

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, OCTOBER 12, 1995, AT 7:00 P.M.

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney
Mary Post

Matson Haug
Richard Waldren

Rick Mills
Jack Kriz, Chair

ABSENT: Jim Morrison

Staff Present:

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

II. OPEN MEETING

Chair Jack Kriz opened the meeting at 7:03 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of 9/14/95 Planning Commission Meeting Minutes
2. Set date Joint Planning Commission/City Council Session
3. Emery Orchards, File S-7-94

Items one (1) and two (2) were taken off the consent calendar.

EMERY ORCHARDS - FILE S-7-94

Continued from the April 13, 1995 Planning Commission Meeting. NSP Development requested further continuance for one month to allow completion of negotiations between staff and ODOT regarding street design in Emery Orchards Phase IV.

Commissioners unanimously approved the request for continuance for one month.

APPROVAL OF MINUTES - SEPTEMBER 14, 1995 MEETING

Commissioner Haug stated that an item was missing from the minutes. The motion to deny the ANX-3-95 application with stated conditions was correct. In addition, the commissioners had requested a recommendation to the City Council, that the City Council work with the County to consider an Urban Growth Boundary Amendment to include the existing transfer station and area east of the transfer station to Highway 219.

Motion #1:	Commissioners Haug/Post moved to approve the September 14, 1995 minutes with the added recommendation to the City Council to consider working with the County to enlarge the Urban Growth Boundary of the entire area around the site that was proposed by Obayashi, off Springbrook Road.
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Vote on Motion #1:	The Motion carried (4-2): yes 4 - no 1 (Mills) - Abstain 1 (Harney - due to absence at 9/14/95 meeting).
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SET DATE FOR JOINT PLANNING COMMISSION / CITY COUNCIL SESSION

A memo was distributed in commission packets listing tentative dates for a joint meeting. **John Knight** discussed the memo with commissioners.

Chair Kriz asked commissioners for any conflicts with the dates as listed, and stated his preference to avoid January 4. No other comments.

John Knight noted that the information would be forwarded to the City Council.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

none

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: City of Newberg (continued from the September 14, 1995 Meeting, for deliberation only).

REQUEST: Review of a home occupation consisting of automobile repair and restoration operated by Dale Goldsmith.

LOCATION: 1916 Carol Avenue

TAX LOT: 3217CA-109

FILE NO.: X-25-95 / Resolution: 95-24

CRITERIA: Newberg Zoning Ordinance 10-3.440

OPEN FOR PUBLIC HEARING.

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

Chair Kriz summarized public hearing #1.

Commissioner Haug noted that the hearing had been closed to testimony and the commission should begin with deliberations.

Commissioner Deliberation:

Abstentions/ex-parte contact:

Commissioner Harney stated that he had reviewed the minutes and packet and felt capable of voting on the hearing. He was absent from the 9/14/95 meeting.

Staff Report: **John Knight** noted that a letter was received during the seven (7) day comment period from Joe C. Gstettenbauer, urging approval of the resolution. No further information or contact was

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received from the applicant.

Staff Recommendation: Staff recommended approval of file X-25-95 / Resolution 95-24 which terminates the home occupation.

Motion #2:	Haug/Mills to adopt Resolution 95-24 (file X-25-95) which terminates the home occupation.
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Vote on Motion #2:	The motion carried (5-1). Yes - 5 No - 1 (Harney)
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Commissioner Harney requested clarification. He stated that he may have misunderstood the motion and voted wrong. He wished to terminate the home occupation, and voted yes.

AMENDED VOTE: Vote on Motion #2:	The motion carried (6-0).
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John Knight noted that there was a 10 day appeal period of the Commission's decision.

PUBLIC HEARING (#2)

APPLICANT: NSP Development

REQUEST: Annexation of a 7.21 acres portion of a parcel totalling 22.6 acres; zone change from county AF-10 to City R-2; and withdrawal from the Newberg Rural Fire Protection District. The balance of the parcel is outside the Urban Growth Boundary.

LOCATION: 808 S. Springbrook Road [westerly 660 ft.]

TAX LOT: 3221-3400 (pt.)

FILE NO.: ANX-5-95 / Resolution 95-54

CRITERIA: Newberg Annexation Ordinance 2012, Section 4

Chair Kriz opened the Public Hearing.

Abstentions/ex-parte contact: none

Objections: none

Staff Report: **Barb Mingay** summarized the staff report. She noted that the site proposed was just North of the existing manufactured home park location, and that the applicant would be willing to dedicate the roadway prior to forwarding to City Council level.

Preliminary Staff Recommendation: In the absence of public hearing testimony, staff recommended approval of file ANX-5-95, Resolution 95-54, for annexation and rezoning of the property.

Proponent: **Mr. Mart Storm**, 560 NW Parks, Dundee, Oregon 97115 (represented NSP Development). He expressed his support of the staff recommendation.

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Proponent: Mr. John Hickert, 808 South Springbrook Road, Newberg, OR 97132. He noted he was a resident of Newberg for some time and supported the proposal.

Opponent: none

Questions to Proponent: none

Public Agency reports: none

Letters: none

Proponent/Opponent Rebuttal: none

Staff Recommendation: Staff recommended approval of ANX-5-95 / Resolution 95-54 for annexation and rezoning of the property.

Hearing Closed.

Commission Deliberation:

Commissioner Kriz asked if the house was in the city limits.

Commissioners discussed the house and if it would be incorporated into the city limits. **Barb Mingay** noted that the house on property surrounded by the project site was under other ownership and exempt from this application. It was in the county and will remain in the county. She displayed the site on an overhead, pointed out the city limits of the area, and explained the proposal for clarification.

Commissioner Haug asked about landscaping. **Barb Mingay** stated that the landscaping would be discussed after the development begins following annexation approval.

Motion #3:	Harney/Post to approve Resolution 95-54 / ANX-5-95 for annexation and rezoning of the property.
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Vote on Motion #3:	The motion carried (6-0).
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VI. OLD BUSINESS (none)

VII. NEW BUSINESS

John Knight stated that a request was received to add a new business item that appeared to be a minor issue.

Commissioner Haug wanted to hear the item, but felt more time may be needed for review.

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Commissioner Mills suggested to hear the item.

Commissioners unanimously approved to hear the additional new business item.

John Knight covered the new business item and discussed the specific plan area. Foothills Drive has no vehicular parking access. The question is on the width of the alley, and the width is 20 feet as noted in the specific plan. Staff was unable to clarify from the Specific Plan or Subdivision Plan if the 20 feet was paved or right-of-way. The proposal requested paving the alley width 16 feet wide and allow for two-way circulation. The proposal provided some driveway approaches for turn arounds. The Fire Department and Engineering Division believed 16 feet of paving was sufficient and there was adequate access from the front side of the lots off of Foothills Drive.

Commissioner Waldren asked about parking in the alley at night. **John Knight** responded that it would not be allowed.

Commissioner Mills asked if it was a private or city street. **John Knight** responded it was private.

Commissioner Mills asked how it would be enforced. **John Knight** answered "by the CC&R's."

John Knight restated the issue being the width of the street. The actual width for the right-of-way of the alley is 30 feet, with a proposed 16 foot paved surface in the middle.

Mr. David Bowles, builder, displayed the first phase of the plan of 18 lots total, and noted the improvements were constructed. He advised the commission of the home owners association and that they would deal with the blocking of access ways by passing a rule amongst themselves as an association. The alley would be poured before the homes are constructed. They proposed to narrow the drive width of the alley, get the houses up close to the street, and include a 12 foot planter strip with a 5 foot sidewalk (note to file: no registration card on file for David Bowles).

Commissioners discussed the concept and layout of the plan.

Commissioner Haug asked about parks in the area. **Mr. Storm** noted that three (3) parks are proposed as the specific plan is developed in that area.

Commissioners discussed concerns on parking. It was noted that Foothills Drive is 36 feet wide, with the normal city street being 24 feet wide.

Commissioner Haug was comfortable with the 16 foot paved alley.

Garbage collection would be collected from the alley. The garbage service had been contacted and stated they would drive down there.

Commissioners Haug/Harney in support of the advisory decision to allow a 16 foot paved alley.

The commissioners unanimously supported the advisory decision to allow a 16 foot paved alley.

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THE PUBLIC HEARING PROCESS

John Knight covered the steps of the public hearing process. The City Council uses the same process as the Planning Commission. He distributed a draft copy of the public hearing process and noted that he would also cover the draft with the City Attorney. He discussed some of the proposed changes to the process: allotted time for testimony, exparte contact, when undecided should testify, questions of the proponents/opponents, written comment, and proponent rebuttal. It is advised that the proponents and opponents would not have the opportunity to question each other. They would have opportunity to ask questions during the testimony portion, or if they had questions, to note them on the blue card.

Commissioner Haug suggested reversing items #5 and #6 on the blue card.

It was noted for the record that it is difficult for staff and commissioners to review information received 5 - 15 minutes prior to the meeting.

John Knight will continue with research on the proposed changes and work with the City Attorney prior to submitting a revised process for adoption.

Commissioners and staff discussed time limits. The commissioners agreed to give all who testify three (3) minutes each, regardless of the number of people in attendance at the hearing.

The commissions liked the lab timer. A suggestion was made to have lights on the timer for the hearing impaired.

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items

- * The Chehalem Mobile Home Park annexation from the last hearing was approved by City Council.
- * The City Council completed study sessions on the Development Code, and scheduled it for the November Council Meeting.
- * An appeal was received on the RDF site (Schneider annexation) and it was scheduled for the November City Council Meeting.
- * Joint Planning Commission and City Council proposed meeting dates will go to the next City Council Meeting for a decision.

2. Other reports, letters, or correspondence

I. Commissioner Mary Post submitted a letter of resignation from the Planning Commission. Her term expires 12/31/95.

II. John Knight noted on future staff reports the criteria would be listed on the back of the cover page, for ease in locating.

- a. **A letter was distributed** to commissioners at the meeting that was sent from John Knight, to John Gray, Yamhill County Council, addressing the Newberg Garbage Service Expansion and Composting Operation southeast of Newberg.

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- b. **Election of Officers:** John Knight noted that each year in January the commission elects new officers.
- c. **Expiration of terms:** A Planning Commission Member list was distributed in packets, indicating commissioner terms. Three (3) commissioners' terms will expire on 12/31/95: Jack Kriz, Mary Post and Jim Morrison. Commissioners were directed to submit a notice of decision to the City by November 9, 1995.
- d. An **updated 95/96 Planning Commission Meeting Schedule** was included in the packet.
- e. **A letter was received** from Paul Brenneke regarding **Meadows III Subdivision**, addressed to John Knight. The letter was distributed to commissioners in packets. The letter requested modification to condition #2 of the Commission's approval: to change sidewalk setbacks on Phase III to match Phases I and II of the same project.

3. Next Planning Commission Meeting, November 9, 1995.

VIII. **ADJOURNMENT**

The meeting was adjourned at approximately 9:40 p.m.

Passed by the Planning Commission of the City of Newberg this 9th day of November, 1995.

AYES: 6

NO: 0

ABSENT: Mary Post

ATTEST:

Darla Baldoni

Darla Baldoni, Planning Commission Recording Secretary

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**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 12, 1995 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE ATTACHED TO THE
MINUTES OF THE MEETING AND IN THE PROJECT FILE IT PERTAINS TO.**

DISTRIBUTED TO PLANNING COMMISSIONERS AT THE 10/12/95 MEETING:

1. October 5, 1995 Special Planning Commission Study Session Minutes. To be submitted for approval at the November 9, 1995 Meeting.
2. Draft of the Public Hearing Process (as discussed at the 10/12/95 meeting).
3. News Release on Planning Commission Vacancies. Notice of decision from commissioners due by November 9, 1995.
4. Letter from John Knight addressed to John Gray, Yamhill County Council, regarding the Newberg Garbage Service Expansion.
5. Mary Post resignation letter from the Planning Commission.

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