



## PLANNING COMMISSION MINUTES

April 8, 2004

7:00 p.m.

Newberg Public Safety Building  
401 E. Third Street

### I. ROLL CALL

Richard Van Noord  
Louis Larson  
Dennis Schmitz

Philip Smith  
Matson Haug

Dwayne Brittell  
Nick Tri

### Staff Present:

Barton Brierley, City Planner  
Steve Olson, Associate Planner  
David Beam, Economic Development Coordinator

### II. OPEN MEETING

Chair Van Noord called the meeting to order at 7:12 p.m.

### III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of the March 11, 2004 Planning Commission Minutes.

**MOTION: Tri/Brittell** to adopt the March 11, 2004 minutes. (Unanimous). Motion carried.

### IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

1. For items not listed on the agenda

None

### 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.

Chair Van Noord opened the public hearing; objections to jurisdiction, ex parte contact, - none.  
He read ORS 197.763 into the record.

1. APPLICANT:	Oak Ridge Estates	
REQUEST:	Planned Unit Development and Property Line Adjustment	
LOCATION:	Brutscher & Hayes	
TAX LOT:	3216-2010, 3221 ba 207-218	
FILE NO.:	PUD-7-04	RESOLUTION No. 2004-178
CRITERIA:	NDC Sect. 151.227(C), Sect. 151.210, Sect 151.511(B), Sect. 151.195, Sect. 151.236, Springbrook Oaks Specific Plan Policies	

Mr. Barton Brierley presented the staff report. The property is located near Fred Meyer, Springbrook Shopping Center, Fernwood Road, and Springbrook Oaks Phases 1 and 2. The west fork of Springbrook Creek runs along the property. It is part of the Springbrook Oaks Specific Plan. This was adopted by the City Council in August of 1999. The process to develop the plan involved a 14 member steering committee from all different parts of the community (businesses, GFU etc) who developed a plan for the area behind Fred Meyer and the different uses. They tried to come up with a vision for the community. Some of the different things planned for the Springbrook Oaks area are plans that would include single family housing, market rate apartments, plan for care facilities, office buildings and plans for different areas of Springbrook Oaks area. It was an exciting process to go through and very well accepted by the Planning Commission, the City Council and the steering committee. There was one member, Johann May, who participated in the plan in the beginning and gave his input into the plan. He asked a question: where's the pub? Where's the market, the bakery, the café, etc. Where is the place for people to gather. That statement stuck with Barton and rang true. When planning, we need to think of the community centers and where can they go to walk and buy things and do things. The Springbrook Oaks plan is close to Wendy's, Checker's Café, and hair salons. The map

shows a produce stand, butcher (within Fred Meyer) which is within close walking distance. This piece of property has a lot of potential for development close to activity centers, which is unique for Newberg. They looked closely on how this was to be developed. The Springbrook Oaks Plan includes apartments, single family homes, offices, and industrial uses. The plan shows where these things go. Springbrook Oaks Phases I and II have built the single family homes. Some things that have not gone in are the single family attached housing and the apartments. Along the south side of the development would be relatively smaller density and more apartments to the north. The area across from Fred Meyer is RP (residential professional). There are some other factors for the livability for the area - parks and open space. One park has been developed - Gladys Park has been installed. There is a need in the plan for a central focus for the whole plan which will visually tie the area together. The intersection of Brutscher and Hayes Streets is a round-about. This fountain is a focal point of the area.

There is a proposal to preserve the oak grove on the property. The market rate apartments are a Proposed 60 units - higher density housing, close to shopping and working areas within the commercial areas to the north. The next part is the townhouse portion which consists of 82 units of single family attached housing. One interesting part of the development is that they are proposing flex space in some of the units. It is an area that could be a tandem garage, an area for a shop, an office, or home office. This is RP, and there is some idea that maybe a person could use the office or an accessory unit or rental for affordability of housing. It is a good way to provide housing that is not expensive. The applicant and Barton have discussed this. They would like flexibility to use one way or another. Except as recommendation, at least 10 units have to have flex space and the other 12 units have to be plumbed in.

Another issue is access to Brutscher Street. Staff has asked that a public street be extended to Brutscher, and they have agreed to that. The revision they have showing it as a public street.

The next part of the property is single family detached housing on small lots. The Planning Commission is reviewing this project because they are asking for a planned unit development and an opportunity to develop a concept plan for an entire project. They develop it as a whole and give the developer some flexibility of the standards and they can meet the project meets the total goals for the development. In the Springbrook Oaks Specific Plan, the area south of Hayes is zoned R-3, which does not allow single family homes. That is why this is coming to you as a PUD. We were very concerned about losing the opportunity for multi-family housing. The area north of Hayes could be office or multi-family. Through this process, they discussed the project with them and agreed to put multi-family on the north side of Hayes Street having higher density housing closer to Fred Meyer and stepping down density as it gets further away. The attached housing would be a welcome addition on smaller lots within the area.

The applicant is providing multi-family housing within close walking distance to shopping - they are providing an opportunity for those families to have one vehicle, or no vehicle, and still function. As we went through the project, the criteria to go through PUD, design standards, CUP, design reviews and Springbrook Oaks criteria - the community has a strong interest in making sure this area meets the goals and visions it has. He remarked that the project as designed, met the goals and objectives. He wanted to applaud the developer of the design concept in meeting the criteria set forth. Any project of this size, containing so many details, normally has modifications.

After the staff report, the developer and Barton reviewed the conditions and they would like to propose and staff agreed :

1. Change anticipated dates for Phase 5 from 2006 to 2007 should be 2005 to 2008
2. Streets would have six foot planter strips - original 5 ft. 10" strips and right of way. Keep 6 foot planting strip.
3. Concern about frontage for certain lots. They will dedicate the adjacent park as part of the right of way. It is proposed to be full of trees and is part of the right of way as a park strip.
4. Springbrook Oaks Specific Plan - improvements to Fernwood Road already recently done. There is another required condition that they do a pedestrian path from where the creek crosses over Springbrook Road as an interim improvement could be an asphalt sidewalk or bike lane in the area and get fully developed when the adjacent property is developed.
6. Fencing - provide similar to phases 1 and 2 - cedar good neighbor fencing and side and open space tracks for lots 25 and 35 and the rear lots.
7. Also a detail about bench in track G and
8. Property line adjustments to be modified slightly.

**Mr. Brierley** said the over all picture fits into the Springbrook Oaks Plans and recommends approval with the conditions and modifications as noted.

**Commissioner Haug** asked for clarification of original specific plan - what zones are being used for this proposal. Mr. Brierley said it is B(RP) and C (R-3) areas. Hayes Street is being constructed and should be open soon. A commercial area is available and good potential for businesses. They have talked with several businesses about the project. Discussions continue about an industrial business. Discussion was held concerning Tract A and a foot path for a public right of way as part of the design with landscaping.

**Commissioner Brittell** inquired about Tract G as being designated "OS" (open space) with landscaped park areas. Barton - on the flex space, said it is allowed to be developed either for business or housing. Both are permitted uses as long as you live in the house you can have it as a home occupation. There is a limit on outside employees. There is a

limit on accessory dwelling units - there is a few out there - about 10. Can it be in R-2 and R-3? In R-1 accessory units are conditional use and in R-2 they are permitted uses.

**Commissioner Haug** asked about parking restrictions. Mr. Brierley said parking is on both sides of the road. One of the nice features is the alley access for all interior units. There will not be driveways on the street - which opens the area for interior use.

**Commissioner Schmitz** asked if the property was already conveyed to CPRD (Oak Grove Park). Have we seen this amount of space donated before for this type of park? Mr. Brierley said it is a significant provision by the applicant - not only is three the Gladys park, there is a high park ratio for this type of development.

**Commission Haug** said the plan originally called for more limited parks and they were able to talk them into more livable space. Commissioner Haug reviewed the statements made concerning parks, with each park no minimum of 2 acres and a larger for 5 acres and they are fulfilling the original idea. The Planning Commission had been involved for extra park space.

**Mr. Brierley** addressed the letter from Curt and Tammy Landis. They want to have sewer and utilities as well as the right of way extended as part of the right of way - the issue has been resolved. The developer has agreed to the request.

Public Testimony -

**Kirsten Van Loo, Principal Planner with CES Northwest**, reviewed the right-of-way line and how the Landis' have a significant right of way. They are granted more than limited to take access to develop their portion of the land - on the east side of Springbrook Creek. There is a pedestrian link along Tract A into the proposed park and there is a link that takes pedestrians from Phase IV (\*attached single family housing) to the crosswalk to the Brutscher Circle. They have open space tract and landscape for passive recreational use and on the northwest corner of Brutscher Circle and Tract G which will be landscaped and have required benches for recreational use. Adjacent and driveway access to Fred Meyer and Brutscher Street. Open space and parks - in addition to the large park, they have tried to take advantage of putting a pocket park to benefit those in the area.

Why PUD application and why makes sense to float the design concepts on the site - the zoning is R-3 which mandated an attached housing product and RP and office professional use, attached and detached use. The idea of putting in professional offices did not meet today's market need for a variety of housing options. The designs and working in concert with the developers, there is good for fee ownership in contrast to an apartment complex. Barton said it was important to provide apartment concept and other options and the townhouse provides a stepping stone for apartment affordability and fee ownership option. There are a number of design options for townhouse products. The townhouse are designed as three story units and have possible parking spaces for 5 spaces - in front, in back and on the side. There will be parking all around the street. They provide parking for the reality - the units are designed to have a flex space option available for home occupation (hair dresser, architect, artist, engineer, and also designed for nominal changes for studio apartment option) so that the flex space could be used for own separate space. All uses are allowed by right within the district to satisfy the use of that space. What was originally the open space, is now decided to call right of way. Every unit has legal frontage on a public right of way - (fire, life and safety access). Because the alleys are unique, it is important to have access to the units. By making it the right of way, the landscape plans is a very huge planter and other planter strips that provides for outdoor use and separation from each unit

**Commissioner Van Noord** addressed a time limit for the speakers/presenters.

**MOTION: Commissioner Brittell/Tri** to give reasonable amount of time for an orderly presentation.

**Commissioner Haug** said that we have a structure and we make sure we put discipline in the presentation.

**MOTION: Haug/Schmitz** to adopt motion to allow a review for consideration for the presentation after 5 minutes.

**Ms Van Loo** said she would be done by 8:15 - it is important that the PC understands a need for open spaces. This is a strong point for this particular plan. Phase III has small detached units. What it provides is a gradual incremental step from apartments to more affordable attached product and more affordable detached product. This is very typical in more dense closer to City of Portland jurisdictions - for young adults within the community. She also has photographs of the fencing in place in the earlier phases of the project. The construction of the improvements and continuous theme will be continued in phases 4, 5, 6, 7 and on. The black woven wire fence between an open space and a yard - non-trespass care of the facility. Pictures of landscaping between attached single family and the commercial site and they proposed mature trees and landscaping plan which provides a continuous row of cedar trees with a fence for security and buffering for the single family and commercial property. Kirsten said that Mr. Brierley has successfully noted the project.

**Commissioner Haug** asked for elaboration of the storm drainage and protection of water quality of Springbrook Creek. Mr. Welder is qualified to do that.

**Mr. Tony Weller, civil engineer with CES Northwest** - the one nice thing about this project is that the infrastructure has been developed in a master plan concept. There was a detention pond built and all of Hayes, townhouse, and apartment sites are designed to use that facility. This area was all sized and fitted to go into the systems to drain and no new outfall and existing infrastructure and uses.

**Commissioner Haug** asked about the infrastructure. Mr. Weller said there is a storm drainage stubs to pick certain areas. Is there any detention that was part of the stream corridor? Mr. Weller said that the drainage piping was replaced (culverts).

**Mike Gougler**, developer for the whole project, noted two things: storm water is treated two ways - Newberg requires for detention and no requirement for treatment. One of the things is the entire development (284 acres), was to do more than what was required. This facility is also treatment facility and while it is not required in Newberg they designed it so that it would be capable of treating the run-off from the new development as well as the future development and detaining the new run-off. The southern system 36" culvert failed. Mr. Gougler said the storm water system has sufficient diameter that does immediately run off and the storm water outfall and works very well in metering the water so it goes into the stream ahead of the culvert in a metered controllable method which does not cause erosion and controls the flow.

Commissioner Larson asked Mr. Gougler about the park and taking out all of the non-native vegetation and then turn it over to CPRD. Mr. Gougler said yes, the plan for the park is to preserve the oaks and have it analyzed by arborist and limb the trees with dangers and remove the blackberries, lighting and once done, it will be given to CPRD. It will be inspected by CPRD and they are happy with the mechanics.

**Commissioner Brittell** discussed the park being developed during Phase 4 development. The park development and trees will be taken care of. Discussion was held concerning the sequence - the other park is done and CPRD is maintaining it. There are 4-5 other park areas maintained by HOA..

**Commissioner Smith** asked about the sequence of development - phase 1 and other phases. Phase 1 has already been platted. The lot line adjustment and type 1 decision, etc. will follow. Commissioner Smith said it seems to him a great virtue is the deliberate design of a variety of housing units, income levels and being within walking distance of amenities of the City. The part that we don't want to see lost is the low end - apartments(#5 on the list). This is really good. What happens if there are changes? It is a commitment to it - and part of the plan - any changes would have to come to the Planning Commission.

**Mike Gougler** said apartments are always a challenge, except for Newberg with low rental units. Apartments can be over-built and have over-supply and linger and with the economy goes up and it is absorbed.

Discussion was held concerning target consumer. Mike said a product attractive to the employees of the Hospital, including cleaning crews and backbone of the hospital. They need a place to live and the apartments are set aside. They are trying to market the industrial property since 1999. There is a problem with distance from I-5. To build the apartments - min \$6M construction product - need financing. There is a market and they can proceed.

Commissioner Haug addressed the sprinkler system - Mr. Gougler said it would be part of the irrigation system due to the trees and keep it natural (native grasses). What about the pocket parks? They will be irrigated and landscaped.

Commissioner Tri addressed what type of apartments - Mr. Gougler said primarily 2 bedroom and one bedroom apartments, not necessarily 3 bedroom apartments. They would be garden style apartments with two directions - with parking requirements.

**Commissioner Brittell** said he was concerned about the flex spacing and does not have an idea of what it looks like. Mr. Gougler thanked Mr. Brierley for being persistent.

**Mr. Weller** said that from the outside it looks like part of the home, but there is an entrance and has lower home entry. Not a separate kitchen area, but a plumbing for a bathroom. Mr. Gougler said it will be plumbed for efficiency kitchens and self contained. There will be more parking than a typical town home.

**Mr Brierley** said staff recommends approval with modifications.

**Chair Van Noord** closed the public hearing.

**MOTION: Haug/Tri to adopt Resolution No. 2004-178. (Unanimous). Motion carried.**

**Commissioner Haug** asked about the size of units and how they compare to the units along main street. Mr. Brierley said they are comparable but appear to be larger buildings. There will be street trees on the frontage. Are there sidewalks? Yes, how wide - 5 foot wide (city standard).

The Commissioners unanimously agreed that it was a good project. Discussion was held concerning making sure that the low income housing and apartments was included and the Commission felt that it would be.

**Mr. Brierley** said the decision can be appealed to City Council within 14 days.

#### **Tape 2- Side 1 -**

**2. APPLICANT:** Daniel Young  
**REQUEST:** Historic Landmark Modification  
**LOCATION:** 700 East First Street  
**TAX LOT:** 3219AA-09600  
**FILE NO.:** H-14-04  
**CRITERIA:** NDC Sect. 151.492

**RESOLUTION NO.: 2004-177**

**Chair Van Noord** said the time limit standard was 5 minutes, but it is up to discretion of the Planning Commission to extend it.

**David Beam** said the property is located on the southeast corner of College Street and First Street (historic building). One page did not get included in the packet - he handed it out. (The building in 1910.) The upstairs area was used as a social hall and bottom was a general store for many years. The windows were double hung. The building today has been changed to fixed pane. The bottom has been changed, the glass is gone, the front door and large amount of trim has been added, large multi-pane windows with awnings. It used to be a bank (Bank of America). Mr Beam reviewed what was original and large areas that included plaster and brick work. There were changes in some of the brick work (possibly former windows). Quite a few changes in the west side (upper windows originally there, inserts have changed, possibly double hung, now fixed and double paneled. The bottom windows are not original. They are painted over windows - it is just a wall. There is a large metal gate. The proposed plan also provided materials and drawings. The trim work is different shades of gray. There is an addition and replace of the current fire escape with an exit stairway on the side of the building. They will use a split face gray rock and also provide light into the stairwell. The east elevation is the parking area and this will be the covered block part and the lines going into the stairwell to the second floor - opening where the existing fire escape is now and it would be changed to a window with two outside lights on the side of the building. The existing door would have a name plate with awning - matching the same ones in the front. Staff recommendations are to change the split phase rock and make it more reddish brown with the protection and match the color. The windows are recommended to be double hung.

**Commissioner Haug** asked if the applicant has agreed. Mr. Beam said he has not heard from the applicant. Was there a plaster on the brick? Mr. Beam said it will be removed. It could be bad underneath or there was an addition on the building at some point. That outside wall would be an inside wall and did not want the brick to show and it could have been removed. It could and repoint the brick and add new ones to match. There would also be designed for outside storage. Mr. Beam said that there will be landscaping in the parking area. The west elevation, the lower windows would repaint the trim work and take them to the front windows and make sure that they are visible and punch through wall. They are proposing to change the entrance, take out the gate, and make it a combination of wood glazed door and matching windows and brass signs, adding a flat awning (metal). The building was the old Francis Square building similar in style - fits the era. Landscaping site plan includes landscaping islands with ADA stalls.

**Mr. Beam** said staff's recommendation is to approve the application with conditions as described. Options to present to the Planning Commission include:

1. Fire escape - It is unique and different for this town. It gives historic significance. The existing stairway is probably not the original.
2. West elevation entry way. The proposed entry-way location seems attractive and probably has a certain amount of safety features to it. However, originally, it was probably an open space area. While attractive, it does change the character at that elevation. We are trying to retain as much historically as possible.

**Commissioner Haug** said Exhibit A (top of building) and Exhibit D top of the building from top of windows up. It looks like two different buildings. They are. Exhibit D is the Francis Square Building.

**Commissioner Haug** asked about the recommendation for a different material. Specific? Mr. Beam said that it is a split face block - it would be more appropriate for a reddish color. Trash bin enclosure would be the same color.

**Commissioner Schmitz** said it is the first case of landmark findings and is not sure of background. Is there funding from agencies to help preserve this? Staff has helped with design and keeping historic design in light of the distressed downtown area. How do people with historic designation get help? Mr. Beam said they do not have to pay an



application fee. The background is that the City's Comprehensive Plan, 1980's historic inventory and at the beginning of that, landowners had option. The consultant at the time designated what buildings had historic preservation. They have an option in maintaining the landmark. They can apply to have it removed. Mr. Beam said we are only doing the exterior. When people do remodeling, they do encourage them to get on the national historic register and there are significant tax credits at both state and federal levels.

**Commissioner Schmitz** asked when you give recommendation is criteria that staff is following federal historic level or how does the City come up with their recommendation. Mr. Beam said they follow the development code.

**Commissioner Haug** said Exhibit A-3 (the brick wall) is different with blocks that would allow glass blocks into the stairwell. Mr. Beam said that is a transparency but it does not transfer very well. The colors are close - they are there.

**Scott Haugen, owner and developer of building.** The questions he would like to ask. What are the structural enhancements to bring it up to code? It is on the verge of being economically viable. This building is about \$120,000 upside down in arriving at this plan. They are doing everything they can to get the things accomplished. The different options would work for them and if you gave them - he would do his best to accommodate the Planning Commission. The outside building has nice brick above and the contrast is pleasing.

**Commissioner Haug** said he does not do the house decorating. My thought would be with lighter bricks - he would not be able to tell the applicant which is best.

**Daniel Young, architect** - concept was historic application encourages that additions be more contemporary than different, and complementary in a modern way. Rather than match brick and trying to obtain a different structure as a different attachment. Bring light into existing building from the stairway. Mr. Young reviewed the custom colors and they can be expensive. With other trip colors - they are accenting the existing building by using the colored block.

**Commissioner Brittell** said they are acceptable of other conditions.

**Scott Haugen** said with regard to the stairs, as drawn, that they use some gray block. Option 2 by Planning Commission would be acceptable as to utilize the existing fire escape or form thereof. He designed a covered stairway as being over and beyond an unexposed stairway with an awning. The existing fire escape could not be allowed to stay as required by Fire Marshall. The double hung windows go all the way down to the floor. The window is currently removed and will eventually be a conference room which does not required a window. The plaster is coming off on its own and his plan is to tuck point and clean and make the brickwork look good. One recommendation that Dave Beam mentioned is the existing window where the stairway is going, make the in-fill out of brick (inside of stairway). It is invisible and having that in-filled with brick (inside structure) - seems a little excessive. It gives flexibility. He is close to having a tenant signed and did not know how the second floor would be utilized. Access from stair into the front of the floor of the other space. To keep the value of the building in tack - we need access. We propose a framed wall into that opening. Discussion was held concerning access without having to go outside of the building to obtain access. Mr. Young addressed accessibility.

**Roger Grahn, 23287 LaSalle, Sherwood,** said he went through the place thoroughly. In his opinion, the building has a huge host of problems - he would tear it down and rebuild. He admires his courage to do this project. The parapets could fall in an earthquake. They are not ready to remove. For insurance purposes - they probably need to.

**Commissioner Smith,** said the parapets are a concern. Scott remedied most of the structural problems.

**Commissioner Brittell** said about the parapets - it is not an ornamental parapet but a risk of death in an earthquake (stands above roof line - 1.5 feet along the front edge). The structural engineer has provided angle bracing. Have a restoration person look at the brick and proposing to restore the brickwork. Scott said to clean and tuck point the brick. Commissioner Brittell said that he should have a person that is used to restoration so they do not do it wrong. Follow recommendations of national parks service on how to restore a brick building. Discussion was held concerning what to do if material does not come off easily (chemically - don't sand blast) and sealing the brick. It's susceptible to age.

**Commissioner Schmitz** said he also agreed with Mr. Grahn about Scott being courageous and try to make sure Scott survives the process. He see the conditions of approval and options. Have you responded to agreement or not agreement. He would like to go through the list quickly so the Planning Commission does approve.

1. Would like it in gray as originally proposed.
2. Exhibit window be removed and former ATM - is going to be made as a window and not in-fill and not the one inside the stairwell.
3. Trash enclosure to be neighbor fence other than brick if possible. (if brick - use gray) They submitted an alternative trash enclosure. Mr. Beam said that the trash enclosure would be deferred to the trash container. The materials are a chain link (city standard of concrete or masonry), the garbage company's required dimensions.
4. New windows to be double hung - the fire escape would not remove the window, so this would not apply.-

## **Tape 2- Side 2:**

**Scott Haugen** said the window is not feasible structurally. The east elevation window NOT double hung as proposed.

5. Fine

6. Rest is fine.

**Scott Haugen** said he is in favor of option 2 to the stairway. The brick enclosed stairway as proposed is over the top of functioning option. Whether it is a part of the ground is up to the discretion of the staff. The stairway cost more than his first house. Scott said that he would do not - non enclosed fire stairway but would do either.

**Commissioner Haug** asked if the proposal with additional safety, etc. would add more value to the property long term. The tenant that he is currently signing has a 10year lease - they do not require the stairway. It is a law firm and does not require it. They are going to move the stairway must be moved toward First Street - same hardware and reattach it to the newer place. Scott said that the hardware is donated by the highschool for West Side Story.

**Commissioner Haug** said it is best policy to place a motion on the floor to facilitate. Mr. Brittell said there was a strong consensus that each would be helpful for all would comment on whether or approve or disapprove before a motion is made.

**Commissioner Brittell** said it was a better solution other than gray. The one on the colored board is charcoal. He prefers darker than light and impact and bold statement for a light color. He is in favor of the concrete block on the color chart. From the standpoint of an open metal stairway with concrete or CMU - it would be more architecturally correct than a stairway. He needs to look at the design and schedule another meeting for the approval - would look at it favorably. He agrees with the owner. He would delete condition #4 or if money was no issue, he would recommend that all windows be changed to double hung. He did not ask but assumed that the windows do not meet the present code. The upper windows are double panned. The building did not indicate any energy coding, etc. He would prefer whatever masonry application on the stairway also be used for the garbage disposal area. The design is very good and a big improvement.

**Commissioner Schmitz** said he was glad to see things being done as it is going to be a great improvement. His concern that the owner and staff come together and work out something feasible and survive. His idea is to get ideas and send out for another planning session with staff and direction and work with him in every possible way for the project to survive.

**Commissioner Larson** - marvelous opportunity for downtown Newberg and courtesy and advantage and is particularly excited about the stairway in the contemporary style and would add to the downtown area. He also liked the old fashioned fire scape on the outside keeping with the historic theme. Ask staff to make sure that the work to be done is consistent with the downtown area. He knows the standards for downtown and would like assurances. Mr Beam said the design review is acceptable and they did go through the criteria and it has been met.

**Commissioner Smith** said the biggest single issue is the proposed new staircase. In terms of this review, they are supposed to ask the question whether it restores the historic character of the building and is hard to get a handle on it. Discussion was held concerning trying to make the red brick and a slap on and went away from a distinctively difference color. Staff report said this is the only iron stairway - may need to keep it as a historical staircase. Applicant said it would save them money. As practical and financing, should let them keep the iron staircase. It is not like they are going to do both of them. He would be inclined to let them do that. Mr. Brittell said that it is not a legal option, the historical fire escape. Mr. Beam said they felt they could work with that with engineering reinforcement. He is not interested in keeping the iron staircase with the enclosed staircase.

**Commissioner Brittell** said the original stairwell would need to be removed. Mr. Beam said he talked with the Building official in having the staircase but then with the historic building - he said that he was under the impression they needed to move the stairway. Discussion was held concerning code requirements in making them move the stairwell.

**Dave Young** - said in some jurisdictions - they are relocating the stairs to accommodate a requirement that certain exits are distance to separate the entrances. Mr. Beam said that Mr. Wolf said he would be close enough for him. Mr. Beam said that in talking with the Building Official, he could live with it, but there are structural issues to make it work properly.

**Commissioner Smith** said the block enclosure should remain and be consistent.

**Commissioner Tri** said he is in agreement with concrete enclosure and either form of the fire escape would work and it is easier for the owner to use the design as long as the fire life and safety issues are okay.

**Commissioner Haug** said the outside exterior fire escape matches the volume of information. We do not know the proposal and we may want to give them another month and see if they can work out alternatives to deliberate on.

Preference is dark charcoal as proposed and it would improve the downtown more and the value of the building and allow access to the upstairs. If he does not have this, he will have to do something with the side window. Staff's recommendation was to brick it in. They are going to have to make a suggestion to do something else. He agrees with the dark charcoal gray with the stairwell wall and the trash receptacle and the wall. If the applicant can come in with a good suggestion that meets fire, life and safety issues, he would be interested. It is a value to the community and has already been removed. His suggestion is to give another month with another alternative proposal with specifics that may work. Give him choices.

**Commissioner Brittell** asked the applicant to continue the hearing, otherwise the Commission needs to make a decision. Mr. Haugen said that timing is a problem.

**Commissioner Haug** said he is uncomfortable with the outside stairwell. He thought it was essentially what the applicant and staff was behind. He feels uncomfortable voting for the outside stairwell.

**Commissioner Schmitz** said the applicant is under a time constraint. Barton said the Commission approves the proposal as provided. Second, they could allow option to retain the recent fire escape and then (3) different kind of staircase and draw it up and could make specific parameters for staff review or the Planning Commission could meet next week and could review then.

**Commissioner Brittell** asked the applicant to have an option of restoring the existing fire escape and have it reviewed next meeting - April 15<sup>th</sup>.

**Scott Haugen** said he would like to proceed with the plan as presented or with the ability to replicate or improve the fire escape. The stairs are skinny and old. He would not feel confident to ask them to make broad stairs that look better.

**Dan Young**, what is proposed, retain existing fire scape or come up with newer staircase and come back next week.

**Commissioner Haug** said the existing fire escape is too old and narrow - would need to come back with a new drawing - it is a safety issue. Can it come up in a week?

**MOTION: Smith/Tri** to allow the 3<sup>rd</sup> presentation (Mr. Grahn's application) to proceed - pursuant to the Commission's guidelines in not starting a new hearing past 10:00 p.m. (Unanimous).

**Mr. Beam** said that staff can live with all the amendments.

**Commissioner Haug** said he would like to allow the exterior metal fire escape which is adequate and shall be approved by the Fire Marshall and let him go that with - it is more of a code issue and any design of qualities as staff imposes and whatever staff wants on metal escape.

**MOTION: Brittell/Schmitz** to approve the applicant's design based on the conditions as contained in the staff report, except as follows (Page 5-2-11):

See Page 5-2-11.

1. Splitfaced CMU blocks to be **dark charcoal** in color.
2. Delete #2 entirely.
3. **Dark charcoal** in color
4. Delete
5. As recommended
6. As recommended
7. Giving applicant option of either restoring or rebuilding stairway to meet the requirements of the local building officials and staff. And restore old one or - dependent upon applicant's and staff's choice. The original or a new type of fire escape. Mr. Brittell said that the condition is to allow either as long as it meets the code. Option is enclosed stairway or the original stairwell. Discussion was held concerning having people use the old one. We put the options in there - he will build one that will work or not - Commissioner Brittell said it is the Planing Commission's decision concerning historic use.

The remaining portions B and C shall remain in full force and effect.

**Commissioner Haug** addressed his safety concerns for the old fire escape.

The option is to stick with split faced block if charcoal, or he can use an iron staircase if it meets safety codes. The original one may not be the same, but must meet the safety code - resembling the style he has now.



**Commissioner Haug** said the outside exposed metal staircase should be done all the way down and should not be a hanging down one. If the applicant goes with the metal exposed staircase, it leaves the issue of the window which would otherwise be enclosed as a doorway, a window, bricked in or a door.

**Mr. Beam** said if the outside metal stairway is chosen, they would brick-in the window.

**Dan Young**, said he wants to build the stairway with profile. He does not want to build enclosure and wants to retain an opening. The window would be moved and replicated to the front. Replace the atm window with the one in the front. He cannot come back and we need to resolve this. He would like to replace "iron" staircase with a "steel" staircase.

**MOTION AMENDMENT: Haug/Tri** to replace "iron" with "steel" for the outside exposed staircase, if chosen.  
(Unanimous). Motion carried.

**Mr. Brierley** said the Commission's decision could be appealed within 14 days to the City Council.

**Tape 3 - Side 1:**

<b>3. APPLICANT:</b>	<b>R.P. Grahn, Inc.</b>
<b>REQUEST:</b>	<b>Annexation of 3.16 Acres</b>
<b>LOCATION:</b>	<b>901 &amp; 835 S. Springbrook</b>
<b>TAX LOT:</b>	<b>3221-1802, 1900, 1901</b>
<b>FILE NO.:</b>	<b>ANX-29-03 Sect. 151.262</b>
<b>CRITERIA:</b>	<b>NDC</b>

**Steve Olson** presented the staff report and noted that it was pretty straight forward. The property is off Hwy 219 and Springbrook Road - there is an industrial park being developed there with an auto repair shop (Cecil Brown's business is to the south). It is an annexation of 3.16 acres. He read a short letter dated April 5, 2004 into the record concerning removal from the application by Monte Bowlen for property located at tax lot number 32210-1901. The property is designated AF-10 with Comp. Plan IND. The annexation should be considered with the Bowlen property removed. The criteria has been met. It is within the UGB. It is contiguous to the city limits. Manufacturing designation and is a good use for the area. Landscaping standards would require a five foot landscape strip along the lot line to be a barrier. One change from the plan is concerning the 188 foot strip for a driveway - the standard for similar developments is 300 but there is only one driveway. Part of annexation - there will be adequate level of urban services within 3 years. Sanitary sewer lines are available for access. The waterline is located on Springbrook. Proposing access to stormwater drainage off Hwy 219. There is a 20 foot dedication along the front with half street improvements. Availability of police, fire and school facilities. The revenue generated will offset the costs for police, fire and other services. There is not an impact on the schools. They would do half width street improvements and consolidate tax lots 1802 and 1900 to eliminate the concerns. They will have to connect all existing properties to city sewer and water within 1 year of annexation. SDC and fees are to be paid prior to connection.

**Commissioner Haug** addressed access from Hwy 219 and not Springbrook.

**Commissioner Schmitz** inquired about remonstrance agreements relating to future improvements on the highway side of the property. **Mr. Brierley** said staff is not recommending that as part of the annexation. The half street is not required? **Mr. Brierley** said that they will be constructed on the highway side.

**Roger Grahn, 23287 LaSalle, Sherwood, Oregon :**

1. Proposing an 80 foot right of way.
2. No improvements scheduled for Hwy 219 - the State will not allow it on the state highway;
3. Understanding of the consolidation of the lots as they are the same owner and it would be done as a matter of course anyway;
4. A septic system will be decommissioned;
5. Narrow strips/driveway access - property to the left of subject property used to be couple of parcels, access for the neighbors that is why the south line is not correct;

**Mr. Grahn** said that other than that, nothing is different. He said **Mr. Bowlen** was outraged that there was a requirement to remove the nonconforming use within 5 years and that is why he pulled out. He wanted him to have water by using his well - he does not have a potable well but said he would get them a well anyway.

**Commissioner Schmitz** said that M-2 designation allows for residences on the property (caretaker type residential - has to be associated with industrial use/industrial zone designation). **Mr. Grahn** said **Mr. Bowlen** does not want to come out until he is carried out feet first. The value of the land is worth more as a residential site than an industrial site - no incentives to change. The City needs to look at its requirements. **Mr. Bowlen** said he was outraged to have to give it up - unless someone wants to buy it. **Mr. Brierley** said it is a requirement from the Development Code that non

conforming uses must be removed within 1-10 years. The Comprehensive Plan amendment change could be an industrial use. The M-2 allows residences with some criteria.

**Mr. Olson** said staff recommends approval as conditioned. The Council is given the discretion of 1-10 years. Discussion was held concerning whether or not anyone knew if the proposed bypass comes through this property? Mr. Grahn said no.

**Commissioner Haug** said there are some rational reasons for bringing it in for a planned use. Long term, it is not suited for a residential site. It is a rational requirement for annexation to stick with any sort of planning for a long term use.

**Mr. Olson** said they try to put in what is in place right there.

**Chair Van Noord** closed the public hearing.

**MOTION: Smith/Haug** to approve **Resolution No. 2004-179** with the findings and conditions as outlined, excluding Mr. Bowlen's property as requested.

**Commissioner Brittell** asked for clarification and review. Mr. Brierley noted the changes:

1. All reference should be for 2.41 acres which removes Mr. Bowlen's property at 901 S. Springbrook
2. Two lots instead of 3 lots
3. Delete reference to the house location in the exhibit as it will be connected to the sewer line
4. Delete reference to tax lot 1901 and one driveway
5. Sanitary sewer for tax lot 1901
6. Delete #5 requirement due to removal of tax lot 1901
7. Delete legal description pertaining to tax lot 1901
8. Annexation consent form removed from application due to Mr. Bowlen's letter of April 5, 2004

**ROLL CALL: 6 Yes/1 Abstain - Van Noord - Motion Carried.**

**Mr. Brierley** said it would be forwarded to the City Council on May 19<sup>th</sup>. It requires a vote of the electorate of the City with a November ballot measure. Discussion was held concerning the project being done by November 2005, weather permitting.

**Mr. Brierley** reviewed the Council items:

1. Appeal of a partition of the tire factory property. The issues have been resolved and it will not come back for consideration.
2. The Council approved the cell tower with conditions. The Council affirmed the Planning Commission's recommendation and adopted findings.

**Commissioner Haug** said that the public hearing portion was closed and some people were upset they could not speak and it was not on the record. People want to have a chance to speak and not being able to do so, promotes anger amongst the government and the citizens. The project is not user friendly for the neighborhood. The rules have tightened up and they want to control the process and this is the result of that. People get hurt that they are not being able to participate. It was not a public hearing. They have two chances to bring forward their concerns but it appears that they feel it undermines the system. They had a chance to speak and they did not believe their arguments meant anything.

**Mr. Brierley** continued:

3. He said he followed up with the U-haul business and they have indicated they will be better about parking on the street. They are trying to limit it to 4 U-Haul trucks in the middle of the block but it varies during different times of the year. Mr. Brierley said there is nothing illegal and they are making an effort to work with the city and be good neighbors.
4. Granite Motor Sports. They have made progress and staff is continuing to work with them. There is more enforcement coming.
6. Wrote letter to Ms. Hall and thanked her for her participation for Second Street matters. He invited her to come back and talk about her concerns.

**Mr. Brierley** said the next meeting is April 15<sup>th</sup> with 3 items: (a) historic home (b) bed and breakfast and (3) the application by Coffee Cottage for a drive through (conditional use).

**Commissioner Larson** said he was still concerned about the Granite Motors issue. A new sign appeared today and was located in the landscape area. He believed that it does not comply with the sign code. Discussion was held concerning a conditional use application to be considered for design review. Mr. Brierley said there are stringent standards for signs and he would look into it. The parking on the rocks are part of the landscape scheme. They are daily putting vehicles on the rocks. Barton said if they are parking in the asphalt area - they could still put rocks on asphalt and park on those. This was authorized by the City Council.

**IX. ADJOURN**

**Chair Van Noord** adjourned the meeting at 11:00 p.m.

Passed by the Planning Commission of the City of Newberg this 13<sup>th</sup> day of May, 2004.

**AYES:**

7

**NO:**

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**ABSTAIN:**

(List Name(s))

**ABSENT:**

(List Name(s))

**ATTEST:**

*Peggy Hall*

Planning Commission Recording Secretary Signature

*PEGGY HALL*

Print Name

*5-13-04*

Date



PUD-7-04  
Mike Gougler  
MJG Development  
5241 Windsor Terrace  
West Linn, OR 97068

PUD-7-04  
Kirsten Van Loo  
CES/NW  
15573 SW Bangy Road, Suite 300  
Lake Oswego, OR 97035

PUD-7-04  
Anthony Weller  
CES/NW  
15573 SW Bangy Road, Suite 300  
Lake Oswego, OR 97035

PUD-7-04  
Joe Schiewe  
CES/NW  
15573 SW Bangy Road, Suite 300  
Lake Oswego, OR 97035



ANX-29-03  
Roger Grahn  
23287 La Salle  
Sherwood, OR 97140

H-14-04  
Roger Grahn  
23287 La Salle  
Sherwood, OR 97140

H-14-04  
Scott Haugen  
Chrome Automotive Commerce  
700 NE Multnomah, 15<sup>th</sup> Floor  
Portland, Oregon

H-14-04  
Daniel Young  
Architect  
1621 SE Kelly Avenue, Suite 200  
Portland, OR 97239

