

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, MAY 9, 1996 AT 7:00 P.M.

Approved at the June 13, 1996 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney	Matson Haug	Rick Mills
Steve Hannum	Myrna Miller	Jack Kriz, Chair
ABSENT:	Richard Waldren	

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Janet Yarbrough, Recording Secretary

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 form to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of the April 11, and April 25, 1996 Planning Commission Minutes.

Commissioner Harney asked that the minutes for the May 9, 1996, meeting reflect that he stepped down from deliberating on the Austin application for annexation, due to a potential conflict of interest because the Austins are close friends of his.

Motion #1:	Commissioner Haug-Harney to approve the consent calendar items, approving the minutes of the April 11, and April 25, 1996 Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously (6-0; Absent-1: Waldren).
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: Ron Manning

REQUEST: Annexation of a 15,000 square foot parcel, zone change from county to city zoning, and withdrawal from the Newberg Rural Fire Protection District.

LOCATION: N. of Eleventh Street 150 feet E. of Pacific Street

TAX LOT: 3220CD-500

FILE NO.: ANX-11-96

ZONE: County to City R-2

RESOLUTION NO.: 96-39

CRITERIA: Newberg Development Code Section 10.36.050

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** said he drove by the site. He observed that the site was flat and had no homes on it. **Commissioner Harney** said he had also driven by the site.

Objections: None

Staff Report: **Barb Mingay, Planning Technician**, reviewed the staff report. She reminded the commission of the criteria for evaluating annexations.

Preliminary Staff Recommendation: In the absence of public testimony, staff recommend approval of Resolution 96-39, approving the annexation.

Proponent: Paul Sedoruk
233 SE Washington
Hillsboro, OR 97123

Mr. Sedoruk said he felt the application met the criteria for annexation.

Questions to Proponent:

Commissioner Haug questioned how the applicant would be providing access to and from Mill Court and Eleventh Street. **Mr. Sedoruk** passed out a map of the proposed development and explained the plan. **Commissioner Miller** asked for clarification regarding the use of Eleventh Street by Smurfit Newsprint. The staff responded that no truck access to the mill was in the vicinity of the site.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: In the absence of any additional testimony or opposition to the annexation, the staff recommended adoption of Resolution 96-39, approving the annexation.

Hearing Closed.

Commission Deliberation:

Commissioner Haug said he felt comfortable with the plans. **Commissioner Mills** said he felt two units would be more suitable for the property, but that would not prevent him from voting to adopt the resolution.

Motion #2:	Commissioner Haug-Miller to adopt resolution 96-39, approving the annexation.
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Vote on Motion #2:	The motion carried unanimously (6-0; Absent-1: Waldren).
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PUBLIC HEARING (#2)

APPLICANT: Ron Manning
REQUEST: Annexation of approximately 8 acres, zone change from county to city R-1 and R-1/GH, and withdrawal from the Newberg Rural Fire Protection District.
LOCATION: W. of Main Street, S. of Pinehurst Court
TAX LOT: 3218AC-1700, -1800, -1900, -2000
FILE NO.: ANX-12-96
ZONE: County to City R-1 and R-1/OS
RESOLUTION NO.: 96-41
CRITERIA: Newberg Development Code Section 10.36.050

Abstentions/ex-parte contact: **Commissioner Haug** toured the site in his vehicle. He noticed the stream was very close to the house on the site. He also said he unintentionally drove down a private road at the far end of the property. He saw a heavy density of trees protecting the stream way. He was unable to distinguish the location of the general hazard zone. **Commissioner Miller** said she drives by the site almost everyday. She noticed what appeared to be an old historic schoolhouse on the site.

Objections: None

Staff Report: **John Knight, Planning Manager**, reviewed the staff report. He referred the public to the map contained in the staff report.

Preliminary Staff Recommendation: In the absence of public testimony, staff recommend approval of Resolution 96-41, approving the annexation.

Commissioner Haug asked for clarification between the two maps included in the staff report and how the staff intended to reconcile the differences between them. He was concerned about the potential for three different zoning designations. **John Knight, Planning Manager**, responded that the General Hazard Zone designation would be given over the stream because it was closest to the 20% line.

Proponent: Paul Sedoruk
233 SE Washington
Hillsboro, Oregon 97123

Mr. Sedoruk said he supported the annexation because it was a logical extension of the city limits. He said the frontage properties would remain under the same ownership and no existing structure would be torn down. He said the applicant was aware of the general hazard zones and did intend to comply with the zoning.

Undecided Kenneth Reed
104 W. Pinehurst Court
Newberg, OR 97132

Mr. Reed said his original concern was that the old schoolhouse might be torn down. He was also concerned with the potential increase in traffic on Main Street. **John Knight, Planning Manager**, explained that over time the city would take on a project to improve the road.

Questions to Proponent:

Commissioner Haug asked the applicant if he was comfortable with the general hazard zoning designation. **Mr. Sedoruk** said the applicant was aware of the zoning designation and would comply with it.

Commissioner Mills asked how he would determine access to and from the site. **Mr. Sedoruk** pointed out a few possibilities for access. He said it would probably come from the southern most park entrance but had yet to decide if the road would be public or private. **Commissioner Miller** asked if the applicant was aware of the requirement for hooking up to city sewer. **John Knight, Planning Manager**, said that two residents were already on city sewer, and two were not. He noted that hookups to sewer were available. **Mr. Sedoruk** said the applicant intended to hook up the residents to city sewer.

Chair Kriz asked if the large map was an actual survey. **Mr. Sedoruk** said the map came from the city's aerial photos.

Chair Kriz asked if the developer had any experience in general hazard zones. **Mr. Sedoruk** said he did not.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: **Mr. Sedoruk** restated that they would be required to make improvements to Main Street to handle the additional traffic.

Staff Recommendation: The staff reminded the commissioners that they had received a new map which corrected the inaccuracies of the first map. The staff continued its recommendation to adopt Resolution 96-41, approving the annexation.

Hearing Closed.

Commission Deliberation:

Commissioner Hannum was concerned about storm drainage going into the creek. He asked staff if there were any guidelines or requirements for swales and catch basins to handle the normal oil from streets. **John Knight, Planning Manager**, said that was not part of city standards at this time.

Commissioner Haug asked staff how specific the General Hazard line had to be for annexation. **John Knight, Planning Manager**, said the real concern was the 20% line. He noted that this was not a problem in this application.

Commissioner Haug asked if road improvements would include bike lanes. The staff said they would be included.

The commissioners reiterated that several weaknesses exist in the general hazard and storm drain guidelines.

Motion #3:	Commissioner Haug-Harney to adopt Resolution 96-41, approving the annexation.
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Vote on Motion #3:	The motion carried unanimously (6-0; Absent-1: Waldren).
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PUBLIC HEARING (#3)

APPLICANT: Marvin Schneider

REQUEST: Annexation/zone change of a 10 acre parcel and withdrawal from the Newberg Rural Fire District.

LOCATION: 2808 S. Wynooski Road
TAX LOT: 3228-1800
FILE NO.: ANX-10-96
ZONE: County VLDR to City M-3 Heavy Industrial
RESOLUTION NO.: 96-40
CRITERIA: Newberg Development Code Section 10.36.050

Abstentions/ex-parte contact: None

Objections: None

Staff Report: **John Knight, Planning Manager**, gave a brief history of the site and reviewed the staff report.

Preliminary Staff Recommendation: In the absence of public testimony, staff recommend approval of Resolution 96-40 approving the annexation and rezoning.

Proponent: Mark Cottle
P.O. Box 1124
Sherwood, OR 97140

Mr. Cottle said the real question before the Planning Commission was if they wanted this site to be within the city boundaries. He pointed out the applicant did have a valid conditional use permit but had run out of time in the annexation process. He referred the commissioners to previously submitted materials (see ANX-3-95).

Proponent: Marvin Schneider
1159 N. Main
Newberg, OR 97132

Mr. Schneider made himself available to answer any questions from the commissioners.

Questions to Proponent:

Commissioner Haug asked if the applicant would object to notifying residents further than 100 feet away of the potential increase in noise from trucks entering and leaving the site. **Mr. Cottle** said that residents within one hundred feet of the site had been notified. He reminded the commissioners that the neighbors could re-evaluate the increase in noise after six months and one year, and if they did not feel that Mr. Schneider had been a good neighbor, his occupancy permit could be revoked. **Mr. Schneider** pointed out that he had plans to plant more trees to help block the additional noise. **John Knight, Planning Manager**, said the commissioners were not prohibited from asking the applicant to give notice to additional residents.

Commissioner Haug asked if the use permit was still valid. The staff said they were working through that issue with the city attorney.

Chair Kriz asked if time was the only issue holding up this application, or if there was another issue of which the commissioners were not aware. **Mr. Cottle** said there were problems in the process which made time an issue, and that was the only issue.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: The staff continued its recommendation to approve Resolution 96-40, approving the annexation.

Hearing Closed.

Commission Deliberation:

Commissioner Miller felt the application should be approved because it had already been approved once and the applicant already had a conditional use permit.

Commissioner Haug voiced his concern with the neighbors outside of the 100 feet notification zone. He suggested the inclusion of a condition requiring the applicant to notify these residents. **Commissioner Mills** asked what the point of notification was. Staff responded that was to insure that those previously involved were aware of the proceedings of the City Council.

Motion #4:	Commissioner Haug-Harney to direct staff to give notice to the residents on Dog Ridge Road who previously participated on this issue.
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Vote on Motion #4:	The motion carried 5-1 (Dissenting: Mills; Absent-1: Waldren).
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Motion #5:	Commissioner Haug-Harney to adopt Resolution 96-40, approving the annexation.
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Vote on Motion #5:	The motion carried unanimously (6-0; Absent-1: Waldren).
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Chair Kriz called a brief recess at 8:10 p.m.

Chair Kriz called the meeting back into order at 8:15 p.m.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS

1. Discussion on Increased Density (handout)

John Knight, Planning Manager, said a grant was received to evaluate increases in density. The options were outlined in the handout. Staff noted they preferred the third option. **Commissioner Miller** asked if the third option would give the commissioners enough time to make the necessary design comparisons. The staff said they had an intern working on this project, and they already had a large amount of preliminary information available. **Commissioner Miller** asked how long it would take to write the ordinance. The staff said they hoped it wouldn't take more than a year. Staff also noted that the ordinance would come in a package which would include standards, amendments and more. **Chair Kriz** asked for level of commitment of the proposed technical advisory committee. The staff said there would probably be six meetings plus a couple of workshops. **Commissioner Harney** said he would like to be on this committee. **Chair Kriz** asked what the criteria were for rezoning. The staff referred the commissioners to page 61 of the development code. Staff noted that the definition of available property was questionable, and a consistent definition from the commissioners was needed.

Motion #6:	Commissioner Haug-Harney to follow option three to deal with the issue of increasing density.
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Vote on Motion #6:	Motion carried 5-1 (Dissenting: Mills; Absent-1: Waldren).
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2. Set date for next Planning Commission Study Session (possible: 7/11/96)

Motion #7:	Commissioner Haug-Harney to hold a special study session on June 27, 1996 at 7:00 p.m., at the Community Development Office.
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Vote on Motion #7:	The motion carried unanimously (6-0; Absent-1: Waldren).
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There was some discussion as to what the agenda would include, especially concerning the priorities. The commission decided to set the agenda at the next meeting.

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Three annexations went to City Council, but will not be decided upon until May 20, 1996, because the minutes were not received in time to proceed earlier.

2. Other reports, letters, or correspondence

- a. Handout distributed to commissioners from the Newberg Area Chamber of Commerce inviting the commissioners to the next Old Town Committee meeting on Wednesday, May 15, 1996 at 6:30 p.m.
- b. Grant and Overlay Zone Status. The staff reviewed the nature and status of these projects. Staff updated the commissioners on the stream corridor issue, noting that at this point enough information had been collected and a revised draft ordinance would be submitted to the City Council in June. The commissioners asked to be notified when the issue would come before City Council.
- c.. Handout distributed to commissioners in packet: "Council decisions about the capacity to accommodate growth within the current Urban Growth Boundary."
- d. Handout distributed to commissioners in packet: "Livable Oregon's annual conference June 13-15."
- e. Handout distributed at the meeting: "How to avoid ExParte Problems." The definition and obligations of the commissioners were reviewed, especially concerning site visits. Staff reminded the commissioners that they should try to be a part of the decision making process, but any discomfort they feel in dealing with an issue should be discussed with the city attorney. **Commissioner Mills** reminded the commission that if there was anything that would affect their decision, they had to make it known so that the proponents could rebut it.

3. Next Planning Commission Meeting, June 13, 1996.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 9:15 p.m.

Passed by the Planning Commission of the City of Newberg this 13th day of June, 1996.

AYES: 6

NO: 0

ABSTAIN: 0
(list names)

ABSENT: 1 - Harney

ATTEST:

Norma L. Sohn
Planning Commission Recording Secretary Signature

NORMA L. SOHN 6/13/96
Print Name Date

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**INFORMATION RECEIVED INTO THE RECORD
AT THE MAY 9, 1996 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 #ANX-11-96

A map of the existing site access plan was distributed to the commissioners during the meeting.

PROJECT FILE # ANX-12-96

A boundary survey map was distributed to the commissioners at the meeting.

LABELS FROM THE 5/9/96
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY

Paul Sedoruk
233 S.E. Washington
Hillsboro, OR 97123

ANX-11-96

Paul Sedoruk ANX-12-96
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Hillsboro, OR 97123

Kenneth Reed ANX-12-96
104 W. Pinehurst Ct.
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Marvin Schneider ANX-10-96
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