

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, MARCH 9, 2000, AT 7:00 P.M.

Approved at the April 13, 2000, Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Bob Andrews	Steve Hannum	Matson Haug	Warren Parrish
Bart Rierson	Rob Molzahn	Lon Wall, Chair	

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
David Beam, Economic Development Coordinator/Planner
Norma Alley, Recording Secretary

II. OPEN MEETING

Chair Wall opened the meeting at 7:04 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

1. For items not listed on the agenda

None

IV. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** Michael McBride
REQUEST: Zone change from R-2 Medium Density Residential to R-P Residential Professional
LOCATION: 1548 E. First Street
TAX LOT: 3220BA-2000
FILE NO.: Z-17-00 **RESOLUTION NO.:** 2000-126
CRITERIA: Newberg Development Code Section 10.20.030

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact:

Commissioner Haug said he drove to the property.

Commissioner Hannum said he drove by the property and had nothing to report.

Objections: None stated.

Staff Report and Preliminary Staff Recommendation:

Barb Mingay presented the staff report and recommended adoption of Resolution 2000-126, approving the zone change from R-2 Medium Density Residential to R-P Residential Professional.

Barb Mingay read the requirements for a zone change, pointed out the size of the site, and identified surrounding uses.

Commissioner Parrish expressed concern for the exterior appearance of the site. He asked if a condition may be placed regarding the exterior to remain similar to the residential surroundings.

Barb Mingay replied that the Development Code gives no allowance to stipulate this.

Proponent:

Mr. John Bridges, Attorney for applicant, 515 E. First, Newberg, addressed concern for traffic on the site. The entry would be on the West and the exit on the East, with a right turn only. He spoke with the Planning Department and ODOT and this was the recommendation. A permit application was submitted to ODOT with this set-up.

Commissioner Haug asked why not go for C-2 zoning.

Mr. Bridges said the C-2 zone would allow much greater commercial use of the property.

Commissioner Haug asked if there would be signs notifying the right turn only exit.

Mr. Bridges said yes.

Commissioner Parrish expressed concern for traffic flow.

Mr. Bridges faxed an ODOT Representative a letter and copy of the maps, and discussed the best way to deal with the traffic. ODOT believed this set up would be successful.

Commissioner Parrish asked if the owner had indicated intent for the exterior appearance.

Mr. Bridges said there are many ADA requirements and fees imposed to remodel or change the structure. Due to this, the owner doesn't intend to do any structural changes to the outside.

Commissioner Andrews asked if the applicant was the owner.

Mr. Bridges replied yes.

Commissioner Andrews asked for clarification on parking availability.

Mr. Bridges said there are six spaces, with one being a handicapped spot.

Commissioner Andrews asked why the handicap spot was located the furthest from the entrance.

Mr. Bridges said it was a matter of geometric reference.

Commissioner Andrews asked if there was a sufficient number of parking spots with the number of employees and potential of traffic?

Barb Mingay said the parking lot would require a design review at the time of modification.

Commissioner Andrews asked staff if what was being presented was adequate for parking.

Barb Mingay said yes.

Commissioner Andrews asked for clarification to the access on Hwy. 219.

Mr. Bridges said egress to Hwy 219 would be a right turn only. The thru traffic west of the site accesses a limited area, and there wouldn't be a lot of traffic coming or going from that direction.

Commissioner Andrews asked about hedge locations.

Barb Mingay said behind the house.

Commissioner Haug asked what the purpose was of the gravel in the back yard.

Mr. Bridges said for occasional use of delivery trucks.

Commissioner Andrews asked if residences had been notified.

Barb Mingay replied that residences within 300 feet were sent notices.

Opponent:

Mr. Dale Schatz, 301 Everest Rd., Newberg, said his mother owns a house on the West side and would like to see the gravel area used primarily for employees, not customers.

Commissioner Haug asked if there was proper screening on the West side.

Mr. Bridges said there are flowers there now.

Staff Recommendation: Staff recommended adopting Resolution 2000-123 approving the zone change and to be forwarded to City Council.

Hearing Closed.

Commission Deliberation:

Commissioner Haug said he is in favor but recommended that the zoning be C-2.

Commissioner Molzahn was in favor but felt it should be an area zone change rather than one parcel at a time.

Commissioner Parrish said he is in favor. He recommended to the staff to be aware of and sensitive to the concern of the neighbors.

Chair Wall was in favor of it.

Motion #1:	Hannum/Haug to approve Resolution 2000-126.
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Commissioner Andrews asked staff to consider the entire area to re-zone to an R-P, and that he would be hesitant to consider this for a C-2 zone.

Vote on Motion #1:	The motion carried (7 yes).
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Commissioner Parrish and Molzahn left the meeting at 8:00 p.m.

Chair Wall called for a five minute break at 8:00 p.m. The meeting reconvened at 8:05 p.m.

V. PLANNING COMMISSION SUBCOMMITTEES

Chair Wall described the procedure and the expectations of the subcommittees.

Commissioner Haug suggested that the commission deliberate as one rather than having subcommittees. He recommended cable coverage and a press release when they hold a Public Hearing.

Commissioner Hannum said there might be some value in small groups. The issues were laid out well.

Commissioner Rierson thought the press release was a great way to get public involvement but information would be repeated if they break into subcommittees.

Commissioner Andrews supported subcommittees, and felt it was an avenue the commission could take to become pro-active.

Commissioner Haug wanted full participation from everyone on every issue.

Chair Wall said that would happen eventually.

Barton Brierley said staff was prepared to break into subgroups or pick one item and discuss it as a group.

Chair Wall said the consensus was not to break up into groups.

Barton Brierley recommended discussing the Conditional Zone Change first.

1. Riverfront Plan - postponed to a later date (not indicated).
2. Density and Conditional Zone Changes

Barton Brierley reviewed placing conditions on zone change requests. He reviewed the options and possible impacts resulting from the actions.

1. Traditional Zoning - current practice - status quo.
2. Limited Use Overlay - County uses this.
3. Conditional Zoning - within two years they would have to apply for a design review. If not done the zoning would revert back to what it was before.
4. Development Agreement - contract that says if you meet the conditions then you have the zoning.
5. Planned Development
6. Specific Conditions

Commissioner Rierson asked when the conditions would enter the application process and how to prevent personal agendas.

Barton Brierley said the timing could be decided by the Planning Commission. Staff would then sit down with the applicant and do an agreement. What stops the commission from having personal agendas, would be accountability to the Development Code Criteria.

Commissioner Haug asked for clarification on the Limited Use Overlay.

Barb Mingay said the R-P map designation could include additional codes to identify individual lots with specific limitations. She used the previous zone change application as an example.

Commissioner Andrews asked if it would restrict the R-2 for that particular site.

Barb Mingay said it is an R-2 now. A zone change to a limited use R-P could more specifically restrict the use of the site.

Commissioner Haug said we would have to remove the R-2 zone, make it an R-P zone, and eliminate things that are inappropriate.

Commissioner Andrews said it would be an R-P with exclusive or inclusive uses.

Barton Brierley said it could only be an insurance office, or restrict from nursing homes, or other specific uses under this type of zoning.

Chair Wall asked why Limited Use Overlay is only moderately effective.

Barton Brierley said because you would have to specify exactly what it is that is acceptable for that area.

Commissioner Hannum asked what happens when the new buyer wants the conditional use to go away.

Barton Brierley said the next buyer may ask to change it at that time. The conditions are not set in stone.

Commissioner Rierson asked if the tools were available now.

Barb Mingay said the Development Code has building uses in each zone.

Chair Wall asked if it may be defined any way you want.

Barb Mingay said yes, but to be careful with the use and be flexible.

Commissioner Andrews asked if the limited use could create variances for setbacks.

Barton Brierley said no, that would be a different process.

Commissioner Haug asked are if there were certain technical design standards that could be used.

Barb Mingay said yes.

Motion #2:	Haug for staff to develop more specific Ordinance language for these six topics (exclude 1). FAILED FOR LACK OF SECOND.
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Chair Wall asked for additional information on Limited Use Overlay, Conditional Zoning, Development Agreement, and Planned Development for the next meeting.

Barton Brierley said that would be a possibility.

3. Miscellaneous Code Amendments

Barb Mingay said staff have identified areas in the Development Code that need modifications. The issues are:

1. Exterior lighting - add more restrictions
2. Underground installation of utilities
3. Cellular communication towers - this would give language and controls to where the towers can go and what they would look like.
4. Property consolidations and property line adjustments - define process and criteria for the property consolidations.
5. Home Occupations - specify how much of the structure of a business may have a home occupation.
6. Group Care Facilities - update to State standards.
7. Yards - definitions of what a yard is (determines setbacks).
8. Multiple Single Family Homes on one lot - clarification.

Staff noted they wanted to add:

1. Height restrictions within the Institution Overlay Zone

Barb Mingay encouraged the Commission to look at the eight topics and prioritize them.

Commissioner Andrews recommended item six and then one.

Commissioner Haug recommended item one.

Chair Wall recommended item three.

Commissioner Hannum recommended item one.

Commissioner Rierson recommended item one.

Chair Wall asked what staff envisioned and how the process would work.

Barton Brierley said over the last year staff have received half a dozen calls from citizens inquiring about the law. There hasn't been a lot of direction on how to deal with some of these questions in the Development Code.

Chair Wall asked how to start the process.

Commissioner Hannum suggested beginning with street lighting.

Barb Mingay said staff would bring ordinances and codes from different places.

VI. ITEMS FROM STAFF

1. Update on Council items

Barton Brierley said Council voted to put a Police Levy and a Fire Levy on the May Ballot.

2. Other reports, letters, or correspondence

Barb Mingay pointed out an article passed out by Commissioner Haug.

3. Next Planning Commission Meeting: April 13, 2000

Barton Brierley said we will continue on with the topics discussed tonight.

VII. ITEMS FROM COMMISSIONERS

Commissioner Andrews submitted his resignation for family reasons, to be effective March 10, 2000. He expressed his appreciation on the support he has received and wished everyone the best personally and with the Planning Commission.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:25 p.m.

Passed by the Planning Commission of the City of Newberg this 13th day of April, 2000.

AYES: 4 yes

NO:

ABSTAIN:
(list names)

ABSENT:
(list names)

2
Molzahn
Parrish

ATTEST:

Norma I. Alley
Planning Commission Recording Secretary Signature

Norma I. Alley April 13, 2000
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE MARCH 9, 2000, 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

Miscellaneous: A handout was distributed to commissioners titled "Landmark Moving People, Not Just Cars"

LABELS FROM THE 3/10/00
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION

John Bridges
Attorney at Law
515 E. First
Newberg, OR 97132

Z-17-00

Dale Schatz
301 Everest Rd.
Newberg, OR 97132

Z-17-00