



PLANNING COMMISSION MINUTES

September 13, 2007

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE OCTOBER 11, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL

Present: Daniel Foster (Acting Chair) Matson Haug Phil Smith
Nick Tri

Absent: Devorah Overbay (Chair) Lon Wall Cathy Stuhr

Staff Present: Barton Brierley, Planning and Building Director
Steve Olson, Associate Planner
Jennifer Nelson, Recording Secretary

Others

Present: Sean Bell, Frank Baumholtz, James Oakley, Claire Hertz

II. OPEN MEETING

Acting Chair Daniel Foster called the meeting to order at 7:05 PM.

III. CONSENT CALENDAR

1. Approval of the August 9, 2007 Planning Commission minutes

Motion #1: Tri/Haug to approve the Minutes from August 9, 2007. (4 Yes/0 No/3 Absent [Overbay, Stuhr, Wall])

IV. COMMUNICATIONS FROM THE FLOOR

Twelve citizens were present at the beginning of the meeting and they were offered the chance to speak on any issues not contained on the agenda. No additional items were brought forth.

V. QUASI-JUDICIAL PUBLIC HEARING

1. **FILE NO.:** CUP-06-002/DR2/VAR-07-002
REQUEST: Design review to allow new light poles at Newberg High School's baseball/softball fields, a conditional use permit to make one light tower a combination cellular tower/light pole, and a variance to the maximum height standard to allow the light poles to be 70 feet tall and the cellular tower/light pole to be 90 feet tall.
LOCATION: 2400 Douglass Avenue
TAX LOTS: 3217-2500
APPLICANT: New Cingular Wireless

OWNER: Newberg School District
RESOLUTION: 2007-243

Acting Chair Foster introduced the hearing after stating the applicable meeting rules and criteria. He asked for any commissioners' abstentions, bias, ex-parte contact.

Staff Report:

Steve Olson, Associate Planner, presented the staff report utilizing a PowerPoint presentation which is available for public review. The recommendation was for approval with conditions concerning the light trespass standard, a fence around the base of the tower to prevent contact with falling ice, the need to avoid the existing public water line/easement, to have FCC antenna structure registration, to obtain Oregon Department of Aviation approval, and resolve electrical/PGE issues.

Public testimony opened.

Proponents:

Sean Bell, representing the applicant New Cingular Wireless, discussed how they originally tried to add antennas to the existing tower but found that the tower could not support the weight. The new cellular tower/light pole was the proposed solution. He stated the applicant does agree with the recommendations made by staff and offered photographs for the record with simulations of what it would look like before and after.

Frank Baumholtz, Head Baseball Coach at Newberg High School, offered his support for the project and discussed the current conditions and improvements to safety with the upgrades.

Commissioner Phil Smith asked if there have been any complaints from the neighbors concerning the lights.

Mr. Baumholtz replied there had not been any complaints in the five years he has been there and that many of the neighbors actually come to games and support the team.

Commissioner Matson Haug asked how often the lights were on and how late.

Mr. Baumholtz said in the springtime the games are usually done by 8:00 PM and in summer there are not really any night games. He said the games would go until 10:00 PM to 10:30 PM at the latest with the summer double headers.

Acting Chair Foster mentioned that staff pointed out the lighting would help improve the safety conditions of those playing and asked him to speak briefly on this point.

Mr. Baumholtz discussed turning the lights on around twilight to finish the game, partly because there are dead spots in the outfield and the ball cannot be seen. He spoke of going to other fields and how the dead spots were not there and he said these lights will help achieve that on these fields.

Opponents:

James Oakley stated he moved into the neighborhood prior to the new ball fields and there was already one cell tower that can be seen from his back yard. He said he understood the issue of safety and was all for it, but he was opposed to the light intrusion already and this will light up the neighborhood even more. He also expressed concern for the traffic flow increasing for those activities being held later at night because of the lights. He spoke of issues with the school parking lot lighting and that they were not being controlled as promised. He felt if there was a need for another cell tower it should be considered to be located by the bypass and not adding another into an R-1 zone when there is one already.

Commissioner Haug asked where the alternative area on the bypass was on a map.

Mr. Oakley spoke of the proposed bypass, that it would be similar to I-5, and thought the tower would be something to look at rather than placing a tower in an R-1 area.

Acting Chair Foster asked him to explain more about the lighting and the school parking lots causing trouble.

Mr. Oakley responded they light up his whole back yard and although he was told they are on a timer, they have been on all night long sometimes. He said he understands safety reasons, but the kids play there even when the school is closed after dark and that creates a lot of undesirable activity back there; there has been some damage to the ball fields already, too.

Proponent Rebuttal:

Mr. Bell replied he was not a lighting engineer, but his understanding was more specific to the baseball field having the dead spots eliminated, the ball field would be lit at 360 degrees at all time, and lighting technology has come a long way in twenty years. He said he was not sure where the bypass is, but the reason they select a wireless tower location is based on the required coverage of their license and they evaluate everything. He spoke of it being less expensive to add them to existing towers, since it is much more expensive to build new ones. He said it was not a haphazard process and this is the best solution they could arrive at.

Public testimony closed.

Mr. Olson spoke of the significant improvements that the new lighting would make to the existing light trespass problem, and that the conditions of approval took this issue into account.

Deliberations:

Motion #2: Haug/Tri to adopt Resolution 2007-243 with conditions of approval.

Commissioner Smith brought up the issue of the ice and asked if there were any other tower or light poles that had any fence or protection. Staff replied there was not. He thought this condition may be a bit unnecessary considering there was not history of a problem.

Commissioner Nick Tri agreed there may have been only two instances where ice could cause an issue over the past twenty years, but where kids are concerned, the idea is to prevent even the once every ten year possible events.

Commissioner Haug thought the condition should be kept since the applicants already agreed and it could be argued it is in the best interest of the students. He spoke of the improvements already being significant and it will be more so concerning the lighting affecting the neighborhood.

Commissioner Tri agreed there have been steps made in the right direction.

Commissioner Haug also pointed out the comments concerning the existing school parking lot lighting issue is disjoint from this application and does not affect any of the approval criteria.

Vote #2: (4 Yes/0 No/3 Absent [Overbay, Stuhr, Wall]) Motion carried.

Commissioner Smith asked staff how neighbors would express concerns to the City about excess lighting.

Barton Brierley, Planning and Building Director, stated they would work directly with the school district and Ms. Claire Hertz (in attendance at this meeting) already offered to work with Mr. Oakley's concerns. He said if it is existing lighting there is not a lot the City can do about it, and they can only regulate new lighting.

2. **FILE NO.:** MISC3-07-003
REQUEST: A stream corridor variance request to allow a portion of the stream corridor to be filled for future expansion of a parking area, and to mitigate the impact through extensive landscaping on the new slope.
LOCATION: 1000 Commerce Parkway
TAX LOTS: 3220DD-700 & -1800
APPLICANT: Airpark Business Complex, Inc.
OWNER: Airpark Business Complex, Inc.
RESOLUTION: 2007-242

Acting Chair Foster introduced the hearing after stating the applicable meeting rules and criteria. He asked for any commissioners' abstentions, bias, ex-parte contact.

Staff report:

Mr. Olson presented the staff report utilizing a PowerPoint presentation which is available for public review. The staff recommendation was for approval with the key conditions to incorporate all SCIR (stream corridor impact report) recommendations into the grading and landscaping plans (grading during dry season and putting plants in promptly), to obtain any required DSL and U.S. Army Corps of Engineers permits, and to complete the consolidation of the two separate parcels.

No Proponents or Opponents appeared.

Public testimony closed.

Motion #3: Haug/Smith to adopt Resolution 2007-242 with the conditions of approval.

Commissioner Smith referred to page 161 and asked if the landscaping plan drawing provided in the conditions had to be followed in detail.

Mr. Olson replied it would be required to be pretty close to the actual drawing, with size details and type combinations varying slightly, but the density of plants would definitely be required.

Commissioner Smith agreed it would be better than the huge field of blackberries that currently exists.

Vote #3: (4 Yes/0 No/3 Absent [Overbay, Stuhr, Wall]) Motion carried.

ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley reported City Council heard the Springbrook Master Plan that this commission already heard at the last meeting, all who spoke were proponents of the plan; it was approved with the conditions already seen here and will move forward. He said they were working on getting the grading done for the Springbrook Inn project first. On October 1st, the Council will hear a proposal for the URA expansion, which has gone through NUAMC already.

Commissioner Haug added there was another NUAMC meeting on September 20th.

Mr. Brierley announced the following month will include a hearing on the issue of the big box with proposed regulations from last time it was discussed; options to consider were requested to be drafted and are complete. He also spoke of replacing the Student Planning Commissioner position, spoke of advertising and encouraged anyone to make recommendations if they knew of a possible candidate in the high school age range.

Commissioner Smith mentioned he would be absent at the October 11th meeting due to being out of the country.

Acting Chair Foster spoke of the commissioners absent for this evening and it was determined they were excused.

Mr. Brierley discussed training opportunities for basic land use planning, similar to what they will get in Eugene. A series of conference presentations were video taped and he proposed getting together to watch them and ordering dinner.

Commissioner Haug added there was a new crew training now, that the ones from the previous six years have retired and it would be a good one to attend as he expected the material to be refreshing.

Mr. Brierley noted the City will pay the registration fee for anyone who wants to attend in Eugene.

2. Other reports, correspondence

Commissioner Haug expressed concern over the new animated sign at Lewis Audio & Video.

Mr. Brierley replied the business was contacted several times and the City has been assured they intend to comply with sign standards. It has taken a while to get the programming right and there had been problems with too many people having access to the programming. It should be within the animation ordinances now.

3. Next Planning Commission Meetings: October 11, 2007 & November 8, 2007

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURN

Acting Chair Foster adjourned the meeting at 8:03 PM.

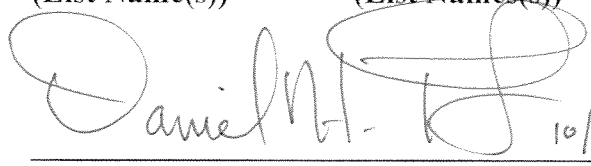
Approved by the Planning Commission this 11 day of October, 2007.

AYES: 5 NO: 0

ABSENT: FOSTER ABSENT: Vacant: 1
(List Name(s)) (List Names(s))



Planning Recording Secretary



Planning Commission Chair

10/11/07
Date