



PLANNING COMMISSION MINUTES
September 14, 2006, 7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

APPROVED AT THE OCTOBER 12, 2006 PLANNING COMMISSION MEETING

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL:

Present: Daniel Foster Matson Haug Chair Larson
 Phil Smith Devorah Overbay Nick Tri

Absent: Cathy Stuhr

Staff Present: Barton Brierley, Planning and Building Director
 Steve Olson, Assistant Planner
 David King, Recording Secretary

III. CONSENT CALENDAR:

Nine people were present in the audience at the start of the meeting.

The first item on the consent calendar was the acceptance of the minutes from the August 10, 2006 meeting.

Motion #1: Haug/Tri to approve the August 10, 2006 minutes with the corrections to Commissioner Haug's last name. (Yes 4, No 0, Abstain 2 [Foster, Overbay], Absent 1)

IV. COMMUNICATION FROM THE FLOOR:

Chair Larson asked if there were any other issues that citizens wanted to discuss that weren't on the agenda. No one spoke.

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony – five 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 Larson read ORS 197.763.

1. **APPLICANT:** Hazelden Springbrook
REQUEST: Comprehensive Plan change from IND (Industrial) to PQ (Public-Quasi Public); Zoning Map change from M-2 (Light Industrial District) to I (Institutional); and Design Review of a 2500 square foot addition to the southwestern end of the existing Administration Building.

LOCATION: 1901 Esther Street
TAX LOT: 3217-2100 & 3217BD-100
FILE NO.: CPA-06-008/ZMA-06-008/DR2-06-018
RESOLUTION NO.: 2006-223
CRITERIA: NDC § 151.122 (3), NDC § 151.194

Chair Larson asked for any biases, abstentions and/or ex-parte contact. **Commissioner Haug** mentioned that he shares a property line with the applicant. He mentioned that he sometimes notices evening gatherings at the site. No one present believed that this adjacent property ownership was reason enough for him to abstain.

Staff Report:

Barton Brierley reported that three file numbers are listed above because it is a three part application. The three parts consist of 1) the Comprehensive Plan amendment (changing from Industrial to Public/Quasi-Public), 2) the zone change (from M-2 to Institutional), and 3) then a design review for a 2,500 sq. ft. administrative office addition. This explanation was followed by aerial views and maps (see Agenda Packet P29ff) to set forth the location and to highlight the current zoning.

It was pointed out that Newberg does need more institutionally zoned land, and this request aligns nicely with the Newberg plan. To allow the current application addition, changing the zoning would allow for alcohol and drug rehabilitation. Staff has looked at all the criteria and has found no issues in disagreement of city code. The staff recommends the application.

There were no late correspondences in relation to this issue.

Proponents:

Rick (name not audible, no blue slip filled out) Architect and Engineers, 18707 Old Excelsior Blvd., Minneapolis, MN, totally concurred with the staff recommendation, and appreciated the opportunity of working with the whole department.

The final staff comments were a reiteration of their recommendation of the application.

Motion #2: Haug/Tri to accept Resolution 2006-223. (Yes 6/ 0 No, 1 absent)

There was conversation back with the Ad Hoc committee on land planning use, it was wondered then why this land wasn't already zoned institutional. The commissioners were happy with the corporation being a good business and a good neighbor.

2. **APPLICANT:** Third Street Development LLC
REQUEST: Approval of a preliminary subdivision plat (Orchard's Lair I) to create 14 single family residential lots with accessory aircraft hangers.
LOCATION: 2308 E. Third Street
TAX LOT: 3220-1300 (eastern third portion)
FILE NO.: SUB3-06-008/ZMA-060008/DR2-06-018

RESOLUTION NO.: 2006-225

CRITERIA: NDC § 151.242.2, NDC § 151.471, NDC § 151.476

Chair Larson called for any biases, abstentions, and ex-parte contact on behalf of the commissioners. There were none mentioned.

Staff Report:

Steve Olson used aerial views and other maps to show the location, the zoning, and the comprehensive plan with the stream corridor overlay. Then he showed the preliminary subdivision plan, with the hangers clustered close to the run way. The plan will also allow the airport to have access off of Third Street instead of the current access off of Hwy. 219. The change to the from setback to curbside sidewalks on the private street has been made to allow for adequate space for houses on the properties.

After discussing the important criteria for the site, Mr. Olson discussed the applicant's plan to build a bridge over the creek with a sanitation pipeline attached to the bridge. The applicant is designing the bridge to cause as little impact as possible to the stream corridor. Bridging a sewer pipeline over a stream is preferred to burying it under the stream.

There is a density transfer involved with this property. This subdivision, Orchards Lair I, is transferring 27 units over to the stream corridor to the Orchards Lair II property, as allowed under the Airport Residential overlay zone. Otherwise, there will be one residence per lot with access to a hanger.

The airport residential zone allows private street, with gates at the limits of the taxiways.

The airport residential district supports the use of the airport. It allows uses such as houses with accessory hangars, and requires subdivisions near the airport to provide aviation easements acknowledging potential impacts (such as noise) from the airport, and requiring notification of buyers that the property is near an airport. This will enable people who are supportive of the airport to live near the airport, and make potential buyers in the area aware of the existence of the airport.

The proposed lots all exceed the minimum lot size and frontage (5,000 sq. ft., with at least 45 feet of frontage). The applicant agrees to upgrade the frontage on Third Street, as well as putting in the private street and building the Highway 219/2nd Street improvement (right in/right out operation). The applicant will also need to contribute to a Highway 219/Everest improvement.

Mr. Olson summarized that the conditions for approval include: Finish final plat plan, obtain a permit for the pedestrian bridge and complete any required mitigation in the Stream Corridor, provide a plan showing the location of the gates and the gate design (for review by Planning and Fire), provide a street tree plan for review, and indicate that the trees in the stream corridor/conservation easement will be preserved. Also provide a storm water report including proposed mitigation, a revised utility plan, and private and public street improvement plans for review.

Barton Brierley added comments about the intersection improvement at Highway 219/2nd Street and Highway 219/Everest Street (see Memo dated 9/14/06), especially in light of it being a condition for approval. The applicant asked for clarification regarding the cost and extent of improvements, so the Planning staff produced the above mentioned memo with a breakdown of costs.

Questions for Staff:

Commissioner Overbay asked about the changes that have all the hangers on one lot. She also wanted the private drive pointed out on the map, as well as the location of the gates. There is an absence of planned walking paths, as she noted, which seemed odd in light of a pedestrian bridge across the stream corridor.

End of Side A, Tape 1

She inquired about the density, which is planned for 3.1 units per acre, even though they could build 8.8 units/acre. There was then some clarity brought to the issue of quality and quantity of airplane traffic. The quality will stay the same (small planes only), and it is expected that the quantity of traffic will increase.

Commissioner Haug asked if the total number of units would be sufficient to pay for transportation improvements. **Barton Brierley** simply took the total costs involved with improvements and divided it by the number of planned units. **Commissioner Haug** then wanted to know when ODOT is scheduled to improve the other intersections on Hwy. 219. ODOT will close the Wilsonville/Springbrook intersection, and build an intersection at Eighth Street. **Barton Brierley** believes work will begin in a year.

Public Testimony:

Joe Schiewe, 700 S. Deborah Street, Newberg, OR, 97132, wanted it known that the development of this application has been a long time coming, and that they had worked closely with City staff. They believe that they have a marketable product working in conjunction with the airport overlay.

He then briefly discussed the pedestrian bridge, how well potential buyers will be well informed of the unique aspects to this kind of neighborhood, how the future road system will keep cars and airplanes from mixing and the location of future gates.

The street improvements are the biggest concern. The applicant does not want to pay for intersection improvements that ODOT might not allow in the future.

Commissioner Overbay asked why the street needs to be designated as a private street. Joe Schiewe replied that most of the private street will not mix airplane and car traffic, as so technically it could be a public street. A public street right-of-way would have to be 12-15 feet wider, however, which would cost the applicant several lots and make the project less feasible. The private street also helps discourage pedestrians from walking into the airport hangar area.

Commissioner Haug asked if the bridge would be open to the public as well. Mr. Schiewe said yes.

Commissioner Haug also asked about the memo referring to costs. Mr. Schiewe tried to explain that the applicant is willing to help with the traffic at Everest and Hwy. 219. They are also willing to put in some pedestrian islands to help cross Hwy. 219.

Commissioner Haug wondered how the applicant would encourage people to use Church Street and Hwy. 219 instead of just using Everest and Hwy. 219. Mr. Schiewe replied that a sign could be placed at Everest directing commute traffic to Church Street.

Commissioner Haug asked if there were any improvements needed on Church Street. He also asked what percentage of land will the developer use around the airport compared to all the lots in the south east

End of Side B, Tape 1

Marc Butorac, Traffic Engineer, 610 SW Alder, Suite 700, Portland, OR, came to explain SDCs

There won't be enough warrants to require a signal at Everest until there is much more traffic.

He said that current residents make up about 50% of the trips at Everest and Hwy. 219. New development would make up 30% of the total.

Marc Butorac says the applicant has crafted a proposal for paying for the right in and right out at 2nd Street and Hwy 219. Additional funds could be put into escrow with a sunset clause for phase two building of Orchard Lair II. These items are referenced in the handout.

Commissioner Overbay wondered if the right-in, right-out will make it easier to cross Hwy. 219 as a pedestrian or a biker. Mr. Butorac replied that the median design could include a pedestrian refuge, but that it would need the approval of ODOT.

Commissioner Haug wondered about pedestrian and biker safety at Everest and Hwy 219, let alone how people not in car can enter the neighborhood.

Jeff Caines, 8196 SW Hall Blvd., Suite 232, Beaverton, OR, first added two exhibits into the record. These maps show different aspects to the preliminary plat/cover to Orchard's Lair. (attached to the blue sheet).

Marc Butorac spoke again and recommended that the applicant be conditioned to pay for the Highway 219/2nd Street improvement, and to place funds into escrow towards phase two improvements, with a two year sunset clause if the funds were not used for improvements associated with phase two.

End of public testimony

Questions of staff:

Commissioner Haug asked for clarity on the above mentioned memo on costs put out by Barton Brierley. The applicant is going to pay for the \$ 20,000 improvement, and then set aside at least \$ 13,500 in escrow to cover future costs.

* * * **Chair Larson** asked for a short break * * *

Commissioner Smith believes that the TSP is sound, and that the improvement at 2nd Street matches the TSP recommendation. He then stated how he would propose the language.

Commissioner Haug wanted improvements at Everest included in the language.

Commissioner Foster asked if the planning commission was limiting itself to the memo and its figures.

Motion #3: Smith/Haug to amend motion with the following language: “1. The applicant shall construct the right-in/right-out at 2nd and Hwy. 219 intersection prior to first occupancy or as determined by public works director. 2. The applicant shall pay \$ 13,250 into an escrow towards future phase two improvement. Funds not linked to specific, future improvements listed on staff memo detailing intersection improvement costs within three years will be returned to the applicant.” (Yes 6/ 0 No, 1 absent)

The commissioners reopened public testimony to hear the applicant’s feedback to the amended language of the resolution.

Joe Schiewe said that he doesn’t want occupancy held up by ODOT.

Marc Butorac discussed the options at 2nd and Hwy. 219 and suggested an out clause if ODOT drags out other improvements. The timing of the improvement could be left at the discretion of the Public Works Director.

Commissioner Haug wanted to have the location of the street gates specified. **Commissioner Foster** was willing to avoid tying down the applicant during development.

Motion #4: Haug/Foster to amend the motion for street gates to be located at the taxi ways (Yes 6/No 0, Absent 1)

Commissioner Overbay was concerned with the lack of connectivity of this parcel of land with other parts of Newberg. She would like to see plans in the future to have connectivity as a higher purpose.

Commissioner Haug agreed, especially for the value that it adds to the homes. It will definitely be brought up at Orchard Lair II.

Motion #5: Smith/Haug to accept Resolution 2006-225 with two amendments (Yes 6/No 0, Absent 1)

3. **APPLICANT:** Kris Utz
 REQUEST: Conditional use permit to convert an existing single-family dwelling into a bed and breakfast establishment with four guest sleeping rooms.
 LOCATION: 401 N. Howard Street
 TAX LOT: 3218DD-9500
 FILE NO.: CUP-06-001
 RESOLUTION NO.: 2006-224
 CRITERIA: NDC § 151.210, NDC § 151.630

Chair Larson called for any biases, abstentions and ex-parte contact. None were mentioned.

Staff Report:

guest. One issue of compatibility that has been made a condition of adoption of this resolution is that a neighbor's request for a fence between their properties be granted.

Commission Foster asked if this property has been operating as a Bed and Breakfast. **Mr. Brierley** answered that it is not currently, but it had been in the past.

Public Testimony:

Loni Parrish, POB 1060, Newberg, OR, wanted to thank the staff for all of their help in the steps of re-establishing this property as a bed and breakfast.

David Miller, 400 N. Blaine Street, Newberg, OR, is the neighbor to the west and also the neighbor

End of Side A, Tape 2

who is requesting the fence between the properties. He also pointed out that off-street parking is an issue. Mr. Miller and his wife would like to see the parking in the alley to the north of the property. They want to keep their house a Victorian private residence.

Final Comments from Staff:

Barton Brierley did recount how previous conversations with the applicant discussed parking in the alley. The alley is next to garden which should probably be preserved for the serene settings desired at a bed and breakfast. Staff then recommended some addition language in the clause about the fence on page P244 of the agenda packet. The language should include "and/or a hedge and approved by planning director in consultation with the neighbor."

<p>Motion #6: Overbay/Tri to accept Resolution 2006-224 with one amendment (Yes 6/No 0, Absent 1)</p>
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VI. ITEMS FROM STAFF:

1) Update on Council items:

- NUAMC met to consider an URA amendment on the Schaad property. They did recommend approval of the Gueldner property across from the hospital.
- City Council has heard the deliberation about Springbrook Oaks Specific Plan/zone change with changes for more single family housing.

2) The next Planning Commission meetings will be October 12, 2006.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Foster mentioned the Chehalem Drive variance of speed limits. There are different speed limits for the different directions. **Barton Brierley** promised to investigate the issue.

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He also asked for follow up on Kemper Crest residents and their concern that was brought before Planning Commission. Maintenance has been performed, bank stabilization is underway, and there are still plans for working on a safe fence.

Chair Larson announced his resignation, effective immediately.

VIII. ADJOURN:

The meeting was adjourned 9:50 pm.

Approved by the Planning Commission this 12th day of October, 2006.

AYES: 6 NO: 0

ABSENT: 0
(List Name(s))

ABSTAIN: 0
(List Names(s))



Planning Recording Secretary



Planning Commission Chair P.T. Date 12/14/06