

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, AUGUST 9, 2001 AT 7 P.M.

Approved at the September 13, 2001 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum	Louis Larson	Rob Molzahn
Warren Parrish	Bart Rierson, Chair	Lon Wall, Vice Chair

Absent: Matson Haug

Staff Present:

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

II. OPEN MEETING

Chair Rierson 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 July 12, 2001, Planning Commission Minutes.

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

None.

VI. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** Ronald Dyches
REQUEST: Historic landmark designation removal
LOCATION: 4020 Portland Road
TAX LOT: 3216-1912
FILE NO.: H-12-01 (historic review) **RESOLUTION NO.:** 2001-143
CRITERIA: NDC 10.44.255 (4)
ZONE: C-2

Staff Report: Mr. Brierley noted that the public testimony portion of the hearing has been closed.

Commissioner Molzahn appeared at the meeting at 7:05 p.m.

Abstentions/ex-parte contact:

Commissioner Parrish declared that he had been contacted by Ms. Kimberly Dunn regarding the letter to the Newberg Graphic concerning her inquiry about the historic review matter.

OPEN FOR PUBLIC HEARING:

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

Objections: None

Staff Report and Preliminary Staff Recommendation: Ms. Barbara Mingay presented the staff report, noting that staff recommended adoption of Resolution No. 2001-143, affirming the historic landmark designation of the site.

Commissioners Larson and Parrish stated they requested a continuance due to the pending negotiations involving the applicant and citizens of Newberg.

Commissioner Wall did not feel that the additional information would change his vote and believed that the historic designation should remain on the property.

Commissioner Molzahn said the proposal is a good idea, but the Applicant has additional issues they would like to present and have requested the opportunity to bring back a more formal proposal.

Commissioner Hannum said that he too did not have a problem with a continuance.

Chair Rierson also agreed that the continuance would not alter his decision but would agree to a continuance.

Motion #2 :	Hannum/Parrish to continue the public hearing, reopen the public testimony and allow the applicant to provide new notice for a continued hearing scheduled for the next scheduled meeting on September 13, 2001 beginning at 7:00 p.m.
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Commissioner Parrish said he questioned the Applicant's change of plans.

Mr. Brierley said City staff received a letter from the Applicant which noted that they wanted to provide "new evidence".

Commissioner Wall suggested that if the hearing was reopened, the Applicant should be required to come up with something more substantial than what has already been provided. Commissioner Wall said that if the matter was controversial and gray issues existed which could possibly change the Planning Commission's minds, then he would be willing to listen. However, it is not clear what the Applicant wants to do and he was not sure if there was really anything that the Applicant could come up with that would warrant a continuance and/or change the final decision. In other words, does the Planning Commission see where the property would NOT be of historic value?

Commissioner Hannum said that the point of any possible change would be to state that the property was NOT as important of a historic site as it was when listed on the historic register, but it may very well be historic enough to allow the Applicant to show evidence of how they were going to deal with the historic designation in developing the property. Commissioner Hannum noted that if the City does not require some

sort of criteria, the City would not have any way of enforcing the historic nature of the property upon the property owners and/or future developers.

Commissioner Molzahn said that the Hospital is a valuable asset to the community and the Commission should allow the additional time requested.

Commissioner Wall said he supported the public input at the hearings, but he still has to fall back on trying to come up with some possible explanation which would compel him to reach a different decision at a future continued hearing.

Commissioner Parrish asked if the Resolution (as presented) was adopted, what body would hear the development plan process and whether or not it would involve the review of the historic designation?

Ms. Mingay said that any appeal of the decision would go to the City Council.

Mr. Brierley said that any future development would come before the Planning Commission for review of the development plan.

Vote on Motion #3 :	The motion failed (2 Yes [Larson/Molzahn]/1 Absent [Haug]/1 Abstain [Parrish]/3 No [Hannum/Wall/Rierson]). Motion failed.
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Motion #4:	Wall/Larson to adopt Resolution No. 2001-143.
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Vote on Motion #4:	The Motion carried (5 Yes/1 No [Molzahn]/1 Absent [Haug]).
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Ms. Mingay said the adoption of the Resolution is the final action of the Planning Commission and appeals must be made to the City Council.

VI. LEGISLATIVE PUBLIC HEARINGS

1.	APPLICANT:	City of Newberg	
	REQUEST:	Adopt Newberg Riverfront Master Plan	
	FILE NO.:	GR-20-99	RESOLUTION NO.: 2001-144
	CRITERIA:	Newberg Development Code 10.20.030	

Staff Recommendation: **David Beam** presented the staff report. Mr. Beam noted the support by Baker Rock, hiring Clay Moorehead and CDL Consulting and formed a project team: Design Works, KPFF Engineering and EcoNorthwest to prepare a marketing analysis. Mr. Beam reviewed the public meetings and identified the four alternatives presented to the public. He said that in May, the consultants provided development standards and criteria for the development of the riverfront area. Since the last meeting of the NUAMC and Planning Commission (joint work session) additional information was presented to provide a better understanding and to clarify the alternatives and which was preferred. Mr. Beam provided highlights of the Plan:

1. **Current Conditions of the Area.** Most of the area is undeveloped (filbert orchards, land fill ran by Yamhill County, Baker Rock area, Rogers Landing and the City's former sewer plant site, few rural residences and fields).

2. **Zoning.** All the land is inside the UGB. Most areas are agri-forestry, farm use, industrial, public lands and VLR lands.
3. **Alternatives/Options:**
 - Option 1: Leave as is (designated Industrial)
 - Option 2: Eastern upper area to medium density and lower area to lower density residential
 - Option 3: Upper area to commercial/residential and lower area to low density residential
 - Option 4: Eastern area to medium and lower density residential with emphasis on open space and recreational activity.

Mr. Beam reviewed open space and land uses to include buffering, commercial, medium density and low density residential designations. He added that along the waterfront would be recreational activities. The plan includes extensive use of bike and pedestrian paths, with pedestrian paths reaching from Ewing Young Park to the riverfront area, crossing to connect with other areas such as Dundee, following the Willamette River greenway trail and connecting with the old Wynooski Bridge on to French Prairie and Champoeg Park. A highlight of the area was to develop an esplanade above the riverfront. Discussion was held concerning excursion trips (river boats) for wine tours, etc. or other commercial purposes. Mr. Beam reviewed the accesses to the riverfront area: River, Blaine and College Streets. Mr. Beam noted that the plan involved bicycle/pedestrian trails. He said that the main access would be using River Street.

Mr. Beam reviewed the extensive studies which have been made identifying the southern bypass; however, the actual location had yet to be determined. The City's Transportation System Plan reflected that the southern bypass would probably go through the subject area. Discussion was also held concerning the development of an appropriate intersection. Mr. Beam provided an overhead artist's drawing of the esplanade type development. Mr. Beam referenced the former sewer plant site stating that it could be a possible site for a new restaurant, but it had stream corridor designation issues. Mr. Beam reviewed some of the changes indicated in the Plan. Discussion was held concerning the riverfront overlay and the recommended amendments as noted on Exhibit D of the Resolution.

Mr. Beam referenced a letter from the School District and a letter from DLCD relating to the subject area. He said the City just received the letter from the School District two days prior to the hearing and staff was unable to place it into the record. Mr. Beam said that it is staff's recommendation that the Planning Commission adopt Resolution #2001-144, approving the Riverfront Master Plan.

Chair Rierson thanked Mr. Beam for providing the information to the Commission and working with the consultants and the public.

Commissioner Parrish reviewed ex parte contacts he had with Keith Hay (a biologist) and wanted to share with the Commission Mr. Hay's concerns:

- He felt the bypass, if approved, would not be compatible with the project and they could not co-exist.
- He would like the plan to be more family friendly (playgrounds, etc.) and not so much boating.
- Have more of a regional impact with Dayton and tie in with other communities.

Commissioner Parrish also declared an additional ex parte contact with Dr. Paula Radich, from the Newberg School District regarding a portion of the Riverfront Master Plan which involved property of the School District (former Renne School area). Commissioner Parrish said that he could not be unbiased about the portion owned by the School District, but could review the other part without bias. Commissioner Parrish also stated that he is a newly elected School Board member.

Commissioner Wall said that unfortunately, he felt that Mr. Parrish's level of conflict should be reviewed by the City attorney.

Mr. Brierley said it is a legislative hearing and the Commission holds a greater level of discretion but felt that Mr. Parrish's position on the School Board was not a paid position and that he holds no financial interest and therefore, Commissioner Parrish would not have a direct conflict. Commissioner Parrish could abstain if he felt there would be a conflict.

Commissioner Wall said that he believed there was a legal conflict of interest even with Commissioner Parrish hearing the matter. The question is whether or not the whole matter or a portion of it is bias.

Commissioner Molzahn said that all Commissioners have a bias, but felt that Commissioner Parrish does not have a legal conflict and he would agree in allowing Commissioner Parrish to hear and vote on the matter.

Commissioner Larson said he too did not see a conflict with Commissioner Parrish hearing or voting on the matter.

Chair Rierson asked City staff to consult with City Attorney Terry Mahr concerning this matter.

Commissioner Wall declared that he was involved in the NUAMC joint meeting with the Planning Commission.

Commissioner Hannum said that he had attended the public hearings on the matter.

Chair Rierson said that he too had attended the public hearings.

Commissioner Parrish asked for clarification of the presentation: If approved by the Planning Commission as stated, he questioned the private property ownership rights, and if the present zoning would be changed? Mr. Brierley said "no". Mr. Beam said it would have an urbanizable overlay designation, but the parent designation would remain the same.

Chair Rierson called for a break at 8:10 p.m. The meeting reconvened at 8:15 p.m.

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

Public Testimony:

Proponent:

Pauline Ogden, 1113 James Street, Newberg, Oregon, said that if ODOT decided on the southern bypass route, how can the development proceed? She addressed concerns involving the industrial zoning designation and was there going to be another battle before the zoning can be changed (allowing for the election to vote on the annexation of the property).

Chair Rierson discussed zoning designations and the appropriate processes which must be followed.

Commissioner Larson said if the bypass went through the middle of the development, there would have to be access to get to the riverfront area.

Commissioner Parrish thanked Ms. Ogden and asked if she envisioned the bypass going through and whether or not there would be noise and traffic impacting the serenity of the riverfront area. Ms. Ogden suggested that retaining walls should be placed to help buffer the noise. She questioned the actual location of the bypass and whether or not her property would be affected.

Commissioner Wall asked Mrs. Ogden as a private citizen, if it came down to the riverfront development or the bypass, and she had to choose, which would be of more benefit to the community? Ms. Ogden said that the community needed both, but it was the bypass that was needed.

Jack Kriz, 9455 NE Glen Hollow, Newberg, said he would like a continuance because the staff report was not received within 7 days before the hearing. He received a copy only 6 days before the hearing and would request additional time to present written testimony.

Mr. Beam said that the staff report was available but the color copies of the Riverfront Plan were not available due to copying problems. Discussion was held concerning whether or not a violation of state statute existed and if the Commission could or should continue. Mr. Beam said that a "counter copy" was available at all times.

Chair Rierson said it is believed that the hearing will be continued.

Mr. Kriz said that there was a counter copy but due to the office hours of the City (8-5:00 p.m.), he was not able to obtain or review a copy. Mr. Kriz said as a former Planning Commission member, he was in support of the Riverfront Plan, but requested additional time to formally provide written comments. He noted that the Plan addressed the bypass and the virtually viable commercial activity in that location. Mr. Kriz reviewed the following concerns: noise, limited access, traffic congestion etc. Mr. Kriz discussed the Salem Parkway situation which has a fairly high speed express way which cuts off traffic to the river.

Chair Rierson said he appreciated the information and would like to come up with some ideas on how to get around the situation with the bypass and alternatives. Discussion was held concerning working with ODOT and the property owners. Mr. Kriz said that he talked with Ed Cantrell from ODOT and he indicated that the environmental impact statement contained standards. Mr. Beam said that staff met with ODOT (Mr. Bishop and Mr. Mays) and they discussed routing issues, access, and a below grade bypass concept which will address visual and sound problems for the area. He noted that the reaction was that ODOT seemed to agree on problems and issues and was willing to work with the City.

Commissioner Wall asked Mr. Kriz as a private citizen, which was more important to the community, the bypass or the riverfront project? Mr. Kriz said he felt that it can be both but believed that the southern route is the wrong place. He would much rather have the riverfront, but once the riverfront development is cut in half, it cannot be replaced.

Paul Frankenberg, Newberg School District, 2512 Skyline Road, Newberg, presented an additional letter at the meeting which he wanted to present to the Commission. Discussion was held concerning not taking late written testimony. The record will remain open and will go into the next meeting's testimony. Mr. Frankenberg read the document relating to school and student safety by the development of a pathway near the proposed school property. The proposed pathway was not acceptable to the School District. Pedestrian and bicycle access will be harmful to the new proposed school site.

Discussion was held concerning the School District's participation in the public hearings held on the Plan. **Doug Corder, 413 S. Willamette, Newberg**, said he served on the Newberg School Board and discussed the availability of the report which they just received. He said the School Board had the same responsibility to the students as well as the community and added that with the type of violence that was going on, they needed to keep the students as safe as possible. Putting public access through the site would not be a

good idea. The School District planned to build a junior high at the former Renne school site and the School District, the City, Planning Staff, the Planning Commission and Chehalem Park and Recreation District need to work together concerning safety issues for the students and the community. Discussion was held concerning the pedestrian and bicycle path.

Chair Rierson invited Mr. Corder and the School District to participate in future meetings.

Ms. Lesley Carsley, Newberg School District (Edwards Elementary Principal) stated that one of the things that was paramount to the development was student and staff safety. Mr. Frankenburger referenced a continued concern over safety issues. Ms. Carsley reviewed the School District's security procedures and provided the following additional information:

- Edwards Elementary received a 21st Century grant (\$450,000 over next three years for students and families). Ms. Carsley discussed evening and summer activities going on all year long at Edwards and other school property.
- Ms. Carsley said that people are entering onto the school property without permission. Ms. Carsley said that many people on behalf of students and families will be attending the continued hearing regarding the pathway going across the Renne/Edwards school site.

Commissioner Parrish discussed additional security at the schools.

Dr. Paula Radich, 1401 N. Springbrook Road, Newberg, said the School District has had a long partnership with the City and CPRD. She supported the Riverfront Plan, but had specific concerns involving pedestrian and bicycle paths, security issues and the School District's desire to relocate a new middle school at the former Renne site. Because the existing site is so small, the School District will need every inch to construct a school on that site. Another consideration was to have Edwards and the new school share common facilities such as the kitchen and gym. However, dissecting the area with a pathway would not be a good idea.

Mr. Brierley referenced additional written comments received into the record.

Motion #5 :	Parrish/Molzahn to continue the public hearing and testimony.
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Vote on Motion #5 :	The motion carried (6 Yes/1 Absent [Haug].
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Mr. Brierley said the City is committed to continue to work with the School District on this and many other issues.

Commissioner Parrish asked about the original idea to place the bicycle/pedestrian path through College Street. Discussion was held concerning Appendix A of the Commission's packet involving the introductory work session held on January 31, 2001. Mr. Brierley said that SP Newsprint had raised concerns about the neighborhoods located in the immediate area of their plant and that they wanted to remain good neighbors. He added that SP Newsprint had purchased quite a bit of property in the immediate area for buffering and/or expansion purposes. They want to continue working with the City but were also concerned about more residential property being located next to the SP Newsprint facility.

Commissioner Parrish said there was about 25 years on the SP Newsprint lease and questioned whether or not when the ownership changed, would attitudes change? Discussion was held concerning the intent of the discussions with SP Newsprint.

Mr. Beam said that Mr. Gary Fisher is head of operations at SP Newsprint. Mr. Beam addressed buffering the residential areas next to SP Newsprint. SP Newsprint had been sent a draft copy of the proposed Plan and have remained involved in the process.

Commissioner Larson said they recently reviewed the downtown area with a different atmosphere and also approved the urban renewal project and now the riverfront. In the context of those comments, his question to staff is whether or not Newberg will have sufficient population growth in order to fund and promote the ideas as presented. And if not now, what is projected for the future?

Mr. Brierley said that as part of the Plan, the City hired an economist to provide an estimate of the economic reality of the project. They discovered that some level of development was feasible but that the full build out and the highest level of use was pretty optimistic. There was a range of what was desired. Commissioner Larson said he would like to see a complete copy of the study. Mr. Beam said he would provide copies to all Commission members.

Commissioner Larson said it seemed to him that if the City was, in fact, building two major projects at once (downtown and the riverfront), it would take a tremendous infusion of capital for both to work. A lot of outside money needs to come in to help fund both projects. He questioned whether the City was trying to do too much with its available resources and would one dissipate the other, or vice versa? If that happens, then what happens to the downtown core area? Discussion was held concerning the infusion of private capital which would flow toward the riverfront rather than the downtown area. Commissioner Larson said that perhaps, it was a situation where the City was trying to do too much and the original intent of the Plan may have to change (willingness on the part of the City to make such alternations).

Mr. Brierley said the previous designation for the riverfront area was to be industrial. He felt that it probably could be 10-20 years before the riverfront development happens, but that in the meantime, the City needed to take care of the downtown core area. Discussion was held concerning diverting resources away from the downtown area.

Commissioner Wall asked about commercial development and whether or not the property was to be a regional park facility. Mr. Beam discussed development options reviewed at the public hearings. Mr. Brierley said it would involve the City purchasing some private property.

Commissioner Larson said he was not against the Plan, but feared that the best laid plans go astray with a lack of input, lack of capital and the lack of willingness to follow-through. There was a history across the country as it pertains to urban development. Commissioner Larson said that it appears that LCDC seems to send letters at the last minute. Discussion was held concerning timely input received into the record for future hearings. Mr. Brierley said the State requirement was to give notice 45 days before the first public hearing and the City has done that. The State generally waits to the last minute but he would discuss the Commission's concerns with the State field representative.

Commissioner Wall said he would like to get a copy of the economic report. Mr. Brierley said he will provide the report to all Commissioners.

Commissioner Parrish reviewed the economic report (page 66) discussing the southern bypass and other issues involving "at grade access" and "at ground level" definitions. Discussion was held concerning combinations of below grades, crossings and at-grade accesses, interchanges with off-ramps, etc.

Discussion was held concerning continuing the hearing with opportunity to request information from staff.

VII. ITEMS FROM STAFF

1. Update on Council items. Mr. Brierley said the C-2/C-3 code changes hearing has not been set.
2. Other reports, letters, or correspondence. None.

3. Next Planning Commission Meeting: September 13, 2001
4. Mr. Beam said the first Urban Renewal Task Force meeting was held last week and future meetings will be held every two weeks at the library (6-8 meetings with the task force). A couple of the meetings will allow public input to discuss the Urban Renewal Plan.
5. Mr. Brierley said that on August 20, 2001, the City Council will hear the temporary street amendment request.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Wall asked about how the house on Main Street - built in 1890 which was recently torn down was left off the historic register? Mr. Brierley said it was considered and evaluated as a primary resource; but in the analysis, they looked at the economic, social and environmental consequences and it was ultimately determined that it was not a great economic resource. Discussion was held concerning the building.

Commissioner Parrish said he would like to see the historic section of the Newberg Development Code revisited as an agenda item. Mr. Brierley said he would provide a listing of the historic property in the Commission's next packet.

Discussion was held concerning the terms of the Planning Commission expiration dates.

Commissioner Parrish said he questioned why the "Welcome to Newberg" sign was not completed.

Chair Rierson discussed the City initiating the zoning change designation for the riverfront. Ms. Mingay said that it may be a political issue without involving the property owner's consent. Mr. Brierley said he will do some research and get back to the Commission.

Commissioner Larson asked about scheduling the joint meeting with the City Council and the Planning Commission. Commissioner Larson asked when the park designated areas that are not actually "parks" were getting the proper zone designation? Discussion was held concerning the process in identifying the specific parcels and the review by the City Council for initial review and then to the Planning Commission. Mr. Brierley said it comes down to prioritizing projects.

Commissioner Larson said Dr. Gail's property was being farmed and was not used as a park.

Commissioner Molzahn announced that he was resigning as a Planning Commission member. He will be participating in a musical and due to the rehearsals and programs, it will be impossible to be on the Commission. The Commission and staff thanked Commissioner Molzahn for his participation in the community. Mr. Brierley additionally thanked Commissioner Molzahn for his service and insight.

IX. ADJOURNMENT

Chair Rierson adjourned the meeting at 10:00 p.m.

Passed by the Planning Commission of the City of Newberg this 13th day of Sept., 2001.

AYES: 5 NO: 0 ABSTAIN: (list names) ABSENT: Wall
VACANT: (one)

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall 9-13-01
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE August 9, 2001 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 8/9/01
PLANNING COMMISSION
MEETING FROM THOSE WHO
GAVE PUBLIC TESTIMONY/
REGISTRATION CARD

GR-20-99
Lesley Carsley, Principal
Edwards Elementary School
714 E. 6th
Newberg, Oregon 97132

GR-20-99
Jack Kriz
9455 NE Glen Hollow
Newberg, OR 97132

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

GR-20-99
Doug Corder
413 S. Willamette
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GR-20-99
Pauline Ogden
1113 James Street
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GR-20-99
Dr. Paula Radich
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GR-20-99
Paul Frankenberger
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