

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, APRIL 12, 2001 AT 7:00 P.M.

Approved at the May 10, 2001 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

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

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 March 8, 2001, Planning Commission Minutes.

Commissioner Larson said that he reviewed the minutes but they failed to report information he cited at the March 8, 2001 meeting concerning his reasons for denial. Commissioner Larson said he requested that this information be added to the minutes. The Commission members confirmed the information presented at the meeting by Commissioner Larson involved the build-out rates for 1998 - 2000. Commissioner Larson said he would work with staff to amend the minutes to reflect these findings. Commissioner Larson said that the content of his comments were that the build-out rate had slowed down and he questioned the need for the UGB expansion.

Motion #1:	Hannum/Wall to approve the minutes with the amendments made by Commissioner Larson
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Vote on Motion #1:	The Motion carried (unanimously).
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None

V. LEGISLATIVE PUBLIC HEARINGS

1. **APPLICANT:** City of Newberg
REQUEST: Amendments to standards in the C-2 & C-3 zones, expansion of the C-3 zone.
TAX LOT: Various around City
FILE NO.: GR-18-99
CRITERIA: Various as listed in the staff report
- RESOLUTION NO.: 2000-134**

OPEN FOR PUBLIC HEARING:

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

Commissioner Wall said he attended all three (3) meetings.

Commissioner Larson said he talked with business owners to let them know about the meeting and invited them to participate in the discussion. Commissioner Larson said that he had not taken a position on the matter and that his conversations with the business owners was strictly informational, to advise them as to the meetings and encourage the business owners to contact City staff if they had any questions. He invited the business owners to participate in the public hearing process.

Chair Rierson agreed that it was important for the public to provide input and he appreciated Commissioner Larson's extra effort in contacting the business owners.

David Beam provided the staff report and a brief history of the project. He said they held a series of three public meetings (June, July and August 2000), which were also advertised in the newspaper; they mailed out notices to over 500 property owners and business in the C-2 and C-3 zones and also faxed information to many people. Mr. Beam reviewed the objectives.

1. **Amendments to the C-2 District**
 - C-2 District Site Design (Sections 10.28.037)
 - Yard and Setback Standards (Sections 10.50.122 & 10.50.135)
2. **Amendment to the General Landscape Standards**
 - Landscape Standards (Section 10.50.160)
3. **Amendment to the C-3 District**
 - Single Family Non-Conforming Use Exemption (Sections 10.22.060)
 - C-3 District Site Design (Section 10.28.038)
 - C-3 District Uses (Section 10.40.364)
 - Yard and Setback Standards (Sections 10.50.122 & 10.50.135)
 - Sign Standards (Section 10.50.180)
 - Off-street Parking Standards (Section 10.50.200)
 - C-3 Map Amendments

The recommendation from the workshop was to proceed with Option 2 to expand C-3 around the entire downtown core area.

4. **Civic Corridor Overlay**
 - Map Amendment
 - Civic Corridor Overlay Subdistrict (Section 10.20.010)
 - Civic Corridor Overlay Sub-District (Section 10.44.500)

Commissioner Parrish expressed concerns over animated signs and what would be required of the business owners. Mr. Beam said that the sign code allowed for an extension period for the businesses to comply by the year 2009.

Commissioner Larson asked if there was an inventory of predesignated historic landmarks within the City which are located in the subject area. Ms. Mingay said there is a historic landmark list. Discussion was held concerning the number of historic buildings in the downtown core area. Ms. Mingay said there was approximately 20% of the total historic buildings located in the downtown core area. Ms. Mingay also

noted there may be as many as 20-30 Historic Landmark Properties, but she was not sure exactly how many. Mr. Brierley said staff would provide this information to the Commission.

Commissioner Wall asked if bank "drive-thru's" remained a subjective issue. Mr. Beam said yes.

Mr. Beam addressed proposed setbacks in C-3 standards and how they would apply to the amendments. Mr. Beam said a 20-foot maximum setback would be established. This would prevent buildings from being placed in the middle of a lot and that it would encourage buildings to be constructed facing a street. Mr. Beam said that there was not currently a minimum setback requirement in a C-3 zone. Mr. Beam reviewed the proposed design standards in C-2 and C-3 zones. The standards would result in some type of development that would be consistent with the surrounding area.

Mr. Beam discussed the options (Decision Points):

1. Large Buildings in C-3
2. Large Buildings in C-2
3. Animated Signs
4. Auto Drive-Ups
5. Dairy Queen and C-3 Zone
6. C-3 Zone Expansion
7. PGE Substation and Proposed Civic Corridor
8. Proposed C-3 Sign Standards
9. Automotive Services within C-3 Zone

TAPE 1 - SIDE 2:

Mr. Beam reviewed the attachments contained in the staff report which included the number of businesses Commissioner Larson contacted. Attachment "I" indicated other cities which adopted a combination of the proposed amendments in the staff report (future contacts for purposes of discussion).

Staff Recommendation: Mr. Beam said that after receiving public testimony, staff recommended that the Commission adopt the Resolution No. 2000-134. Staff also recommended that the proposed C-3 sign standards be reviewed by the City Sign Committee. Discussion was held concerning the "takings" measure which is being tested in the Courts. The Commission, after the public hearing, was to make recommendations to the City Council.

Commissioner Haug inquired about the impacts Measure 7 would have with the proposed code amendments. Mr. Brierley said the proposed amendments were intended to improve the value of the commercial areas. He said that Measure 7 had so many questions in relation to liability, court costs, etc., he noted that the safest path concerning Measure 7 was to do nothing.

Mr. Beam said he received two pieces of late correspondence from Sid Friedman and Kathi Thelander. Chair Rierson said they would be added to the Commission's packet for review in the next agenda.

Motion #2:	Haug/Molzahn to read the two letters and distribute the copies.
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Vote on Motion #2:	The motion carried (4 Yes/1 Abstain [Rierson]/1 No [Larson]).
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Discussion was held concerning previous rulings by the Commission on NOT accepting late written testimony or documentation presented at the meeting. The letters were from 1000 Friends of Yamhill County (Sid Friedman) dated April 12, 2001 and Kathi Thelander dated April 3, 2001.

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

PROPONENTS:

Curtis Walker, 29500 NE Benjamin Road, Newberg, Oregon, said he had participated in two of the three workshops and had been involved in land development and construction for 20+ years. He said that he remembered there was quite a bit of support for the proposed amendments, but questioned the fact that the changes added a considerable burden to the cost in redevelopment. He said he did not see any significant increases in costs, and the changes would soften the development of buildings and sheltered landscaping (more pedestrian/user friendly concept). He said he too talked with a number of business owners in the downtown area and also with two of the major land owners in the City and found no significant objections. He encouraged the Commission to adopt the changes as recommended.

Kristin Horn, 610 E. Sheridan Street, Newberg, Oregon, recommended passage of the proposed changes but would like to see the "animated" temperature sign at the First Federal Bank remain. She said she also talked with other businesses in the City and they all indicated that the amendments addressed the visions detailed at the Future Fairs.

Neil Cohen, PO Box 86, Dundee, Oregon, presented a handout for the Commission's review. Chair Rierson said the copies would be distributed to the Commission in their next packets. Mr. Cohen addressed the reasons why he decided to invest in the Newberg Commercial District:

- Excellent livability
- Professional staff of community development personnel along with a progressive City Council and Planning Commission
- Vision for the future
- Positive atmosphere for business

Mr. Cohen said that the result of all of the hard work in preparing the amendments was to keep more consumer dollars, local employment in the City and continued vitalization of the community.

John Bridges, 515 E. First Street, Newberg, Oregon is in support of the changes. He thinks that the overlay is an excellent idea and the City needs to create a "core" to the City. He would recommend Option 2 and the expansion of the C-3 zone; have more of a solid rectangular shape in the C-3 area and break free of the "strip" mentality. He said he is a member of the Sign Advisory Committee and he recently went before the City Council for an extension to continue the formation of the Sign Committee. The Sign Committee worked in developing sign design standards which will bring the C-3 area together. The Committee is committed to review other sign codes around the area and the State. There are five members on the Sign Committee comprised of some business members and citizens.

David Herr, 259 NW Chardonnay, Dundee, Oregon (Bicycle Shop). He discussed the sign ordinance in the C-3 district (animated signs). He said he realized the City wanted historic signage, he would not like to see the non-animated signage restricted. He discussed the overlay of the corridor. He would like to be excluded from the historic listing (commercial buildings which predate the City Hall and the Library buildings; to place restrictions on the building would not do well for retail which could be damaging for his business. On the first issue concerning animated signs, a minimum alternative would be to return it back to the hands of the Sign Committee, or that the overlay be eliminated from the proposal and the line be drawn straight down Howard Street, excluding his property at 500 E. First and the parking lot behind his building.

PROPONENT:

Allyn Brown, 515 E. First Street, Newberg, Oregon, said he owns two buildings in the downtown core area. He added that he has participated in the workshops and he can say that from his advantage point, the amendments are a good and viable resolution in bringing improvements to the downtown area.

UNDECIDED:

Jeff Kizer, said he is a property owner in the affected area (Elliott Road). He is apprehensive and his feelings only deal with C-2 restrictions. The downtown project is a major undertaking but he also questioned the validity of the traffic impact study. Mr. Kizer reviewed concerns he had with the proposed amendments. He questioned pedestrian and bike traffic. Discussion was held concerning the impending traffic light that is to be placed at Elliott Road. He addressed the requirements of the property owners being objective and/or subjective and that more restrictions may be too costly for the property owners due to personal preferences. The City should be concerned with life, health and safety issues. There should be a different set of standards for the C-2 zone.

Commissioner Parrish said that one of his concerns is the sign issue. When they talked about changes in the animated signs, he asked Mr. Bridges if the Sign Committee considered the additional costs to the business owners, which could be amortized over a period of time.

Mr. Bridges said that capital investments would be capitalized over a period of time. He said that ODOT was working with business owners concerning the Brutscher to Main project and the values to be paid by ODOT for the replacement of the signs. Mr. Bridges said that the Ford dealership animated sign was leased for a period of time. A period of 10 years was not an unreasonable concept to have the business owners work with sign standards.

Commissioner Parrish discussed the Bicycle Shop location and said he could not figure out why that building was included.

Mr. Curt Walker said that the time period of 10 years to amortize the sign costs is fair. He also addressed animated signs.

Mr. Brierley said the Columbia River Bank and Best Western buildings would not be affected in the proposal.

Commissioner Haug said he was concerned that the specific comments made by the persons who provided testimony were given the opportunity, specifically to address the discussion points.

Ms. Horn addressed C-3 zones and related restrictions in connection with the size of the buildings and permitted uses for buildings over 40,000 sq. ft.

TAPE 2 - SIDE 1:

Ms. Horn said she too was concerned about business and economic vitality for the area.

Commissioner Haug addressed animated signs and the changes in their frequency (time/temperature) and the timing that the information on the animated sign changes - 5 seconds. Discussion was held concerning drive-up type operations. Ms. Horn said that she looked at the same issue in trying to keep the automobile oriented businesses out of the core area. She said she is not in favor of "no restrictions" for drive-ups. Commissioner Haug said he would like to see the public comment on the discussion points. Ms. Horn said the setbacks are important and the expansion of C-3 areas is important. Discussion of the PGE substation in the core should be included. Ms. Horn said that she believed PGE could meet the restrictions. Ms. Horn discussed the restrictions of the corridor overlay and how it affects retail businesses (such as the bicycle shop). She hoped to see other retail businesses in the overlay area. She did not see anything that would negatively impact the businesses.

Commissioner Haug asked if the Commission should adopt the sign code amendments as proposed or let the Sign Committee make further recommendations? Ms. Horn said the majority of the Future Fair participants said they wanted a more eclectic look which is in the visioning statement from the workshops.

He discussed automotive businesses and how it would be affected by the Measure 7 implications and the possibility of grandfathering rights. Ms. Horn said she understood the inclusion of the automotive businesses, but the businesses she talked with preferred NOT to be in the downtown core area. It is a matter of geographic location and related moving costs to these businesses that is an issue.

Mr. Allyn Brown said he would take issue that it is staff's recommendation. It was a synthesis of the public input and the result of the workshops. Commissioner Haug asked if there was any public testimony on the alternatives to help the Commission deliberate, specifically for the nine discussion points. Mr. Brown said the options are to be flexible, and the conditional use approach provides flexibility for the future and makes sense.

Commissioner Wall addressed the process in deliberating on the following issues:

- Banks
- Expand to the West - Ms. Horn said she is in favor of it. She believes there is a limited downtown core area and the expansion would allow the development of the commercial area and allow for good downtown redevelopment. She said it would not detract from the value of the property.
- Existing businesses and property owners.
- Dairy Queen exemption - She said she voted to keep it out of the downtown project, since the drive-thru facilities could be an issue.

Commissioner Wall asked Ms. Horn if there would be any guarantees that any business owner or property owner would not be hurt, (not just a time issue or a little inconvenience); but would make it a hardship on them? Ms. Horn said she could not guarantee that it would NOT hurt some businesses. She said the changes are fairly rational. Commissioner Wall said the two largest commercial property owners were located in the C-2 zone area. Commissioner Wall addressed those property owners and businesses who would not be able to make the changes and what could be done to help them. Ms. Horn said that the changes were not going to keep a negative impact on the property/business owner. She said that she and others do care about the impact that it would have on the property owners and businesses. Ms. Horn said that her business deals almost exclusively with small and medium sized businesses.

Allyn Brown said that a large expense for a business is the costs associated with advertisement (signs).

Commissioner Wall said that he attended all three meetings and noted that the entire process began from grant funds and other individuals willing to put in time. He said that these types of things often start in a certain direction and pretty much stay in that direction.

Commissioner Wall thanked Mr. Kizer for his comments on aesthetics. Commissioner Wall talked with Mr. Bridges about the sign requirements, the impact on businesses and the grandfathering rights in order to allow for a period of transition.

Mr. Curtis Walker said that he hoped that the owners would create an image to clean up the area. Different than a sign, a building that has been fixed up will become more valuable as more people want to shop in a nice building.

Discussion was held concerning other businesses which would be affected if drive-up windows in C-3 areas were not allowed (businesses such as coffee/espresso places, etc.). Mr. Brown said banks in the downtown core area are critical to the viability in the downtown area.

Commissioner Larson said that the comments made by Allyn Brown and Curt Walker about improving the downtown core appear to be made in light of government standards (permitted uses, occupancy, building designs and signage). If the government does these changes, would downtown Newberg be more viable. Mr. Walker said that an urban renewal project would provide funding for property owners to improve their buildings and comply with the ordinances and make the downtown more viable. Mr. Brown

said that legislation can set a stage to improve the downtown core area, but it is the local businesses that will make the changes. There are a number of small businesses in the core area. People will start there, become successful and expand. We need an environment that is conducive to business in the area.

Commissioner Larson discussed how northwest Portland was developed as a result of developers and other interested individuals (business owners and residents). He said it was not achieved due to some legislative issue. Mr. Brown said he did not agree. Commissioner Larson addressed the creation of an atmosphere where the demand for the property and services outstripped supply. Can this be facilitated with legislative work in Newberg. Will the demand outstrip supply and therefore create the boom in downtown Newberg, which many people want for Newberg. Mr. Walker said people want to create a vision and look down the road; tie in the University, the river front and the downtown area which creates the demand for businesses and tourists. Mr. Brown concurred with Mr. Walker's statements. The population base would support smaller boutique type business which could be located in the downtown core area (plan now or wait until the population mass is available). Historically, northwest Portland has had an active neighborhood association who has a tight plan for their area.

Commissioner Larson asked how much the City of Portland has participated in the growth along with the neighborhood association, thereby creating the demand for space in the northwest area. Mr. Brown said he is not sure of the actual involvement. Mr. Brown said he was a Board member of Good Samaritan Hospital and worked with the neighborhood association, along with the City Planners.

Commissioner Wall asked about the median cost for a 1000 sq. ft. shop in the northwest Portland area. Mr. Walker said that it is a guess of approximately \$20-30 per sq. ft. range. Ms. Horn said that it would not happen in Newberg for some time. Ms. Horn said that there will be people waiting for the next available space.

Mr. Brierley said the written testimony would be included in the next packet.

Motion #3:	Parrish/Wall to continue the matter to the May 10, 2001 meeting.
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Commissioner Haug requested that the Commission leave the public record open in order to continue the discussion to the next meeting and review the testimony provided.

Commissioners Parrish and Wall withdrew the previous Motion.

Motion #4:	Parrish/Wall to continue the meeting to May 10, 2001 and to leave the public testimony portion of the public hearing open.
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Vote on Motion #4:	The motion carried (unanimously).
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LEGISLATIVE PUBLIC HEARING #2

2. *CONTINUED FROM THE 3/8/01 MEETING* (note: the Planning Commission has closed the public testimony portion of this hearing).

APPLICANT: Chehalem Park and Recreation District

REQUEST: Amend the Newberg Development Code and Comprehensive Plan relating to creation of a Community Facilities (CF) zoning district

LOCATION: City Wide

FILE NO: CPA-16-00

RESOLUTION: 2000-137

CRITERIA: Newberg Development Code Section 10.20.030

There were no objections to jurisdictions.

Staff Report: Ms. Mingay reviewed the changes made from the Commission's previous deliberations:

1. Provide a better definition of what "quasi-public" or "semi-public" activities are.
2. Verify the zoning of the proposed golf course property.
3. Provide samples of community facility zoning ordinances from other communities.

TAPE 2 - SIDE 2:

Ms. Mingay said that as to CPRD's condemnation authority, Mr. Bridges could not find any record allowing CPRD to implement condemnation actions. Staff recommended adoption of the Resolution as amended.

Commissioner Parrish asked for clarification of public contracting and the EFU zoning. He asked how EFU property had changed and in looking at the staff report, he did not see this information (how to change EFU property to a different classification). Ms. Mingay said the property proposed for a golf course has the designation EF40.

Mr. Brierley said that half the answer is to bring the property that is zoned EFU into the urban growth boundary and annex it to the City. The property would have to go through the UGB amendment and annexation process. During that process, staff would have to address specific statewide planning goals which relate to farmland preservation process; an exception process and specific designation for farmland; and go through the hearing process. If approved, then it could be included in the UGB, annexed to the City and be finalized.

Commissioner Parrish asked if others cities used terms such as "community facilities" instead of using "park zone" or "open spaces." Ms. Mingay said the applicant asked that the designations of community facilities be used. Mr. Brierley reviewed conditional uses which are not parks or open spaces, but that are a broader connotation than terms such as "open spaces," etc.

Ms. Mingay said that the only way 180 acres would get City services would be through annexation, other than a hardship case (for properties outside the UGB).

Commissioner Larson said he had not heard how the City planning staff used designations which would come from an applicant on an urban growth boundary or urban reserve amendment; and place the classification on the land. Who would make the recommendation to take the piece of land inside the UGB and change the Comprehensive Plan to provide for a park land. Ms. Mingay said it could come from two different directions: the City Council could initiate a recommendation for the Planning Commission to review the current land supply and land needs or an applicant could apply. Ms. Mingay was asked who decides where a park is placed inside the City. Ms. Mingay said that the Parks Board identifies locations and the Comprehensive Plan also has areas designated for future parks in various generalized locations. Ms. Mingay said that staff supports the application, and that the opportunity to place this particular designation on the map would be a tool to separate parks, schools, and other such land uses apart from the residential lands inventory. Right now, all the schools are located in residential zones. They have quasi-public designations on the Comprehensive Plan, but their zoning designation is R1 or R2. Discussion was held concerning density calculations.

Commissioner Larson said that with the existing schools and parks, the designation can be placed on the property, but how does it get used in the future plan? Ms. Mingay said that the designation allows the opportunity to have the zoning in place (for future growth). If the Parks District requests an amendment to the UGB and annexation, and the zoning is already placed on the property it could be less costly to

purchase without residential classification attached. Mr. Brierley said that if the UGB amendment just reviewed by the Commission was approved, and the developer proposed a piece of that property to be dedicated to the park district, the entire site would be zoned R-2, even the park portion. If the CF zoning was in place, the land could only be used for Community Facilities, not residences. Mr. Brierley said that the Riverfront Plan may have certain areas with this designation as well. The classification is to assure that the property is designated and promoted for that specific use.

Commissioner Parrish asked why it would not be better to know that these properties would have a school zone and park space designation and just leave it alone? Ms. Mingay said they do not conflict with each other.

Commissioner Hannum said his understanding was that in the process of asking for UGB/annexation, an applicant would have to propose what zoning the site would be designated. As part of the application, the applicant has to also provide proof of need for this type of designation. Without the proposed new zone, a golf course would have to come in as R-1/R-2 justifying the need for more R-1/R-2 zoned property that would also place a higher burden of proof on the applicant. The applicant would also have to show residential impacts on community facilities and services.

Commissioner Wall addressed how existing schools would ask for this type of new designation. He said that when the properties are taken from the existing R-1/R-2 land inventory, it would take the land from one classification and alter the other designations and find out what is really available. Mr. Brierley said that in looking at the lands inventory, those designated as "built" lands, are not available. Commissioner Wall asked if a public golf course was considered a park. Ms. Mingay said that the Development Plan specifically identifies the separate classifications "park" and "gold course."

Commissioner Haug addressed the identification of park lands and the proposed designation being a tool for future reclassification. Discussion was held concerning why the City could not take all the park property now in existence and place the new designation on the property. Ms. Mingay said that each individual parcel would have adjacent property owner notice and public hearing requirements. Commissioner Haug noted that certain parcels of existing R-1/R-2 and R-3 properties are designated to be parks. Discussion was held concerning placing all parks in the proposed classification. Ms. Mingay said the Planning Commission has the ability to initiate the hearing process for consideration of a zone change which would apply to the school district, George Fox University and other similar property ownerships.

Commissioner Haug said that the reason for requiring parks to be in the zoning designation, was that if the zone was mandated for parks, it would be a planning tool for the developer to plan for the park (force the designation). Commissioner Haug said the Commission should not go any further with the discussion unless they can incorporate the requirement that the existing parks be mandated to go under this designation (should not do it as a piecemeal effect). Mr. Brierley said that by Resolution, they could initiate a hearing process. Ms. Mingay said that as part of the proposed ordinance, Chehalem Park & Recreation District could request this designation on all their park properties. Commissioner Haug said the decision should be delayed until the designation is placed on all existing and future parks.

Chair Rierson inquired about other CF designations (churches, schools, etc.). Commissioner Haug said that he is interested in including open space currently in residential zones. Discussion was held concerning the quasi-judicial process. Mr. Brierley said that it could be part of the recommendation that the City Council consider rezoning the existing park land in the City. Discussion was held concerning setting conditions to the rezoning. He added that the City Council could determine whether or not they like the zoning classification and then move forward with the whole process. Commissioner Haug said a better proposal would be to add criteria providing that all park areas be rezoned as a whole rather than be site specific.

Commissioner Larson said that Commissioner Haug addressed issues concerning planning growth for the City, but asked whether the City had a definition for open space land. Mr. Brierley said that there are general areas where parks are planned, but not necessarily open spaces. Ms. Mingay said that on the Comprehensive Plan map, there were four (4) future park sites and pointed them out. She added that not all land with "park" designations are developed but are preserved (such as having old growth timber on the property). She said the areas that used to have open space designations, are now primarily in the designated stream corridor areas.

Commissioner Wall said he would like to resolve the issues but questioned whether the Commission could hold a quasi-judicial hearing for a zone change designation where the zone change does not exist. Discussion was held concerning placing conditions under a quasi-judicial process. Further discussion was held concerning the lands inventory. He said that if an applicant wanted to bring a new piece of property into the City, designated as the new zone, would the Goal 14 process be prejudicial to the applicant?

Commissioner Haug addressed the institutional zone being a concept similar to this process. It was concurrent with an application on specific land within the current City limits.

Mr. Brierley said that an overlay is where the property retains the zoning, but certain additional standards apply. An overlay can often span different zones (airport/historic or other types of zoning). The proposal is not like an overlay zone.

Commissioner Parrish said he did not totally disagree with the concept. He said he talked with Don Clements from Chehalem Park & Recreation District concerning the 180-acre parcel. Commissioner Parrish said he thought the golf course was a good idea, but he had problems with the potential classification and the possibility of a residential neighborhood on that property. He added the proposal was too broad and was not limited enough; he would like to see a more simplified approach to the classification and just have a "parks" zoning designation.

Ms. Mingay said that in the current Development Code, there was a section involving conditional uses which could apply to any zoning district. Commissioner Parrish said that Mr. Clements told him personally that the land was to be used for a park and/or a potential golf course and NOT for residential purposes.

Commissioner Wall said it is the Commission's charge to define the new zoning designation. He discussed Attachment B to the staff report providing for conditional uses in "any" zoning district. He said that if this zone was created "private" it should be eliminated and "quasi-public" should be more defined. He noted that when talking about public or semi-public buildings the language "to serve the general public" is not adequate due to the generality of the creation of the new zone; this would eliminate most of the requirements noted in the Development Code and Comprehensive Plan.

Motion #5:	Haug/Wall to recommend changing the following portions of Resolution 2001-137: Definition: Section 10.06.010 to remove all references to "private" and "semi-public" which includes the references in the definition, description and purpose, specifically involving Section 10.40.424. Section 10.40.246 states that all uses named in Section 10.30.50 are allowed as conditional uses. The language is to be amended that . . . "no uses in Section 10.30.50 will be allowed in the Community Facilities District."
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Ms. Mingay said that future amendments to the list of uses would require the review of the Planning Commission in any zones.

Commissioner Parrish asked why the property was not just designated as a "park zone" or a "CF" zone which would include schools, fire districts, etc. He said he did not see the purpose for the separate designation.

Commissioner Haug addressed schools being removed from the permitted uses.

Chair Rierson noted that CF designations would be used for designations other than for parks.

Commissioner Wall said that a golf course would be under the CF designation.

Commissioner Parrish reviewed the various definitions including private and public parks, economic welfare, etc. He said that with "open space" designations, it would be all encompassed. Discussion was held concerning limiting the uses for the CF zone.

Commissioner Wall said that the Commission could forward a "parks district" designation and have the Council provide for a clearer definition. Discussion was held concerning a recreational district rather than community facilities.

Commissioner Haug called for the question.

Mr. Brierley said that a semi-public building would be similar to the PGE station.

Commissioner Hannum said that the proposal changes the definition of a public building (to serve the general public). Discussion was held concerning nonprofit organizations.

Vote on Motion #5:	The motion carried (6/1 No [Molzahn]).
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Commissioner Haug addressed the park zone designation to include a golf course, playground, etc. Discussion was held concerning uses with anticipated impacts to other adjacent properties.

Commissioner Wall reviewed the various types of uses which could or could not have a potential impact on the designated areas. Ms. Mingay said that if a stadium was proposed as a park, the stadium would have to be processed as a Type 2 application, requiring landscaping, ADA access and including a traffic study. She also said there would be a requirement for design review for structures, and traffic studies could be required. A stadium would not come to the Planning Commission unless it was listed on the conditional use list. There is also a public notice requirement of 300 feet and the participation by neighboring property owners.

Commissioner Parrish said that the applicant indicated that the main reason for this proposal was to place the 180-acre parcel, which is now designated as prime farm land, and not an exception land, in a protected zone.

Commissioner Wall said that the creation of the new district would streamline and reduce a lot of otherwise lengthy requirements. Ms. Mingay said that the Commission reviewed the land supply prior to bringing other land into the City. She said there are other EFU and soil issues. Discussion was held concerning residential and park land designations and providing the proof of meeting the "needs" analysis. Commissioner Wall discussed the impact analysis involving developable properties and said that he found it hard to accept that the language was not concise and that the other points noted are present. Ms. Mingay said that the intent was to provide for the ability to transfer land more easily and accommodate the use for a golf course.

Motion #6:	Haug/Hannum to move the whole paragraph on schools from permitted uses to "conditional uses" category Section 10.40.424 (a) and (b).
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Vote on Motion #6:	The motion carried (unanimous).
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Discussion was held concerning separating the park district from the school district.

Motion #7:	Hannum/Molzahn to adopt Resolution 2001-137 as amended.
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Discussion was held concerning affirming the vote or postpone the decision if any Commission member had any further questions.

TAPE 4 - SIDE 1:

Commissioner Larson said he does not support the matter because it has not been demonstrated how the policy will help the City. He said that in the total course of a planned community, etc., the City really cannot confirm that a park will be developed in the area where a park is proposed. He questioned that the City could be reasonably assured by passing the resolution, that parks would be built and funding would be available down the line. He said that if the tool could be adopted that would assure existing park space was developed, and some mechanism was put in place that as the City grows, there would be open space parks, this would be a marvelous tool. In his mind, it does not pass the test of public policy.

Commissioner Haug discussed changes in the Comprehensive Plan pertaining to public parks and a guide on how the Development Code and land designations apply.

Commissioner Wall said that there may be other recommendations to pass on to the City Council.

Vote on Motion 7:	The motion carried (unanimously).
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Motion #8:	Haug/Wall to recommend to the City Council that the City initiate a zone change for all park owned properties to the new zone; and recommend changes to the Comprehensive Plan to encourage the new designation to be applied to public parks in annexation and future zone changes.
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Vote on Motion #8:	The motion carried (unanimously).
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VI. ITEMS FROM STAFF

1. Update on Council items. Mr. Brierley said that the Council had been reviewing an ordinance on street peddlers and solicitors and that due to a lack of a majority of the quorum of the Council voting affirmatively, the Council continued the matter to the April 16 meeting. The Council will also be considering initiating two amendments: UGB on Crater Lane (the street south of Crater Elementary between Main and Chehalem Drive [40 acres]); and initiating a text amendment to deal with interim street standards.

Mr. Brierley noted the NUAMC meeting considered a urban growth boundary amendment for Willamette Landing (Springbrook Meadows). NUAMC voted unanimously to deny the UGB amendment and the mater will go to the City Council on May 7, 2001.

Mr. Beam updated the Commission on the Riverfront Development Plan. Mr. Beam said the Riverfront Committee is having the first of two public meetings next week at Edwards Elementary at 7:00 p.m. The objective was to come up with a referral. The second meeting is scheduled for May 15.

Mr. Brierley addressed the Oregon Government Standards and Practices Commission compliance report.

3. Next Planning Commission Meeting: May 10, 2001

VII. ITEMS FROM COMMISSIONERS

Commissioner Parrish discussed Harris Thermal's request for expansion of their property located adjacent to the Church which involved an easement issue. His understanding was that Harris Thermal was going to improve their property but had not heard anything further. He asked that staff provide an update on the progress of the expansion. Mr. Brierley said that he would obtain the information for Commissioner Parrish.

Commissioner Larson discussed comments about prior actions of developers. He said that when a developer comes in and makes specific comments on how they will do the project, the City and the developer creates a certain trust. But, when the developer fails to make good on his/her word, the trust is damaged, and Commissioner Larson said he found it difficult to continue a relationship with a party that he could not trust to follow through on promises to be kept. This type of applicant should NOT be given the same courtesies as an applicant who does things in good faith. He said that the City should reconsider its applications and relationships with these types of developers.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 11:30 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of May, 2001.

AYES:

5

NO:

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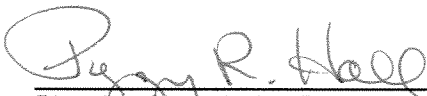
ABSTAIN:
(list names)

0

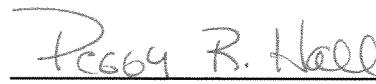
ABSENT:

2 (Parrish / Molzahn)

ATTEST:



Planning Commission Recording Secretary Signature



Print Name

5-10-01

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE APRIL 12, 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 #

1. GR-18-99 Letter dated April 3, 2001 from Kathi Thelander.
2. GR-18-99 Prepared statement from Neil Cohen.
3. GR-18-99 Facsimile from 1000 Friends of Oregon: Letter dated October 12, 2000 and letter dated April 12, 2001

LABELS FROM THE 4/2/01
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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