

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
April 13, 1995
Thursday, 7:00 PM

Approved at the May 11, 1995 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney	Mary Post
Matson Haug	Roger Worrall
Rick Mills	Jack Kriz, Chair
Jim Morrison	

Staff Present:

John Knight, Planning Manager
Darla Baldoni, Recording Secretary

Citizens Present:

13 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 reviewed the March 9, 1995 meeting minutes.

Motion: Commissioner Worrall/Morrison moved to approve the minutes of the March 9, 1995, Planning Commission Meeting.

Vote on Motion: The motion carried (7-0).

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

none

John Knight announced the Public Hearing Process Testimony and Evidence requirements.

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: PGE by Robert Helm

REQUEST: Conditional Use Permit to allow establishment of a PGE Springbrook Substation.

LOCATION: 305 Springbrook Road

TAX LOT: 3221-1000

FILE NO: CUP-1-95

ZONE: M-1 Limited Industrial District

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OPEN FOR PUBLIC HEARING.

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

Chair Kriz stepped down from the public hearing, and Vice Chair Worrall managed the hearing.

Abstentions/ex-parte contact:

Commissioner Mills drove by the site and noticed stakes in the field. He stated interest in what PGE planned to do with the sidewalk and ditch.

Commissioner Harney drove by and was also interested in the sidewalk and ditch.

Commissioner Morrison drove by the site.

Commissioner Haug stated that he was familiar with the site.

Objections: none

Staff Report: **John Knight** covered the staff report, and noted the memo from Larry Anderson, City Engineer, and a printout of Staff Analysis on the project (distributed to commissioners).

John Knight requested that the record reflect the addition of condition #5 to the findings (page 3).

Preliminary Staff Recommendation: In the absence of testimony presented at the Public Hearing, staff recommended that the Planning Commission approve Resolution 95-9, to allow development of a PGE Springbrook Substation at 305 Springbrook Road, with the addition of condition #5 to the findings on street dedication.

The Commissioners discussed the roads.

Proponent: **Lorraine Gonzales, Planner from McKeever & Morris, 722 S.W. 2nd Avenue, Portland, OR 97204,** representing PGE. She presented a slide show of the site and stated that they concur with the landscaping plan. They also will comply with conditions relating to electric magnetic fields, roadways, and the design review requirements as requested by the City. She distributed a letter to the commissioners and staff addressing concerns of interference with the sound system.

Commissioners asked if the stakes in the field were for the right-of-way, and Lorraine Gonzales responded yes. She was also asked if other substations are located near drive-in theaters that have caused interference. She stated that PGE has not encountered any real problems with this.

Opponent: **Jim Omundson, 31010 Peach Cove Road, West Linn, OR 97068.** He expressed his concern on a potential decrease in property value, and appearance of the area. He felt that a substation would be more appropriate in a heavy industrial use area.

Opponent: **John Spencer, P.O. Box 228, Newberg, OR, 97132,** (owner of DCI at 305 N. Springbrook). John raised issues on keeping the aesthetics of the area and felt a substation would be inappropriate. He

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also felt there was inadequate lead time from noticing to the hearing, and would like time to present his own slide presentation.

Opponent: James White, 12935 S.W. Bedford Street, Tigard, OR, 97224. He is an employee of DCI, who has spoken with neighboring property owners and felt they were not aware of the request. He requested continuation until the next meeting, or to at least remain open for seven (7) days as allowed. Other issues he addressed were: lower property values, interference from the substation, the tree screen being inadequate, and consideration of alternate sites.

Opponent: Ms. Karyl Kieper, O'Malley & Antell, One S.W. Columbia, Suite 680, Portland, OR 97258, an attorney representing DCI. The findings do not adequately address the criteria listed in the staff report. She requested the 7-day continuance, or preferably to continue the item to the next meeting (note to the record to check DCI's address in the department records).

Vice Chair Worrall stated for the record that the 7-day continuance and/or the 30-day continuance has been requested twice.

Opponent: Bret Veatch, P.O. Box 759, Newberg, OR 97132. Here on behalf of DCI and property owners of the area. He believes that this would create an adverse impact on the area and requested the 7-day continuance.

Opponent: Augustine Gonzales, 2880 Hayes Street, Newberg, OR 97132 (Newberg Urgent Care). He expressed his concerns for health and safety, and felt the substation would deter patients from the clinic and impact future recruitment of physicians to the facility.

Questions to Proponent: none

Questions for the Opponents: none

Questions from the Commissioners:

Commissioners asked PGE to address issues raised by opponents.

Mike Livingston, PGE, responded that a lot is perception on property values and electrical transmission. To sustain the growth Newberg is seeing, they must expand to provide adequate power. This site is close to the area where PGE has a gap, they own the site, and it is not easy to find sites to locate substations. PGE attempts to develop sites that are compatible with the surrounding area and stated that they could put together a landscape plan.

Stan Gray, Electrical Engineer, PGE. He stated that PGE has many areas that have substations and they are not having problems in those areas. PGE has experienced technicians to detect interference with radio transmission.

Commissioner Haug asked if the substation was needed due to the development of the Werth property.

Mr. Gray, PGE, responded that this substation would double the service for Newberg, and act as backup during power outages. Whether or not that property develops, it is needed.

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John Spencer, DCI Owner, asked PGE about the selection of the site.

PGE responded that they had considered alternate sites.

Public Agency reports: John Knight pointed out that the highest height on the plans is 27 feet and by ordinance, 45 feet is the highest height accepted. He also stated that the notice was sent on March 23 to property owners within 100 feet, posted at four public sites, posted on the property site, and published in the newspaper 20 days prior to the hearing.

Staff requested that PGE verify their mailing address with the Community Development Office.

Letters: A letter was received from PGE addressing interference with the theater transmission sound system, and a memo from Larry Anderson, City Engineer, regarding right-of-way width for Springbrook Road.

Proponent/Opponent Rebuttal:

Lorraine Gonzales stated that PGE felt that they had addressed the issues, but would like to take the seven days to address any further concerns.

John Knight offered facilitating a meeting with anyone who wanted to discuss further concerns.

Staff Recommendation:

John Knight commented that PGE is caught between opposing neighbors and yet the need to expand services for the area. He also noted for the record that substations are listed under R-1 public and semi-public uses. The Planning Commission is required to base decisions on criteria, not on economic issues, or by alternate sites.

The record will remain open for an additional seven (7) days for written comment, and open for an additional seven (7) days for rebuttal by the applicant. Also, staff requested that the record be closed on this day, but announced that it may be re-opened if new or additional evidence is submitted that was not addressed at the meeting. Staff also requested that the Commission not deliberate until the May 11, Planning Commission Meeting.

Commissioner Haug suggested that the Commission allow DCI to do a slide presentation next month, and that an alternate site analysis may be useful.

Commissioner Mills responded that more slides would not necessarily present any more information than PGE has already presented.

Vice Chair Worrall suggested that by statute, continuation for seven(7) days be allowed.

Staff added that additional slides from DCI could be facilitated through the Community Development Staff, and the Commissioners may re-open the hearing.

MOTION: Commissioner Morrison/Haug to continue for seven (7) days, close the public hearing, leave open for written comment for seven (7) days, and continue to the May 11, Planning Commission Meeting. In the mean time, PGE will develop their aesthetics plan and get with neighboring communities

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to try to resolve that, and present the plan to the Commission in May.

Vote on Motion: The motion carried (6-1), Chair Kriz abstained.

Commissioners discussed clarification of the motion.

Vice Chair Worrall noted that we automatically have a continuance for seven (7) days as requested.

Commissioner Mills suggested remaining open for written comment for 14 days, close the public hearing, leave open for seven (7) days for rebuttal, and bring back to the May 11, Planning Commission Meeting with the option to re-open the hearing for public testimony.

Amendment to the Motion: Commissioner Mills/Haug amended the motion to close the oral testimony, leave open for written comment for 14 days, give the proponent seven (7) days for rebuttal, and bring back to the May 11, Planning Commission Meeting with the option to re-open the hearing for public testimony.

Vote on Amendment to the Motion: The motion carried (6-1), Chair Kriz abstained.

Hearing Closed.

Commission Deliberation: not applicable

John Knight called for a break at 8:30 p.m.

Chair Kriz reconvened at 8:37 p.m. and re-opened with **Old Business, S-7-94.**

VI. OLD BUSINESS

1. S-7-94: Subdivision of a 1.45 acre parcel into 7 lots to be know as Emery Orchards, Phase IV. Item tabled on November 10, 1994.

Motion: Vice Chair Worrall/Mills to continue for 120 days.

Vote on Motion: The motion carried (7-0).

VII. NEW BUSINESS

Commissioner Haug requested to add an item to the agenda.

Staff stated that if a motion is presented under new business, it must first be on the agenda to give opportunity to prepare for the item.

1. Project Prioritizing Study Session:

Memo distributed in agenda packets outlining suggested projects for the Planning Commission to prioritize. John Knight covered the items on the list. He requested the commissioners to decide on the top three priorities.

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OTHER ITEMS TO ADD TO THE LIST:

Historic Preservation

The Commission discussed each category and rated them by: 1) staff time (HS = High Staff time); 2) political (indicated by *); and 3) money involved (\$)

#1 LIST

Roadways	Low \$, High Staff Time, * a Little Political	*vote: 7 A's
Signs		vote: 2 A's, 4 B's, & 1 C
Criteria /Standards (ordinance)		vote: 4 A's, 3 B's

* A,B,C = level of importance in vote.

#2 LIST

College	Low \$, High Staff time, Very Political*
Planned Development Zone	
Design Guidelines	
Natural Resources	

The Commission added to the Study Session Topics: Park & Recreation

Commissioner Haug referred commissioners to the attachments in the minutes, in particular #3, 4, 6, 9, and 10.

Motion: Commissioner Haug/Harney moved that the Planning Commission advise and request the Planning Staff to deny any Policy I or Policy II staff approvals, or requests to fill in any streamways until after the open-space ordinance issues have been resolved.

Chair Kriz asked where the Comprehensive Plan falls.

John Knight stated that the Comprehensive Plan is a guideline, and this would be more appropriate to send to the City Council for adoption.

Motion Withdrawn: Commissioner Haug/Harney withdrew his previously stated motion and listed it for discussion purposes only.

VIII. STAFF AND COMMISSION REPORTS

1. Update from Open Space Committee
Reviewed maps of stream corridors. They believe 80% will be non-controversial. Maps and overlays are available at the Park & Recreation during the swimming pool hours (evenings and weekends).
2. Update on Council Items
The Urban Reserve Area was adopted by the City Council and the County Board, with a small area in Oxberg Estates that was changed.

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The County Transportation Plan should be available to look at this week (draft copy).

The Twenge annexation offered dedication as part of the application.

Subdivision for Nielsen was appealed, and will be a public hearing at the April 17, 1995 City Council Meeting (applicant requested 40 lots).

3. Other reports, letters, or correspondence
none
4. Next Planning Commission Meeting: May 11, 1995
Chair Kriz will be unable to attend the May meeting.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:00 p.m.

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Passed by the Planning Commission of the City of Newberg this 11 day of May, 1995.

ATTEST:



Darla Baldoni, Planning Commission Recording Secretary