PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, MARCH 13, 1997 AT 7 P.M.

Approved at the April 10, 1997 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby
Myrna Miller, Vice-Chair
Steve Hannum
Richard Waldren
Jack Kriz
Lon Wall

Absent: Matson Haug, Chair

Staff Present:

John Knight, Planning Manager
Barbara Mingay, Planning Technician
Janet Yarbrough, Recording Secretary
Chris Mayfield, Fire Marshall

II. OPEN MEETING

Vice-Chair Myrna Miller opened the meeting at 7:05 p.m. She 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 February 13, 1997 Planning Commission Minutes.

Motion #1:	**Commissioners Hannum-Kriz** voted to approve the consent calendar items, approving the minutes of the February 13, 1997 Planning Commission Meeting, with the corrected spelling of Stephen Ashby's name.

Vote on Motion #1:	The Motion carried unanimously (6-0) ABSENT: Haug

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

none

V. PUBLIC HEARING (#1)

1. APPLICANT: City of Newberg in cooperation with George Fox University, Friendsview Manor and Providence Newberg Hospital

REQUEST: Comprehensive plan amendment and zone change to create an I (Institutional) and IO (Institutional Overlay) zoning district

LOCATION: Generally north of Highway 99W, east of Meridian, south of Southern Pacific railroad tracks, west of Villa Road

TAX LOT: Various

FILE NO: CPA-3-96 **RESOLUTION NO.**: 97-60

CRITERIA: Newberg Development Code section 10.20.030

OPEN FOR PUBLIC HEARING.
Chair Miller entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact: Commissioner Hannum stepped down because he is an employee of George Fox University. **Commissioner Kriz** said he had driven through the area but did not see anything that would affect his ability to participate. **Commissioners Wall, Ashby and Miller** indicated that they had read the article in *The Graphic* that appeared on March 8, 1997, regarding the institutional zone change. They all indicated they did not learn anything new from the article. **Commissioner Wall** had read the Graphic article. **Commissioners Waldren and Kriz** said they had read the headline but not the article.

Objections: none

At this time, **John Knight, City of Newberg Planning Manager,** indicated that a letter from Jim Morrison had been received after the deadline. He noted that the Planning Commission could choose to accept or reject the testimony.

Motion #2:	**Commissioners Waldren-Wall** to accept Jim Morrison's written testimony.

Vote on Motion #2:	The motion carried unanimously (5-0) ABSTAIN: Hannum; ABSENT: Haug.

Staff Report: **John Knight, Planning Manager,** indicated that there were several public notices issued on the item in response to the concerns discussed at the last meeting regarding notification procedures for public hearings. He reviewed the staff report.

Preliminary Staff Recommendation: Staff recommended approval of the resolution.

Proponent:
Mr. Don Millage
2126 Thorne Street
Newberg, OR 97132

Mr. Millage, financial vice-president of George Fox University. He read into the record a letter from Edward F. Stevens, president of George Fox University. Mr. Stevens indicated his support, emphasizing the institution's need for the zone change. Mr. Millage felt that George Fox University was an integral part of Newberg. He noted that the university was growing very fast, and that the university had acquired 36 properties adjacent to the college of various sizes and prices, totalling over four million dollars. He said the university had put in an additional two million dollars for renovations. He emphasized that the intent of the university was to maintain the residential character of the area. He noted that the current zoning code did not meet the needs of the institution.

Proponent:
Mr. Al Benkendorf
522 S.W. 5th Avenue
Portland, OR 97204

Mr. Benkendorf represented George Fox University. He mentioned that a community meeting was held at the hospital, at which all institutions were represented and six citizens were present. He felt the meeting provided an opportunity to explain the proposal in detail to the public. Mr. Benkendorf said he believed the current zoning code required the university to justify building a classroom on the campus, which was inconsistent with the needs of the university. He asked for approval because the zone change would meet the needs of the institutions better than the existing code.

Proponent:
Ms. Beverly Bookin
621 S.W. Morrison, Suite 201
Portland, OR 97205

Ms. Bookin read into the record a letter from Mark Meinert, Providence Health System, Chief Executive of Yamhill Service Area. Mr. Meinert indicated his support for the zone change and reiterated the institution's need for the change. Ms. Bookin made herself available for any questions from the commissioners.

Proponent:
Mr. R. Jay Baker
1301 E. Fulton
Newberg, OR 97132

Mr. Baker, Executive Director of Friendsview Manor. He said Friendsview Manor had been a part of the Newberg community for 36 years, and it employed a large number of Newberg citizens. He stated current residency was 235 elderly citizens. Mr. Baker indicated that the institution would be following a slow growth strategy, and that their only plans for expansion at the current time were for a small assisted living facility. He felt the existence of the manor contributed to the stabilization of the market values of the surrounding properties.

Opponent:
Mr. John F. Newman
517 Villa Road
Newberg, OR 97132

Mr. Newman, community resident for 17 years. He said he was concerned with the 100 foot height change. He asked the commissioners to consider removing the hospital from the institutional zone because he did not view it as a necessary inclusion. Mr. Newman was concerned that the hospital would bring into the institutional zone on the properties they are currently leasing from the physicians.

Questions to Proponent:
Commissioner Wall asked Mr. Newman to clarify his points. Mr. Newman said he understood the hospital would have the option to purchase some of the surrounding properties, and feared that would alter the area in a significant way. Mr. Newman said he wanted clear information regarding the hospitals plans, and suggested that the Planning Commission get a master plan from the hospital before the process proceeded any further. **Commissioner Waldren** asked what was wrong with the proposal in terms of the property owned by the hospital, considering the needs of the hospital to grow and expand. Mr. Newman indicated that the property should not be put in an Institutional Overlay, but should instead be immediately put into the Institutional Zone. Ms. Bookin corrected Mr. Newman's statement regarding ownership of several parcels in the vicinity of the hospital. She noted that none of the businesses discussed were owned by the hospital.

Public Agency reports: none

Letters: Letters received into the record from: 1) Jim Morrison, dated 3/12/97; 2) Edward F. Stevens, dated 3/13/97; 3) Mark W. Meinert, dated 3/13/97; 4) March 8, 1997 Newberg Graphic article.

Proponent/Opponent Rebuttal:
Mr. Warren Good
P.O. Box 718
Newberg, OR 97132

Mr. Good was in favor of the resolution because of the problems with the current zone changes. He emphasized the importance of including all three institutions, and that the institutional zone was more restrictive than the commercial zone, thus holding the institutions accountable to being good neighbors. He clarified that the hospital did not own the property mentioned by Mr. Newman.

Mr. Benkendorf said the 100 foot height should be retained because it was reasonable. He reminded the planning commissioners that under the current zoning there was no height restriction in the C-2 zone. **Ms. Bookin** said they had listened to Mr. Newman but they were unsure of what his objections were. She clarified that the hospital owns two lots away from the hospital building that will be used for parking or future offices, but they are not currently included in the institutional zone because they are separated from the hospital and the university by privately held parcels.

Staff Recommendation: John Knight, Planning Manager, reviewed the map of the proposed zoning. He pointed out the location of the eleven historic homes, eight of which are owned by the university and three by private citizens. He reviewed the locations of properties owned by the hospital. He noted that the current zoning was less restrictive than the institutional zone. He stated the reason the hospital was participating was to encourage a campus atmosphere. **John Knight** said, in reference to Mr. Morrison's questions regarding the comprehensive plan, the restrictions of the comprehensive growth plan would remain in effect. Staff recommended approval of the resolution.

Questions of Staff:
Commissioner Kriz asked how the zone change would take place and how new purchases would be converted. Staff indicated that the areas would have to be part of the Institutional Overlay in order to be converted to the Institutional Zone at a later time.

Hearing Closed.

Commission Deliberation:
Commissioner Kriz expressed concern with Exhibit A, page 4 of the resolution. He asked if this was for use in normal collegiate athletics, not professional athletics. **John Knight, City of Newberg Planning Manager,** responded that it was assumed. **Commissioner Kriz** suggested clarification. **Commissioner Kriz** asked why the university wouldn't have to plant street trees along certain streets. Staff said the university was hoping to eventually build on those streets, and if they were required to landscape now, they would have to move the trees in the near future, especially since it was anticipated that the streets would be vacated in the next two to three years. **Commissioner Kriz** asked if the university could initiate a street vacation? Staff said that could only happen through the City Council, provided that property owners give 100% consent. **Commissioner Kriz** asked about sign restrictions, and expressed concern that the commercialization of institutions may lead to more advertising, thus the need for more sign regulations. Staff said it had language to address that, saying that free standing signs could not be taller than 25 feet. **Commissioner Kriz** asked staff if the issue of radio towers had been addressed. **Barb Mingay, Planning Technician,** said page five of the resolution dealt with this, and that they could potentially add a 100 foot restriction to the amendment. **Commissioner Wall** said he was impressed with the notification effort of the city. He had concerns about the inclusion of the hospital, because of its ownership by the Providence Health System. **Commissioner Wall** also said he was concerned with the potential precedents that could be set. He felt the system was being short circuited since the compelling reason to do this was because the institutions were trustable. He felt the commissioners should come up with a better definition of institution. **Commissioner Ashby** felt the compelling reason was that the

institutions have special needs that current code did not address. **Commissioner Wall** said he felt other businesses could come forward with the same arguments. **Commissioner Waldren** said they could deal with the precedents later, and felt that this was an ongoing project, which was needed to meet the needs of these businesses. **Commissioner Miller** said she felt these institutions were extremely unique in the type of services they render to the community. She reiterated that Newberg was lucky to have all three in such close proximity to each other and that the city should encourage the growth of the institutions. **Commissioner Wall** agreed that they were unique institutions. The commissioners discussed their options for amending the wording of the resolution. The commissioners agreed they should come to a consensus on the changes, ask staff to make the changes, and forward the resolution to the City Council. **John Knight, City of Newberg Planning Manager,** went through the changes.

> **CHANGES ARE AS FOLLOWS:** add a definition of continuing care retirement community using the definition on page five of the resolution; on pages 4 and 5, apply subcategories and add the language for subsidiary accessory; on page 5, correct the format problem; on page 8, rewrite to fix the text problem on application of criteria; on page 9, add a specific ordinance reference, change record to title report, and add a legal description of property; on page 15 deal with radio towers under 4A, define structure, and radio towers subject to the conditions on page 5; and on page 22 add a reference to the 20 foot height restriction for free standing signs.

Motion #3:	**Commissioners Kriz-Waldren** to adopt Resolution 97-60 with the stated modifications, approving the Comprehensive Plan Amendment and Zone Change to create an Institutional and Institutional Overlay Zoning District.

Vote on Motion #3:	The motion carried (5-0) ABSTAIN: Hannum; ABSENT: Haug.

The committee took a break at approximately 8:45 p.m.
Vice-chair Myrna Miller called the meeting back to order at 8:55 p.m.

PUBLIC HEARING (#2)

APPLICANT:	Ron Manning		
REQUEST:	Planned Unit Development for project generally referred to as Creekside to allow 52 lots		
LOCATION:	west of Main Street, south of Pinehurst Court		
TAX LOT:	3218AC-1700, -1800, -1900, - 2000		
FILE NO:	PUD-3/97	**RESOLUTION NO.:**	97-62
CRITERIA:	Newberg Development Code section 10.32.030		

Abstentions/ex-parte contact: none

Objections: none

Staff Report: John Knight, City of Newberg Planning Manager, reviewed the criteria for approval and the process for Planned Unit Development Process. He reviewed the staff report, noting the changes that had been made in the process of development with regard to the requests of the applicant and the city. He brought the issue of private streets to the attention of the commissioners, noting that all of the streets in the proposal could comply with the administrative rule, but the proposed changes would not be consistent with the rule.

Preliminary Staff Recommendation: The preliminary staff recommendation was made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. Staff recommended approval of the resolution.

Proponent:
Mr. Paul Sedoruk
233 S.E. Washington Avenue
Hillsboro, OR 97

Mr. Sedoruk reviewed the plans for the development, noting that the lots were not intrusive to the stream corridor. He distributed to commissioners and into the record, a packet containing photos of what similar developments look like and other development plans. He reviewed the development plans with the planning commissioners.

Undecided:

Mr. Don Clements
1802 Haworth Avenue
Newberg, OR 97132

Mr. Clements, superintendent, Chehalem Park and Recreation District. He was concerned with the location of the road in proximity to the Jaquith Park parking lot because it could block one entrance, posing a safety concern. The parking lot must have two entrances. He said his department would accommodate the developer, but would not pay for any changes that had to be made. Mr. Clements also voiced his concerns about the increase in traffic.

Staff Comment:

Chris Mayfield, City of Newberg Fire Marshall, stated that the fire department could not require any street to have over a 20 foot width with no parking, but noted that the city has a 32 foot width requirement on public streets. He noted that developers were lowering the width of streets by making them private. He indicated that the city was heading toward requiring all new developments to have 32 foot wide streets. He said the fire department preferred the roundabout streets to the hammerhead design. He also noted that access at the current width is not a problem.

Questions to Proponent:

Commissioner Kriz asked if the parking lot had curbs and gutters. **Mr. Clements** said there were curbs and gutters within the parking lot but not on Main Street. **John Knight, City of Newberg Planning Manager,** said it should be possible to line up the driveway with the street. **Mr. Clements** said if the streets lined up, then they wouldn't have an objection to the application. **Vice-chair Miller** asked if safety was an issue for the park district. **Mr. Clements** said he was more concerned with safety in an indirect lineup. **Commissioner Waldren** asked Mr. Sedoruk to explain the two (2) foot- eight (8) foot setback. He said the setback would be administered to maintain 10 feet between any two adjacent property buildings. **Commissioner Hannum** asked what the overhang was on a building. **Mr. Sedoruk** said they could be up to two (2) feet. **John Knight, City of Newberg Planning Manager,** said the condition in the code was three (3) feet. **Commissioner Hannum** asked about the maintenance of the stream corridor area. **Mr. Sedoruk** said that the Chehalem Park and Recreation District could decide if they wanted to accept the segment as a donation. Otherwise, it would be maintained by a neighborhood organization. **Mr. Clements** said they had not been asked to take the land yet. He was concerned about the ability of a homeowners association to maintain the land. **Commissioner Wall** asked Mr. Sedoruk if he was requesting a zone change. Mr. Sedoruk said he just had to demonstrate that the project was suitable to the R1 district. **Commissioner Waldren** asked where the cluster development would be located. Mr. Sedoruk referred to the maps. **Vice-chair Miller** asked if the lots were within the flood plain. Mr. Sedoruk said there was no designated flood plain there. **Commissioner Kriz** asked if there were other examples of this type of density in similar areas. Mr. Sedoruk said the packet contained examples from Sherwood and McMinnville, which had been successful. **Commissioner Kriz** asked about maintenance. **Mr. Sedoruk** said the front yards would be landscaped by the developer, but care would be the responsibility of the owners. **Commissioner Waldren** asked if the right-of-way width of 24 feet would allow parking on one side. **John Knight, City of Newberg Planning Manager,** said this was not included in this proposal. **Chris Mayfield, Newberg Fire Marshall,** said that to have parking on a street, it had to be 28 feet wide. Staff clarified that no 32 foot public streets had been built in the last few years, but there were private streets with less than the 32 foot width. **Mr. Sedoruk** said this could be approved tonight with the recommendation that this go to City Council for final approval, and they could decide on the street width. **Commissioner Kriz** asked if the issue of street width would be resolved soon. Staff said this was part of the streets grant and should be resolved by the end of the summer. **Commissioner Kriz** asked if the fire department had a position on the 32 foot width policy. **Chris Mayfield, Newberg Fire Marshall,** said that they would like to have a flexible policy. **Commissioner Hannum** asked if the alignment of Creekside Drive was shifted further east than necessary. He thought moving it to the West would make it possible to shift the lots to get a wider street. Staff said that was correct, but it would cause the development to overlap the stream corridor.

Public Agency Reports: none

Letters: none

Proponent/Opponent Rebuttal: Mr. Sedoruk said he would be more than happy to align the entrance and exit with the main access of the park, if that is feasible. He also suggested an offset of 100 feet minimum of the entrance. He indicated that his client was more than willing to pay for all expense to change the parking lot.

Staff Recommendation: John Knight, City of Newberg Planning Manager, reiterated that the landscape plans for the development would come back to the Planning Commission at a later date for approval. He recommended approval, but asked for discussion on the street called "Our Way." He indicated that the fire department was available for questions.

Hearing Closed.

Commission Deliberation:
Commissioner Hannum suggested the commission look at making Creekside Drive 32 feet wide by shifting it to the West and maintain the lot size. **Commissioner Kriz** said he didn't have a problem with a 24 foot wide street. **Commissioner Waldren** agreed, noting that this particular street wasn't very long. **Chris Mayfield, Newberg Fire Marshall,** said the width wasn't a problem for the fire department, but the problem would be in policing the no parking. Staff supported this. Staff said altering a 32 foot street would require council approval. **Chris Mayfield** said Creekside Drive was serving more than six (6) residents, and as such, had to be a public street. **Vice-chair Miller** asked if the units could be realigned to adjust where the driveways come out. The commissioners agreed that changing the street from private to public would take care of the parking problem.

Motion #3:	**Commissioners Waldren-Kriz** to adopt Resolution 97-62, approving the Planned Unit Development with a recommendation that the City Council approve a variation to city policy allowing a 24 foot public street with no parking and a sidewalk, and an additional variation to city policy allowing lot 13 to have more than 6 units on a driveway, and make adjustments to the conditions on page V-2, 21 and V-2, 25 with reference to "Our Way."

Vote on Motion #3:	The motion carried (5-1) NAY: Wall; ABSENT: Haug.

VI. OLD BUSINESS

1. Workshop regarding residential needs grant (GR-2-95). **John Knight, City of Newberg Planning Manager,** gave a brief history of the project. He noted that the Planning Commission was moving forward with the project, hoping to have the design guidelines ready for the April Meeting. **Al Benkendorf**, a project consultant, noted that the project had 105 days left. Three firms were involved in the process in the areas of housing needs analysis, vacant lot inventory, code amendment proposal, and the conversion of design standards to code. **Mr. Benkendorf** said the final product would be a draft of code amendments proposed for the zoning ordinance and design review.
2. Annexation Ordinance - Resolution 97-61 Initiating an Ordinance Amendment and setting a hearing for April 10, 1997 (G-16-96).
   John Knight, City of Newberg Planning Manager, reviewed the history of the annexation proposition that was on the ballot and approved last May, which called for an annexation ordinance which would comply with the city charter. He recommended the initiation of the ordinance. **Commissioner Kriz** asked if they could wait for the legislature to finish dealing with the issue before moving forward. **Vice-chair Miller** asked commissioners to discuss the item with City Council at the upcoming joint meeting. There was no action on this item.

VII. NEW BUSINESS

1. Ordinance Amendments:
   a. Expedited Land Division and Hearings Officer. The Planning Commission would discuss this with the City Council.
   b. A-Frame Signs. The Planning Commission would discuss with City Council.
   c. Sign Interpretation
      Mr. George Shammasian
      12725 SW 66th Avenue, Suite 104
      Portland, OR 97223

   Mr. Shammasian said he had designed a sign for the Best Western according to the city sign code. He distributed a copy of the sign design to the commissioners. He said that the problem was that total signage could only be 100 feet, instead of his interpretation that one sign could be 100 feet. He was asking for approval from the Planning Commission. He said the sign could meet the standard if only the letters were measured. Using this method, the sign is way below 100 square feet, but if measuring included the cabinets, the sign is 127 square feet. **Commissioner Waldren** recommended they let him have the sign. **Barb Mingay, Planning Technician,** said there was a dimensional waiver in the development code on page 66, allowing an adjustment of 25%, or a variance procedure. **Commissioner Wall** felt the commissioners should uphold the ordinance, since it was the established standard. **Commissioner Waldren** noted that the wording of the ordinance was unclear. **Mr. Shammasian** said it may be possible to cut two (2) feet off the sign if they have to. The commission directed staff to apply an adjustment to the sign proposal, but not necessarily to approve it.

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council items
   a. Measure 47 Impacts. Staff indicated they could not deal with this issue until a later date.
2. Other reports, letters, or correspondence
   a. ODOT 99W - information only (no attachment). Staff distributed a status report on the project. Staff asked for comments to be sent to John Knight as soon as possible. There will be an ODOT presentation on April 10, 1997.
3. Next Planning Commission Meeting, April 10, 1997.
   a. Annexation hearing and residential needs project (design guidelines)
4. Joint Planning Commission/City Council Meeting March 17, 1997.
   a. Discussion of goals, communication, and ordinance amendments to be addressed at the meeting.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 11 p.m.

Passed by the Planning Commission of the City of Newberg this 10 day of April, 1997.

AYES: 7 NO: 0 ABSTAIN: 0 (list names) ABSENT: 0

ATTEST:

Janet C. Yarbrough — Planning Commission Recording Secretary Signature

Janet C. Yarbrough — Print Name

4/10/97 — Date

INFORMATION RECEIVED INTO THE RECORD
AT THE MARCH 13, 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 #CPA-3-96

1. 3/8/97 Newberg "The Graphic" article on institution zone change.
2. Jim Morrison letter dated 3-12-97.
3. Edward F. Stevens letter dated 3-13-97.
4. Mark W. Meinert letter dated 3-13-97.
5. Institutional Zone Study Area Maps.

PROJECT FILE #PUD-3-97

1. Examples of photos and development plans of similar developments.

LABELS FROM THE 3/13/97 PLANNING COMMISSION MEETING FROM THOSE WHO G[illegible]E PUBLIC TESTIMONY

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