

PLANNING COMMISSION MINUTES

October 27, 2004

7 p.m. Special Meeting

Newberg Public Safety Building

401 E. Third Street

SUBJECT TO APPROVAL AT THE NOVEMBER 10, 2004 PLANNING COMMISSION MEETING

I. ROLL CALL

Commissioners:	Dwayne Brittell Louis Larson	Phillip Smith Matson Haug
Absent:	Richard Van Noord Dennis Schmitz	Nick Tri
Staff:	Barton Brierley Harper Kalin	Dawn Nelson Steve Olson

II. OPEN MEETING

Chair Smith called meeting to order 7:05p.m.

III. CONSENT CALENDAR

None

IV. COMMUNICATIONS FROM THE FLOOR

Roger Grahn, 23287 LaSalle, Sherwood, OR- Mr. Grahn spoke about how he feels that while it is reasonable to have a 5 minute cap for speaking during a public hearing that 5 minute rule is an unfair amount of time for the applicant of the hearing to speak. He requests that the Commission consider making the time limit for applicants to speak longer. The other item that he wished to discuss was he felt that when putting in an application for annexation or zone changes on vacant property the requirement for a detailed site plan isn't necessary in his opinion, because the site plan isn't binding and could change by the time the property is developed. He suggests that a better time to provide the detailed site plan is during the design review process. I also have a question about tonight's meeting are there enough Commissioners present for a quorum.

Chair Smith – you are saying that the request for detailed site plan is unnecessary and unbinding at the application process for annexation?

Roger Grahn - yes, the applicant is required to submit detailed plan but can change that plan at a later date after the zone has been established.

Chair Smith - if policy were changed when would you suggest it appropriate that the detail plan be submitted.

Roger Grahn - during design review

Commissioner Haug - my view on the 5 minute issue is that we are very flexible on that and only adhered to when there is a large audience that wants to speak. Can you give an example where you feel the Commission has been unfair?

Roger Grahn - the commission has been very generous but the fact that the rule exists may be unfair

Commissioner Haug - There are reasons for these rules I don't think we need to change them. Regarding annexation and zone changes, I'm not sure of the burden on you to provide detailed plan. The purpose is to keep concept in tacked.

Roger Grahn - don't want to open debate just would like Commission to take in consideration.

Roy Gathercoal, 2504 Haworth Ave, Newberg, OR - expressed his concerns about City of Newberg bringing accessibility around the City to code for ADA. He states that the should have been done 10 years ago and still haven't been completed and doesn't see any plans in the near future for them to be completed. He gave several examples of public places within the City that are not accessible. He is at the meeting tonight to make Commission aware of the problem but will not go out and map each of the problems to bring back and report to them. If there were complaints from a business owner over traffic the City would hire a Consultant to do an analysis. He thinks that the ADA Compliance situation should get the same treatment.

The City needs to have an assessment done, need to come into compliance with federal law, need an ADA person on staff for the City of Newberg as directed by the Department of Justice when there are more than 50 employees. Not saying that we have to be compliant tomorrow, but would like to see some progress on this issue. Why have we not had a plan from transportation committee where we are for ADA?

Commissioner Haug - we are not the traffic commission

Roy Gathercoal - want to see some systematic plan put in force to start getting areas in compliance.

Commissioner Haug - think it is very focused and clear and I agree with what you are saying, my suggestion would be that this statement needs to be made to the City Council, they make decisions on budget and action.

Roy Gathercoal – yes, but the City Council also relies on the Commission for support and advisement on transportation issues.

Commissioner Haug – I think now would be the perfect time for you to go before Council, since your presence has been shown in 2 sets of Commission meetings.

Commissioner Brittell - have there been any lawsuits over this issue in Newberg?

Roy Gathercoal - not to my knowledge.

Commissioner Brittell- you are not talking loud enough, a lawsuit or two would bring this issue to the forefront.

Roy Gathercoal - I can't believe that I live in a city where you have to take your neighbors to court to get something done.

Commissioner Haug – maybe you could ask for meeting with Barton Brierley and James Bennett, City Manager, you need to talk to the right people.

Roy Gathercoal - I am talking to every one I can and Barton has not been without hearing from me, I have spoken with the past City Manager, but not the current one. This has been going on for a long time now. This is not with out costs to me I have to rest for a day to gather enough energy to come here and speak. The appointed and elected officials need to be helping make the case.

Chair Smith - We can adopt a resolution as a communication to the Council that they take action on ADA needs in transportation. That is really as far as we can go.

Commissioner Haug – We will bring it up during item 6 tonight I’m sure we will get to it.

Commissioner Brittell - I know that this Commission recommended to Council some housekeeping necessities and ADA was part of that. Barton did transportation people make a list regarding ADA?

Barton Brierley - as far as standards to it is pretty easy to adopt and I think ours are up to snuff. There are pages and pages of updates in the transportation plan that pertain to ADA. Can recommend strong language in the plan regarding ADA.

Commissioner Brittell - nothing for temporary fixes though?

Barton Brierley - There isn’t references for bandages in the transportation plan.

Commissioner Brittell - the idea is to get started and do something.

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

1. **APPLICANT:** R.P.Grahn Inc.
REQUEST: Comprehensive Plan Map Amendment from Park (P) to Low Density Residential (LDR), Zoning Map Amendment from Community Facility (CF) to R-1, Stream Corridor Amendment to shift the Stream Corridor boundary to the west, and subdivision tentative plan approval to create a 5 lot subdivision on the 0.96 acre site.
LOCATION: 1901 N. Main
FILE NO.: S-47-04/CPA-25-04/Z-24-04 **RESOLUTION NO.:** 2004-188
CRITERIA: Newberg Development Code Section § 151.122, 151.123, 151.242

Chair Smith - read ORS 197.763 regarding hearings, called for abstentions and exparte communications

Commissioner Larson - reviewed property extensively, and had conversation with CPRD board member.

Chair Smith - you have expressed concern what is it?

Commissioner Larson - I wanted to make sure that it didn’t come from the board and it did, There are several small pieces of property around town that CPRD owns.

Chair Smith - do you feel contact with these people would exclude you from making a decision?

Commissioner Larson - no

Chair Smith - I have had extensive exparte contact with both the owner and developer on this issue and will have to abstain from any business on this issue I would not be able to give a fair hearing on this issue.

Commissioner Haug - I think the law requires all info regarding this be received 7 days before hearing. I was on Commission when we had hearing referenced in meeting. When we are given material late I am very uncomfortable with not being able to think through the material need to delay to next meeting.

Chair Smith -Haug has raised a procedural problem do we want to push off item for 2 weeks.

Commissioner Brittell - Have already put in a lot of time into this hearing and would like to move on with it.

Commissioner Haug – (to Commissioner Brittell) would you agree to toss out minutes and letter presented tonight.

Discussion between Brittell and Haug on how and when to proceed with the hearing

Commissioner Haug motioned to Postponed hearing on resolution 2004-188 until beginning of next meeting, Commissioner Larson seconded

Discussion on Motion

Commissioner Larson - in best interest of a good decision it would be good to defer for 2 weeks.

Commissioner Haug - I am resentful on my part that you are comfortable deleting info that is pertinent.

Commissioner Brittell – I think we need to hear from Barton.

Barton Brierley – The meeting on November 10th will be reviewing the transportation plan, this is a significant item.

Commissioner Haug – I suggest we make it the first item at next meeting before we get into transportation plan.

Commissioner Brittell – so, Barton do you think that it will fit in agenda?

Barton Brierley - it would be tight.

Commissioner Haug – the TSP could take more than one meeting easily anyway, I don't feel comfortable with going ahead with this item tonight.

Barton Brierley - suggest hold hearing tonight take oral testimony, hold written open, and deliberate at November 10th meeting.

Commissioner Haug – I would not feel comfortable with not leaving oral testimony open with all the Commissioners absent tonight.

Discussion between commissioners on whether to hold the hearing or hold over because of things missed by commissioners from oral testimony. And what date the hearing should be held over to.
Discussion of voting procedures and issue of quorum if Mr. Smith leaves the meeting. And what priority the TSP will be given.

MOTION: Haug/Larson To postpone hearing on Resolution 2004-188 until beginning of next meeting November 10, 2004. [2Y (Haug/Larson)/2N (Brittell/Smith)] Motion failed.

Chair Smith - removed himself from meeting for this agenda item

Commissioner Larson - nominated Commissioner Haug for chair, Commissioner Brittell seconded

MOTION: Larson/Brittell To nominate Commissioner Haug to chair the meeting in regards to Resolution 2-4-188 [3 Y / 0 N] Motion passed.

Chair Haug - you have heard what the issue is with this resolution, so I make a motion to postpone Resolution 2004-188 for 2 weeks and make it the first item on 11/10 meeting, Commissioner Larson seconded.

MOTION: Haug/Larson To postpone hearing on Resolution 2004-188 until beginning of next meeting November 10, 2004. [2Y (Haug/Larson)/1N (Brittell)] Motion passed.

Chair Smith - apologized for lengthy process

2. **APPLICANT:** City of Newberg on behalf of Action Equipment
REQUEST: Zoning Map Amendment to change two parcels from Community Commercial (C-2) to Light Industrial (M-2)
LOCATION: 3220AA-702 & -302
FILE NO.: Z-26-04 **RESOLUTION NO.:** 2004-189
CRITERIA: Newberg Development Code Section § 151.122

Chair Smith - if no objections from audience consider ORS 197.763 regarding hearings
Already read

Staff Report Presented by: Barton Brierley

This request is for zone change from C-2 to M-2. Background on applicant, Action Equipment, currently has site in Newberg on Industrial Parkway, they construct conveyor belts. Business is well and it is time to expand, their existing site not designed well for their business and does not have enough room. We have been working with them trying to help them find a new location, we are very interested in keeping this business within the community. This site does seem to fit well for their new site and they have entered into an offer to purchase property. Background on site - mixed comprehensive plan district allows 3 different kinds of zoning C-2/M-1/M-2. The adjoining uses are a mix of uses. This property is within the airport overlay and has limitations on height. We have done some research and found that they will be able to build within the limits of the overlay. This property has been for sale for quite a while. Some proposals on this property were for multifamily housing we discouraged that didn't feel it was a proper usage. Staff felt that because of mixed comprehensive district and Action Equipment's needs this site will work well for them.

Staff recommends that Commission recommend Council pass zone change.

Commissioner Haug - R-2 area on map what is there?

Barton Brierley - mobile home park.

Commissioner Haug - this is a very long lot, the concern I have what are the negative impacts on the residential areas adjoining.

Barton Brierley - I think the applicant can address that in their presentation, Barton then showed concept sketch of plan for lot.

Commissioner Haug - what if they partition and the lower end gets industrial use.

Barton Brierley - not sure what answer to give, maybe discuss during design review?

Chair Smith - Commissioner Haug's concern if divided off some other business could take over chunk of land.

Commissioner Brittell - could you go over use of property just to the east?

Barton Brierley - there is an urgent care center on the northern portion of the lot the southern portion is vacant.

Chair Smith - what is the current zone on vacant lot?

Barton Brierley - C-2

Commissioner Brittell – Is there no conflict of use between urgent care center and industrial?

Barton Brierley - during design review maybe come up with some buffering.

Commissioner Brittell - design review will be staff correct?

Commissioner Haug - did R-2 residential get notified.

Barton Brierley - the property owners were notified and the site was posted.

Public Testimony

Daniel LaVeine, PO Box 3100, Newberg, OR – one of 2 owners of Action Equipment. Our company designs and manufactures vibratory equipment for wood products and recycling. Mr. LaVeine gave history of company and explained why the need to move to a bigger facility. The new building will be 3 times bigger than current building. There is an urgent need for us to make a decision. Presented a brochure on Action Equipment. Explained that the parcel is perfectly suited for their product.

Commissioner Haug - you have heard the concern about existing residential area, could you describe noise level?

Daniel LaVeine - loudest device used is an impact wrench, and it is not in constant use. We do require earplugs in the shop right now. The current building is metal but the new building is proposed as concrete tilt-up. The south end of the property will be considered the quite end of the property.

Commissioner Haug - would there be bay doors opened toward residential?

Daniel LaVeine - yes on doors on both ends of building, 95% of our loading is done during the daytime.

Commissioner Haug - would you object to limits on those bay doors opening?

Daniel LaVeine – yes

Chair Smith- is it fair to say that truck noise would be the loudest thing that the residential to the south would hear.

Daniel LaVeine – yes

Commissioner Haug - opportunity to subdivide lot would you take it?

Daniel LaVeine - we feel that we are going to need to utilize most of the property because of city requirements for landscaping and layout of building.

Commissioner Haug - development code is it legally possible to get conditional use in C-2 with out changing to M-2.

Daniel LaVeine - I believe it is prohibited but Barton would know.

Barton Brierley - it is prohibited

Commissioner Haug - are you saying this is the only property in Newberg that will work?

Daniel LaVeine - yes we have looked there is not that much industrial property available.

Commissioner Haug – how many employees?

Daniel LaVeine - currently 30 employees we hope to grow that.

Commissioner Haug - what happens if the noise becomes an issue.

Daniel LaVeine - address that during construction design, a concrete tiltup will take care of much of that.

Commissioner Haug - what about doors opening?

Daniel LaVeine - there will be some noise I don't have decibel count.

Commissioner Brittell – will the office be located on north side?

Daniel LaVeine – yes, that is where we would like to put it separate from manufacturing.

Commissioner Brittell – I hope you consider putting it next to urgent care facility to help buffer them.

Jim Matthews - urgent care owner - we are not sure how loud it would be to have an industrial business next door. Concerned about people waiting or in exam rooms. Voiced concerns. Have been there since 1995 important to provide environment comfortable for people.

Daniel LaVeine - our office is currently next to shop in metal building and we don't hear much of the noise.

Commissioner Haug - are you planting foliage to help screen?

Chair Smith - staff could help to plan with that.

Steve Olsen - parking requirements are quite a bit higher than what schematic shows. Southern area will most likely be parking.

Commissioner Haug - do you think the parking requirements our out of line.

Barton Brierley - trying to hit requirements for manufacturing is hard. We have a standard the owner has to meet. I think our standards are kind of high for requiring parking, there is an opportunity for applicants to apply for an adjustment.

Commissioner Haug - is it reasonable to make the operation of this facility conditional of a sound barrier if the decibel level is an issue?

Barton Brierley - could put a condition on design review will evaluate within a year.

Chair Smith Called 5 minute break at 8:37p.m.

Meeting reconvened at 8:45p.m.

Deliberation

Commissioner Haug - issues we need to walk through, noise impact - adopt condition for noise barrier when it should be required and how it should be required from the use of this land as a M-2.

Chair Smith - you are saying that we need to make this a condition of the zone change and not wait for design review.

Commissioner Haug - yes we need to protect the residential areas.

Chair Smith - Barton can we make a condition like that to our approval? This business illustrates what several of us in the Commission had concerns about industrial land, if we are going to have industrial land within the city we are going to need to protect it. Appreciate that we even have the chance to do this and it could have been taken away if prior proposals for use of land had been accepted. Agree with Commissioner Haug on noise issue.

Commissioner Haug - motion to adopt Resolution 2004-189 with the condition that noise complaints be mitigated by staff administration and may require physical sound barriers, Commissioner Larson seconded.

Commissioner Brittell - think it would be wise to mitigate it during the design process. I object to waiting for complaints.

Commissioner Haug - it is an ongoing condition they will be required to comply with it if the issue comes up.

MOTION: Haug/Larson To adopt Resolution 2004-189 - Zoning Map Amendment to change two parcels from Community Commercial (C-2) to Light Industrial (M-2) with the condition that noise complaints be mitigated by staff administration and may require physical sound barriers. [4Y / 0 N] Motion passed.

VII. ITEMS FROM STAFF

Barton Brierley - introduced Harper Kalin, the new Assistant Planner

Harper Kalin - I attended PSU, and have been working with the City of Portland Planning Bureau and in private consulting.

Commissioner Haug - how long have you been involved in planning?

Harper Kalin - 3 years

1. Update on Council items
None
2. Other reports, letters, or correspondence
None
3. Next Planning Commission Meeting: **WEDNESDAY** November 10, 2004
Item on the agenda review TSP and Resolution 2004-188

VIII. ITEMS FROM COMMISSIONERS

Commissioner Haug - motion adopt the following as a resolution to make a recommendation to the Council "The planning commission urges the city council to begin as soon as possible to repair egregious violations of transportation facilities in the City as regards ADA requirements, even if this requires spending emergency reserve funds. The city should make a priority list of projects to address." , Commissioner Brittell seconded.

Commissioner Larson - working on budget committee I don't think the language about reserves is not necessary.

Commissioner Brittell - will council designate a committee to study the priority or is it something the planning department will take part in.

Commissioner Haug - motion adopt the following as a resolution to make a recommendation to the Council “ The planning commission urges the city council to begin as soon as possible to repair egregious violations of transportation facilities in the City as regards ADA requirements, even if this requires spending emergency reserve funds. The city should make a priority list of projects to address.” , Commissioner Brittell seconded.

Commissioner Larson - working on budget committee I don't think the language about reserves is not necessary.

Commissioner Brittell - will council designate a committee to study the priority or is it something the planning department will take part in.

Barton Brierley - one is identifying priority list of things that needs to be done not sure you need a committee to do that the other side budget end we have public works department, finance department, council I think those committees need to be aware of the issue.

MOTION: Haug/Brittell To adopt to develop a resolution as follows “The planning commission urges the city council to begin as soon as possible to repair egregious violations of transportation facilities in the City as regards ADA requirements, even if this requires spending emergency reserve funds. The city should make a priority list of projects to address” [4Y / 0 N] Motion passed.

IX. ADJOURN

Chair Smith adjourned meeting at 9:02p.m.

Approved by the Planning Commission this 10th day of November, 2004.

AYES: 4

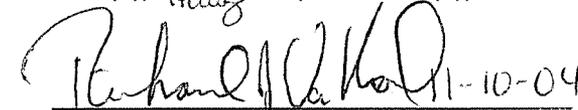
NO: 0

ABSENT: 3 Larson
(List Name(s)): Schmitz
Haug

ABSTAIN: 0
(List Name(s)):



Planning Recording Secretary



Chair ~~Phillip Smith~~ Date 11-10-04
Richard Van Noord