3:	The motion carried (6-0). Commissioner Post abstained.
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Barb Mingay, Planning Technician noted that the decision will become effective following the 10 day appeal period.

PUBLIC HEARING (#2)

APPLICANT: Portland General Electric (PGE)
Mike Livingston, Supervisor of Property Services

REQUEST: A request for approval of a Conditional Use Permit for the purpose of constructing an electrical power substation.

LOCATION: The site is located approximately 500 feet east of Springbrook Road, between U.S. Hwy 99W and Fernwood Road, Newberg (just south of Fred Meyer Shopping Center).

TAX LOT: Tax Lot No. 3216-2001 and 3221-100 (proposed parcel two of tentative minor partition plan submitted by Richard C. Didzun on behalf of Werth Joint Venture on June 7, 1995 file No. P-8-95).

FILE NO: CUP-6-95 / Resolution 95-22

ZONE: M-1, Limited Industrial District and a GH General Hazard overlay zone.

Abstentions/ex-parte contact:

Commissioner Waldren visited the site.
Commissioner Harney also visited the site.

Objections: none

Staff Report: John Knight, Planning Manager clarified for the record that PGE is proposing two substations: one permanent sub-station (CUP-6-95), and a second temporary substation (CUP-5-95). He then presented the staff report.

Preliminary Staff Recommendation: In the absence of testimony at the Public Hearing, staff recommended approval of Resolution 95-22 which would allow for the construction of a permanent electrical substation.

Proponent: Don Hammond, Manager of project Management at PGE, 121 S.W. Salmon Street, Portland, OR 97204. He covered the area proposed for the substation, and the service areas for Newberg, pointing out the need for power due to past and proposed growth in Newberg. He also displayed the landscape plan, and noted that they do not plan to disturb the existing trees on the site. PGE worked with neighbors of the area to address concerns, and concurs with staff recommendations.

Proponent: James White, Controller of DCI, 12935 S.W. Bedford Street, Tigard, OR 97224. DCI was an opponent on Portland General Electric's (PGE) original proposal. DCI has since met with PGE on the new proposal and supports placement of the substation, and believes that PGE has met the requirements. DCI shares in the concern about the power supply for Newberg and supports this proposal.

Questions to Proponent:

Commissioner Mills asked about the plans to lease or purchase the property, and about the routing of the proposed power lines. Don Hammond responded that PGE has been working with the owner, Dean Werth, and has intentions to purchase the property. Though routing of the lines are still in design, they are proposed from Hwy 99 down to the substation, and will be the same voltage as the ones on the south side off Hwy 99.

Commissioner Waldren inquired about how oil spills would be handled. Don Hammond responded that they have a retaining structure/system to handle oil containment, if necessary, to contain the oil on site and separate and pass any rain water.

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Opponent: none

Public Agency reports: no additional comments received.

Letters: none.

Proponent/Opponent Rebuttal: none

Staff Recommendation: To adopt Resolution 95-22.

Hearing Closed.

Commission Deliberation:

Commissioner Haug expressed concern for the habitat area, and requested assurance that PGE won't cross the creek (possibly a road across the creek). John Knight responded by referring commissioners to condition 8 in the staff report, and suggested language could be added to that condition.

Commissioner Haug moved to add the following language to condition #8: Alternative access shall not include crossing the stream corridor area or impacting wetlands.

Motion #4:	Commissioners Harney/Mills to adopt Resolution 95-22 and add the following language to condition #8: Alternative access shall not include crossing the stream corridor area or impacting wetlands.
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Vote on Motion #4:	The motion carried (7-0).
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Barb Mingay noted there is a 10 day appeal opportunity, and that notices would be mailed.

PUBLIC HEARING (#3)

APPLICANT: Portland General Electric (PGE) - **Temporary** Power Substation
Mike Livingston, Supervisor of Property Services

REQUEST: A request for approval of a Conditional Use Permit for the purpose of constructing a **temporary** power substation.

LOCATION: The site is located at the PGE Newberg District Center, 405 Springbrook Road, Newberg.

TAX LOT: Tax Lot No. 3221-1000

FILE NO: CUP-5-95 / Resolution 95-21

ZONE: M-1, Limited Industrial District.

Abstentions/ex-parte contact:

Commissioners Harney, Waldren and Post each went by the site when the last proposal was submitted.

Objections: none

Staff Report: John Knight noted that this is proposed as a back up plan if the permanent substation is delayed. PGE proposed a temporary site with just one transformer. Staff proposed that it be a permanent "small" site to act as a backup and suggested that they not move the site in the future.

Preliminary Staff Recommendation: In the absence of testimony at the Public Hearing, staff recommended approval of Resolution 95-21 which would allow for the construction of a temporary electrical substation.

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Commissioner Mills asked about needing a dedication on Hayes Street. John Knight responded that the City currently has that dedication.

Proponent: Don Hammond, Manager of PGE Project Management, 121 S.W. Salmon Street, Portland, OR 97204. He noted that if the process on the permanent substation site is not delayed, then the temporary substation would be at the permanent facility site. If there are delays in the process of the permanent substation, then this would be the proposal as an alternate site. PGE recognizes that planning staff sees this as a small permanent station, but PGE has made a condition with neighbors to remove this temporary substation in two years. He stated that PGE is not in agreement with condition #1.

John Knight stated that we could strike condition #1 if agreed upon.

Proponent: James White, Controller of DCI International, 12935 S.W. Bedford Street, Tigard, OR 97224. DCI supports the need for this site if the development of the permanent substation is delayed due to appeals and processing.

Opponent: none

Questions to Proponent:

Commissioner Haug asked about negotiations with the neighbors and the plan to dismantle the temporary substation in two (2) years. Don Hammond responded that PGE agreed to that commitment with the neighbors as an informal agreement.

Public Agency reports: none

Letters: none

Proponent/Opponent Rebuttal: n/a.

Staff Recommendation: John Knight stated that staff supports the proposal, and noted that condition #1 could be removed.

Hearing Closed.

Commission Deliberation:

Commissioners held discussion on the informal agreement with neighbors to remove the site in two (2) years. They suggested elimination of the second sentence of condition #1.

Chair Kriz noted an error in the conditions under #1 Temporary Permit. Where it refers to CUP-5-95, it should be CUP-6-95.

Barb Mingay stated that from the staff perspective, in Design Review on the landscaping issues there are no conditions for temporary vs. permanent.

John Knight noted for the record that the City noticed all who gave testimony at the original application/hearing for this public hearing this evening.

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Motion #5:	Commissioners Morrison/Post to adopt Resolution 95-21 with the following changes: 1) eliminate the second sentence: "If the application CUP-6-95 is approved without an appeal then this permit shall become void." and, 2) change the reference to file CUP-5-95 to CUP-6-95, in sentence #3 under "Temporary Permit."
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Vote on Motion #5:	The motion carried (7-0).
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Barb Mingay noted that there is a 10-day appeal period after which this would become final.
Chair Kriz called for a break at 8:45 p.m.
The meeting reconvened at 8:52 p.m.

PUBLIC HEARING (#4)

APPLICANT: Marvin Schneider

REQUEST: (1) Annexation and withdrawal from the Newberg Rural Fire District of a 10 acre parcel; (2) Zone change from County zoning VLDR to City zoning M-3 and (3) conditional use permit to allow a facility for recycling waste generated by residential and business activities.

LOCATION: 2808 S. Wynooski Rd.

TAX LOT: 3228-1800

FILE NO: ANX-3-95/CUP-2-95 - Resolution 95-19 and 95-20

ZONE: County VLDR to City M-3 Heavy Industrial

Abstentions/ex-parte contact:

Commissioners Harney and Waldren both went by the site.

Commissioner Mills heard there were concerned citizens that lived on Dog Ridge Road and inquired of Dr. William Bailey (a friend) who lives there if he had comments on the matter. Dr. Bailey responded that he wasn't really informed on the matter and didn't have opinions either way.

Commissioner Haug received a phone call from David Dailey. The conversation was based on the staff report not being handled by staff the same as how they present the reports. A letter was distributed to commissioners that was received from David Dailey regarding this matter. Only the staff report was discussed, no other content.

Objections: none

Staff Report: John Knight presented the staff report and noted that since the item was noticed, three (3) letters have been received (from Metro, David Dailey, and Sid Friedman). Copies of the letters were distributed to the Planning Commissioners and John covered the overall comments/concerns noted. He recommended that the Planning Commission open for public testimony now, continue the hearing to the September 14 Planning Commission Meeting, and re-open for public testimony. He announced that he will be going on a tour of Metro, not an exact example of a facility but a "like" facility, and invited a few commissioners and opponents to go along.

Preliminary Staff Recommendation: Staff recommended hearing public testimony now, and then continuing to the September 14, 1995 Planning Commission Meeting, re-opening public testimony, and to complete the tour prior to the September 14 meeting.

Proponent: Mark Cottle, (attorney for the Schneiders), 4000 Kruse Way PL 1-265, Lake Oswego, OR 97035. He noted that the Schneiders are proposing to sell the site to American Waste Management who would operate the facility. The site was chosen partially for the close proximity to the Newberg recycling/transfer station. He displayed projections for garbage generation for the area currently and for the next few years, and noted that this facility would be able to recycle 90-95% of the product received. He provided information on the following areas: the product will

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come half or more from Newberg and the remainder from metro areas; the process the potential fuel would go through; forms the product will come in; the process for creating fuel; how much traffic will be generated; odor; and noise. Mark stated that James Lackey, President of American Waste Management was in attendance and available to answer questions.

Opponent: Rick Whitlow, 8970 N.E. Dog Ridge Road, Newberg, OR 97132. Distributed a map to the commissioners and into the record. He addressed concerns pertaining to the proposed site, and noise. He requested that the potential noise levels be tested, especially the backup beepers on the machinery. He also noted that Mr. Bailey, who spoke with Rick Mills, lives about one half mile down the road.

Opponent: Beth Whitlow, 8970 Dog Ridge Road Newberg, She distributed a letter to commissioners and into the record. She discussed her areas of concern: odor, pollution, traffic, noise and hours of operation. She suggested denial of the request.

Opponent: Mart Storm, 560 Parks Road, Dundee, OR 97115. He is also here on behalf of Mike Olberding. He expressed the following concerns: What portion was not usable for fuel? What is the agricultural setting that they plan to dump the excess on? Where will the extra moisture go (would be better that it went to the City Sewer so that it may be treated), and odor. He suggested to the commissioners that if they choose to approve this, be sure to put conditions on approval regarding the odor and treating the water.

Opponent: David Dailey, 29696 Putnam Road N.E., Newberg, Oregon 97132. He inquired if there were obligations for Newberg recycling/garbage to the landfill, and is there a possibility of affecting rates. Other concerns he addressed: Sorting - not enough information on this process; traffic impact; septic system; noise testing; and what method is used to remove things that are not burnable?

Questions to Proponent:

Commissioner Harney asked Mark Cottle and James Lackey about the hours of operation, and what happens to the graywater? They responded that the proposed operational hours are 7 a.m. to 7 p.m.; graywater is collected and run through a purification system and controlled by DEQ; and the sludge (fiber based) will be landfilled. Regarding traffic impact: for every truck they bring in there, that is one less truck going to Smurfit, and there is no room to expand the facility on site, so there should not be additional traffic.

Commissioner Waldren asked how the stuff would be transferred, about dust and a sprinkler system, and about storing product on site. Mr. Lackey and Mr. Cottle responded that it would be transferred in bulk by a semi trailer, using the same unloading system that Smurfit uses currently. Regarding dust and the overhead sprinkler system; we have a fire requirement, and don't want water on this. The site is not designed to warehouse, rather to process and load into truck trailers to be shipped to a boiler somewhere. The applicant noted that they have a plant in process currently in Texas.

Commission Haug requested 8 1/2" x 11" copies of Mr. Cottle's slides, and for information to be assembled on the plant in Texas. Mr. Cottle agreed to supply copies of the slides. President Lackey stated that they don't own the plant in Texas, the county does.

Commissioner Haug requested information to say who American Waste Management is, a map showing where the septic system would be, and for clarification that there will be no composting at the site.

Mark Cottle responded they will get information on American Waste Management, that the county will enforce placement of the septic system, and that they will not be composting.

Commissioner Mills asked about the corporate entity and why they were seeking to be brought into the city limits.

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President Lackey responded that it is an Oregon corporation and noted that the proposed site is an agricultural zone that does not allow this usage. The request is to re-zone the parcel to allow this type of use.

Note to the record: copy commissioners on noise consultant report on "like" decibels - attached to these minutes (attachment A).

Public Agency reports: none

Letters: Three received as noted earlier from opponents (from Metro, David Dailey, and Sid Friedman). Copies of letters are attached to the minutes.

Commissioner Haug asked Mart Storm what his tolerance was to drainage into Hess Creek, and the odor tolerance to the subdivisions he was developing? Mart Storm responded that he felt anything more than storm water run off should be sent to the City Sewer System, and the odor should not leave the site.

Commissioner Mills directed his question to all of the opponents: he asked if concerns are addressed and conditions met, are the opponents open to the idea of the center being there. Overall the opponents responded yes, if all concerns are met and questions answered.

Mr. Cottle commented that there are 174 "like" facilities in the United States, and he would provide a list of these "like" facilities.

Chair Kriz stated that the commission will continue this hearing to the September 14, Planning Commission Meeting, and will continue with public testimony. If any materials are to be presented, please get them to staff ASAP.

John Knight will be arranging a tour to a facility in Portland. Commissioners should let John know if they are interested in going on the tour (in the next 2 weeks).

Motion #6:	Commissioner Mills/Harney motioned to continue the hearing to the 9/14/95 Planning Commission Meeting, with the public hearing portion still open.
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Vote on Motion #6:	The motion carried (7-0).
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VI. OLD BUSINESS (none)

VII. NEW BUSINESS (none)

APPLICANT: Pacific Empire Builders
REQUEST: Extension of time for submission of a final plat for Fenway Park Subdivision.
LOCATION: North of Henry Road, East of N. College.
TAX LOT: 3207DA-300
FILE NO: S-4-94

Barb Mingay presented the staff report, noting the extension request is for one year to complete improvements and conditions for the Fenway Park Subdivision. Staff supported the continuance request.

No commission discussion.

Motion #7:	Commissioners Mills/Haug to adopt Resolution 95-23.
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Vote on Motion #7:	The motion carried (7-0).
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OTHER:

John Knight requested the scheduling of two meetings to talk about general issues, like the format of the staff report, how we handle the meetings, and different issues that affect the Planning Commission. Also, the Planning Commission had requested a joint session with the City Council, and Commissioner Haug suggested a session be held on the Stream Corridor.

Commissioners discussed these items. There was consensus that it is sometimes difficult to cover policy issues when the commission spends considerable time on quasi-judicial, leaving little time for other areas.

Motion #8:	Commissioners Harney/Post moved to set September 28 as a special study session to discuss the Stream Corridor Study, and invite the Open Space Committee. At that session the commission will set study session dates for the other items. It was agreed upon to hold the session at the Library if it is available, begin at 6 p.m., and have dinner delivered.
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Vote on Motion #8:	The motion carried (7-0).
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VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items: Next City Council Meeting August 21 to begin discussion on the Development Code. John Knight commented that he felt the code would not be adopted until approximately October.
2. Other reports, letters, or correspondence: John noted that we are currently in the process of applying for some grants.
3. Next Planning Commission Meeting, September 14, 1995. September agenda may include the continuation hearing on the Schneider annexation, home occupational use permits, and possibility of the Sumitomo project appeal.

Commissioner Harney announced that he will be out of the state September 14 and will be absent from the next Planning Commission Meeting.

Commissioner Post may also be absent from the September 14 meeting.

IX. ADJOURNMENT

The meeting was adjourned at approximately 11 p.m.

Attachment: Noise consultant report on "like" decibels (reference file (ANX-3-95).

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Passed by the Planning Commission of the City of Newberg this 14 day of September, 1995.

ATTEST:

Darla Baldoni
Darla Baldoni, Planning Commission Recording Secretary