PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, DECEMBER 10, 1998 AT 7 P.M.

Approved at the January 14, 1999 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum
Myrna Miller
Paula Fowler
Matson Haug
Lon Wall
Warren Parrish

Absent: Steve Ashby

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Peggy Nicholas, 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.

III. CONSENT CALENDAR

1. Approval of November 12, 1998 Planning Commission Minutes.
2. Postpone Transportation Plan (GR-4-95) to the January 14, 1999 meeting.

Motion #1:	**Fowler/Hannum** voted to approve the consent calendar items, approving the minutes of the November 12, 1998 Planning Commission Meeting.

Vote on Motion #1:	The Motion carried (6 Yes/1 Absent [Ashby]).

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

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING #1 (continued from 11/12/98 meeting)

APPLICANT: Town & Country Management, Inc.
REQUEST: Conditional Use Permit to allow construction of a 96 unit apartment complex
LOCATION: Between Hancock & Hayes Streets east of Elliott Road
TAX LOT: 3220AA-302, -702
FILE NO.: CUP-11-98 **RESOLUTION NO.:** 98-106
CRITERIA: NDC 10.30.040

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: Commissioners Fowler, Haug and Parrish have driven by the property. Chair Miller noted that she knows George Johnston.

Objections: None.

Staff Report: Ms. Barbara Mingay entertained discussion concerning the information that was to be presented at the hearing. Commissioners Haug and Fowler objected to late information being presented. Ms. Mingay further noted that the Resolution should be No. 98-106 and not 98-105. Ms. Mingay also stated the proposal is consistent with the City Development Code. Ms. Mingay continued with the review of the staff report. Page 18 of the staff report reflects additional information not previously presented to the Commission. Staff recommends approval of Resolution which denies the application. Ms. Mingay read the letter from Paula Runnells (dba Pogy's Subs). The second letter is a letter from Oregon Department of Transportation which reflects their agreement with City staff's recommendation to deny the application. Ms. Mingay read the letter from the State of Oregon Aeronautics Division.

Proponent: Mr. Brian DeMarco, provided testimony concerning his representation of Mr. and Mrs. Johnston. Mr. DeMarco said the reasons for denial are based upon the City Manager's recommendation of denial and upon past findings. Mr. DeMarco addressed prior appeals and LUBA decisions. The City Council nor the Planning Commission changed the mixed use designation (commercial, office, employment and residential uses - multi or medium density). Discussion was held concerning the City Manager's policy decision based upon prior City Council action. Mr. DeMarco asked that the Planning Commission review compatibility and supplemental information addressing concerns (buffering, street improvements, traffic, noise and proximity to Sportsman Airpark). Mr. DeMarco also noted additional concerns raised in the findings and the alleged negative impacts. The City should encourage development in the area to maximize airport services. Mr. DeMarco addressed the design and the updated and revised site plans noting a sport court would be constructed. He said the applicant is willing to design additional adequate play places. They propose a six foot tall brick wall and additional sound screening. Mr. DeMarco discussed storm drainage, traffic and parking issues. Mr. DeMarco said the applicant is willing to work with staff on providing additional access to the property. He also said the applicant cannot prohibit citizen complaints to the City. They would make full disclosure to the proposed tenants. The applicant stands on their commitment to work with the staff and the Planning Commission and asks that the complex be developed as proposed.

Discussion was held concerning asking questions of Mr. DeMarco at the end of the hearing.

Mr. George Johnston, owner of Texaco, reviewed his discussions with City Manager Duane Cole concerning the past history for the property. Mr. Johnston said the light at Elliott Street is an asset in trying to get the project moving again. Discussion was held concerning the access off Hancock Street. He is willing to work with the City. Mr. Johnston said he has already spent over $12,000 at this point. Mr. Johnston said that he believes that most of the problems dealing with the property have been resolved. The City has allowed the new motel which is right in the flight path, as well as additional businesses. He is willing to extend Hayes Street out to Springbrook to accommodate some of the issues the City may have.

Mr. James White, is the corporate manager of Dental Components who has property in the area. They have plans for expansion in about 5 years from now with the onset of additional employees and space requirements (campus type environment). They feel the property is not appropriate for the use. Additional concerns including buffering will only handle a certain amount of the issues but does not address the location of the airport, the development's general design, the City's existing and future resource needs and the compatibility of surrounding developments even with the mixed use needs. The complex would be located within numerous buildings and existing congested parking issues.

Mr. Jerry Dale, 504 S. Airpark Way, Newberg, said he was authorized to speak on behalf of the pilot and aircraft owners association and wanted to advise the City that they are opposed to the proposed development. It will be detrimental to the operation of the airpark. Residential use is the worst possible use which is located under the approach of the airport. Mr. Dale said the airport has been in operation since 1946, with 55 current aircraft being located within its boundaries. Mr. Dale said he believes the City has an overlay subdistrict which is misinterpreted and unclear (permitted uses sections 10.44.105 of the Development Code). Discussion was held concerning Section 10.44.105 and the requirements stated, including density rates (commercial and industrial uses). He recommended that the City deny the application which will be detrimental to the surrounding area.

Mr. Elwood Hedberg, 7903 SW Ruby Terrace, Portland, Oregon 97219, said he has maintained two airplanes at Sportsman Airpark since the 1960's. They are a responsible operation who has demonstrated an interest in the community and its citizens. He was a former City of Medford Planning Commission member and realizes the difficulty the Commission is having. He believes that to build a residential development of any kind in the close proximity of an airport is not good planning. The development of the property could be contiguous with the area and to foster that would be good planning. Mr. Hedberg discussed the decline in small airport operations throughout the United States. The complaints the airport would receive from the residents of the development, could cause the airport to close. He asked that the Planning Commission listen to the staff and the opponents, and deny the application as the project should not be allowed as residential.

Mr. Brad Farmer, Parr Lumber, PO Box 849, Hillsboro, Oregon, he said he wished to rescind the prior letter of opposition involving the ingress and egress off Hancock Street and issues relating to the noise. Mr. Farmer said that the applicant has been working with the surrounding property owners, including Parr Lumber, in dealing with these issues including the noise levels and that with sound deadening and the construction of masonry walls, the development could be made to be in compliance.

Questions to Proponent: None.

Public Agency reports: None, other than reported by the State of Oregon Aeronautics Division.

Letters: Oregon Department of Transportation and Paula Runnells..

Proponent/Opponent Rebuttal: Mr. DeMarco addressed concerns about compatibility with existing use and he said they are willing to work with the surrounding owners, including a revision of the site plan as required by the Code. Mr. DeMarco said the project touches a small corner of the airport overlay zone and there are other businesses located near the airport which encroach on a much larger area.

Questions to Proponent:

Commissioner Parrish asked Mr. DeMarco if he had any idea of the past history in relation to the airpark. Mr. DeMarco said he was not aware of any. Commissioner Parrish said airplane crashes have occurred in the area and it is a concern to him as far as a safety aspect. Discussion was held concerning access on Hancock Street as it relates to safety (especially fire) and the fire gate access. Mr. DeMarco said they met with the Fire Department and have discussed the alternatives. Commissioner Parrish discussed the availability of a key in order to open the gate. Discussion was held concerning surrounding buildings and his feeling that Parr Lumber's two story buildings are similar to the proposed project. Commissioner Parrish questioned issues dealing with open space (grass areas around and in between the buildings, etc.). Commissioner Parrish said he is primarily concerned with the percentage of occupancy as it relates to the percentage of open space.

Mr. DeMarco said that the apartments are two bedroom units.

Commissioner Hannum to Mr. Dale: How many take off landings are performed at the airport now? Mr. Dale said there are about 1200 per year (as reported by State statistical records). Commissioner Hannum continued his discussion with Mr. Farmer concerning Parr Lumber's prior and current statements concerning the project specifically dealing with safety aspects.

Commissioner Hannum said he was under the impression there were problems with traffic exiting off Hayes Street and onto Elliott Road (a major intersection to the north). Mr. Farmer said they installed sidewalk curbing and he would see pedestrians using the sidewalks. Discussion was held concerning the installation of a stop light at Elliott Road.

Commissioner Fowler said that concerning the sport court, why is the applicant just doing a sport court instead of a playground? Mr. DeMarco said it was a suggestion that was made to them. They are pursuing alternative uses (play areas, basketball courts, etc.). Mr. DeMarco said he has been working with the police department on alternative uses. Discussion was held concerning ingress and egress problems.

Commissioner Haug asked about pedestrian and bicycle traffic. Discussion was held concerning children walking to school and other amenities which included transportation to and from schools. Mr. Johnston said there would be two caretakers on the property and they would consider bussing the children to and from school which would be a solution to the safety hazards.

Commissioner Parrish asked Mr. DeMarco about the Hancock Street traffic study (Exhibit B) prepared by Paul Kelly. The study showed that the proposal would be a bad option for traffic. Discussion was held concerning the Fire Marshal's review of the project.

Commissioner Wall asked Mr. Johnston if he owned the property. Mr. Johnston said he does not own the property. Commissioner Wall questioned the applicant's proposal for this specific property. Mr. Johnston said he has been looking at this property for some time and has done quite a few studies for applicable uses, including apartment complexes. Commissioner Wall said that as a practical standpoint, he would like to see a compelling reason why the applicant fee that an apartment complex would be suited for the site. Mr. Johnston said that he feels that the project would be within walking distance to work, shopping and other amenities.

Staff Recommendation: Ms. Mingay said staff recommends adoption of Resolution 98-106 to deny the application based upon the findings attached to the Resolution.

Hearing Closed. Chair Miller called for a break at 8:20 p.m. The meeting reconvened at 8:25 p.m.

Commission Deliberation:

Commissioner Parrish said he sees a need for more dense living facilities such as for apartments, but has concerns about the site. He would have to vote "no" because he feels it is in the wrong place. ODOT also feels the same.

Commissioner Wall discussed the idea of not being appropriate from a common sense standpoint. He said he feels it would be more appropriate in a different area. He said that some of the objections could be mitigated, but some clearly cannot be and he too would vote against it.

Commissioner Hannum said that the applicant has made a good point that the mixed use designation appears to allow for compatible uses such as commercial, office, etc., but it boils down to the issue of compatibility. Commissioner Hannum said that as much as he would like to agree with the applicant, he has a problem with the project being developed in the subject area.

Commissioner Fowler concurs with the other Commissioners. Commissioner Fowler said it is a good idea, but proposed in the wrong spot due to many issues, one of which would be putting the viability of the airport at a risk.

Commissioner Haug said the development would initiate the possible closure of the airport. Commissioner Haug referenced the Urban Goals (J)(1)(c) which appears to reflect that it could eventually have an impact on future uses of the airport. It is a C-2 zone with an R-3 in the middle of the C-2 zone. As much as he feels positively that the applicant is coming up with shuttle bus systems to solve some problems, the whole idea intimates that the location has problems. Commissioner Haug said the applicant has not satisfied the open space limitations. Commissioner Haug said that on pages 15 and 16 (Housing Goal I (2)(a) and 3(g)) and should be addressed (criteria) which have not been satisfied. Therefore, on the basis of the articles addressed in the Comprehensive Plan, he too will be voting against the project.

Motion #2:	**Wall/Parrish** to adopt **Resolution No. 98-106**.

Vote on Motion #2:	The motion carried (6 Yes/1 Absent [Ashby]).

Ms. Mingay advised the applicant and the audience of the 14 day appeal process and if the applicant had any further questions, they should contact the Community Development Department.

Commissioner Parrish left the meeting at 8:33 p.m.

PUBLIC HEARING (#2)

APPLICANT:	Keith & MaryLou Gouger, Shirley Hill, James & Ann Gigandet, Gary & Debra Routon
REQUEST:	Comp. Plan Amendment from LDR to MDR and Zone Change from R-1 to R-2
LOCATION:	1306 Crestview, 1404 Crestview, 1418 Crestview, 1715 Villa, 1801 Villa
TAX LOT:	3217BC-100, -200, -300, -400, -500
FILE NO:	CPA-12-98/Z-13-98
CRITERIA:	NDC 10.20.030 **RESOLUTION NO.:** 98-107

Abstentions/ex-parte contact: Chair Miller said she drives by the property to take her grand daughter to school and was impressed with the proper noticing.

Objections: None.

Staff Report: Mr. Barton Brierley provided the staff report. Currently there are five dwelling units and the proposed development would allow an additional 10 dwelling units. With the request for the zone change, it could also allow a total of 26 units. Under the current zoning, a duplex is a conditional use. With the R-2 zoning, it would allow additional units and open up the possibility to combine the units as a larger development. They would also provide for access to the other lots located on Villa Road. The applicant has submitted a site plan (V-2-33). The layout would not be acceptable, but is an idea of something that may be proposed. Mr. Brierley reviewed Comprehensive Plan options which would allow some redevelopment of the property. Mr. Brierley discussed sloping of the creek and how the R-2 zoning would be compatible to the neighborhood. Mr. Brierley also reviewed the supply and demand analysis (Exhibit "A" to Findings). Re-zoning to medium density residential, which is needed within the City, would stimulate the opportunity to upgrade the streets (Crestview and Villa) which are in need of repair. The criteria has been met and staff recommends approval of the Comprehensive Plan amendment and zone change.

Proponent: Scott Steckley, 2505 Portland Road, said the applicant concurs with staff in that the project will improve the existing public services. The upgrading of services would provide a good opportunity for potential redevelopment (similar to Crestview Manor).

Proponent: Keith Gouger, 1306 Crestview Drive, Newberg, said the applicant and the staff report both reflect that the applicant has met the criteria and that financially it is a good idea. He said that there is also a present demand for senior living. Mr. Gouger said that time frame wise, he intends to remain on the property for at least one year with a minimum of three years before anything is moving on the property.

Proponent: Dale Voss, lives next door to the property. He said it is a good idea and has lived in the adult area on a 73 x 73 lot and feels it should be developed. There is much interest in the Crestview Manor type of development.

Opponent: None.

Questions to Proponent: Mr. Scott confirmed that the housing would be similar to the Crestview Manor housing (Aldersgate neighborhood).

Commissioner Hannum said he would hope that somehow that all of the property owners involved would get together and do a land transfer or whatever, to get the layout of the streets having access to Villa Road as well as to Crestview so as not to create a dead end situation. Mr. Gouger said it is his preference to have the two accesses.

Commissioner Haug said he likes the Crestview Manor and Aldersgate neighborhood and is concerned that the proposal would not be developed as what he had described due to the lack of guarantees from the applicants (such as a requirement for a planned unit development. Commissioner Haug asked how the City can lock in the proposed Aldersgate neighborhood "look".

Mr. Gouger reviewed the separate issues the applicants have mentioned on what they intend to do with the property.

Commissioner Haug said he has concerns of the economic impact on the surrounding areas and "buying" into the proposal for the defined use. Discussion was held concerning densification of property and an agreement to tentative plans of what to do with the property. He is hesitant to give solid approval due to developers not always guaranteeing that the presentation made at the Commission or Council level is what is implemented.

Commissioner Fowler questioned the other applicants' intended use for the property. Mr. Gouger discussed putting in easements to allow for sewer and water access.

Chair Miller said that the information in the packet involving Lots 200 and 300 reflect that they are on septic systems. Mr. Gouger said that lots 400 and 500 are still on the City sewer system. Ms. Mingay said that the sewer is not available at this point. Discussion was held concerning the R-2 zoning request not requiring a hook up to City sewer and water services.

Commissioner Haug questioned the noticing requirements of the surrounding properties. Ms. Mingay said the hearing was noticed within 300 feet.

Chair Miller said that the noticing requirement increased from 100 feet to 300 feet some time ago. Discussion was held concerning the reasons for the increase from 100 feet to 300 feet.

Commissioner Haug said that when making land use decisions (higher density zone changes) he is uncomfortable with insufficient notice.

Mr. Brierley said the notice is posted on site and also posted in the Graphic.

Discussion was held concerning state regulations concerning property owners and applicants being required to notify persons that may be financially impacted.

Mr. Brierley shared with the Commission the road improvements that are slated for the collector and surrounding streets. The development would require that the streets be upgraded. The developer would pay the appropriate pro-rated upgrade costs for the roads.

Mr. Gouger asked when the improvements were slated for upgrade. Ms. Mingay said that it was dependent upon when the development occurred which could ultimately spur a faster improvement of the roads.

Public Agency reports: None.
Letters: None.
Proponent/Opponent Rebuttal: None.
Staff Recommendation: Mr. Brierley submitted the legal description of the property which was previously omitted. Staff recommends approval of the project.

Hearing Closed. Chair Miller closed the public hearing.

Commission Deliberation:

Commissioner Wall expressed concerns with prior zone changes which had much more of an impact than the proposed project. He said he does not like to change zoning just because the applicant feels it should. The true issue is to realize whether or not the surrounding area would be negatively impacted.

Commissioner Hannum also agreed with Commissioner Haug concerning the fear of the development not being developed as what was testified at the meeting. It would be financially advantageous to the property owners to do the development as a unified development.

Commissioner Fowler said she too agreed with Commissioners Haug and Hannum in having the property owners provide for a joint effort to develop the property.

Commissioner Haug is concerned about the appropriate approach on requiring a conditional use permit or a planned unit development, assuring an over all plan would be submitted. What options are available as a Commission to place a recommendation to the City Council for adoption with conditions if they strongly urge a uniform development be proposed?

Mr. Brierley said that the City does not have the tools to attach a conditional zoning requirement. In the past, the City has not done so and it currently does not have the ability to do so. It would take some research to see if the City did have a tool to require the applicants to do as they have indicated they will do. Discussion was held concerning contacting the City Attorney.

Commissioner Haug asked that staff be able to have a stronger recommendation to work with on seeing what can be done, in essence, set the matter over for one month. It would give the Commission an opportunity to arrive at alternatives to present to the City Council for final approval. Commissioner Haug said he would recommend that staff develop policies

Mr. Brierley said the Development Code does not provide such a tool.

Chair Miller asked if there would be a reason to delay for one month.

Mr. Brierley said there is not an existing acceptable plan. Staff will come back with an analysis of what is and is not possible (a contract or some other vehicle) relating to conditioning a zone change request.

Commissioner Haug discussed Comprehensive Plan options and stated he believes there are innovative solutions which are described in the Comprehensive Plan. Discussion was held concerning imposing the will of the City upon all property owners, the impact it will have upon surrounding property owners and what is best for the community.

Commissioner Wall said that for the current applicants, it was not laid out as a possible requirement for a zone change. He feels it is not proper that the Commission take the applicants in a different direction than what they have applied for and in allowing the zone change.

Motion #3:	**Haug** request that staff prepare a potential analysis of the tools for a multi-parcel zone change that would tie standards for future development.

Discussion was held concerning the motion is out of order procedurally.

Vote on Motion #3:	The motion failed for a lack of a second.

Motion #4:	**Fowler/Haug** to adopt the Resolution.

Vote on Motion #4:	The motion carried (5 Yes/2 Absent [Ashby/Parrish]).

Mr. Brierley announced that the matter would be referred to the City Council.

Commissioner Haug reviewed the Comprehensive Plan which addressed some alternatives.

Motion #5:	**Haug/Wall** to ask staff to prepare an analysis of the innovative and alternative approaches to zoning which the Commission could use as a tool to accompany zone changes. The intent of the effort would be to work with the City Council in negotiating policy development.

Commissioner Wall said he would like to see where further discussion will take this.

Vote on Motion #5:	The motion carried (5 Yes/2 Absent [Ashby/Parrish]).

Discussion was held concerning what is available for managed growth. Mr. Brierley said that staff is in agreement with the comments made by the Commission members. Mr. Brierley said that the City Attorney (Terry Mahr) is a property owner who was noticed for the specific property, and, therefore, would not be allowed to provide legal advice to the City Council or the Commission, on this hearing.

Discussion was held concerning following Roberts Rules of Order at the meetings.

LEGISLATIVE PUBLIC HEARINGS (#3)

APPLICANT: City of Newberg
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan policies and Comprehensive Plan Map, and amending the Newberg Development Code and Zoning Map relating to residential needs.
LOCATION: City wide
FILE NO: GR-2-95 **RESOLUTION NO.:** 97-80
CRITERIA: NDC 10.20.030

Motion #6:	**Wall/Fowler** to postpone to next meeting.

Commissioner Haug said he is satisfied with the changes.

Commissioner Wall said he does not really have a problem with what is proposed.

Commissioners Fowler and Wall withdrew their motion/second.

Abstentions/ex-parte contact: None.
Objections: None.
Staff Report: **Ms. Mingay** said it is staff's recommendation for adoption.

Public Testimony: None.
Public Agency reports: None.
Letters: None.

Motion #7:	**Haug/Fowler** to approve the adoption of Resolution 97-80.

Vote on Motion #7:	The motion carried (5 Yes/2 Absent [Ashby/Parrish]).

Ms. Mingay said the matter would be referred to the City Council.

VI. ITEMS FROM STAFF (none)

VII. ITEMS FROM COMMISSIONERS (none)

VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Mr. Brierley said a joint meeting will be scheduled in January, 1999 and further reviewed the Commission's upcoming tentative schedule.

Commissioner Haug and **Chair Miller** discussed providing issues to staff which will be reviewed at the joint meeting of the Commission and the City Council

Mr. Brierley said the annexation ordinance was adopted. The two annexations went to a vote of the people (Willcuts and Mason properties). Discussion was held concerning notice defects. The Willcuts annexation will be sent to the next primary election with correct noticing. City staff will be preparing and publishing the notice in the paper with the new annexation ordinance.

Commissioner Haug asked that the river front property issue be discussed at the joint meeting.

Mr. Brierley said the Commission will be selecting a chair and vice chair at the next meeting.

Discussion was held concerning the memorandum dated November 30, 1998 concerning water system strategic direction. Mr. Brierley said the Citizens Rate Review Committee would receive a copy of the information which apparently was not received by them. Commissioner Fowler, a member of the Citizens Rate Review Committee said she did not receive a copy.

2. Other reports, letters, or correspondence. None was discussed.
3. Next Planning Commission Meeting, January 14, 1999.

Chair Miller thanked the Commission members for working with her as a team to transact businesses of the Commission.

VIII. ADJOURNMENT

Chair Miller adjourned the meeting at approximately 10:00 p.m.

Passed by the Planning Commission of the City of Newberg this 14th day of January, 1999.

AYES: 6 NO: 0 ABSTAIN: 0 (list names) ABSENT: 1 vacant

ATTEST:

Peggy R. Nichdas

Planning Commission Recording Secretary Signature

Peggy Nicholas

Print Name

1/14/99

Date

INFORMATION RECEIVED INTO THE RECORD
AT THE DECEMBER 10, 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 #

PROJECT FILE #

LABELS FROM THE 12/10/98 PLANNING COMMISSION MEETING FROM THOSE WHO GAVE PUBLIC TESTIMONY/ REGISTRATION CARD

Be sure to add file number by name on each label

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