

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, OCTOBER 8, 1998 AT 7 P.M.

Approved at the November 12, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum

Myrna Miller

Matson Haug

Lon Wall

Warren Parrish

Absent: Paula Fowler

Steve Ashby

Staff Present:

Barton Brierley, City Planner

Barbara Mingay, Planning Technician

David Beam, Economic Development Coordinator/Planner

Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7:00 p.m. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

Commissioner Haug requested information concerning continued discussion items from previous meetings.

III. CONSENT CALENDAR

1. Approval of the September 10, 1998 Planning Commission Minutes.

Motion #1:	Hannum/Wall voted to approve the consent calendar items, approving the minutes of the September 10, 1998 Planning Commission Meeting with the correction to the last page of the minutes (incorrect minute page).
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Vote on Motion #1:	(5 Yes/2 Absent [Fowler/Ashby]. The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR

None.

V. DISCUSSION ITEMS

1. Riverfront District Comprehensive Plan Amendment (G-40-98). Staff requests direction from the Planning Commission on the following items for the continuation of this effort:

Chair Miller announced that it would not be a formal hearing, but more inter-active participation with open discussion.

Mr. David Beam announced the procedure for the open discussion. Mr. Beam noted a correction to the memo noting the number of acres to be 195 acres instead of 159 acres. Mr. Beam reviewed the attachments and staff report addressing the NUAMC agreement, the County's process and the City's process. Mr. Beam said staff's recommendation would be to approve the finding and refer it to the City Council, then once adopted by the City Council it would be referred to the NUAMC. The Council would have to prepare findings to support their decision. Mr. Beam also reviewed applicable Comprehensive Plan Goals and Policies. Mr. Brierley pointed out where the asphalt plant site is to be proposed to be located. Mr. Beam identified large land holders (Smurfit, City of Newberg, Baker Rock and Yamhill County property).

Commissioner Parrish inquired about how many acres were planned in exchange for agricultural lands. Mr. Beam referred to the tax lot document which reflects the various tax lots and their zoning designations (Attachment "C"). Mr. Beam stated he would provide additional documentation concerning AF-10 designations which is considered small holdings and an exception area and not referred to as an exclusive farm or forest use zone. The VLDR-5 designation represents very low density residential (5 acres) and VLDR 2.5 with similar designation (2.5 acres). All are within the UGB and so the plan is that those zones will go away at the time of annexation and be developed to urban uses. Of the 195 acres, 42.5 acres are zoned agricultural.

Mr. Beam said there are approximately 750 acres in the UGB. About 450 acres are presently buildable. The subject area contains approximately 195 acres. About 92 acres of the 195 acres are considered buildable (could be a little high due to partial lots). Staff has talked about long term planning for this area and proposed process would be three steps:

1. Comp plan amendment;
2. Master Plan for the area; and
3. Staff would write the underlying zoning language in the Development Code.

Consider the following issues addressed by staff on how the process should be handled:

- A. Is the proposed Riverfront District boundary acceptable. If not what changes need to be made?
- B. Is the three step long-term planning process for the subject area described in the preceding paragraph acceptable?
- C. Would December 10 be an acceptable date to hold a public hearing concerning the Comprehensive Plan Map amendment process?
- D. What other sources of information would be needed to be covered?

Commissioner Hannum discussed the withdrawal of industrial land and the differences between the City and the County in their thought processes. Mr. Brierley said the County zoning for the Baker Rock property is MR-2 (mineral resource) which is proposed to be changed to heavy industrial.

Commissioner Parrish asked for clarification of Attachment "D" being a specific document as written in the City's existing Comprehensive Plan. Mr. Beam said that the attachment is a culmination of various information.

Commissioner Haug said it is an extraction of the Comprehensive Plan's goals and policies.

John Bridges, attorney for DL Richards Concrete Construction, 501 E. First Street, Newberg, who has

property across 14th Street and adjacent to the Baker Rock property (a rectangular piece of property which has several buildings). His clients are undecided on the proposal, but wanted to comment on the process the Planning Department has suggested. His clients suggest that the three step process is backwards in one regard (addressing one issue before addressing another). It would not be correct to create an amendment to change the zoning on the property without telling the citizens what they want the property zoning designation to be prior to changing it. Mr. Bridges said that in the Comprehensive Plan, it is indicated for a river front district which is referenced only in one paragraph on page 150 of the City's Comprehensive Plan. That paragraph alone does not provide enough insight on what the City intends to do with the property. Discussion was held concerning industrial use areas (area near Smurfit) and have identified surrounding areas as industrial areas. Mr. Bridges said that at this juncture, it is important to his client to better identify the City's intention. Mr. Bridges said his client went to the County and had his property zoned heavy industrial. It is only fair to tell him what he is going to do with the area, and develop a master plan and then solicit input for the area. Mr. Bridges asked what is intended for the existing uses? Heavy industrial zones are buffered from residential areas. Mr. Bridges requested more information on what is the intended use for the property without first determining whether or not they have issues dealing with it.

Commissioner Haug discussed the waterfront plan area which was mapped out in the 1980's and asked staff to make this information available. A great deal of work was done by the City, the County and other agencies in setting out the background for the property. Mr. Bridges said he would appreciate receiving this information.

Mr. Bridges said that his client has been doing concrete business since the mid-70's.

Commissioner Wall asked if there were conditions placed on the zoning provided by the County. Mr. Bridges said that he is not aware of any, but it is similar to the City's zoning (industrial based). The property is intensively used as industrial (noise, etc.).

Mr. George Engle, 1215 S. College Street, Newberg, asked to be recognized in order for him to ask questions of the Commission when issues arose.

Ms. Mildred Weatherly, 18700 Dodge Road, Newberg, owns the filbert orchards adjacent to the proposed property which is zoned VLDR-5 (located across from the old City dump). Ms. Weatherly said they received notification from the City. Chair Miller said that the Commission is seeking input from citizens and the Commission has just begun the process. Ms. Weatherly said their property designation has been VLDR-5 since the mid-70's and have owned the property for about 37 years, maintaining it as agricultural.

Commissioner Wall asked if Mrs. Weatherly had any plans that they were going to do with the property in the future. Ms. Weatherly said they are presently farming the orchards.

Commissioner Haug discussed holding workshops and providing for round table discussions similar to the institutional overlay, stream corridor, etc. He felt that the whole process appears to be paced too fast and more community access and collaboration needs to be provided.

Mr. Calvin Marinari, 9550 NE Meadow Loop, Newberg, said he received notice from a neighbor and not directly from the City.

Mr. David Beam said that surrounding property owners were to be notified. Mr. Calvin Marinari said he has owned the property for about 4 years and receives mail but nothing came from the City concerning the notice.

Commissioner Haug discussed public noticing to the community and asked that staff provide a copy of the Newberg Graphic article to be included in the Commissioner's packet. Commissioner Haug asked that the staff provide a more full and descriptive article in the newspaper concerning future meetings and discussion concerning the Commission items such as this. He also asked that a more longer period of notice be provided for community involvement, visibility, due process and provide for a more fair opportunity, especially for the neighborhoods affected. He feels that the process is going too fast. He would need one or two more meetings than what is proposed to allow for more input and to provide more understanding.

Commissioner Wall said he agreed with Commissioner Haug's statements.

Tape 1 - Side 2:

Mr. George Engle said he would like to see a separate column, such as a press release. Discussion was held concerning definition of "riverfront".

Chair Miller clarified attachment "D" which defines "riverfront" and provides guidelines already established, but not specific for "riverfront" descriptions.

Mr. David Beam read the paragraph in the Comprehensive Plan (page 50) which defines "riverfront".

Commissioner Parish asked for a response (pg. 11- Attachment "D" to the riverfront district proposal). Discussion was held concerning area of influence. Mr. Brierley said that it is a current Comprehensive Plan policy.

Mr. Brierley said the City and County have been working on the management agreement (NUAMC).

Commissioner Parrish asked that staff to come back with a definition of "area of influence".

Commissioner Haug said the previous plan would provide information on the mixed use community (downplay of heavy industrial use along the water front).

Pauline Ogden, 1113 James Street, Newberg, said she has a copy of the plan that was done a few years ago. Discussion was held concerning background information.

Mr. Engle said that he has talked with a number of people who had concerns about the "riverfront" area. Mr. Engle said that it may be less confusing if another word was used instead of "riverfront". He said that he feels the City is not using the right word.

Ms. Ogden said the City Council has also used the word "recreational" as a term for the same area. Discussion was held concerning the City using different words.

Mr. Engle asked for clarification as to what the City's intentions are concerning the area as they appear to reflect an unclear direction.

Ms. SueAnn Reddick, 14700 Hidden Hills Road, McMinnville, said she was involved in the Comprehensive Plan changes from about 10 years ago. She chose the Roger's Landing area as an undergraduate study for the University of Oregon (historical perspective). Ms. Reddick said that historically, cities have been founded on waterways. In the most recent years, cities have turned their backs on the waterways and have essentially abandoned them. From a national standpoint, most urban areas are returning back to the waterways. Looking at what is happening in Newberg, it was just an idea of bringing people back to the waterways. Ms. Reddick also stated that it is a tragedy that once the

waterways are gone, they will never be able to retrieve it. Ms. Reddick noted that it appears that staff is under pressure. Ms. Reddick said that in her opinion as a Yamhill County resident, we all need to at least dream the dream and involve the community. We need to look at a conceptual master plan and have visual images in order to work together to identify and make good the riverfront.

Commissioner Parrish thanked Ms. Reddick for her interest in providing information and her consistent efforts and concerns for the waterways. Ms. Reddick said the land will define its own use. The property is located in a flood plain and is not appropriate for certain types of urban development (restaurants, mall, walkways, etc.).

Commissioner Wall said that most of the time the industrial base is pretty much abandoned. He asked Ms. Reddick how she would address existing viable businesses already located in the vicinity and how they would mix with the proposed development of the area. Ms. Reddick said there was always transition which takes time and investments.

Commissioner Haug said he appreciated Ms. Reddick's presentation. He asked Ms. Reddick what happened about 10 years ago and what caused the plan to be abandoned. Ms. Reddick described other projects which have fallen to the way side because of political issues that have risen.

Ms. Reddick asked about experiences from the prior group that originated the original report. Ms. Reddick said that tapping into the resources similar to university programs (landscape architects from University of Oregon) and the use of other small groups to help identify issues and concerns. Communication is necessary to create a vocabulary and discussions involving the future of the area (conceptual master plan with ideas without necessary mandates). Ms. Reddick said she has slides of the riverfront area to define issues.

Chair Miller asked Ms. Reddick if she would be willing to participate in some of the visual projections for future discussions and workshops. Ms. Reddick said she would be happy to. Chair Miller thanked Ms. Reddick for her input and the wealth of information she has provided to the Commission. She would encourage the staff, the Commission, the Council and the community to carefully review the proposals for the river front area. Ms. Reddick reviewed the "bend" in the river which is unique to the Willamette River.

Mr. Larry Christensen, 1835 Waterfront, Newberg, owns the portion of the land to the left (approximate 36.5 acres). He also did not receive a notice but received a copy from his neighbor. Mr. Christensen said his property is in the urban growth boundary and is almost totally surrounded by Chehalem Creek (mostly farmed in hazelnuts). He has been on the property since 1962-1964 and is concerned whether the proposed changes will or will not affect his operation.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon, said she is concerned about people not receiving proper notice. Ms. Haight addressed changes to the comprehensive plan which would allow for changes and it appears that there are discrepancies in the passage of the Comprehensive Plan. Ms. Haight said that some things do not need change. Ms. Haight said that the property is contaminated (the boat landing area). Ms. Haight expressed concerns about the contamination and the proposed uses. Baker Rock has much more involved than putting an asphalt plant in the area. The Baker Rock barge is causing disturbance to the river (erosion). Ms. Haight said there is a blue heron reserve within 600 feet of the Baker Rock property. She said that she has lived in Newberg all her life, but sees no need to have a recreational area designation. She is concerned about making a decision on Tax Lot 2700 being zoned or rezoned and should not encourage any type of development. The land is unstable and erodes. She is against the development of the riverfront. Ms. Haight said that some things don't need to be changed and should be left alone.

Kelli Highley, 619 S. River Street, Newberg, Oregon, said she has no doubt that the Comprehensive Plan needs the change in the zoning. She said that she used to work at Newberg River Rock and is

familiar with the area and some of the practices that was going on with the rock plant (contamination). Ms. Highley also addressed studies by the Corps. of Engineers that were made. The course of the river has changed dramatically over the years. Ms. Highley questioned what control the City has over property that is under the control of the County? In not only changing the zoning, why doesn't the City take the land (purchasing it) and taking control over it. It should belong to the City so the City can expand within it. Ms. Highley said she is undecided and in some ways, it is a good idea, then again, it seems almost futile because the County is butting heads with the City because of the location. We have been trying to improve the property and it appears they have gotten no where.

Chair Miller called for a break at 8:35 p.m. The meeting reconvened at 8:45 p.m.

Tape 2 - Side 1:

Chair Miller said that it appears that more input is needed and sufficient notice must be provided.

Commissioner Haug said there is some shortfalls as to the process. He thinks that they should approve the initial of the process and sees no reason to not go ahead and give staff some direction to proceed. Commissioner Haug said Chehalem Park & Recreation District (CPRD) does not appear to be involved. In addition, the old land fill is not addressed and is concerned how recreational opportunities fit into the project.

Chair Miller said that a group in Dundee is working with the State toward a goal of walking paths, etc. along the river. Commissioner Haug asked that the previous plan be presented to the Commission.

Mr. Brierley said that staff is proposing a very public process that will probably take a number of years to get through. They're not at all suggesting a fast track. Discussion was held concerning the current Comprehensive Plan and the proposals that are before the Commission. The City's future vision for the area is industrial. What City staff is suggesting is to change the color on the map so that in the future, we know what is expected to be zoned in that area. At that point, there could be some zone changes to possibly different uses. There is a "gap period" from today until they are finished with the planning process. The first step would be to change the blue area on the map to riverfront district.

Commissioner Hannum said that there is presently an industrial zone. Changing it to riverfront which is undefined, but it would not be known as necessarily industrial, per se. Mr. Beam said that it does provide some definition, but is vague.

Commissioner Parrish asked how much of the process is involved in paragraph number 5 in Mr. Beam's memo concerning a public hearing, NUAMC's involvement and the 60 day time frame. Mr. Brierley said NUAMC will hold a hearing and then make a decision. There are 60 days for the Council and the County to affirm or not affirm the decision. Mr. Brierley said the first step is probably going to be discussed in the spring of 1999. The property is within the urban growth boundary and there is only one piece within the City limits.

Commissioner Wall said he is concerned about how things are not being handled properly. Commissioner Wall said he shares concerns similar to what the property owners have identified. At the very least, they should follow the suggestion as indicated by Chair Miller.

Chair Miller said that Mr. Beam provided four possible issues for the Commission's discussion which should be addressed.

Commissioner Haug said he feels there is insufficient information provided to the Commission to make a decision. He would suggest that the Commission proceed with the public process in going forward.

Motion #2:	Haug/Hannum adopt a Resolution to initiate and adopt a process.
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Commissioner Parrish said he has concerns about the discussion held at the City Council level that the area had been discussed for some time but wanted something to be done.

Commissioner Hannum said that the establishment of the zone should be considered first. It should be clear to the property owners that what the Commission is presently reviewing will not have an impact on their property at this time. He also asked if the property owners which were present at the meeting were okay with the City's industrial overlay and were they comfortable with the riverfront zone.

Commissioner Wall he said that he feels that the Commission should not always be in a position to tell property owners what they can or cannot do with their property.

Vote on Motion #2:	The Motion carried (5 Yes/2 Absent [Ashby/Fowler]).
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Chair Miller said the Commission has decided to proceed and examine the area.

Commissioner Hannum said that the City's long term vision as stated in the Comprehensive Plan is that it should be industrial use for the long term. The question is: are you more comfortable moving it to a riverfront zone which at this point, has variable possibilities and it could be industrial, it could be residential, it could be recreational and multiple use (not set in one particular direction)? Are they comfortable with the status quo or moving to a new zone?

Mr. Engle said that he is not sure what the City plans to do. Chair Miller clarified Commissioner Hannum's inquiries.

Commissioner Haug said the purpose of changing the zone would be to limit the amount of industrial development allowed to take place in the area. It would open up more recreational, commercial and residential uses for the land. The proposal provides for a designated riverfront district (commercial and residential uses for the property). An opportunity exists to develop a mixed use area which cannot be done right now. It would slow down industrial use and open up more recreational use which would encourage this type of development other than what is going on now.

Ms. Weatherly said she would like to leave it alone as it is.

Ms. Ogden said she would like to leave it as it is.

Ms. Pat Haight said she questioned how the City could make recommendations when the proposed area is not County property. Chair Miller said the subject property is within the urban growth boundary. Ms. Haight said that staff was aware of a request for an asphalt plant as far back as April, 1997. Whatever the City does with the property, there should not be anything done "behind the door" in allowing the government to take away the rights of the property owners.

Jim Morrison, 717 E. Sheridan Street, Newberg, Oregon, addressed comments made by Commissioner Hannum as to the Comprehensive Plan description of riverfront having commercial and residential impacts. Mr. Morrison noted concerns about the Willamette River not being polluted with heavy industrial use. Discussion was held concerning the Willamette River Greenway proposals.

Chair Miller asked about the name of the group from Salem (Willamette River Greenway - a sub committee from the Oregon Department of Transportation [ODOT]) and how the property was being

developed.

Commissioner Haug addressed the transition period involved in zone changes which would not impact current usage. The current usage could be grand fathered in as it is now stands.

Mr. Morrison said that some cities thrive on marinas and river fronts. As a community, we need to refocus and have a better definition of what we want the Willamette Greenway to look like.

Mr. John Bridges refocused on a previous comment. Mr. Bridges said that he and his client are not opposed to the project, but are undecided. They would like to get information prior to the decisions on rezoning. Discussion was held concerning a definition of a river district and what options are available to everyone.

Commissioner Wall said he does not mean to imply that there is something sinister with the City staff about his comments. He urged people to be involved and provide input.

Tape 2 - Side 2:

Mr. Brierley said there is an agreement to provide sufficient planning, allow and provide public input and encourage a well thought out process. There is not a sense of urgency. Commissioner Haug said it is an issue of visibility and public involvement that is important. Mr. Brierley said that he felt some urgency at the City Council level. He will bring up the issue at the City Council level and advise the Commission accordingly.

Commissioner Parrish expressed his concerns that the project has always been there, with the potential for change, but it could have been changed at other times. The City should take the Baker Rock issue as a catalyst and go from there.

Commissioner Haug stated there were issues dealing with insufficient noticing to all property owners. Chair Miller said that staff's direction was to take note of the noticing requirements.

VI. LEGISLATIVE PUBLIC HEARINGS (#1)

APPLICANT:	City of Newberg (continued from the 9/10/98 meeting)		
REQUEST:	Language revisions to NDC 10.36.040 Annexation Procedures		
LOCATION:	City Wide		
FILE NO.:	G-39-98	RESOLUTION NO.:	98-102
CRITERIA:	NDC 10.20.030		

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Ms. Barbara Mingay provided the staff report and recommended adoption of Resolution No. 98-102 as revised.

Public Testimony: None.

Public Agency reports: None.

Letters: None.

Staff Recommendation: Adopt Resolution No; 98-102.

Hearing Closed.

Commission Deliberation:

Commissioner Haug said it appears that the changes have been made and would recommend adoption.

Commissioner Parrish agreed with Commissioner Haug.

Motion #3:	Haug/Parrish to approve Resolution No. 98-102 as corrected by staff.
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Vote on Motion #3:	The Motion carried (5 Yes/2 Absent [Fowler/Ashby]).
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VII. ITEMS FROM STAFF None.

VIII. ITEMS FROM COMMISSIONERS

Discussed at a later time on the agenda.

IX. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Mr. Brierley thanked Commissioners Wall and Hannum for presenting testimony and information to the City Council concerning the sign code. The Council discussed at length the amortization issue involving the sign code. The Mayor Proctor broke the tie in a 3-3 decision on the side that the sign comes down with the change of business. Mr. Brierley further noted that the Council clarified the text and the creation of a list of non-conforming signs. An ad-hoc committee was formed. The Council intends to adopt the Ordinance in November.

2. Other reports, letters, or correspondence

Mr. Brierley said that there are three Commission appointments coming up for reappointment.

Chair Miller addressed her prior statements concerning professional decorum of the meetings not using names in identifying certain persons or entities in a derogatory fashion.

Commissioner Parrish asked for a follow-up on the meeting with Duane Cole. Chair Miller said she was provided with positive options concerning the steering committee. Commissioner Howe has officially resigned from the committee. She said that Councilor Deborah Sumner has not resigned from the Committee but will no longer be on the Council effective January 1, 1999. Chair Miller then said the letter that the Commission asked staff to prepare was not an illegal request of staff to produce, nor was it considered unethical. The issue is that City staff serves as advisory and supporting staff to the City Council and it appears to be a political issue rather than an ethical one.

Chair Miller shared her thoughts on actions by persons that was not considered illegal, but is questionably an ethical issue. Chair Miller suggested that Commissioner Parrish personally discuss his concerns with the individuals involved.

Chair Miller said there has been a request for a planned joint meeting with the Planning Commission and the City Council and City staff is working on setting a date for this meeting.

Commissioner Haug said the Commission is processing many important issues and that the Council should not consider changing the structure of the Commission by not reappointing existing members as their terms expire. He would like to see all three Commissioners whose positions are up for reappointment be allowed to remain on the Commission.

3. Next Planning Commission Meeting, Wednesday, October 21, 1998.

VIII. ADJOURNMENT

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

Passed by the Planning Commission of the City of Newberg this 12th day of NOV., 1998.

AYES: 6 NO: ABSTAIN: ABSENT: 1 (Ashby)
(list names)

ATTEST:

<u>Peggy R. Hall</u>	<u>Peggy R. Hall</u>	<u>11-12-98</u>
Planning Commission Recording Secretary Signature	Print Name	Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 8, 1998 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 #

None.

PROJECT FILE #

None.

LABELS FROM THE 10/8/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

***Be sure to add file number by
name*** on each label

G-40-98
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G-40-98

Mr. Engel
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