

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, SEPTEMBER 12, 1996 AT 7:00 P.M.

Approved at October 10, 1996 Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

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

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Susan Galecki, Recording Secretary

II. OPEN MEETING

Chair opened the meeting at 7:10 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. STUDY SESSION: Visual Preference Survey for Residential Needs Analysis Grant (GR-2-95). Presentation by Rick Browning of Browning-Shono Architects of slides taken by the Committee Members. These will be used to develop a Design Manual.

5 minute break

IV. CONSENT CALENDAR

1. Approval of August 8, 1996 Planning Commission Minutes.

Motion #1:	Commissioners Harney, Hannum to approve the consent calendar items, approving the minutes of the August 8, 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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Motion #2:	Commissioners Kriz, Mills, approving the minutes of the August 29, 1996 Planning Commission Dinner Session.
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Vote on Motion #2:	The Motion carried unanimously (6-0). Absent-1: Waldren.
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V. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)
none

Agenda revised by Commission consent due to impact of Resolution No. 96-48, Interpretation of a

Permitted Use, upon Resolution No. 96-48, Construction of a Gazebo in Memorial Park.

VI. NEW BUSINESS

1. Gazebo. Interpretation of a Permitted Use in an R-2 Zone: Private and public parks, playgrounds, and courses, and accessory buildings and uses normal and incidental to the uses are permitted within an R-2 zone. Is a gazebo within a park a similar use?
Resolution No. 96-48.

John Knight, Planning Manager, reviewed the staff report, criteria and conditions for approval. Following discussion of various options by the Commission, **Chair Haug** opened the session to public comment.

Opponent: Pat Haight
501 E. Illinois #12
Newberg, OR 97132

Ms. Haight stressed the need to double check the ordinances before making any attempt to proceed with this issue. She indicated a gazebo where amplified sound was not permitted would be useless and that residents in the area of Memorial Park should have first consideration. Ms. Haight also felt Hoover Park a more appropriate location for the gazebo. Entering testimony a second time, Ms. Haight indicated that a permanent structure would encourage drug related meetings and increases loitering.

Opponent: Virginia Jungwirth
410 S. School
Newberg, OR 97132

Ms. Jungwirth was opposed to a permanent structure and pointed out the problems anticipated with the addition of a gazebo to Memorial Park: difficult parking for residents during concert periods, neighbors with varying sleep periods would be disturbed, easy access to drugs because of excessive cars, wood structure would be easily burnt down. She also indicated a more appropriate location would be either Hoover Park or by the dog pound.

Opponent: Warren Parrish
30450 NE Wilsonville Rd.
Newberg, OR 97132

As a musician, **Mr. Parish** indicated that it would be difficult to bring in entertainers without the use of amplification and that some forms of entertainment will project over the 50 foot allowed by the ordinance without amplification.

Opponent: Gail Bonsey
501 S. Howard
Newberg, OR 97132

Ms. Bonsey agreed that appropriate parking space is not available, that the wood structure would likely be burned down or vandalized, and that the hours of availability would create an intrusion to residents. Ms. Bonsey also felt a mobile unit would benefit more people.

Commissioner Waldren arrived, 8:40 pm.

Opponent: Mike Boyes
1109 S. River
Newberg, OR 97132

Mr. Boyes, Chairman of the Old Fashioned Festival, indicated the festival would not use the gazebo because of the no amplification rule and expressed a need for the clarification and reexamination of the sound ordinance. Mr. Boyes also felt that, as a permanent structure, the park should have its own parking.

Opponent: Bill Jungwirth
410 S. School
Newberg, OR 97132

Mr. Jungwirth indicated the gazebo would add to the current problems surrounding Memorial Park; extremely difficult parking during the Old Fashioned Festival, neighbors with varied sleep schedules disturbed by activity at the park, kids at night making a great deal of noise (without the amplification), and kids trying to burn down the current cement bathrooms. Mr. Jungwirth would also prefer the gazebo be located at Hoover Park where less people would be disturbed by noise.

Opponent: Jim Jones
502 E. 5th
Newberg, OR 97132

Mr. Jones questioned the objective of the gazebo and was concerned about the permanent structure. He pointed out that he enjoys the Old Fashioned Festival and is understanding of its associated inconveniences because it is temporary, but the proposed availability of the gazebo is unfair to residents.

Opponent: Helen Lee
111 E. 9th St.
Newberg, OR 97132

Ms. Lee indicated she can hear Memorial Park at her house, 4 blocks away, and that amplified sound would be heard much further out.

Opponent: John and Lois Parret
412 S. Howard St.
Newberg, OR 97132

A letter from **Mr. and Mrs. Parret** was read into the record by Ms. Bonsey. The letter stressed the difficulties in regulating a center of entertainment once established, the intrusion of noise, and the lack of parking space.

Opponent: Michael Schvarczkopf
411 S. Blaine
Newberg, OR 97132

Mr. Schvarczkopf felt the gazebo would take away his rights as a resident to peace and quite. He mentioned that the screaming kids in the park are enough noise and indicated he would move if a gazebo were built in Memorial Park.

Opponent: Louise Zeringue
411 S. Blaine St.
Newberg, OR 97132

Ms. Zeringue did not speak, but entered the following written testimony into the record:

"I think that Memorial Park is too small an area to support a pavilion with scheduled concerts. It would produce too much noise, traffic, congestion for a small neighborhood. It interferes with my peace of mind in my own home. I have the right to having peace on my own property."

Chair Haug closed the session to public comment and proceeded with commission deliberation.

Commissioner Mills questioned how gazebo was similar to other permitted uses or conditional uses in the R-2 zone.

John Knight elaborated on the sound ordinance, the Old Fashioned Festival's exemption from the ordinance. Mr. Knight explained that the objective of the gazebo, as provided by the Community Relations Committee, is to provide a community element for Memorial Park.

Commissioners discussed the possible need for a new category in the Development Code to cover gazebos and the differences between permitted and conditional uses.

Motion #3:	Commissioners Kriz, Miller, to recommend the City Council review how and where gazebos should be permitted.
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Vote on Motion #3:	The Motion carried 6-1 (Mills).
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Motion #4:	Commissioners Waldren, Harney that a gazebo is neither a permitted nor conditionally permitted use and that the City Council should amend the Development Code to include gazebos as a conditionally permitted use.
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Vote on Motion #4:	The Motion carried 6-1 (Mills).
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VII. SUBDIVISION SESSION (This is not a public hearing pursuant to ORS Chapter 197)

APPLICANT: St. Peter's Catholic Church
REQUEST: Subdivision of approximately 8.67 acres into 13 lots to be known as Trinity Meadows. Twelve lots will be sold as single family dwelling lots; the remaining property will be used as a site for construction of a new church at a later date.
ZONE: R-1
LOCATION: North Main at Mountainview Drive.
TAX LOT: 3207-02700
FILE NO: S-7-96
CRITERIA: Newberg Development Code 10.34.030
RECOMMEND: Approve with conditions as proposed.
RESOLUTION: 96-45

Motion 5:	Commissioners Harney, Hannum to continue the St. Peter's session to the October 10, 1996 meeting.
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Vote on Motion #5:	The motion carried unanimously (7-0).
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VIII. QUASI-JUDICIAL PUBLIC HEARINGS Complete registration form to give testimony - 5 minutes maximum per person, unless otherwise set by majority motion of the Planning Commission.

PUBLIC HEARING

APPLICANT: City of Newberg
REQUEST: Construction of a 460 sq. ft. gazebo for public use in Memorial Park.
LOCATION: Memorial Park - S. Blaine Street.
TAX LOT: 3219AC-100, -200, -600
FILE NO: DR-58-96
CRITERIA: Newberg Development code Section 10.28.050
RECOMMEND: The Staff recommends approval of **Resolution 96-46** as requested by Community Relations Committee.

OPEN FOR PUBLIC HEARING.

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

Abstentions/ex-parte contact: **Commissioner Mills** declared an exparte contact in bathroom during break, agreeing with a opponent that there wasn't much support for the gazebo at the Planning Commission Meeting; **Commissioner's Miller and Haug** drove through the area prior to the meeting; **Commissioner Kriz** abstained because his firm prepared drawings for the applicant.

Objections: none

Staff Report and Recommendation: The *Staff recommended Item VIII be tabled in light of the previous motion.*

Hearing Closed.

Motion #6:	Commissioners Harney, Waldren to table resolution 96-46 until a decision on Motion #2 is returned from the City Council..
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Vote on Motion #6:	The motion carried unanimously (7-0).
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Motion #7:	Commissioners Harney, Waldren to adjourn the meeting by 11 pm.
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Vote on Motion #7:	The motion carried unanimously.
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IX. LEGISLATIVE PUBLIC HEARINGS Complete registration form to give testimony - 5 minutes maximum per person unless otherwise set by majority motion of the Planning Commission.

APPLICANT: City of Newberg
REQUEST: Amendments to the Newberg Development Code regarding technical changes.
FILE NO: G-19-96
CRITERIA: Newberg Development Code 10.20.030
RECOMMEND: Staff recommends the City Council approve the proposed changes.
RESOLUTION: 96-47

Abstentions/ex-parte contact: none

Objections: none

Staff Report: **Barb Mingay, Planning Technician** reviewed the proposed changes. **John Knight** reviewed the expedited land division process.

Preliminary Staff Recommendation: Staff recommended that the City Council approve the changes proposed by staff. adopt resolution 96-47

Public Comment: none

Public Agency reports: none

Letters: none

Staff Recommendation: The staff recommend adoption of Planning Commission Resolution 96-47.

Hearing Closed.

Commission Deliberation:

Commissioner Kriz indicated he would like more time to review some of the changes.

Chair Haug said he felt comfortable with Commissioner Kriz approaching Planning Staff with his concerns at a later date.

Motion #8:	Commissioners Miller, Harney to adopt resolution 96-47 and forwarding to City Council for approval.
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Vote on Motion #8:	The motion carried unanimously 7-0.
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X. OLD BUSINESS (none)

XI. NEW BUSINESS

1. Presentation relating to proposed Planned Unit Developments

a. Bay Creek Planned Development (Hobbs/Hewitson)

Presentation by Barry Smith, Ruth Anne Hobbs of what a planned development is and Bay Creek's design and goals.

John Knight reviewed the planned development process and urged the commissioners to study Development Code pages 88 through 98, Section 10.32.

2. City Initiated Rezone of properties adjacent to Bay Creek Planned Development (request by Roger Grahn and Tom and Tina Rials). **RESOLUTION NO. 96-49.**

Motion #6:	Commissioners Kriz, Miller to adopt resolution 96-49.
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Vote on Motion #6:	The motion carried unanimously (7-0).
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The meeting was adjourned before Item IX, Staff and Commission Reports, could be discussed.

The next Planning Commission Meeting is scheduled for October 10, 1996.

Motion #7:	Commissioner Miller, Harney moved to adjourn the meeting.
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Vote on Motion #7:	The motion carried unanimously.
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XII. ADJOURNMENT

The meeting was adjourned at approximately 11:15 p.m.

Passed by the Planning Commission of the City of Newberg this 10 day of September, 1996.

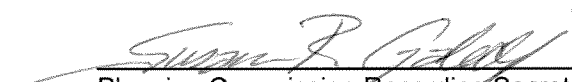
AYES: 6

NO: 0

ABSTAIN:
(list names)

ABSENT: Miller

ATTEST:


Planning Commission Recording Secretary Signature

Susan R. Galecki 10/10/96
Print Name Date

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**INFORMATION RECEIVED INTO THE RECORD
AT THE APRIL 11, 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 # DR58-96

Letter from Mary Austin regarding the proposed gazebo in Memorial Park.

Letter from John and Lois Parrett regarding the proposed gazebo in Memorial Park.

Written comments from Louise M. Zeringue regarding the proposed gazebo in Memorial Park.