

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, JULY 13, 2000, AT 7 P.M.

Approved at the October 12, 2000, Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum	Matson Haug	Louis Larson
Bart Rierson	Rob Molzahn	Lon Wall, Chair

Rob Molzahn entered the meeting at 7:05 p.m.

Absent: Commissioner Parrish

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Norma Alley, Recording Secretary

II. OPEN MEETING

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

III. CONSENT CALENDAR

1. Approval of May 11, 2000, Planning Commission Minutes.

Motion #1:	Haug/Hannum voted to approve the consent calendar items, approving the minutes of the Planning Commission Meetings.
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Vote on Motion #1:	The Motion carried (5 yes/2 absent [Parrish/Molzahn]).
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** City of Newberg
REQUEST: Annexation of various segments of land to correct errors in previous annexation descriptions and to clarify the Newberg city limits boundary, including the southern portion of Tax Lot 3219DB-3201, 104-106 E. 9th Street.
LOCATION: City Wide
TAX LOT: Various
FILE NO.: ANX 23-00 City of Newberg "Various Islands"
CRITERIA: NDC 10.36.030
RESOLUTION NO.: 2000-130

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

Objections:

None

Staff Report and Preliminary Staff Recommendation:

Barb Mingay presented the staff report indicating that staff recommended adoption of Resolution No. 2000-130, approving the annexation of various segments of land to correct errors in previous annexation descriptions and to clarify the Newberg City limits boundary, including the southern portion of Tax Lot 3219DB-3201, 104-106 E. Ninth Street, a parcel of land owned by the housing authority.

Commissioner Haug asked staff to describe the housing authority.

Barb Mingay said it is a public agency.

Commissioner Haug asked what the intentions are for Alice Way.

Barb Mingay said the property is subject to future annexation if they apply or if the City requests it.

Commissioner Haug asked what the Development Code said about islands.

Barb Mingay read from the code under 10.36.070 addressing the issue of islands.

Commissioner Hannum said when a road is developed the land is dedicated to the City. He asked if this was the case for these instances.

Barton Brierley said in this case it was dedicated to the County.

Proponent:

None

Opponent:

None

Staff Recommendation:

Recommended adoption of Resolution No. 2000-130.

Hearing Closed.

Commission Deliberation:

None

Motion #2 :	Haug/Hannum voted to approve Resolution No. 2000-130.
Vote on Motion #2 :	The motion carried (6 yes/1 absent [Parrish]).

VI. ROUND TABLE DISCUSSION

CONTINUED FROM THE JUNE 8, 2000 PLANNING COMMISSION MEETING

1. **APPLICANT:** City of Newberg
REQUEST: Amendments to the Newberg Development Code
LOCATION: City Wide
TAX LOT: City Wide
FILE NO.: G-53-99 Misc Code Amendments **RESOLUTION NO.:** 2000-129
TOPICS: Telecommunication Facilities; Home Occupations; Yards; Multiple Single Family Dwellings

Barb Mingay reviewed the staff report and recommended adoption of Resolution No.: 2000-129 amending the Newberg Development Code.

Commissioner Haug said cell towers negatively impact residential areas and should be regulated as much as possible.

Commissioner Rierson agreed with Commissioner Haug, adding that towers can block the view space of a residential zone while in a commercial area.

Barb Mingay explained the options in the staff report for the Commission.

Commissioner Haug asked if height restrictions were going to be included in the resolution.

Barb Mingay replied that in the industrial zones there are height limitations.

Commissioner Rierson asked if cell towers could be restricted to being on or in a building.

Barton Brierley said that would be appropriate in a residential zone.

Chair Wall asked the minimum legal guidelines (location, height, etc.).

Barton Brierley said you have to functionally allow them in. That comes down to the engineering of the spacing.

Chair Wall asked if the Commission could require the towers to be horizontal or disguised.

Barb Mingay said the issue to be faced is servicing the community.

Commissioner Larson asked if there would be complications if towers were limited to two zones.

Barton Brierley said that may be possible.

Commissioner Rierson said the towers would have better reception in the residential zone because of

the height elevation.

Commissioner Haug commented that he is concerned with aesthetics and the lack of height limitations. He recommended extending the notification parameter from 300 feet to 600 feet.

Mr. Dan Dutton, U.S. West Wireless, 2126 N.E. Stanton St., Portland, OR, 97212, encouraged the commission to put the cell towers in the correct zones, allow a short time line to put on existing structures, have a flexible code, and recommended review of the City of Wilsonville's codes.

Chair Wall asked for the criteria to put up a large single standing tower.

Mr. Dutton recommended limiting the design review to thirty days.

Commissioner Haug suggested requiring a public hearing when someone wants to put up a tower.

Mr. Dutton replied that is what the a design review process is for. He discussed the problems with hidden and disguised towers.

Commissioner Larson asked Mr. Dutton how much he has done in residential areas.

Mr. Dutton said he did a tower on a light pole in Salem. He suggested encouraging the applicant to put them on already existing structures.

Commissioner Haug recommended towers over 100 feet be required to have a public hearing, allow only on existing poles in residential zones, or allow as a conditional use by the commission; poles 15 feet or less in height would require only administration approval, and only allow towers in M-2 or M-3 zones.

Barb Mingay recommended maintaining consistency with the development code.

Commissioner Rierson suggested additional time restraints.

Commissioner Haug said that was done with the public hearing.

Barb Mingay summarized all the suggestions made by the Commission.

Chair Wall encouraged not allowing towers in residential zones.

Barb Mingay said if they go onto a utility pole, they may not effect the residential zones aesthetically.

Commissioner Larson asked if there was sufficient coverage in residential zones.

Mr. Dutton replied there probably is right now. We are building more in that area due to increased users.

Commissioner Haug asked Mr. Dutton to supply pictures of poles and towers to the staff by the public hearing.

Mr. Dutton recommended having flush mounts on existing poles and not top hats.

Commissioner Haug asked if "power poles" included "utility poles".

Mr. Dutton replied yes, anything vertical.

Commissioner Haug asked to restrict height and about camouflaging the ground box.

Mr. Dutton said you can not restrict height, because some companies do not have that technology. The boxes can be camouflaged.

Commissioner Larson said he would like to restrict them completely in residential zones.

Commissioner Molzahn said that may be regretted down the road.

Barton Brierley suggested to draft up language for both ways and bring it to the hearing for a vote.

Chair Wall moved to options three and four.

Chair Wall called a five minutes break at 8:26 p.m. The meeting reconvened at 8:31 p.m.

Commissioner Molzahn exited the meeting at 8:31 p.m.

Commissioner Haug said he didn't appreciate the boxes on the ground.

Commissioner Hannum asked for the type of restrictions that could be put on them.

Barb Mingay replied she was not sure on the restrictions.

Commissioner Haug said covers exist for them.

Barb Mingay said the suggested landscaping is to consider a buffer either around the parameter of the site to where they are or around the pole.

Commissioner Haug recommended to have the set-backs at 30 percent.

Chair Wall moved to option five, six, and seven.

Commissioner Rierson recommended limiting towers to one on a lot and to require sharing towers.

Barb Mingay said varying companies have different location requirements due to frequencies.

Mr. Dutton recommended that if someone designs a tower, they be structurally strong enough to hold more than one pole.

Chair Wall recommended to accept A in all three options.

Commissioner Haug recommended requiring a conditional use permit if the towers are closer than 2,000 feet.

Chair Wall moved to option 8.

Chair Wall recommended going with A with a 90 day change.

Motion #3:	Rierson/Larson to vote on Resolution No. 2000-129 to bring telecommunication facilities to a public hearing on August 10, 2000.
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Vote on Motion #3:	The motion carried (5 yes/2 absent [Parrish/Molzahn]).
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Barton Brierley reviewed the staff report on home occupations and discussed permit requirements.

Commissioner Haug asked for the permit's purpose.

Barton Brierley replied the permit would serve to inform people of the requirements (education process), can be reviewed by City staff to make sure guidelines are met (comply), and to revoke if not in compliance.

Commissioner Haug recommended requiring a permit for those who are a nuisance to neighbors and to require someone who is in violation to be required to carry one indefinitely.

Barton Brierley said he would add that to the language to be voted on at the hearing.

Commissioner Hannum suggested that there not be anything more than 50%.

Barton Brierley gave the staff report on yard amendments and presented the issue of how many single family dwellings per lot, per zone.

There was discussion amongst the Commission as to the benefits of restrictions.

Motion #4:	Rierson/Larson to vote on Resolution No. 2000-130 to bring home occupations, yards, and multiple single family dwellings to a public hearing on August 10, 2000.
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Vote on Motion #4:	The motion carried. (5 yes/2 absent [Parrish/Molzahn]).
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VII. ITEMS FROM STAFF

1. Update on Council items

Barton Brierley reported that Council adopted an amendment to modify how the City does bonding of subdivisions. August 7, 2000, they will hold a meeting for the moratorium on cell towers.

2. Other reports, letters, or correspondence

Barton Brierley reported that City staff has applied for an application with Marion County for a well and to Yamhill County for a reservoir.

Commissioner Haug asked about a residential parking zone near the High School.

Barton Brierley indicated that the High School restricts sophomores from parking on campus. Therefore, they are parking off campus. One of the solutions is to create a residential parking permit.

3. Next Planning Commission Meeting: August 10, 2000

VIII. ITEMS FROM COMMISSIONERS

Commissioner Larson asked who was responsible to take down the land use signs.

Barton Brierley said the applicant is, after a certain period of time, and after they receive their approval.

Commissioner Larson asked staff if many changes from R-1 to R-2 zones will occur now that real estate is starting to slow down.

Barton Brierley replied that he thought we would be seeing those changes much more in the future.

IX. ADJOURNMENT

The meeting was adjourned at approximately 10:54 p.m.

Passed by the Planning Commission of the City of Newberg this 12th day of October, 2000.

AYES:

7

NO:

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ABSTAIN:
(list names)

0

ABSENT:
(list names)

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ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall 10-12-00
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE JULY 13, 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

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

Mr. Dan Dutton
U.S. West Wireless
2126 N.E. Stanton St.
Portland, OR, 97212

ANX 23-00