

## PLANNING COMMISSION MINUTES

April 13, 2006

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

*APPROVED AT THE APRIL 27, 2006 PLANNING COMMISSION MEETING*

### I. ROLL CALL:

Present:	Daniel Foster	Matson Haug	Chair Larson
	Phil Smith	Nick Tri	Cathy Stuhr

Absent: Devorah Overbay

Staff Present: Barton Brierley, Planning and Building Director  
David Beam, Economic Development Coordinator  
Harper Kalin, Assistant Planner  
Ruth Schlachter, Recording Secretary

### II. OPENING:

**Chairman Larson** moved right into the consent calendar.

### III. CONSENT CALENDAR:

**Chair Larson** brought to the floor the approval of the March 9, 2006 minutes.

<b>Motion #1: Haug/Tri</b> to approve the March 9, 2006 minutes (5 Yes/ 0 No, Stuhr Abstain)
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### IV. COMMUNICATIONS FROM THE FLOOR:

**Chair Larson** invited the guests (31 present at the beginning of the meeting) to bring up any issues not on the agenda. No one spoke.

### V. QUASI-JUDICIAL PUBLIC HEARINGS:

- |                   |   |
|-------------------|---|
| <b>APPLICANT:</b> | Chehalem Valley Housing Corp.   |
| <b>REQUEST:</b>   | Comprehensive Plan Map Amendment from LDR to HDR, Zone Change from R-1 to R-3 |
| <b>LOCATION:</b>  | 1901 N. Springbrook   |
| <b>TAX LOT:</b>   | 3216bb-1100   |
| <b>FILE NO.:</b>  | CPA-06-002/ZMA-06-003   |
| <b>CRITERIA:</b>  | NDC § 151.122 (3)   |

**RESOLUTION NO.:** 2006-209

**Commissioner Stuhr** owns property within a 500 ft radius of 1901 N Springbrook. She doesn't believe this creates a conflict of interest. The Commissioners agreed.

**Harper Kalin** presented the staff report. With grant funding this proposal will provide affordable housing for low income developmentally disabled adults. Existing water & sewer service are sufficient to provide service. The storm water system will be improved in 2007. The proposed use is apartments in R-3 zone, at a density of 15 units per acre. The proposal meets all criteria for this location. Staff proposes to adopt this proposal.

**Commissioner Haug** questioned what the impact will be to the look, feel, & livability of the neighborhood.

**Harper Kalin** said the proponents will better answer this question.

**Commissioner Foster** asked if the zone change to R-3 was specifically for disabled residents.

**Harper Kalin** No, R-3 only addresses density. Developmentally disabled people are allowed to live in any residential zone.

**Public testimony:**

**Marcia Mikesh, 301 Pinehurst Dr., Newberg** is the architect for Chehalem Valley Housing Corp. She testified that the parcel is in a good location; within walking distance to stores which she said is critical to this population who do not drive. The parcel is the right size for their proposed project and a good place for future growth which will soon be in this area. CVHC built two other housing units for low income, developmentally disabled adults. One is located in McMinnville, the other in Beaverton. They were both HUD subsidized. Construction materials will be similar to single family houses in the area. Not much parking will be required since the residents do not drive. Those two developments were designed to fit into the neighborhoods and the residents have been seen as a positive addition.

**Commissioner Haug** asked what the neighboring zones are at the two developments Marcia Mikesh mentioned.

**Marcia Mikesh** answered that Hendricks Place was a Conditional Use. The original home was a four-plex.

**Commissioner Haug** asked if there would be any open space because of the reduced need for parking.

**Marcia Mikesh** said there will be some garden/green space for tenants, some private outdoor space if possible.

**Commissioner Haug** questioned how high the buildings would be.

**Marcia Mikesh** answered that the units on the corner of Springbrook Rd & Middlebrook will be two stories. The other two units (near R-1 zones) will be one story with a solid fence. The central area will be a garden spot & green space.

**Commissioner Smith** reiterated the statement by Staff that Newberg has no housing of this type for developmentally disabled adults. He asked what is typical for a similarly sized city and if this percentage of the population is normally over-looked?

**Marcia Mikesh** answered that the other proponents will be better equipped to give that data.

**Commissioner Haug** asked if any 'scary' things have happened at the other two locations with similar developments.

**Marcia Mikesh** answered that this is not a criminal population, they are like kids. The state strictly regulates which applicants will qualify to be residents. They are high functioning individuals with no criminal background. She said that no, there have been no incidences at either the McMinnville or Beaverton locations.

**Lucy King, 2347 NW Victoria Ct, McMinnville** is a realtor in McMinnville. She got involved with this project when 2-3 parents approached her to find homes for their children. She got involved because of the need she saw. Her contribution was to go door to door, explaining the plan for the old house, and the new construction and financing. She guaranteed that the new building would reflect the neighborhood. It has good design, landscaping, and two stories (no taller than other two story homes in the neighborhood). They held open houses to show neighbors their plans. At ground breaking neighbors met the people who are now residents in the development. It's been occupied since July. She went back to the neighbors and asked if there were any problems. The only negative comment was that the lights are too bright at night. Neighbors feel comfortable with the residents who have become part of the neighborhood. Ms. King read a letter signed by neighbors supporting the Hendricks house in McMinnville.

**Commissioner Haug** asked if the property currently is only open space or is there a home on it?

**Lucy King** answered there is one home on it. The owners want to sell to CVHC. The owners support this idea.

**Commissioner Smith** asked about need for housing of developmentally disabled in Newberg.

**Lucy King** answered the number of interested families outnumbers the units which will be made available. McMinnville has other units which are already built and filled.

Tape 1, Side B

**Bob Smith, Families United for Independent Living, 29800 NE Benjamin Rd, Newberg** answered some questions posed earlier:

Residents of this home will be folks who don't need to be institutionalized, can live independently, but need support. This is the concept of independent living with support. An 811 Grant from the Department Housing and Urban Development was awarded to CVHC to build this 15 unit complex. There are 100 people in Yamhill Co. on wait lists however; it's hard to tell if they will fit the criteria. Adec will have 8 people working there who are will be capable of working & living independently, they could be potential residents. He spoke of the need in Newberg. He stated this property is ideal for the tenants because they don't drive.

**Commissioner Haug** questioned the age range of the residents.

**Bob Smith** answered there is no age limit. There are income criteria and developmental criteria. Developmentally disabled individuals are normally in a school program until age 21. This project will be publicly funded so it will be based on a first come, first serve basis. Tenants will stay until they can't live independently. At that point they may go to group home facilities or assisted living. Funding is available for them at that point.

**Commissioner Foster** asked who will maintain grounds.

**Bob Smith** answered that the onsite manager will be the property manager or property management company employee.

**Commissioner Foster** asked what the criteria are for developmentally disabled adults.

**Bob Smith** said that the criteria are defined by the State of Oregon. Residents will be placed on a first come first serve basis. This will not be a state placement living facility, rather independent living with support. Mr. Smith said that these individuals don't have a history of creating problems at all.

**Mike Hlopek, 3007 Dogwood Ave., Newberg** expressed concern for his property value. He doesn't want the low income, high density development to lower the value of his home. He is also concerned about the safety of the many children in his neighborhood.

**Commissioner Haug** asked Mike Hlopek to define what he meant when he mentioned high density.

**Mike Hlopek** answered that apartments are high density. Mr. Hlopek said that single family homes attract families.

**Commissioner Smith** asked Mike Hlopek whether he would attend an open house if Families United for Independent living would hold an open house to discussing these concerns.

**Mike Hlopek** said he would attend and discuss concerns at an open house.

**Rachel Kennedy – 1909 N Springbrook Rd, Newberg** lives just north of the property. She has lived there since 1972. Mrs. Kennedy objected to the proposal because she thinks her property value will decrease. She also expressed many concerns about the volume & noise of traffic on Springbrook Rd. She stated that the traffic will not be good for disabled people. She also said that the area is very wet during the rainy season, drainage is a large issue. Mrs. Kennedy questioned who will be responsible for the upkeep. She also wanted to know if the zone change is granted if she can also get a zone change. She wanted to know if the City will pay her for any loss in value to property because of this proposal. She wanted to know if the residents become incapacitated what will happen to them.

**Commissioner Foster** asked if drainage issues were addressed in design review phase, would that be acceptable.

**Rachel Kennedy** said when the city increases the storm water drainage capacity in 2007, that will not help her property because the water flows the other way.

**Commissioner Foster** asked Mrs. Kennedy to clarify whether the traffic concerns she has are for volume of traffic or safety for the potential new residents.

**Rachel Kennedy** stated the noise factor is her main concern. Disabled people will not like the noise

**Harper Kalin** points out where Rachel Kennedy lives on the map.

**Commissioner Haug** asked if Rachel Kennedy would be interested in a zone change for her property.

**Rachel Kennedy** stated a zone change would enable them to build on their property.

**Commissioner Foster** asked if Rachel Kennedy would be interested in selling her land to CVHC so they have more land for their project.

**Rachel Kennedy** stated she doubted that CVHC would offer what they think their property is worth.

**Tim May, 1904 Springbrook Way** owns the property which backs up to the proposed property. He agrees with Rachel Kennedy that there exists a very serious water problem. Water levels keep rising. Traffic is a concern. When Adeco laborers got off work there is a lot of traffic on Springbrook Road. He also has serious concerns about the property value decreasing because of higher density; he doesn't want it to appear he has an apartment building in his back yard.

**Carol Taylor, PO Box 893, Wilsonville**, has a special needs daughter. She expressed that disabled people aren't somebody 'different'. These people are 'us' people. They are just like you and I, except that they do have special needs. They are adults who make great neighbors because they are outgoing, not loud. They hold a job, walk, and don't drive. There is a need for this kind of housing. HUD doesn't give these grants lightly. This is the only grant awarded in Oregon. Developmentally disabled make up 3% of the population. These people need a place to live and are able to live independently. The proposal is for two single story and one two story buildings. This will be a smaller footprint than other developers will propose for this property which will allow 4.4 units on it with the current zoning. The units are attractive and will be maintained. Drainage issues will be addressed and improved from current condition. Ms. Taylor's daughter, who is disabled, is not bothered by traffic noise. She works at Adeco and walks to and from work. She is not a threat to the safety of children.

**Harper Kalin** emphasized that this is only a zone change and comprehensive plan change, not a design review application. Additionally, there is a demonstrated need R-3 zoned land within the City of Newberg. The application meets the applicable criteria.

**Commissioner Smith** said when design review occurs there will have to be mitigation at that point for storm water.

**Harper Kalin** said yes, storm water will be addressed at the Design Review application phase.

<b>Motion #2: Haug/Tri</b> to approve the res 2006-209 (6Yes/0 No)
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\*\*\*10min break\*\*\*

**Commissioner Larson** opens public legislative hearing.

## **VI. LEGISLATIVE PUBLIC HEARINGS:**

1.   **APPLICANT:**   City of Newberg  
      **REQUEST:**   Adopt Sportsmans Airpark Land Use Master Plan, including  
                      amendments to the comprehensive plan, zoning map, and  
                      Development Code  
      **LOCATION:**   Area near Sportsmans Airpark  
      **FILE NO.:**   GR-05-051                               **RESOLUTION: 2006-211**  
      **CRITERIA:**   NDC § 151.122

**David Beam** gave the staff report. He began with the history of project. A Master plan was created for the airport area. A Rural Investment Funds grant for 30k helped pay for the development of the plan. Prior to the development of the plan, discussions were held with land owners and all agreed with the concept of the master plan. Grant funds were used to higher a consultants. Aron Faegre and Associates who specializes in development of private airport plans. The master plan was developed after looking at other airport master plans and development codes and then choosing the best parts. Two community workshops were held March 2005 and October 2005. Staff also worked closely with the land owners within the master plan area in the development of the plan.

The plan is to develop the areas surrounding the airport (residential and industrial) in a manner that will help support the airport. The industrial zones will be set up with the intent of attracting good paying businesses that will benefit from being located next to an airport. This will give us an edge over other communities which don't have this type of situation. Right now, most of the land in the plan area is vacant. Improvements could also be made to the airport itself with outside funding sources; resurface the runway, lights, and maintenance. The airport's character is not expected to change. Small prop planes will use the airport not big commercial airlines or jets. Maps were described by David Beam. Types of uses are compatible with the permitted uses were also described.

Discussion was held regarding the process which has led to the development of this master plan.

Industrial and residential districts were described in detail in the report given by Beam. Mr. Beam included some modifications to the development code language of the draft plan.

**10:00 pm** The commissioners evaluated whether to continue to items 3 & 4 on the agenda. Because of the time, a decision was made to continue the current item tonight and postpone the next two items to a special meeting on April 27, 2006.

<p><b>Motion #3: Haug/Stuhr</b> to continue the resolution 210 &amp; 208 to April 27<sup>th</sup> Planning Commission (6 Yes/0 No, Overbay Absent).</p>
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**Commissioner Smith** asked where the list of permitted uses came from.

**David Beam stated that** the list was derived from looking at other airports and choosing the best parts for our situation.

**Commissioner Smith** stated the importance of all land owners being in favor of the overlay.

**David Beam** said there are very few property owners. Most are present.

Discussion was held regarding allowing private streets in the airport master plan. Also discussion was held regarding the access from highway 219 and the gate.

**Commissioner Haug** questioned what research was done on security of residential districts near airports.

**Commissioner Smith** asked for clarification regarding whether hangars can be in the residential zone or not.

**David Beam** answered that hangars can be in both airport residential and airport industrial districts.

**Commissioner Larson** questioned why we wish to limit the industrial land to air related businesses.

**David Beam** said it would give Newberg an edge to bringing these type of businesses to our city. Also, aviation businesses have relatively good-paying jobs.

**Barton Brierley** said the goal is to create an industrial area where **all** businesses have a relationship to aviation.

**Jerry Dale, PO Box 248, Newberg** answered a few earlier questions by the Commissioners. Gating the residential area is to provide security for the airport, not to exclude the general public from the residential area. Also, it promotes safety, as it will separate the general public from areas where aircraft are in operation on the ground. Also, they want to move the airport access road further west on 3<sup>rd</sup> Street, away from Highway 219, to create a safer access.

90% of the uses listed in the proposed industrial zone are from FAA standards. Those uses are required.

More discussion was held regarding security and access.

**Commissioner Haug** stated that if 90% is FAA and state requirements, he needs the documentation to support that statement. Concern was also stated that the gate might appear to be a gated community.

**Commissioner Larson** questioned the plan to turn ownership of the runway over to the City, and also the plan to lengthen the runway.

**Jerry Dale** answered that it would benefit the community if the runway were publicly owned. Federal funds will then be available to improve the airport and provide safety. Improvements might include: pavements, widening, lengthening, lighting, a visual approach system. Federal money is available for safety and capacity issues.

**Commissioner Haug** expressed concern that the city might not like to take on the responsibility/liability associated with ownership of the runway.

**Jerry Dale** stated that in 60 yrs the airport has never been sued or accused of being negligent. The biggest issue is federal funding. This will allow federal funds.

**Jeff Smith, 23600 Salamo Rd, West Linn** stated that as an airplane owner he understands the need for airports. He and staff have spent a lot of time going over how this works. This is a great opportunity to create what Newberg needs. The goal is not to do what other airports have done, rather to design what Newberg needs. There will not be large cargo plans on this runway. This is an opportunity for little aircraft, not 737's. The goal is to attract people who are airplane enthusiasts. That's the purpose of restricting use to aeronautics associated stuff. The gate is to keep things out of the runway, for safety, not value. Tonight is not the time to discuss placement of the gate. Tonight we work on other parts of this plan. This is the first step.

**Mike Robinson, Perkins Coie LLP, 1120 NW Couch St, 10<sup>th</sup> floor, Portland** is a land use attorney. He referred to a language change on page 77. This is a language change to "within" the subdivision not "adjacent to" the subdivision.

**Commissioner Smith** questioned the overlay on the west side of the canyon.

**Mike Robinson** Hangars will be on the East side, not the West side. No hangars will be built on the West side of the residential area. Since the east side residential development will have hangars, this residential area will not reach the density ordinarily attained. Therefore, density transfer will be allowed from the East side of the creek to West side. Also, yard setbacks and intrusions on hangars in the AR district you can have zero lot lines.

**Aaron Faegre, 520 SW Yamhill St, Portland** is a consultant to the city with a specialty in aviation planning. The appendix has a list of zoning ordinances used. Copies can be made available to Commissioners. Ordinances chosen for the City's plan are ones most successful for Industrial and Residential zones. The land areas available for airport residential use are miniscule. Language in this proposed code is to keep the airport residential district allowable.

**Commissioner Smith** expressed concern with moving the airport access and the use of private streets and gates to secure residential neighborhoods. What about changing it to conditional use, not a permitted use?

**Aaron Faegre** stated that private streets will allow for efficient use where airplanes and cars can utilize the same areas. If any problems arise, FAA may require those be closed.

**Commissioner requests:**

- 1 A list of ordinance documents used to develop the code language and copies of those documents.
- 2 Workshop for an hour before the start of the next meeting.
- 3 Mail the sample ordinances to the Commissioners before the April 27<sup>th</sup> meeting.
- 4 Comparison between the existing development code and the proposed.

**Deliberation:** The Commission approved continuing the deliberation at the April 27, 2006 special meeting to be held at the Newberg Public Library.

2. **APPLICANT:**J.T. Smith Companies  
**REQUEST:** Amend Comprehensive Plan Policies to allow UGB amendments near the North Side Road  
**FILE NO.:** DCA-06-003  
**RESOLUTION NO.:** 2006-210



3. **APPLICANT:** Newberg City Council on behalf of Newberg School District  
**REQUEST:** Modification of sign code to allow additional freestanding signs at schools  
**FILE NO.:** DCA-06-001 **RESOLUTION NO.:** 2006-208

The Commission approved continuing both items 2 and 3 to the April 27, 2006 special meeting to be held at the Newberg Public Library.

#### **VII. ITEMS FROM STAFF:**

1. Next Planning Commission (Special) Meeting: April 27, 2006, 6pm workshop, at the Newberg Public Library. Meeting begins at 7:00 pm.
2. April 17, 2006 City Council will consider an alternate NUAMC member. Smith has agreed to be that member.
3. May 11, 2006 is the Joint meeting with City Council.
4. If Commissioners are interested in attending the workshop on Land Use Planning Basics the City will pay full registration fee.

#### **VIII. ITEMS FROM COMMISSIONERS:**

**Commissioner Foster** suggested that the Newberg School District file DCA-06-001 be placed as the first item on the agenda for the April 27, 2006 Planning Commission Meeting. Commissioners and Staff agreed.

#### **IX. ADJOURN:**

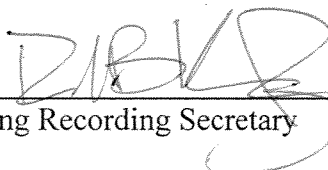
**Chair Larson** adjourned the meeting at 11:48 p.m.

**Approved by the Planning Commission this 27th day of April, 2006.**

**AYES:** 5

**NO:** 0

**ABSENT:** 1 **ABSTAIN:** 1  
(List Name(s)) Foster (List Names(s)) Stuhr

  
\_\_\_\_\_  
Planning Recording Secretary

  
\_\_\_\_\_  
Planning Commission Chair

5-11-06  
\_\_\_\_\_  
Date