PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, MAY 8, 1997 AT 7 P.M.

Approved at the June 12, 1997 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby	Matson Haug, Chair	Jack Kriz
Myrna Miller	Richard Waldren	Lon Wall

Absent: Steven Hannum

Staff Present:
John Knight, Planning Manager
Barbara Mingay, Planning Technician
Terry Mahr, City Attorney

II. OPEN MEETING

Chair Matson Haug 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. CONSENT CALENDAR

1. Approval of April 10, 1997 Planning Commission Minutes.

Motion #1:	**Commissioners Miller-Waldren** made a motion to approve the consent calendar items, approving the minutes of the April 10, 1997 Planning Commission Meeting.

Vote on Motion #1:	The Motion carried unanimously 6-0 (Hannum absent).

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

Mr. Johann May
312 N. Edwards
Newberg, Oregon 97132

Mr. May expressed concern regarding the City's lack of a tree protection ordinance.

V. PUBLIC HEARING

CONTINUED FROM THE APRIL 10, 1997 PLANNING COMMISSION MEETING

APPLICANT: City of Newberg
REQUEST: Revision of the Newberg Development Code Section 10.36 relating to processing annexation applications
LOCATION: City wide
TAX LOT: Various
FILE NO.: G-16-96 **RESOLUTION NO.: 97-66**
CRITERIA: Newberg Development Code, Section 10.20.030

OPEN FOR PUBLIC HEARING.
Chair Haug reopened the public hearing, and entered ORS 197, relating to the Public Hearing process into the record.

John Knight, Planning Manager, indicated that correspondence had been received after the initial hearing, and that in order to enter it into the record, the Planning Commission would have to accept it.

Motion #2:	**Commissioners Waldren-Wall** to include the written testimony submitted by Sid Friedman as part of the record.

Vote on Motion #2:	The Motion carried unanimously 6-0 (Hannum absent).

Staff Report: **John Knight, Planning Manager,** reviewed the staff report, highlighting decision options and revisions within the proposed ordinance which were identified during a recent workshop as areas of concern.

Mr. Knight introduced **City Attorney Terry Mahr**. Mr. Mahr reviewed the process identified in ORS 222.115, which allows contract annexations. He noted that this process could allow development to occur following voter approval of the annexation, but before the parcel actually was entered in the City's tax base. The delay time could be up to 10 years, after which the site would be included in the City tax base as its developed, rather than undeveloped valuation.

Mr. Mahr was asked if a contract annexation could be limited to three years. Mr. Mahr indicated it could.

Preliminary Staff Recommendation: Mr. Knight recommended that the Commissioners review each decision package within the ordinance and then provide a final decision on the entire ordinance.

Staff was asked about noticing requirements under the NDC and under ORS. **Mr. Mahr** responded that the ballot title and explanatory statements are published as required by ORS 222.130 relating to annexation by consent of owner. He noted that the annexations voted on last fall were noticed in this manner.

Public Comment:
Mr. Jim Ludwick
7500 S.W. Lebold Road
McMinnville, OR 97129

Mr. Ludwick indicated he represented the Friends of Yamhill County, and that he had campaigned to get the annexation by vote measure approved in both McMinnville and Newberg. He indicated that citizen involvement was the primary desire of the group. He showed the commissioners a copy of a full page ad used by Corvallis to advertise prior to annexation.

Commissioner Haug asked Mr. Ludwick if the same notice should apply to small or individual parcels. Mr. Ludwick indicated that the full page ad cost about $800 in Corvallis. He felt that would be passed on to future property owners; however, he indicated that the City could implement a hardship exception to this requirement.

Public Comment:
Ms. Pati Seitz
31909 N.E. Corral Creek Road
Newberg, Oregon 97132

Ms. Seitz presented testimony for Sid Friedman who was unable to attend the meeting. She read a letter from Sid in which he recommended approval of either the draft approved by the Community Development Director early in the year, or the draft presented by the supporters of the annexation by vote measure. His letter reviewed each option provided by Staff with a specific recommendation to include a needs analysis and a development plan.

Chair Haug asked Ms. Seitz if the decision package presented by staff had included all of the concerns identified by Mr. Friedman. Ms. Seitz was not able to respond for Mr. Friedman regarding this issue.

Staff Recommendation: John Knight, Planning Manager encouraged the Commissioners to review the decision packages and reach a decision.

Hearing Closed.

Commission Deliberation: Commissioner Wall encouraged the commissioners to review and vote on each of the decision packages separately. The commissioners concurred.

Decision Package #1: Commissioners generally supported Option 2.F. Commissioners discussed replacing 2.E. as shown in the staff report with "E" as shown in Mr. Friedman's proposal. No consensus was reached. Commissioners appeared to be evenly split in support of Option 1 and 2.

Motion #3:	**Commissioners Waldren-Wall** to approve Option 2, deleting E and retaining F.

Vote on Motion #3:	The motion failed by show of hands (3-3). Aye-Wall, Waldren, Haug; Nay-Ashby, Kriz, Miller; Absent-Hannum.

The commissioners were unable to reach a consensus on decision package #1.

A five (5) minute recess was called, after which the meeting reconvened.

Decision Package #2: The commissioners took a straw vote relating to support of each option within package #2. Options 1 and 2 received the most votes. Commissioners further discussed the need to include a development plan. The commissioners were unable to reach a consensus on decision package #2.

Decision Package #3: After a brief discussion, commissioners made the following motion:

Motion #4:	**Commissioners Miller-Wall** to approve Option 2.

Vote on Motion #4:	The motion carried by voice vote (6-0), Absent-Hannum.

Decision Package #4: Commissioners took a straw vote relating to this decision package and reached a 3-3 tie. After some discussion, the commissioners were unable to reach a consensus.

Motion #5:	**Commissioners Kriz-Miller** to forward the entire annexation ordinance and testimony to City Council with no recommendation, due to a lack of consensus on the proposed ordinance.

Vote on Motion #5:	The motion carried (4-2). Aye-Kriz, Miller, Wall, Haug; Nay-Ashby, Waldren. Absent-Hannum.

A five (5) minute recess was called, after which the meeting reconvened.

VI. OLD BUSINESS

none

VII. NEW BUSINESS

1. Residential Needs. **Barb Mingay, Planning Technician**, indicated that the residential needs grant had received an extension and further information would be provided at the next Planning Commission meeting.
2. Interpretation: Assisted Living Facilities. Staff distributed material provided by the applicant including a memo and support data regarding the proposed project and interpretation request.

Rick Miller, Genesis Health Care
20383 S.W. Tremont Way
Aloha, OR 97007

Mr. Miller, owner of Genesis Health Care, summarized the location and type of facility proposed, and philosophy of an assisted living facility. He also reviewed the differences from a nursing home.

Patrick Bickler, Architect for Genesis Health Care
1313 Mill Street S.E.
Salem, OR 97301

Mr. Bickler presented photos and diagrams relating to the proposed development and site design. He noted that the site would include a restaurant, beauty shop, ATM, putting green, and laundry facilities which would be available to the public and residents.

Robert Simon, Attorney for Genesis Health Care
712 Main Street
Oregon City, OR 97045

Mr. Simon reviewed the applicant's request to have the Planning Commission either approve an interpretation that an assisted living facility is similar to other uses within the NDC C-1 section, or to make an interpretation that a group care facility was inadvertently omitted from the C-1 conditionally permitted uses list when the code was originally adopted. Mr. Simon referred to this as making a reasonable accommodation under the Fair Housing Act.

John Knight reviewed the background of the development, the NW Newberg Specific Plan, and the C-1 purpose and conditional use permit requirements sections of the NDC.

The commissioners discussed the purpose of the C-1 zone and the specific plan. The consensus of the commission was that the use was not appropriate in the C-1 zoned site.

Mr. Simon asked the commissioners to allow the use as a conditional use in the C-1 zone. He reiterated his belief that the use had been omitted from this section of the NDC in error.

Mr. Bickler indicated that the facility was both commercial and residential; the facility was a mixed use.

Mr. Simon commented that the project could be reviewed as a conditional use under federal and state fair housing guidelines and he indicated that it appears to have been omitted from the C-1 conditional use list.

Commissioners discussed alternative actions that could be taken by the applicant. Options included requesting a zone change, a revision of the specific plan as a major modification per NDC 10.44.312, or relocation to another parcel.

Motion #6:	**Commissioners Kriz-Waldren** that the Newberg Development Code does not allow an assisted living facility in the C-1 zone.

Vote on Motion #6	The motion carried unanimously (6-0), Absent-Hannum.

3. Ordinance Amendments: All items continued to the June 12, 1997 Planning Commission meeting at the request of staff.
   a. Resolution 97-63; Initiating an Ordinance Amendment relating to expedited land division requirements (G-25-97).
   b. Resolution 97-64; Initiating an Ordinance Amendment relating to sign requirements (G-27-97).
   c. Resolution 97-65; Initiating an Ordinance Amendment relating to noticing requirements (G-28-97).
   d. Resolution 97-67; Initiating an Ordinance Amendment for TGM Grants (Transportation & Residential Needs, GR-2-95 and GR-4-95).

VIII. STAFF AND COMMISSION REPORTS - No discussion occurred due to the lateness of the hour.

1. Update on Council items
2. Other reports, letters, or correspondence:
   a. Review of Planning Commission Goals and Objectives
3. Next Planning Commission Meeting, June 12, 1997

IX. ADJOURNMENT

The meeting was adjourned at approximately11:25 pm.

Passed by the Planning Commission of the City of Newberg this 12th day of JUNE, 1997.

AYES: 6 NO: 0 ABSTAIN: 0 ABSENT: 1 -WALL

ATTEST:

Julie Ann Bouché — JULIE ANN BOUCHÉ — 6-12-97

Planning Commission Recording Secretary Signature — Print Name — Date

INFORMATION RECEIVED INTO THE RECORD AT THE MAY 8, 1997 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 # G-16-96

1. Written testimony provided by Sid Friedman.

PROJECT FILE # VII. New Business - Item 2.

1. A written copy of the testimony and support data provided by Robert S. Simon
2. A written copy of the testimony and drawings provided by Patrick Bickler

LABELS FROM THE 5/8/97 PLANNING COMMISSION MEETING FROM THOSE WHO GAVE PUBLIC TESTIMONY

Mr. Johann May
312 N. Edwards
Newberg, Oregon 97132

Mr. Jim Ludwick
7500 S.W. Lebold Road
McMinnville, OR 97129

Ms. Pati Seitz
31909 N.E. Corral Creek Road
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Rick Miller, Genesis Health Care
20383 S.W. Tremont Way
Aloha, OR 97007

Patrick Bickler, Architect
1313 Mill Street S.E.
Salem, OR 97301

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Oregon City, OR 97045