

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:30 PM

October 18, 1990

Subject to P.C. Approval at 11/15/90 P.C. Meeting

There being no quorum, Planning Director Dennis Egner reviewed Agenda Item VI. Old Business. He indicated that the City Council has opened the hearings related to the Comprehensive Plan revisions and the Manufactured Housing Ordinance.

He informed those Commissioners who were present that a Newberg Urban Area Management Commission meeting would be held October 25. Representatives from Newberg include Planning Commission members Jack Kriz and Rob Molzahn.

I. OPEN MEETING

Present:

Jack Kriz
Martin McIntosh
Rob Molzahn
Mary Post
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary
Sally Donovan, Historic Preservation Consultant

Citizens: 20

The meeting was called to order at 8:00 PM by Chairman Roger Veatch

II. APPROVAL OF MINUTES

Motion: Post-Molzahn to approve the minutes of the September 20, 1990 Planning Commission with a correction to the meeting date. Motion carried unanimously.

III. PUBLIC HEARING

Applicant: City of Newberg
Request: An amendment to the City of Newberg Comprehensive Plan Inventory of Natural and Cultural Resources to add a final inventory of historic resources and ESEE analysis.
File No: PR-3-90

Staff Report:

Planning Director Egner reviewed the proposal relating to amending the Inventory of Natural and Cultural Resources. He identified the impacts on a parcel if it were selected to be protected. He noted that a Historic Inventory had been

completed during 1985. Because this inventory was completed prior to the Periodic Review process, LCDC requires that a protection ordinance for preserving identified sites must be put in place. A historic preservation ordinance was approved by the Planning Commission on July 19, 1990 and forwarded to the City Council for their review. He noted that the City Council would review the specific sites and the historic preservation ordinance at a future public hearing. He added that the Planning Commission would be selecting specific properties to be protected under this ordinance.

He reviewed the 1985 Inventory ranking process and noted that the criteria for selecting sites during that process could not be located. Sally Donovan, Historic Preservation Consultant, was hired to review and provide documentation supporting selection of each site. He commented that the criteria for site selection was weighted based on points assigned for historical and architectural considerations, physical and site integrity and chronology. He noted that 44-45 properties from the original inventory were adjusted in evaluation status. He noted that a subcommittee of the Planning Commission, together with City staff and Ms. Donovan, had reviewed each of the sites. Sites identified as Primary, or within possible historic districts, were selected to be included as protected under the proposed ordinance.

He indicated that an additional requirement of LCDC Goal 5 was an ESEE analysis. This review analyzes impacts of any conflicting use on each site in terms of economic, social, environmental and energy factors. This analysis was completed in October, 1990 by Sally Donovan.

Planning Director Egner discussed rehabilitation issues relating to the ordinance and he showed slides representing examples of various kinds of restorations to historic properties in Oregon City.

He concluded with highlights from the LUBA decision on the Yamhill County Preservation Ordinance about voluntary vs. mandatory inclusion under a historic protection ordinance.

Proponent: Don Bauer, owner of a house at 414 N. College, indicated he was in favor of the proposed amendment. Mr. Bauer stated his house was listed on the National Register.

Proponent: Bert Teitzel, 401 N. Howard, owner of Littlefield House Bed and Breakfast, was in favor of the ordinance revision and proposed Inventory and ESEE analysis. He added that he would like to see further action taken to create Historic Districts. He noted that after upgrading 400 N. Blaine, one of the listed properties, it was sold for a profit. He commented that historic sites attracted tourists.

Proponent: Tony Henseler, 315 E. Sherman, did not wish to speak at this time.

Proponent: Roger Worrell, 215 N. Center, indicated he has just restored his home and feels it was important to maintain historic sites. He indicated there is a social need to retain the past.

Opponent: Dick Sartwell, pastor of Newberg Friends Church and Ralph Beebe, read a written statement which indicated that approval of the ordinance would have a serious impact on their church facility. They felt that the ordinance could force the church to relocate out of the historic building it currently uses, as well as creating an economic detriment to the neighborhood. They characterized the proposed ordinance as a threat to the church's future expansion plans.

Pastor Sartwell indicated that the church is a mission, not an institution. He indicated that the appeal process would create uncertainty for any development proposal.

Opponent: Al Piatt, speaking for his mother who lives at 303 E. Sheridan, opposed the ordinance. He added that his mother's house was intended to satisfy the needs of a growing family, and the house had been altered over the years. He noted that the neighbors did not have to be consulted when these additions were done and he did not feel this kind of an intrusion was appropriate. He commented that tourism is a result of publicity, not history. He concluded that it was not his desire to seek someone else's approval to remodel or repair his mother's home.

Opponent: Betty Bates, speaking on behalf of Barbara Jean Bates, 520 Wynooski, opposed the inclusion of the property on the list.

Opponent: Ed Stephens, president of George Fox College, opposed listing three of four GFC properties. He indicated that Minthorne Hall is already listed on the National Register. He noted that the other three buildings owned by GFC and proposed for protection were beginning to create an economic hardship on the College. He noted that a recent engineering report stated Woodmar Hall would cost \$1.8 million to rehabilitate.

Opponent: J.S. Holman, 402 W. Sheridan, had no comment at this time.

Opponent: Mike Gunn, 518 E. First, representing the Johnson family, owners of 204, 206, 208 and 300 E. First, noted that the historic inventory update and ESEE analysis was the issue at this hearing. He reviewed the evaluation sheets relating to the Johnson properties and requested that the criteria on the sites be further reviewed. He felt that the rating sheets on disputed sites should be reviewed individually before inclusion in the inventory.

Opponent: Dick Eichenberger, 1100 N. Meridian, indicated he supported the Friends Church opposition to inclusion in the proposed inventory.

Opponent: Mel Sprecher, representing his mother Melinda Sprecher, 503 N. College, was opposed to listing her property as a historic resource.

Opponent: Mona Gettmann, 1200 E. Sheridan, stated her home was a great place to raise her children, but expressed concern about the paperwork and extra requirements of the proposed ordinance. She requested that her home not be included in the inventory. She was concerned about its resale value and a potential sale being limited to a select group of interested buyers.

Questions to Opponents:

Dick Sartwell was asked what kind of threat was envisioned by the Friends Church due to the proposed ordinance. He responded that the church is growing and the long range planning process may result in additions and/or alterations to the facility. He noted that under the proposal, additions to the existing building would be limited, and that if a large addition was desired, an existing parking lot would need to be used for the construction. If the church building were located within a Historic District, parking lot relocation could also be limited, thus forcing the church to move out of the historic building.

Public Agencies: None

Letters:

Hugh Brown, on behalf of Inez Cooley, requested that the property at 606 E. First not be included.

Grace Krohn, owner of 315 E. First, asked that the property not be included.

Hazel Piatt, 303 E. Sheridan, was opposed to inclusion.

General Questions:

Roger Worrell asked the Planning Director what the consequences were of not adopting a historic preservation ordinance and inventory. Planning Director Egner indicated that ultimately, an enforcement order could be placed on the City, resulting in possible loss of gas taxes and other revenue.

Staff was asked if there were a specific number of sites required by the State to be protected. Planning Director Egner responded that State representatives from SHPO stated that the Primary sites and those within potential districts should be protected.

Planning Director Egner was asked if the State was forcing the City to protect certain properties. He responded that some action must be taken. Since we received a State grant to do an inventory in 1985 which identified specific historic properties, the State requires that a protection ordinance be put in place to protect those sites identified.

Rebuttal Testimony:

Bert Teitzel indicated that implementation of an ordinance is mandatory. He further commented that he had reviewed several of the properties based on the consultant's criteria, and he would have rated them higher.

Mike Gunn noted that he challenged the criteria used to select specific sites.

Planning Director Egner indicated that the Planning Commission had several options for addressing the proposed list: they could act only on the properties that had no adverse testimony, continuing discussion to next month on the sites under opposition, or they could continue discussion on the complete list to the next meeting of the Commission. He indicated that findings could be developed that would give the Commission the option of excluding specific properties from the list. He indicated that the Staff Recommendation would be to continue to include some of the protested properties due to their significance to the community.

Commissioners briefly discussed renotification of property owners to allow them to testify regarding their respective properties.

Chairman Veatch noted that if the proposal were approved by the Planning Commission, it would then be forwarded to the City Council for public hearing on December 3.

Staff Recommendation: Planning Director Egner recommended that, based on the Staff Report and Conclusionary Findings, the Planning Commission recommend that the City Council amend the Comprehensive Plan by adopting the updated Inventory of Historic Resources and the ESEE Analysis as attached to this report.

Public Hearing closed.

Commission Discussion:

Regarding the evaluation process, Commissioner McIntosh felt there could be a potential for error in the criteria. Commissioner Kriz felt that Ms. Donovan's evaluation was essentially the same as that done several years ago by two other historic preservation consultants. Commissioner Post concurred that the evaluation conclusions were essentially the same as those done previously, and that the consultant had appropriately ranked the buildings.

Consultant Sally Donovan indicated that the criteria was taken from that used by the National Register and has been used by cities all over the state including Astoria, Eugene and Independence; however, she indicated that she would be willing to review with Planning Commission representatives, the survey evaluation forms of specific properties which might be considered borderline cases.

Commissioner Kriz indicated that the ordinance recommended for adoption would not prohibit the Friends Church from expanding its facility.

Commissioner Molzahn stated there might be some problems with compatibility between the addition, existing yard space and historic structures at the Friends Church site. He added that he had remodeled an older home and was still able to retain its historic character; however, he expressed concern about the restrictions this ordinance would place on individual homeowners.

Planning Director Egner reviewed the appeal process. He indicated that the appeal time limits could be altered. He was asked how a property could be removed from the protected list. He responded that the data gathered could be challenged on a case by case basis. He noted that the removal procedure could include: 1) challenging of the criteria; 2) abandonment of the building; or 3) an act of God which destroys the building (e.g. earthquake, fire, etc.). He noted that the appeal process beyond that is to the Land Use Board of Appeals.

Commissioner McIntosh expressed concern about private property rights. Chairman Veatch concurred that property owner rights were being neglected. He indicated he could not support including all of the proposed sites in the inventory.

The Commissioners extensively discussed selection of only Primary sites as opposed to selecting those sites within potential districts, or selecting only a specific number of sites.

Ed Stephens, GFC president, was asked to elaborate on the possible impacts to the College. He indicated that the college was in the process of preparing a long range plan relating to campus construction and possible demolition of the historic buildings.

Motion: Kriz-Post to recommend to the City Council amendment of the Comprehensive Plan by adopting the updated Inventory of Historic Resources and the ESEE Analysis based on the Staff Report and Conclusionary Findings.

Vote on Motion: Aye-Kriz, Post; Nay-McIntosh, Molzahn, Veatch. Motion failed (3-2).

Consultant Sally Donovan briefly discussed incentives for encouraging people to repair and maintain their historic homes. She indicated that some Springfield, Oregon lumber companies were giving discounts on materials purchased for restoration of designated historic homes in that city.

Members of the Commission concurred that involving businesses in Newberg in such a project was worth investigating.

Extensive discussion followed regarding the Friends Church and its potential expansion project.

Commissioner Kriz indicated that the benefits to the community should be considered; however he commented that the Planning Commission needed to make a decision on the list now, either by approving it or denying it.

Planning Director Egner indicated that, if the Commission chose to not recommend approval of the list, findings should be made to support their decision. In addition, he noted that a decision to exclude any specific properties should also include findings to support that decision.

Commissioners McIntosh and Veatch expressed concern about the adverse impacts of a historic ordinance on property owner rights. They specifically noted that exclusion from the list should be granted to those individuals who have made such requests through this hearing process.

After further discussion relating to possible exclusion of specific properties, and the need to provide findings related to exclusion of each site, the following motion was made:

Motion: McIntosh-Molzahn to recommend that the City Council amend the Comprehensive Plan and adopt the updated Inventory of Historic Resources and the ESEE Analysis based on the Staff Report, Conclusionary Findings and testimony, with the exception of those sites whose owners indicated in oral and written testimony that they be excluded.

Vote on Motion: Aye-McIntosh, Molzahn, Veatch; Nay-Kriz, Post. Motion carried (3-2).

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

There being no further business, the meeting was adjourned.