

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, November 14, 2002 AT 7 P.M.

Approved at the January 9, 2003, 2002 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Matson Haug	Louis Larson, Chair	Bart Rierson
Dennis Schmitz	Nick Tri	Richard Van Noord

Absent: Lon Wall

Staff Present:

Barton Brierley, City Planner
James H. Bennett, City Manager
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Larson 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. No items.

IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

REQUEST FOR CHANGE IN DEVELOPMENT CODE:

Jarrett Rose, 1100 Industrial Park Way, #400, Newberg, Oregon 97132, said he owns a commercial building (flex space warehouse/manufacturing -M-2 zone); attempting to lease out space with a prospective tenant to make jerky (smoked beef) which is currently a prohibited use. The property must be in M-1 or M-3 zoning. He is proposing that most uses are permitted in the next higher use zone. The property fronts the airport property off Hwy 219, Ninth Street and left on Industrial Parkway (Norm's Floor Covering).

Commissioner Haug asked for clarification on the use as a conditional use in M-1 and permitted in M-3.

Mr. Rose reviewed the Development Code changes and the conditional use in all three zoning designations including, fish, meat, etc. It is a prohibited use in M-2.

Commissioner Haug asked about additional noise or odor issues that would affect the surrounding properties. **Mr. Jarrett** said it is strange that it is not allowed as a conditional use in the M-2. **Commissioner Haug** said the staff recommended the modification of the Code.

Mr. Brierley said the request tonight is to initiate the process.

Mr. John Tillis, 22740 SW 93rd Terrace, Tualatin, Oregon 97062, addressed noise and odor levels. He was available to answer any questions. Discussion was held concerning setting up the business in a time frame for completion in January, 2003 sometime.

Mr. Brierley mentioned that Mr. Jarrett asked about the permitted use classification which is presently not allowed in that area. He suggested that they come to the Planning Commission to initiate the process. Caravan Coffee also did a change in an M-2 zone as a conditional use. Staff recommended adoption of the Resolution which would initiate the process.

Commissioner Schmitz addressed City staff and the City assisting Mr. Jarrett and Mr. Tillis and any other potential properties in similar situations.

Commissioner Haug addressed accumulated and other "holes" present in the Development Code. It seems the particular use now should be no problem. Is there any other manufacturing processes that would be more appropriate to have a conditional use requirement which is more invasive (noise/odors) which may be too encompassing?

Mr. Brierley said he talked with Clay Moorehead (City Planner at the time the Code was adopted). Mr. Moorehead said the common theme is "smell" such as sauerkraut, yeast, vinegar or fish) with potential for odor issues. Mr. Brierley said he proposed a hearing be held and then bring it forward.

Motion #1:	Van Noord/Tri moved to initiate the process (Resolution No. 2002-156).
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Vote on Motion #1:	The motion carried (6 Yes/1 Absent [Wall]).
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Mr. Brierley indicated the matter would be addressed at the January, 2003 Planning Commission meeting. Mr. Brierley said the state requires 45 days advance notice before the Code is changed unless an emergency exists. Discussion was held concerning the word "emergency" and the practicality of conditional use, other uses and the process which must be followed (there may be strong arguments which may give more protection than needed in some instances).

Commissioner Haug said that he believed that it may be an error in the Code and the Commission may want to exert the emergency measure so we can have it in December to expedite.

Motion #2:	Haug/Schmitz to declare an emergency.
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Mr. James Bennett addressed inaccuracies and errors in the Code which may need immediate attention and the staff should proceed as an emergency measure.

Vote on Motion #2:	The motion carried (6 Yes/1 Absent [Wall]).
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Mr. Brierley said he will make the necessary arrangements for the December 12 Planning Commission meeting.

V. OLD BUSINESS

1. Citizen Involvement, File G-88-02, Resolution 2002-155.

Mr. Brierley addressed the revisions contained in the staff report.

1. REVIEW PROPOSED REVISIONS TO THE MAILED NOTICE FORMAT:

Changed the title of the notice to explain that it is a solicitation of comments on the land use matter (Exhibit 1). They found that the old notice was a "13" (freshman/college level) and after modification it was to a "9th grade level".

Commissioner Haug addressed renters or lessees not receiving notice.

Mr. Brierley said only property owners are noticed.

Commissioner Haug said it should be anyone living within 300 feet. When the auto dealer got administrative use permission, there was a strong argument that notification should be given to owners and current residents (both).

Mr. Brierley said one of the challenges of adding residents is that you can get a mailing address of property owners. It is more difficult to get residents names and physical addresses. The City is legally required to notify the property owners.

Commissioner Haug said he gets quite a bit of mail under "current resident" which identifies the person living at the residence. There may be some significant relevance for renters (such as apartment dwellers) which may or may not have input.

Commissioner Schmitz said that a mailing to the addresses should be considered. Discussion was held concerning the difficulty in making such a mailing, except mobile home and apartment complexes, which could be a challenge. Discussion was held concerning sending to the list of City water users which may or may not be the owner(s) of the property.

Commissioner Haug said when there are apartments, it may involve 20 or so families that may be ignored. With a little extra work, specific apartments in certain areas could be identified.

Commissioner Rierson agreed with Commissioner Haug's comments concerning notifying the surrounding residents, not necessarily the property owners only.

Commissioner Haug said that over the past eight (8) years on the Commission, he is always amazed in the lack of people appearing at land use hearings or the lack of noticing.

Commissioner Rierson addressed the mobile home adjacent to the asphalt plant and water treatment plant. Word got out through word of mouth. If people did not know there would be a potential dis-service to the community.

Mr. Brierley addressed another section to the resolution under number one (second paragraph): "mailed notices should go to residents, builders and/or business owners within the noticed area as well as property owners." Discussion was held concerning the mechanics of handling the process in notice requirements. Mr. Brierley said situs addresses may be difficult, and staff may have to drive around to confirm addresses.

Chair Larson addressed the applicant being aware of the persons affected.

Commissioner Haug said that once the circled area is identified, additional staff time may be required to determine residents.

Discussion was held concerning having a motion to include a large notice area. Discussion was held concerning the sign out front and that flyers would be available for disclosure of the land use hearing. Discussion was held concerning having as much public involvement as possible.

Motion #3:	Haug/Rierson to adopt the additional noticing language and further discussion to implement the process before finalizing. Mr. Brierley will bring the mechanics of implementing the process.
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Commissioner Schmitz addressed the law requiring notification to property owners and not necessarily requiring notice to the renters or other business owners.

Commissioner Rierson suggested that Mr. Brierley contact the City Attorney to address legalities of not having a hearing invalidated because a certain resident/property owner did not receive individual notice.

Tape 1 - Side 2

Commissioner Haug mail to all single resident homes, hand delivered to all apartments in a complex, to all businesses. Discussion was held concerning assurances that notification and a record that it was done.

Mr. Bennett said there may be issues with City staff delivering notices and that the City Attorney should be consulted.

Mr. Brierley said that under City ordinances notices should be made to property owners within 300 feet of the property. State law requires 100 feet and proof of the mailing is required.

Commissioner Van Noord addressed a good faith effort to provide notice.

Commissioner Haug also addressed apartment complexes, mobile home parks and business owners.

Commissioner Van Noord addressed qualifying legal notice requirements and a good faith effort and to demonstrate it has been done. Further discussion was held concerning defining "good faith effort".

Mr. Brierley addressed coming back to the Planning Commission with proposals.

Vote on Motion #4:	The motion carried (6 Yes/1 Absent [Wall]).
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2. NOTICE RADIUS:

Mr. Brierley addressed expanding noticing to properties within 500 feet in relation to the hard numbers noted in the staff report.

Mr. Brierley said the distances begin at the boundary of the property.

Commissioner Rierson addressed the additional costs to the applications.

Mr. Brierley reviewed the various land use application fees in relation to notice fees. Mr. Brierley believed that notice to property owners within 300 feet is fine and maybe some other people in the vicinity.

Commissioner Haug said that in a subdivision and rezoning land use matter involving a cul-de-sac on Villa Road and Crestview (essentially located in his back yard), he did not receive notice, but had heard it through the Planning Commission. His personal experience on development is that he would like to see the 500 feet notification. The idea is to give the community a fair opportunity to participate and provide comments. There is a significant shortage in public involvement. He would recommend 500 feet to the Council.

Chair Larson said that at 500 feet we can look at intersections and other impacts on other properties. Frankly, he found people living 1/2 to 3/4 mile away was concerned about the whole area. They could visualize in their mind of the ramifications of the proposed changes.

Commissioner Haug said he has never seen a case where common sense has not prevailed in over eight (8) years on the Commission. The Council is to protect the applicant and the community. Discussion was held concerning a situation where there was a misunderstanding on private street maintenance (allow or not to allow). We should not have unnecessary road-blocks in development. He sees no harm to the developer in having those boundaries. The cost of noticing is fairly low.

Motion #5:	Tri/Rierson to require notice to property owners/residents within 500 feet.
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Vote on Motion #5:	The motion carried (6 Yes/1 Absent [Wall]).
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3. GFU STUDENTS VIDEO TAPING MEETINGS:

Mr. Bennett said there has been a dry run on the quality of the video tape and on the audio mixing, etc. in submitting them for Channel 11 viewing. Once the bugs are worked out, discussions will be held with McMinnville with future broadcasts and other cities as well. Discussion was held concerning Planning Commission meetings also being video taped.

The Commission said that it used to be done and there appeared to be more participants being involved in land use hearings. Mr. Bennett said there were a number of individuals who were disrupting the meetings which appeared to provide a stage for a forum for others to disrupt the meetings. Then the Newberg cable studio was vacated. However, there appears to be a resurgence of the idea of filming City meetings. Radio station KLYC said they would be willing to air the taped update which could be a challenge (but it can be done).

4. LIBRARY READER BOARD:

The board is available for use.

Motion #6:	Tri/Rierson to adopt Resolution with amendments noted.
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Vote on Motion #6:	The motion carried (6 Yes/1 Absent [Wall]).
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VI. ITEMS FROM STAFF

1. Update on Council items

Bart Rierson and Lon Wall have requested reappointment. Mr. Bennett said there are six additional applicants to the Planning Commission positions. Discussion was held concerning there has been no time that a current Planning Commission member has not been reappointed.

2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: December 12, 2002

VII. ITEMS FROM COMMISSIONERS

Mr. Brierley addressed a holiday dinner with spouses at the Yamhill Grill. Discussion was held concerning the first Thursday of December (also the tree lighting ceremony being held on that date)

December 5. Mr. Bennett reviewed the tree lighting festivities lasting about 1 to 1-1/2 hours in duration. It was decided that it would be Thursday, December 5 at 7:15 p.m. Discussion was held concerning whether or not to invite former Planning Commission members who were members during 2002. The City will pay for the dinner of the members, the members will pay for their spouses and alcohol.

Mr. Rierson asked about the progress on the sign coming from the St. Paul Highway area.

Mr. Brierley said it is almost done. Discussion was held concerning the new sign that might be built in the area of the former bowling alley and service station. The state is scheduled to sell, the City has an interest in buying it, dependent upon the contamination which may adjust the price. On the December 2 Council meeting, there will be a request for file a grant application to buy the property. Discussion was held concerning federal grant funds.

VIII. ADJOURNMENT

Motion #7:	Rierson/Tri to adjourn at 8:30 p.m.
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Vote on Motion #7:	The motion carried (6 Yes/1 Absent [Wall]).
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Passed by the Planning Commission of the City of Newberg this 9th day of January, 2003.

AYES: 6 NO: 0 ABSTAIN: 0 ABSENT: 1
(list names)

ATTEST:

Peggy Hall
Planning Commission Recording Secretary Signature

Peggy Hall
Print Name

1-6-03
Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE NOVEMBER 14, 2002 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 11/14/02
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/ REGISTRATION CARD

Be sure to add file number by name
on each label

Jarrett Rose (code change)
1100 Industrial Park Way, #400,
Newberg, Oregon 97132

Mr. John Tillis (code change)
22740 SW 93rd Terrace
Tualatin, Oregon 97062