

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, NOVEMBER 9, 1995, 7:00 PM

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

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

Staff Present:

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

II. OPEN MEETING

Chair 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. CONSENT CALENDAR

1. Approval of October 5, 1995 Planning Commission Study Session Minutes
2. Approval of October 12, 1995 Planning Commission Minutes
3. Continuance of NSP Development (Emery OrchardsIV / S-7-94) to 12/14/95 Meeting.

Motion #1:	Commissioners Mills/Harney to approve the consent calendar items, approving the Study Session Minutes on October 5, the regular session minutes on October 12, 1995, and the continuance of the hearing of file #S-7-94 Emery Orchards to the December 12, 1995 Meeting.
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Vote on Motion #1:	The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person) - none

V. PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPLICANT: City of Newberg

REQUEST: Consideration of amendments to the Zoning and Comprehensive Plan documents and maps for the purpose of adopting regulations relating to stream corridor delineation, exceptions and standards.

FILE NO: CPA-1-95 / Resolution 95-29

OPEN FOR PUBLIC HEARING.

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

Abstentions/ex-parte contact: Commissioner Morrison stated that he lives by Hess Creek.

Objections: none

Staff Report: John Knight, Planning Division Manager noted that this is a legislative action.

Chair Kriz asked the audience if they desired more detail covered on the stream corridor. No requests made.

Preliminary Staff Recommendation: Staff recommended approval of file CPA-1-95, Resolution 95-29 initiating the amendments to incorporate the Stream Setback Overlay District, open the Public Hearing on the item, and continue the hearing to the December 14, 1995 Planning Commission Meeting for additional testimony and modifications.

John Knight noted that the ordinance as proposed is attached to the staff report.

Commissioner Mills asked for clarification on the resolution. **John Knight** responded that it was intended to formally initiate the process. Staff alone could not initiate the process to make an amendment to the comprehensive plan. Being a legislative item, there is no time limitation.

Motion #2A:	Commissioners Haug/Waldren to approve resolution 95-29 to initiate the process.
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Vote on Motion #2A:	The motion carried unanimously.
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Undecided: Sonja Haugen, represented Austin Industries, P.O. Box 1060, Newberg, OR 97132. She had been working with other property owners regarding the ordinance revision.

Proponent: Sid Friedman, 31909 N.E. Corral Creek Road, Newberg, OR 97132. He addressed the issue of creating public access to property, and didn't feel that the ordinance provided such access as the George Fox College letter stated. He suggested language be included about voluntary dedications of easements or property within the stream corridors.

Commissioner Mills asked if the City Council would need to approve or deny acceptance of voluntary dedications of easements or property. **John Knight** replied, yes. **Commissioner Haug** also suggested that the voluntary dedications go through administrative staff for evaluation, and staff then make recommendation to City Council. Commissioners discussed other options, like giving dedications to non-profit organizations, such as the Park and Recreation District.

Commissioner Morrison addressed the density transfer issue and suggested an amendment to remove it from the proposed ordinance.

John Knight stated that the committee felt it was a possible trade off to give the developers another 10-20% increase in density, yet maintain the objective of the proposal, to not allow the building of a structure in the creek areas.

OPPONENT: George Koertzen, P.O. Box 3280, Newberg, OR 97132. He felt that the City, with the ordinance, could take property away from property owners.

Questions to Proponent: none

Public Agency reports: none

Letters: One letter was received from Sam Farmer, Assistant to the President at George Fox College. He addressed the following concerns of the George Fox College: Divided Campus, Security, Ownership, and Development.

Proponent/Opponent Rebuttal: none

Staff Recommendation: Continue the Public Hearing to the December 14, 1995 Planning Commission Meeting, keeping the Public Hearing open for testimony and modifications.

Motion #2B:	Commissioner Mills/Haug to continue the public hearing to the December 14, 1995, Planning Commission Meeting, keeping the hearing open for testimony.
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Vote on Motion #2B:	The motion carried unanimously.
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PUBLIC HEARING (#2)

APPLICANT: Stein Oil Appeal
REQUEST: Construction of a 2,000 sq. ft. convenience store and retail gas station.
LOCATION: NW corner of Springbrook Road & Wilsonville Road
TAX LOT: 3221-2101
FILE NO: DR-32-95 / Resolution 95-27
ZONE: M-2 Light Industrial
NOTE: Applicant requests to continue the hearing to the December 14, 1995 Commission Meeting.

John Knight noted information received was incomplete, and staff recommended to open the public hearing for testimony.

Abstentions/ ex-parte contact: none

Objections: none

Staff Report: No formal staff report. Due to noticing the hearing in the local paper, public testimony was opened.

Preliminary Staff Recommendation: Staff recommended to continue the hearing to the December 14, 1995 Planning Commission Meeting.

Opponent: **George Johnston**, 22301 N.E. Fryerhill Road, Dundee, OR 97115. He asked if the applicant partitioned the lots, would they be allowed to have four driveway cuts?

John Knight responded that Oregon Department of Transportation (ODOT) would be the authority on that decision. The City would recommend one off of Springbrook Road. He also noted that the Design Review Committee denied the proposal based on traffic concerns.

Opponent: **Sharon Holdahl**, 29250 Wilsonville Road, Newberg, OR 97132. She stated her concern of increased traffic in an already busy intersection.

Letters: Two letters were received: 1) Ralph Nuciforo in opposition to the project; and 2) William Svendsen, in opposition of the project.

Motion #3:	Commissioners Mills/Haug to continue to the December 14, 1995 Planning Commission Meeting, keeping the public hearing open for testimony.
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Vote on Motion #3:	The motion carried unanimously.
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PUBLIC HEARING (#3)

APPLICANT: Home Industries Inc.
REQUEST: Subdivision of a 12,800 sq. ft. parcel into four (4) lots to be known as Jan's Court II; together with a lot size variance to allow construction of four (4) single family zero lot line townhouses, with an average lot size of 3, 200 sq. ft.
LOCATION: SW corner of Springbrook Road & Hancock

TAX LOT: 3221-1101
FILE NO: S-4-95/V-10-95 / Resolution 95-28
ZONE: R-2 Residential

Abstentions/ex-parte contact: **Commissioner Mills** noted that he had visited the site.

Objections: none

Staff Report: **Barb Mingay, Planning Technician**, summarized the staff report.

Preliminary Staff Recommendation: Staff recommended that the Planning Commission open the public hearing, take public testimony, and continue the hearing (leaving the public testimony open) to December 14, 1995. Staff also requested that the Commission provide direction for the applicant and staff. Three options provided for the Commission's consideration in directing the applicant: 1) process a variance; 2) process a Comprehensive Plan and Rezoning Amendment; or 3) pursue a modification of provisions request.

Proponent: **George Koertzen**, President of Home Industries, P.O. Box 3280, Newberg, OR 97132. He noted the proposal would be similar to one on Charles Street and suggested that commissioners view that site.

Proponent: **Jeff Twenge**, 24600 N.E. Hwy. 240, Newberg, OR 97132. Mr. Twenge is working with Mr. Koertzen to do the most they can with the property once the zone has changed.

Proponent: **Scott Twenge**, 18801 N. E. Williamson Road, Newberg, OR 97132. Originally, the plan was to develop three (3) single family lots. With the street dedication, the three (3) single family lots would not be possible, so they devised a new proposal.

Opponent: none

Questions to Proponent:

Commissioner Harney asked about the width of the street. The commissioners recollected that when the partition was done, an 18 foot street width was considered adequate for three (3) homes.

Public Agency reports: none

Letters: One (1) letter was received: 1) George H. Koertzen, in support of the project.

Proponent/Opponent Rebuttal: none

Staff Recommendation: Staff requested direction from the Planning Commission, and noted the three options as listed in the staff report for the Commission's consideration in directing the applicant: 1) process a variance; 2) Comprehensive Plan and Rezoning Amendment; or 3) pursue a modification of provisions request.

Hearing Closed.

Commission Deliberation:

Commissioners discussed street width, lot size, cost to the applicant, and requested that staff review the alternatives.

John Knight noted that the Fire Department recommended a 20 foot street width.

Barb Mingay covered re-zoning and noted that the City typically looks at larger areas for re-zoning. The next process would be subdividing and a variance to the lot size for a higher density. Modifications of Provisions apply to a subdivision.

Motion #4A:	Commissioner Waldren/Mills recommended that staff process a modification of provisions request.
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Vote on Motion #4A:	The motion carried (6-0).
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Motion #4B:	Commissioner Morrison/Harney to continue the public hearing to the December 14, 1995 Planning Commission Meeting, keeping the public testimony open.
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Vote on Motion #4B:	The motion carried (6-0).
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VI. OLD BUSINESS (none)

VII. NEW BUSINESS (none)

VIII. STAFF AND COMMISSION REPORTS

1. Cut off for submittal on Planning Commissioner's expiration of terms (11-9-95). Commissioner Morrison stated that he was not requesting re-appointment. John Knight noted that the appointments would be made by City Council in December.
2. Update on City Council Items: The Development Code has had some changes, based on new State statutes, and provided a different process in land division. The Schneider Annexation went forward to Council on appeal, after the Planning Commission denied the proposal. The City Council adopted the resolution to work with Yamhill County, continued the annexation to December, and the Conditional Use Permit to January. The Springbrook Estates annexation was approved by City Council.
3. Other reports, letters, or correspondence. **Barb Mingay** noted that a planning commissioner had requested information seen in Eugene at a workshop. She made an attempt to retrieve the information, but the City of Eugene stated that they did not have the requested information.

Chair Kriz asked about the new hearing process. **John Knight** noted that it was being reviewed by the Legal Department.

Commissioner Haug suggested that the January 1996 City Council/Planning Commission Study Session be informal to encourage discussion.

John Knight covered the staff work plan and project prioritizing list, that was included in the commission packet.

4. Next Planning Commission Meeting, December 14, 1995.

VIII. ADJOURNMENT

The meeting was adjourned at 8:42 p.m.

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

AYES: 6 NO: 0 ABSENT: Rick Mills

ATTEST:


 Darla Baldoni, Planning Commission Recording Secretary

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**INFORMATION RECEIVED INTO THE RECORD
AT THE NOVEMBER 9, 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.**

PROJECT FILE # DR-32-95

Two letters received:

1. Ralph Nuciforo - Opponent
2. William Svendsen - Opponent

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PLANNING COMMISSION MTG
PUBLIC TESTIMONY
11/9/95
FILES: CPA-1-95 / DR-32-95 /
S-4-95

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Sam Farmer CPA-1-95
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George Johnston DR-32-95
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