



PLANNING COMMISSION MINUTES

November 10, 2005

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

I. ROLL

Present: Daniel Foster
Deborah Overbay(arrived late)
Cathy Stuhr
Nick Tri
Matson Haug
Chair Smith
Louis Larson

Absent: None

Staff Present: Barton Brierley, Planning and Building Director
Harper Kalin, Planning Technician
Elaine Taylor, Assistant Planner
Rae Kenny-Rife and David King, Recording Secretary

II. OPEN MEETING

Chairman Smith opened the meeting with the following quote *"Life is not so short but that there is always time for courtesy."* - Ralph Waldo Emerson

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

1. Approval of October 13, 2005 Planning Commission Meeting Minutes
2. Approval of October 27, 2005 Planning Commission Meeting Minutes

Approval of the October 13, 2005 & October 27, 2005 minutes from last Planning Commission meeting.

Commissioner Stuhr noted an additional statement that needed to be in the minutes: "The Commission asked the staff to provide a chart with a detailed list of what uses would added to industrial zones, and which would be taken off. Mr. Brierley said they would do that."

Motion #1: To approve October 13, 2005 & October 27, 2005 minutes with corrections. Motion carried unanimously.

IV. COMMUNICATIONS FROM THE FLOOR

1. Alan Fox - ODOT, Presentation on Bypass Process. He gave an overview of coming attractions in bypass process. He wanted to get concurrence on number of times to keep the Planning Commission updated. Bypass history - started working on it again in 1997 with 3 alternatives analyzed, hiatus in late 90's due to governors transportation planning hold on new projects. Restarted in 2002 on Tier 1 Location EIS to settle on a route with 8 build alternatives. Now starting Tier 2 to start to find design to fit the build for the corridor that was approved. Record of Decision on August 26, 2005 that approved the route. Wilsonville Rd. Project moving forward for a 2007 build. The TSP amendment that the Planning Commission approved was appealed to LUBA (Land Use Board of Appeals) by Mr. Grahm. LUBA approved it and now it is on appeal to the state court of appeals. They are trying to get an approved design. They are having meetings with key property owners in October and will be meeting again soon to deal with adjustments to where their driveways will be if they are entitled to a driveway. New ODOT area manager Tony Snyder, Alan's role will be changing to work on the 99W refinement plan. Another project leader will take over process: Lisa Ansell. Alan will be working on the interim solutions to the Dundee bottleneck prior to bypass build.

Key Steps - Open House on Oct. 11 was very successful. There were approximately 80 - 100 persons, got to talk to property owners and hear their concerns. Next round of meetings working with community input on design. Three more meetings will be held between December and June to clarify what the design alternatives will be. Next is Dec. 6. Draft to be published by 2007 with recommended alternative.

They will be dealing with interchange area management plans. This will deal with local street connections to be rerouted due to interchange, access management and approaches. They can look at how this could mesh with the Ad Hoc Committee's recommendations to expand industrial uses south on Highway 219. They need to get interchange plans

adopted by Newberg and Oregon Transportation before they can publish and EIS in 2007. After January 20 meeting will come back and give an update on design alternatives for draft EIS for inclusion in the environmental impact. After draft EIS will come back for discussion for a recommended alternative. There may be more meetings on project financing, ODOT has been soliciting proposals from private partnerships. They are working with an Aussie firm, working on preparing a two stage contract which will last 6 - 9months where they will work on alternatives. The sole purpose of working with a private partner is to accelerate project to build it sooner. A decision on tolling hasn't been made, but is an obvious choice for financing project. Tolling analysis will be done in February. They will need to marketing this to the public. Updated traffic projections are due in February. They can look at the issue of rerouting 219 to Springbrook.

They next workshop will be Dec. 6 at First Christian Church. The evening is open to the public. It is geared to help formulate the alternatives. They can talk about alignment, grade and local connections. They will show a depressed grade through south Newberg. They will show 2 horizontal alignments: one that goes through the golf course, and one not going through the golf course. New rules have been passed since corridor was adopted which will help them to work with golf course and compensate them for adjustments with that alignments. The other workshops will be refining what we learned in the first one.

New website is www.newbergdundeebypass.org. There is a new meeting calendar, a 'get involved' section, a list of meetings, address for the next meeting with click on map - pretty nifty. If you can't come to meetings you can still send comments within the website. All the old documents are on the website. They will also do a short term congestion study in Dundee.

Key dates

December 6, 2005 workshop, December 15, 2005 - Dundee public meeting. January 2006 Newsletter, January 20 project oversight, and February through March the rest of the workshops. Chair Smith verified that planning commission should attend workshop on December 6th. There will be no private meetings, only public because farmers have as much weight as the hospital on same level playing field.

Commissioner Overbay asked about rule changes. Highways used to go through parks, legislation offers high level of protection to avoid going through parks, now that is relaxed.

Commissioner Overbay asked who would approve the alignment. Alan Fox said the Oregon Transportation Commission would.

Commissioner Overbay recommended putting one more meeting between June 2006 and February 2007. Chair Smith suggested planning a meeting for November.

2. Others - for items not on the agenda

- V. **LEGISLATIVE PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission) No objections, abstentions, conflicts of interest, etc.

Change of Recording Secretary

1. **APPLICANT:** City of Newberg
REQUEST: Adopt new industrial zoning standards and comprehensive plan policies
FILE NO.: G-115-05, G-117-05

Elaine Taylor presented the staff report. She explained that the City had provided notice to each address in industrial areas. They had made a detailed list of all the uses proposed to be allowed and not allowed in industrial zones, and had mailed that to all on the mailing list. The proposal would replace the specific use list with more general use categories. The purpose is to encourage industrial uses in industrial zones. The proposal also would create an M-4 large lot industrial zoning district.

Questions for Staff:

Commissioner Stuhr asked how existing companies can be protected. **Barton Brierley** discussed that many provisions exist for non-conforming uses for companies like Gold's Gym.

Chair Smith asked more specifically if a current company can expand its operation. **Barton Brierley** said expansion would be possible if the company becomes less intensive in nature, but otherwise not so. Less intensive means that a heavy manufacturer changes to a light manufacturing mode.

Commissioner Tri asked specifically about conditional use process would be for a company like Gold's Gym to expand.

Barton Brierley said that a conditional use would need to modify their conditional use permit to expand their operation.

Commissioner Haug wanted to know who would bear the cost of the Hazelden Springbrook land being rezoned. **Barton Brierley** said it would be the city's cost, if that is what the Planning Commission chose.

Commissioner Overbay wanted to know what happens to the value of the land of Hazelden Springbrook if rezoned. **Chair Smith** mentioned that institutional land (like schools, the university, and hospitals) do not appear on city tax roles.

Commissioner Foster wondered who would approve a conditional use permit. **Barton Brierley** said it would be the planning commission.

Public Comment:

Chair Smith prefaced that M-4 land (large lot industrial) does not currently exist. The goal is to have industrial property to achieve city growth goals and standards. Commissioner Haug reminded the citizens and commissioners of the restructuring of the M-4 proposal, which would go from an itemized listing of business uses to a general broad description of the businesses.

Shane Haydon, vice-president for Hazelden Springbrook, a resident of Newberg, explained how busy and involved the facility has been since 1988. He is concerned about their ability to offer more of their service. They currently have 52 beds, treat 580 - 600 patients this year, and house families and friends that come to visit the patients. Their vision for the future is to acquire more property to expand their operation in helping treat people with addictions.

John Finkley, architect for Hazelden Springbrook, wants the property changed to institutional zone. They would like to add 4,000 sq. ft. with an additional 24 beds for patients. The topography of the land is not very conducive for industrial zoning. Removing these 23 acres from industrial zoning would also allow the city to add back that acreage some where else.

David Faxon, a resident of Newberg and owner of Gold Gyms, was concerned why the addition of an M-4 zoning has to affect M-1, M-2, and M-3. He believed that M-4 was a good goal, but curious why it had to alter the other zones. He wants the ability to grow in the future.

Arnold C. Fuchs, President of Harris Thermal Products and a resident of Newberg, would like to be add on to property they have in the M-2 zoning. He wanted clarity on the amount of noise allowable that the code does not explicitly detail the sound levels that are permissible. He too wanted to see no changes for M-1 through M-3 zoning in order to adopt M-4 zoning.

Tom Fuller, pastor of Calvary Chapel Living Waters Fellowship and a resident of Newberg, works out of a zone M-2 piece of property. He is concerned that the church could not expand if the new code is adopted. The church would rather expand where they are presently operating instead of moving to accommodate the new zoning. He realizes from previous meeting minutes that traffic volume could be a concern on the property he uses, but he reminded the commissioners that the church meets at off times and should not hinder regular traffic.

Eric Groenoeshe, General Manager of Harris Thermal Products, is confused as to what his company will be defined as in light of proposed zoning changes. They don't know how the city will define their business, and how that will affect the possibility of expansion. He is opposed to the proposed changes.

Dan LaVeine, a resident of Newberg and employee of Action Equipment, was very concerned with the limitations that could be put on their company for the height restrictions. They also bought the property for traffic benefits, especially for trucks. He passed out schematics of the property layout.

Ed Bartholemy, a resident of Beaverton and the owner of the Newberg Gold's Gym property, would like to see more interaction over the fine points. He mentioned that in Hillsboro a similar proposed zone change was vetoed. Parking issues at Gold's Gym have been at a minimum because the gym users are there early and late and other businesses use the parking lot during the day. He too would like to see a workshop format allowed again.

Gary Norman, owner of Norman Floor Covering and resident of Newberg, is very concerned with the proposed rezoning. He believes adoption of the zone changes would put his business in a non-conforming use.

End of Side B, Tape 1

Charles Harrell, lawyer for Mr. Norman, pointed out that the proposed changes would negatively affect Norman Floor Coverings. If a fire destroyed the business, then non-conforming use will make it difficult to get refinancing. Please reconsider how many businesses will be affected by the rezoning.

Chair Smith first asked staff on behalf of Mr. Fuchs how to define "little noise" for zone M-2. **Elaine Taylor** explained that it is a noise confined inside the operation. It would be subjective at this time.

Commissioner Haug questioned staff if the wording of the proposal could be reworded so that a future process would allow new businesses with new ways that are not on the city's list to be added easily. **Barton Brierley** reminded the commissioners they were still in a public comment/question stage of the meeting.

David Schmitz, who owns a professional office space in Newberg (being used by Living Waters Fellowship) and is a resident of St. Paul, told how he has had difficulty finding tenants that fit the zoning codes. He is thankful for the Living Waters church on the bottom floor.

Commissioner Larson observed that current public testimony encourages him to start the whole process over. A point of order was made that this was rushing ahead to deliberation.

Chair Smith clarified that many people tonight want to keep M-2 zoning, but that Hazelden-Springbrook wants to be rezoned from industrial to institutional. Mr. Haydon agreed.

Commissioner Haug asked Mr. Bartholemey if he had any more comment. Mr. Bartholemey stepped back up for a long list of businesses that would disappear under the proposed zoning changes. He also reemphasised how many needed businesses.

Chair Smith asked Dan LaVeine how his property was zoned, and what thoughts he had of an athletic facility next door when their company brings in large trucks. Dan LaVeine said it was M-2, and that he works well with his neighboring businesses, though the trucks occasionally block a few of the parking spots.

Commissioner Overbay questioned what percentage of the patients are using medicare/medicaid. She knew that such financial support is being slowly reduced, and yet business at Hazelden-Springbrook is on the rise. Mr. Haydon said that zero percent of the patients use medicare/medicaid. Instead they pay for the services personally or through private insurance.

Comments from Staff:

Barton Brierley wanted the commissioners to look at the current code, especially in regards to attracting more industry. Barton Brierley believes that many news businesses would fall through the cracks. He would like to see industrial codes adjusted for the sake of attracting more industrial businesses.

Chair Smith asked Mr. Brierley if the proposed changes, with some modifications, perhaps, would be better than starting from scratch as had already been suggested by Commissioner Larson. **Barton Brierley** believed the proposed changes could work without starting over.

Commissioner Haug asked if there were any other properties, like Hazelden-Springbrook, where their use is incompatible with the current zoning for that property. **Barton Brierley** said that industrial parkway is a mixed use area, and there are churches in industrial zones that don't really fit with industrial use. **Commissioner Haug** then wondered if current uses could be allowed to stay *and* still add the new zoning. Is there a way to merge the best of both worlds?

Chair Smith assured that the Planning Commission would stand 100% on the side of industrial business success in Newberg. Unfortunately, other agenda items need to be addressed this evening.

*** Ten minute break allowed

Commissioner Haug asked for a point of order. Is a motion necessary to conclude the public testimony and then go into deliberation of Resolution 2005-196 at the January meeting.

Vote on motion to extend public testimony and deliberation to the January Planning Comm. meeting:
Haug/Stuhr: (7 yes/0 no). Motion carried unanimously.

Chair Smith read the official preface to cover all three annexations.

VI. 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.

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|----|-------------------|------------------------------------|---------------------------------|
| 1. | APPLICANT: | Ken & Joan Austin | |
| | REQUEST: | Lookabill Annexation | |
| | LOCATION: | 29100 NE Benjamin Rd | |
| | TAX LOT: | 3209-3000 | |
| | FILE NO.: | ANX-05-036 | RESOLUTION NO.: 2005-198 |
| | CRITERIA: | Newberg Development Code § 151.262 | |

Barton Brierley presented the staff report and used a visual presentation that included an areial view of the property. The site plan showed four lots . Normally this kind of property would not be likely for annexation because of the annexation criteria that requires proper sewer and water services, as well as proper roads. This property is not likely to have that criteria filled in three years. However, adjacent property, also owned by the Austins, will also be developed in the near future, which would allow proper utility hook up. The staff report recommends approval of the annexation upon approval of the master plan for the adjacent property also being approved.

Commissioner Foster asked why bring on this piece of property until the master plan is approved? **Barton Brierley** said that the applicant will address this question as well, but it helps the applicant to plan all their projects to work together.

Commissioner Haug asked for clarity on R-1-0 4/A and R-1-0 4/a SC. **Barton Brierley** explained that R-1-0 4/A means an R-1 zone with 2.5 acre lot size, and R-1-0 4/a SC refers to the stream corridor that affects a small portion of the property.

Public Testimony:

Mimi Doukas, architect and consultant to property owner/applicant, said that the reason for applying for the annexation now is to have the propety within the Newberg jurisdiction in order to submit a land use application. Secondly, it helps the overall master plan for the Austins.

Chair Smith asked for more clarity on the master plan. Mimi Doukas said that many details have been decided with more deliberation to take place before the plan becomes a public document.

Chair Smith read from Jim Humpres' Public Comment Registration Form. Mr. Humpres, a resident of Putnam Rd., is opposed to the annexation.

End of Side A, Tape 2

Vote on resolution 2005-198: Tri/Larson: (7 yes/0 no).

Commissioner Haug requested staff to alert the opponents to the annexation be notified of the City Council meeting that will take place.

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|----|-------------------|------------------------------------|---------------------------------|
| 2. | APPLICANT: | WRG Design | |
| | REQUEST: | Wilson Annexation | |
| | LOCATION: | 3605 N Springbrook Rd | |
| | TAX LOT: | 3209CD-400 | |
| | FILE NO.: | ANX-05-037 | RESOLUTION NO.: 2005-199 |
| | CRITERIA: | Newberg Development Code § 151.262 | |

Staff report was given by **Harper Kalin**, with use of a visual presentation. She too mentioned the annexation criteria spoken of for the previous annexation property. This property too will need sewer and water hook up as well as road improvements. The staff requests that the commissioners accept the annexation.

Commissioner Stuhr asked for clarity on where the paper work actually stood. **Harper Kalin** said that some of the process was still to be notarized.

Commissioner Stuhr also asked how far the improvements will extend on Springbrook Rd.

Harper Kalin said that some of those details will be decided in conjunction with the approval of the master plan.

Public Testimony:

Mimi Doukas, consultant to property owner/applicant, wanted to point out that the property is currently serviced by city water. **Harper Kalin** clarified that the property is actually served by a water district, even though the lines come from the city water supply.

Vote on resolution 2005-199: Tri/Overbay: (7 yes/0 no).

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|----|-------------------|------------------------|---------------------------------|
| 3. | APPLICANT: | Thorne Living Trust | |
| | REQUEST: | Thorne Annexation | |
| | LOCATION: | 1800 E Mountainview Dr | |
| | TAX LOT: | 3217BA-300 | |
| | FILE NO.: | ANX-05-038 | RESOLUTION NO.: 2005-200 |

CRITERIA: Newberg Development Code § 151.262

Staff report was given by **Harper Kalin**, with use of a visual presentation. The current services are available via Thorn Street, but would possibly have to be improved for a new development. The concept plan shows four lots of ~ 7,700 sq. ft. lots. Utilities are currently available at the property. The staff requests that the commissioners accept the annexation.

Public Testimony:

Mimi Doukas, representing the Thorns, said that applicant is asking for annexation primarily for utility connection. She also pointed out that the four lot concept plan is not an indication of intent, it was added because of the wording required in the annexation process.

Vote on resolution 2005-200: Tri/Overbay: (7 yes/0 no).

VII. ITEMS FROM STAFF

1. Planning Commission Dinner is scheduled for December 1, 2005
2. Next Planning Commission Meeting: December 8, 2005
3. **Chair Smith** reminded the commissioners that December 6 is committed to the bypass meeting.

VIII. ITEMS FROM COMMISSIONERS

No items were mentioned.

IX. ADJOURN

Chair Smith adjourned the meeting at 9:50 p.m.

Approved by the Planning Commission this 8th day of December, 2005.

AYES:

4

NO:

0

ABSENT:

(List Name(s))

FOSTER
HALL
OVERLAY
(LATE)

ABSTAIN:

(List Name(s))

0



Planning Recording Secretary



Planning Commission Chair

Date