

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 6:30 PM

July 19, 1990

Subject to P.C. Approval at 8/16/90 P.C. Meeting

SPECIAL MEETING OF THE PLANNING COMMISSION

6:30 PM:

CONTINUATION OF PR-90 PUBLIC HEARING
DISCUSSION RELATING TO THE HISTORIC PRESERVATION ORDINANCE

Present:

Jack Kriz
Martin McIntosh
Rob Molzahn
Mary Post
Wally Russell
Kathleen Sullivan
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary

Staff Report: Planning Director Egner reviewed changes to the proposed historic ordinance. He noted that the next step in the periodic Review would involve updating the Historic Inventory and completing an ESEE analysis.

Commissioners reviewed the ordinance by section. Several Commissioners noted concern with the section addressing new construction within an historic district. Methods of reconstructing a fire damaged home within an historic district under this ordinance were briefly discussed. Section 423 relating to Economic Hardship was amended to delete "(a) structural conditions". Section 422(2)(e) was revised to read as follows:

The proposed alteration results in the installation of permanent air conditioning or heating facilities including solar panels which are not readily visible from the public right-of-way excluding alleys, or other Landmark properties.

REGULAR MEETING OF THE PLANNING COMMISSION
7:30 PM

I. ROLL CALL

Present:

Jack Kriz
Martin McIntosh
Rob Molzahn
Mary Post
Wally Russell
Kathleen Sullivan
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary

Others Present: 16 Citizens

II. OPEN MEETING

The meeting was called to order by Chairman Roger Veatch.

III. APPROVAL OF MINUTES

Motion: Post-Russell to approve the minutes of the June 21, 1990 Planning Commission meeting. Motion carried unanimously.

IV. CUP-6-90 - PUBLIC HEARING:

APPLICANT: Robert G. Johnson
OWNER: David Abbott
REQUEST: Approval of a Conditional Use Permit to allow development of a 138 unit congregate living project, providing living quarters for independent seniors with housekeeping services and dining and recreation facilities.
LOCATION: 3777 Portland Road, north of 99W, east of Newall Addition and west of Vittoria.
TAX LOT: 3216CA-2190
FILE NO: CUP-6-90
ZONE: C-2 Community Commercial
PLAN
DESIGNATION: COMM
CRITERIA: Newberg Zoning Ordinance 1968, Section 638

No abstentions or ex-parte contact were identified. No objections to jurisdiction were identified.

Staff Report: Associate Planner Michael Unger reviewed the conditional use permit criteria and ordinance requirements as well as a brief site history. He identified the site location and current vacant status.

Planning Director Egner pointed out the site and zoning information on an overhead projector. He noted the probable location of ingress/egress in relation to the commercial property to the south.

Associate Planner Unger distributed a Staff Report addendum and reviewed the addendum comments relating to height restrictions abutting residential areas. He noted that fewer parking spaces would be required for this type of a facility based on a letter from the Oregon Housing Agency. He reviewed staff referral comments and entered into the record a letter from ODOT relating to highway access onto Highway 99W and Libra Street access.

Planning Director Egner commented that City Staff had met with ODOT representatives on the site and ODOT had a concern about traffic patterns and speed on Highway 99W. He commented that ODOT has designated Highway 99 as an Access Oregon Highway.

Associate Planner Unger reviewed Staff Report and Addendum Conclusionary Findings.

Proponent: Brent Bishop, an employee of Robert Johnson, 1525 SW Park, Suite 200, Portland OR 97201, indicated that the site is actually 4.3 acres, slightly larger than indicated in the application. He noted that the extra size gives some flexibility in siting the facility to meet setback requirements. He defined congregate care facilities and noted that this site had been selected for its ability to provide an aesthetically pleasing appearance as a gateway to Newberg. He commented that those properties within Newall Addition owned by David Abbott are not included in this application. He added that the site was not planned with an exit/entrance from Libra Street to avoid access to the site via a circuitous route through Springmeadow Subdivision. He indicated that exclusion of Libra as a through route will also prevent southbound traffic from using Libra to access any commercial development on the south side of Highway 99. He requested that further discussions occur with ODOT regarding the access issue.

Proponent: Joe Griggs, project architect, 1525 SW Park, Suite 101, Portland OR 97201, presented diagrams relating to site design. He noted that the project is like an apartment project with the exception of a central services area. He pointed out that several wings extend from this area and that the units would have recessed or extended balconies. The project has been designed to lessen the visual impact as much as possible. He indicated that screening was proposed to buffer the residential areas.

Opponent: Tony Tool, 1404 Libra, spokesman for the neighborhood abutting Libra Street cul-de-sac, entered a letter of objection into the record. The letter addressed traffic volume concerns, suggested that signalization occur on 99W as soon as possible, and discussed previous proposals identified with the project site. Structure height was also noted as a concern; however, it was noted that landscaping could alleviate that concern to some extent. The letter was endorsed by residents of 1400, 1401, 1403, 1404 and 1405 Libra.

Proponent/Opponent Questions: Mr. Bishop responded to a question relating to access to David Abbott's Newall Addition property. He indicated that if the Highway Department constructed medians along 99W, there was a potential that access to Newall Addition would be limited. Mr. Abbott had requested an access easement from his property to 99W across the project site. Mr. Bishop noted that the applicant's had not purchased the residential property in Newall Addition.

Cliff McDonnell of Griggs & Associates responded to a question about building height. He noted that the eave line would be approximately 30 feet, at a distance located 50 feet from the property line. Mr. Bishop responded to a question relating to berming at the rear of the site, indicating that if the parking and driveway locations precluded a berm, then alternate arrangements could be discussed relating to berming and landscaping. He added that there is probably enough room on the north side of the site to include a berm.

Planning Director Egner was asked about ODOT's position relating to Libra Street. He noted that ODOT had not altered their position in relation to requiring a Libra Street access to the site. Mr. Bishop added that if ODOT insists on a Libra Street access, a possible alternative could be to allow access onto Libra only until such time as a light is installed on 99W. He added that traffic bumps could be installed at numerous locations to prevent excessive traffic through the project. Mr. Bishop added that he would like to schedule a meeting with the neighbors to resolve any concerns they might have about the project. Mr. Tool noted that installation of the 99W stop light now might be more beneficial. Mr. Bishop noted that ODOT would not approve a signal at this time based on the limited traffic generation.

Public Agencies/Letters: Mr. Unger noted that no letters had been received other than the ODOT response relating to site access.

Proponent Rebuttal: Mr. Bishop reviewed Staff Recommendation items A-H as follows:

- A. Proponent has no objection to access easement but requested that they have the option of incorporating the sidewalk and easement into the current pedestrian system within the project. It was noted that the fire access lane would be paved. He noted that public access to private areas of the site should be limited and controlled, to better preserve the privacy of the residents and to enable more adequate policing of the site. He requested that language be added to the conditions limiting the public access to the hours between dawn and dusk.
- B. He noted no conflict.

- C. He requested that an alternative sidewalk location through Newall Addition to Springbrook Plaza be considered as an option.
- D. He requested that the entrance be located as far to the west on Highway 99W as possible to allow for the greatest possible site distance.
- E. He requested that the fee be based on the project's percentage of traffic trip generation as compared to adjacent properties accessing the light. In addition he requested that the light not be required until the commercial center is developed.
- F. He noted no conflict.
- G. He noted no conflict.
- H. He noted no conflict with the setback requirements as identified within the zone.

Staff Recommendation: The Associate Planner recommended that the Planning Commission approve the conditional use permit application based on the Staff Report and Addendum Conclusionary Findings and the following conditions:

- A. A public sidewalk and access easement should be provided through the site from the end of Libra Street to Highway 99. The sidewalk and access easement may be incorporated with the current pedestrian system within the project.
- B. A curb should be constructed along Highway 99 from the east boundary of the parcel to Newall Road.
- C. A sidewalk should be constructed along Highway 99 from the entrance to the boundary of the Springbrook Plaza property. Construction of the sidewalk through a portion of Newall Addition will be considered as an alternative.
- D. The entrance road should be aligned with the proposed roadway across Highway 99 which will serve the Werth property.
- E. If the intersection of Highway 99 and the proposed road across the entrance is signalized in the future, the owners of this development must enter an agreement to pay their fair share of the signal as it relates to the entrance. The fee shall be based on actual traffic generation or City of Newberg Ordinance 1740 Traffic Control Signal Development Fee Schedule, whichever is greater.
- F. The complex must meet the fire protection requirements imposed by the Fire Marshal.
- G. As required by the PUD overlay, a six foot high obscuring fence shall be installed, or vegetative hedge shall be planted to buffer the congregate

living facility from the residential areas to the north, west, and east of the site.

H. Temporary public access shall be provided onto Libra Street.

Public Hearing Closed.

The Commission extensively deliberated the traffic issues relating to the site.

Motion: Sullivan-Post to approve the conditional use permit based on Staff Report and Addendum Conclusionary Findings, Conditions in the Staff Report and those requested by Brent Bishop, and testimony.

After a brief discussion, an amendment to the motion was made.

Amendment to Motion: Kriz-Post to amend the motion to include a statement that if Newall Addition access to Highway 99W was altered, access would be allowed over the project site.

Vote on Amendment to Main Motion: Motion carried unanimously.

Vote on Motion: Motion carried unanimously.

Planning Director Egner stated that there is a ten day policy during which the decision can be appealed.

V. PR-90 PUBLIC HEARING:

APPLICANT: City of Newberg

REQUEST: Adopt Periodic Review Order and related documents
1. Historic Preservation Ordinance
2. Periodic Review Order

Discussion continued relating to construction limitations within a historic district.

Motion: Kriz-Post to revise Section 422(B)(1) as follows:

1. Review Required. If an application is made for property within a historic district to build a new building or to alter the exterior of an existing non-Landmark building, the Building Official shall transmit to the Planning Director a copy of the request. Minor exterior alterations consistent with Section 422(A)2 shall be reviewed by the Planning Director. The Planning Commission shall review all other requests to assure that the plan is compatible with structures in the surrounding area. No new structure or major public improvement shall be constructed in a historic district without review pursuant to the criteria listed in Section 422 (B)2 and the process outlined in Section 422(A)4.

Vote on Motion: Motion carried unanimously.

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Staff Recommendation: Planning Director recommended that the Planning Commission approve and forward to the Council for approval the Historic Preservation Ordinance as amended.

Motion: Sullivan-McIntosh to recommend to City Council approval of the Historic Ordinance Draft July 19, 1990 as amended. Motion carried unanimously.

Planning Director Egner presented diagrams prepared by a historic consultant relating to locations of inventoried historic sites. He pointed out the various sites which were identified as primary, secondary, and contributing. He recommended that the ESEE analysis be completed on all primary sites and those contributing and secondary sites that could be within a historic district.

The Commissioners recommended that a letter/questionnaire be mailed to owners of those sites identified within the Historic Resources Inventory.

Old Business: Planning Director Egner updated the Commissioners as to recent Council actions.

VI. ADJOURN

There being no further business, the meeting was then adjourned.