

NEWBERG PLANNING COMMISSION MINUTES
March 9, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Jason Dale called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Allyn Edwards, Chair
Cathy Stuhr
Ron Wolfe
Jason Dale
Philip Smith
Patricia Watson
Miranda Piros, Student

Members Absent: Gary Bliss, excused

Staff Present: Doug Rux, Community Development Director
Steve Olson, Senior Planner
Brad Allen, Assistant Planner
Bobbie Morgan, Office Assistant II
Sonya Johnson, Engineering

PUBLIC COMMENTS:

Fred Robinson, Newberg resident, discussed how traffic had increased and fatal bicycle accidents had occurred on Nelson Road where he lived and the surrounding area. A group had been formed called the North Valley Road Bicycle Safety Forum to discuss these issues. The new Gracie's Landing development had access onto North Valley Road, which was dangerous as there was limited site distance at that point. There were no bike paths or pedestrian amenities. He was concerned about that access and the additional homes that would be built with the Dutchman Ridge annexation that was on tonight's agenda. These would have an impact on North Valley Road and all who used it.

Mark Darcia, Newberg resident, had a conversation with Community Development Director Doug Rux last week and he asked CDD Rux to summarize the comments that were made. CDD Rux stated they had conversations related to past subdivisions including Terrace Heights and placement of a mailbox, lack of improvements to the intersection of Terrace Drive and College Street, and a tree blocking the site distance of that intersection. He had talked to the City Engineer regarding these issues and that department would investigate them further.

Mr. Darcia said when Terrace Heights was put in, a group of neighbors brought up these issues to the Planning Commission, but were ignored. They also wanted a stop sign put in on Morris and a Local Improvement District for the intersection of Foothills and College. He did not think this was serving the community. They also requested a tree be removed that blocked the view going north on Highway 219 and taking a left onto Terrace and that was not done. They asked that the turn from Highway 219 onto Terrace be improved, and the response was that the intersection was controlled by ODOT, the City, and the County and it was a lot of effort to work together and it would not be addressed. The mailbox on Petaluma and Terrace needed to be moved because it was creating problems when people stopped their cars in the middle of the road to check their mail. He asked for someone to get back to him on these items. He thought the neighborhood was being ignored and the City was missing opportunities to serve the public.

PC Edwards asked if the mailbox issue was a post office problem rather than a City issue. CDD Rux said these concerns were given to the City Engineer and would be addressed. The issue of the mailbox was a coordination issue with the post office.

CONSENT CALENDAR:

Approval of the February 9, 2017 Planning Commission meeting minutes

MOTION: PC Cathy Stuhr/PC Philip Smith moved to approve the February 9, 2017 Planning Commission meeting minutes. The motion carried (6 Yes/ 0 No).

NEW BUSINESS: Initiate a Comprehensive Plan Text Amendment to update the Water Master Plan. Planning Commission Resolution No. 2017-325.

CDD Rux said the City had been working on updating the Water Master Plan. A consultant had been hired to work on the project and the draft Plan had been completed. The Water Master Plan was a support document to the Comprehensive Plan and some adjustments and text amendments needed to be made in the public facilities section of the Comprehensive Plan. Staff recommended approval of the resolution.

PC Smith asked when the amendments would be brought to the Commission. CDD Rux said April 13.

MOTION: PC Philip Smith/PC Ron Wolf moved to approve Resolution No. 2017-325. The motion carried (6 Yes/ 0 No).

QUASI-JUDICIAL PUBLIC HEARINGS:

1. **Chehalem Cultural Center patio:** Consider a design review application to build an outdoor patio adjacent to the ballroom at the Chehalem Cultural Center. 415 E. Sheridan Street.
APPLICANT: Chehalem Park and Recreation District
FILE NO.: DR2-16-009 ORDER: 2017-01
CRITERIA: Newberg Development Code Sections: 15.220.050(B)

Chair Dale opened the public hearing at 7:21 pm.

The legal announcement was read by Chair Dale.

The staff report was presented by Senior Planner Steve Olson. This was a design review application to construct an outdoor patio adjacent to the ballroom at the Chehalem Cultural Center. This application also had to be reviewed by the Historic Preservation Commission on February 28, and it was approved with no changes. He explained the patio location, proposed site plan, and landscaping. He then reviewed the design review criteria. The key findings were that the patio project was compatible with the architectural design of the site, no changes were being made to the building, the light gray pavers would be visually compatible, the patio was low profile which minimized the visual impact, and the landscape buffer on Blaine Street further softened the view of the patio area. It would be an improvement over what the site looked like now. Staff did question if the patio would get in the way of future parking options. Currently there was enough parking at the site to take care of the ballroom project, but there were areas that would be renovated in the future such as a theater, which could trigger additional parking demand. The west side of the site needed to be retained for 26 temporary gravel parking spaces. Staff recommended approval of the application with one condition, to supply a detailed landscape plan.

PC Smith asked if 26 additional parking spaces would be enough. CDD Rux said there had been discussions regarding the renovations to the second floor of the ballroom. A variance request would come to the Commission to look at the uses for the second floor and to resolve the parking issue before the renovations took place.

PC Stuhr pointed out there were some narrow parking spots and asked if there would be a one way flow for cars. CDD Rux said this was overflow parking and was not being designed as an additional parking lot at this time.

Public Testimony:

Applicants:

Jim McMasters, Chehalem Park and Recreation District, said CPRD disagreed with staff's recommendations and condition. Currently people were parking where the patio would be installed. The patio would not add to the occupancy of the building and it would not impact the current parking plan that was in place.

Don Clements, Chehalem Park and Recreation District, reminded the Commission that when this process started in the 90's, they had 200 parking spots around the building. At that time the community said no, and the City directed them on what to do and CPRD followed that direction. The community had changed since that time and they were caught in the middle.

PC Smith asked about the parking, especially for larger events. Had there been conversations with the local neighborhood group? Mr. Clements responded the Cultural District Board was formed and the Board had been meeting with the neighborhood. A lot of parking problems had been alleviated.

Proponents: None.

Opponents/Undecided:

Robert Soppe, Newberg resident, thought there were some concerns that needed to be addressed. The first was the 2012 Phase 2 approval included a requirement for 53 parking spaces in the northern lot and he only counted 51. He thought the discrepancy came from removing two spaces for access to the gravel lot. The second concern was about the previous approval requiring 26 parking spaces in the gravel lot be maintained until a permanent decision was made on parking. This permanent decision was expected to happen with the Phase 3 approval. Although the analysis noted the applicant supplied a plan to maintain the 26 spaces, it did not note that they changed from standard parking spaces to compact parking spaces. Phase 2 was approved with the understanding that it did not meet the Code in regard to the number of parking spaces, but there was on street parking that made it less of an issue. The approval did not include the on street spaces as part of the Center's parking, but the approval was for the reduced number of spaces. The typical use of the gravel lot during large events was for large vendor vehicles in the lot, which would not fit well in compact spaces. While the gravel lot was supposed to be an overflow lot, the facility still did not meet Code for off street parking. He thought the Commission should either deny the application or include in the findings why they were approving the application even though there were discrepancies from the previous approval.

David Miller, Newberg business owner, thought the parking still needed to be addressed. If they were going to allow a decrease, they needed to document why they were allowing it. He was concerned about private events that could overflow, such as weddings, and there were no limits for how far the alcohol could travel outside the patio. He thought the patio should have walls with open gaps and gates that could be closed so the event would be more contained. There also might be issues with noise after 10 pm. He was a member of the Newberg Rotary Club and their Octoberfest event was moving to the Cultural Center. They would be putting up fences for the event to contain the space. He showed an example of what he meant for walling in the patio area. Rotary would address the parking in their event plan.

Mary Martin Miller, Newberg business owner, had been involved with the Cultural Center from its beginning and was on the Board currently. She thanked the neighborhood group for working together to figure out the parking and thanked CPRD for working on the parking for events. There were a lot of neighbors, and they had to be aware of how they would use the space. Parking could be addressed when they figured out the use of the rest of the building. Noise was an issue as well. She thought the Center was doing a good job of maintaining order when there were events. Flexibility was key.

Written correspondence: None.

SP Olson explained the supplemental packet information and the versions of the mailers that were sent out for the public hearing.

Applicant Rebuttal:

Mr. McMasters explained that the Event Center had to approve events and how they would be laid out.

Mr. Clements said the reason they did not propose to have walls on the patio was to make the space as flexible as possible. There would be movable containers that would have plants in them as well as other materials that would be put out from time to time. They could have built the patio when they built the ballroom, but they were told no at that time. They were going through the public process to build it now.

PC Stuhr asked about the process for events, and how the applications would be updated to address the patio and the control of alcohol and noise. Mr. McMasters said currently events went out on the area where the patio would be and people could go out into the street now. He thought the Cultural Center needed to increase security.

PC Smith said the previous approval said they had to have 53 parking spaces, and they only had 51. Was there a way to get more parking? Mr. Clements said there was an alleyway where two spots were taken away during events. Those spots could be used if they created an entrance off the street onto the gravel parking lot.

PC Stuhr said there was a finding that the Commission approved a variance with the previous application to allow them to have 77 parking spaces. She thought the current parking was acceptable.

Close of Public Testimony:

Chair Dale closed the public testimony portion of the hearing at 8:03 pm.

Final comments From Staff and recommendation:

SP Olson said there were noise ordinances for events in the Municipal Code. It was not something that could be controlled through the Development Code. OLCC had requirements for events that had alcohol. While there would be alcohol on the patio, it was not a fundamental design of the patio. It could not be addressed through the Development Code. He thought the parking had been addressed. Staff recommended approval.

Call for abstentions, bias, ex parte contact, and objections to jurisdiction: None.

Planning Commission Deliberation and Action:

PC Smith thought the patio would add to the success of the Cultural Center. Maintaining the flexibility for the use of the patio was a good idea. They were in compliance for the parking. A more significant parking plan would be brought to the Commission with the next phase of renovations. He thought the application met the criteria.

PC Stuhr said there was still an issue with the compact spaces versus the regular spaces. Given the casual nature of this parking lot, they could make the spaces bigger or smaller and there was a difference of only three parking spaces. There was no Attachment 3, but there was a 1, 2, and 4. SP Olson said Attachment 3 was a placeholder for public comment, but none had been received.

MOTION: PC Philip Smith/PC Patricia Watson moved to approve PC Order No. 2017-01. The motion carried (6 Yes/ 0 No).

The Commission took a five minute break.

2. **Dutchman Ridge annexation:** Consider an annexation application for three properties located at 25020, 25240 and 25300 North Valley Road (25.66 acres total). The zoning will change from AF-10 (County) to

R-1 (City low density residential). This matches the city Comprehensive Plan designation of LDR on these properties.

APPLICANT: Del Boca Vista, LLC

FILE NO.: ANX-17-001 RESOLUTION: 2017-324

CRITERIA: Newberg Development Code Sections: 15.250.020 & .030

Chair Dale opened the public hearing at 8:16 pm.

Call for abstentions, bias, ex parte contact, and objections to jurisdiction: None.

The legal announcement was read by Chair Dale.

The staff report was presented by SP Olson. This was a request for annexation of 25.66 acres on North Valley Road and to change the zoning to R-1, low density residential. The Comprehensive Plan designation for the site was low density residential with a stream corridor overlay on part of the site. He reviewed the criteria for annexation. The site was in the Urban Growth Boundary and was contiguous to the City limits along its southern boundary. The adjacent right-of-way of North Valley Road would be included in the annexation. He showed pictures of the location and development of the surrounding area. There were utilities from an existing subdivision that could be extended to the site. He explained the Concept Development Plan for the site and stream corridor. The proposed use complied with the Comprehensive Plan designation, there was adequate level of urban services available, future development of the property would require some right-of-way dedication, half street frontage improvements were required, and a traffic impact analysis would need to be done before development as well as a wetland delineation. There were no conditions of approval, but there were several notes for the future development of the site. There would be SDCs charged for parks and schools. Staff recommended approval of the application.

PC Smith discussed the zoning for a nearby subdivision that was being built, Gracie's Landing, and how a portion of North Valley Road was being improved. They would also be getting a portion of North Valley Road through this annexation. The City would be sharing the road with the County, what would the speed limit be and what kind of road would it be from Chehalem Drive to the east? CDD Rux said Chehalem Drive was a County road. The sections that had been improved had been improved to City standard, but the County had to also issue a permit for the improvements. It was the same for North Valley Road, which would be improved to City standards, but a County permit would be needed. The City and County did not determine the speed limits on roadways. The State's Speed Board determined that.

Public Testimony:

Applicants:

Dan Danicic said they were currently underway with the Gracie's Landing development and this site was a natural progression of development. It would help meet the growing housing demand that the City had already identified as a deficiency. The biggest hurdle for providing services was getting them to the Gracie's Landing site. They made a large investment to get the water and sewer lines to that site, knowing that they would be able to serve the larger area and make the development work. North Valley Road would be built to City standards and the right-of-way would still be County ownership until there was an agreement between the City and County to give the City jurisdiction. This typically happened after both sides of the road were improved. When they got to the subdivision design, there would be site distance studies on North Valley Road and any modifications needed would become conditions of approval. The stream corridor along the middle of the lots would create a barrier to development of roads. The concept plan showed the south side of the project going east and south for access and the north side of the project connected to North Valley Road and Gracie's Landing. If this was approved, it would be two to three years before the homes were built.

Jessica Cain said they held a neighborhood meeting to discuss any issues or questions the neighbors had. It was well attended, and she thought it was a positive meeting with support for the project. With the stream corridor,

there was a need for a wetlands impact analysis and they were in the process of doing that to have the least impact on the wetlands and maximize the number of lots that could be built. The final design might be different from the Concept Plan. This application met the criteria. The findings did not create conditions of approval for the annexation, but there would be some for the subdivision level. She had concerns about the requirement that sewer lines would be extended to all the lots in the subdivision and no private sump pumps would be allowed. She thought this was premature and should not be incorporated into the findings for the annexation. The findings also said the wetlands delineation must be submitted with the development application along with any permits or approvals required by DSL, the Corps, and DEQ. This was normally a condition made at the subdivision approval level. To have these permits in hand before the development application was submitted was also premature and would delay the project. The R-1 zoning was consistent with the Comprehensive Plan designation. She encouraged approval of the application.

Proponents: None.

Opponents/Undecided:

Charlie Harris, Newberg resident, said he was an affordable housing advocate. He thought in 2010 the Comprehensive Plan had been amended to say when large residentially designated parcels were to be annexed, the City shall apply a mixture of zoning to include R-3 zoned lands consistent with the policy of distributing affordable housing throughout the community. Such housing would be applied to portions of the property that were the most suitable for high density development. There was a need for affordable and multi-family housing in Newberg. There was only 21% of the R-3 land needed, while there was 90% of the R-1 land. There was a much greater need for R-3 than there was for R-1. This was also an economic development issue. A lack of affordable housing meant that service workers were harder to find for businesses, turnover was greater, and school teachers could not live in the community. This land was well suited for R-3 land as it was in walking distance to many amenities and transit was available. He asked if the Commission could require the applicant to bring in some of the land as R-3. Since this application did not include any R-3, the application should be denied. He thought the developer was told about this issue early on and had not addressed it. When the Comprehensive Plan said shall, it meant that it would be done. He handed out his letter to the Commission.

PC Smith asked for the definition of a large annexation. Mr. Harris responded it was not defined but thought 25 acres was a large parcel.

Fred Robinson, Newberg resident, had left the meeting early, but left comments that would be read later when written comments were presented.

Ron Dennis, Newberg resident, lived on a property that bordered the annexation. He was an opponent of development that was done without the thought of public cost versus private gain. He asked what the City standards for roads were.

CDD Rux answered the improvements would include right-of-way dedication, curbs, gutters, planter strip, sidewalk, and street lights.

Mr. Dennis was concerned about school capacity as the schools were already near capacity and there were many developments already going in that would increase the number of students.

PC Smith responded this issue would be addressed in the subdivision application. Each new house would pay fees to be used to build a new school in the future. CDD Rux said the School District had provided no comments on this annexation. It was up to the School District to plan for growth in the schools.

Mr. Dennis was also concerned about traffic and speeding on North Valley, Morris, and Jones Roads. There was no usable green space nearby as the park was behind the schools and was used as softball fields. The playground was on school property and could not be used during the week. He did not think that criterion was met. This

would not be affordable housing and was not benefitting as many citizens as possible as it would if it was zoned differently.

PC Smith asked if he would welcome affordable housing in this development. Mr. Dennis responded and said yes and no. Since this was one developer for this area, it gave the ability to have a more comprehensive development and a mix of properties would not detract property values as much as a larger parcel only zoned R-3. It would benefit more families long term.

Rick Rogers, Newberg resident, said several years ago citizens set about creating tools that would help bring a range of housing types to the community. One of the tools implemented was that large annexations would include a range of housing types, including R-3. Somewhere this ball had been dropped and he did not want it to happen on this annexation. Annexations were one of the only ways they had to bring in R-3 with the least amount of opposition. There needed to be a range of housing throughout the community. This was a large annexation. He asked that the Commission not ignore one of the tools citizens had tried to bring in. There was a benefit of having a range of housing types in the same location. There was concern that if they continued to build R-1, it was catering to a certain demographic and they were not encouraging diversity. Schools wanted to see a range of students as well. This was an opportunity to make a stand on the situation regarding R-3 land. It was an economic development issue as well as employers were finding it difficult to retain employees because there was nowhere for them to live. The problem would not be resolved by building more R-1 homes.

Written correspondence:

SP Olson said in the supplemental packet there was a letter from Paul Jones. He passed out a letter received from the Friends of Yamhill County. The Planning Commission read the letter.

SP Olson then read the written testimony from Fred Robinson.

Applicant Rebuttal:

Ms. Cain explained the annexation process. While they were not an opponent to affordable housing, it was a mechanism that was not always easy to meet due to the infrastructure. The systems in this area were not designed for that much density and they might not have capacity for what the lands were currently zoned for. She did not think R-3 was a good fit for this property. They were asking to be annexed and zoned as R-1 in compliance with the Comprehensive Plan designation. They had talked about the Comprehensive Plan policy brought up by the public testimony. That policy was not codified and was not required. They had discussed affordable housing needs with staff, and how the onus would be on the applicant to prove that R-3 was suitable for the site. The applicant would have to bear the infrastructure costs for R-3 and it was not affordable because the systems were not designed for that capacity. There would be SDCs for parks and schools and there were parks in the area. They had been encouraged to build single story homes, which was needed for the aging population. She welcomed meeting with those who had concerns. She thought they met the annexation criteria and asked for approval.

Dan Danicic added that in the Concept Plan there was a number of smaller lots that would be incorporated into the development. It would provide a mix of housing types and values.

PC Stuhr asked if some R-3 could be incorporated, such as one apartment building or some townhomes in the larger development. Ms. Cain thought if there was capacity to do so, they would consider it. She thought there were other areas that would be better suited for R-3 development.

PC Smith thought this was a large annexation and was required to provide some R-3. CDD Rux discussed the additional analysis the applicant would have to do to add in R-3.

Ms. Cain said they had already spent a large sum of money to analyze the property as R-1 and the analysis process would have to be redone.

Close of Public Testimony:

Chair Dale closed the public testimony portion of the hearing at 9:31 pm.

Final comments from staff and recommendation:

SP Olson said the Comprehensive Plan map would also have to be changed at the time of annexation if R-3 was added. There was limited flexibility with Comprehensive Plan designations. The many development notes and comments were not conditions of approval, but were issues that would need to be addressed in a future development application.

CDD Rux said these notes could be removed from the findings and kept in the development notes as a heads up for future development.

SP Olson said regarding transportation concerns and site distance, a transportation study would be done at the subdivision application process and the site distance requirements would have to be analyzed.

PC Edwards asked in order to make a change to R-3, would some major infrastructure changes have to take place. SP Olson said not necessarily. The Comprehensive Plan anticipated densities in different parts of the City and build out of those densities. There could be changes made to the Comprehensive Plan, however, extra analysis would have to be done and the annexation process would have to be restarted.

PC Watson asked at what point did they look at infrastructure so that R-3 could be included in large annexations. CDD Rux said a lot of conversations had been going on regarding addressing affordable housing. There was a group right now that was forming recommendations to take to the City Council about the issue.

PC Smith thought it was unacceptable to have a policy that could not be followed because it was not implemented into the Comprehensive Plan. They were in a bind because either they had to place unreasonable demands on the developer or they had to say that the City's policy did not matter.

The Commission took a five minute break.

Planning Commission Deliberation and Action:

PC Stuhr was disheartened that the policy had not been followed and they were in this position. She suggested having the City Attorney look into the court cases referred to in the Friends of Yamhill County letter. She wanted to know if they could make this change now.

PC Smith said the City was in a lose lose situation. They needed to change the Code to accurately reflect the overlying policy that all large annexations had to have R-3 land in them.

PC Wolfe agreed a mix of affordable housing was needed, but he was not sure how to address it in this application.

PC Edwards thought the builder was given the criteria, and the builder spent the time and money to fulfill those requirements. He recommended postponing the decision until they had clarification on the legal issues.

PC Watson thought more research needed to be done to see if the R-3 issue should have been included to begin with.

Chair Dale said it was R-1 based on the infrastructure. If no properties that were to be annexed in the City included an R-3 designation in the Comprehensive Plan which was an issue. He agreed to continue the issue to have the legal issues reviewed.

MOTION: PC Philip Smith/PC Patricia Watson moved to continue the decision on ANX-17-001 to April 13, 2017. Motion carried (6 Yes/ 0 No).

3. **Cell tower at 500 E. Illinois Street:** Consider a conditional use permit & design review application for a new wireless telecommunications tower and ground equipment at 500 E. Illinois Street. The tower will have a faux tree antenna support structure. File: CUP-17-001/DR2-17-001.

APPLICANT: Verizon Wireless

FILE NO.: CUP-17-001/DR2-17-001 ORDER: 2017-02

CRITERIA: Newberg Development Code Sections: 15.225.060, 15.220.050(B), 15.445.190

Chair Dale open the public hearing at 10:11 pm.

Call for abstentions, bias, ex parte contact, and objections to jurisdiction: None.

The legal announcement was read by Chair Dale.

The staff report was presented by SP Olson. This was an application for a conditional use permit and design review for a new wireless telecommunications tower on Illinois Street. He explained the site location and surrounding area. This was 6.3 acres with an existing industrial building with a mix of businesses. The lease area for the cell tower was under 600 square feet. It was a flat site with a mix of retaining walls, gravel, and chain link fences. He explained the site plan, tower, ground equipment, and site obscuring fence and hedge. It would be a monopole that looks like a pine tree. It would be 100 feet tall. He explained the criteria for the conditional use permit. The faux tree with painted trunk and branches that covered the antennas would effectively camouflage the tower and made it reasonably compatible with the industrial site and residential neighbors. The location and design created a functional improvement for cell service. Since they were 1,900 feet from another cell tower, they were required to get a conditional use. He then discussed the design review criteria. The camouflaged design made it compatible and it was not removing any required parking or landscaping. He then summarized the cell tower criteria. One condition was the applicant had to get confirmation from the Federal Aviation Administration, Oregon Department of Aviation, and FCC that it met their requirements. An engineer's report was also required to ensure the tower's stability and a letter of intent to lease excess space on the tower. There was a need to improve coverage in this area. There was a 100 foot setback from residential, 30 foot setback from the right-of-way, and there was room for parking on the site for maintenance. It was designed to accommodate additional antennas. The Code called for a 20 foot landscape buffer around the pole and at least one hedge. The applicant was proposing to do a hedge around the site and a site obscuring fence. He then listed the conditions of approval. Staff recommended approval of the application.

Public Testimony:

Applicant:

Ed Fourmier, Verizon Wireless, said he concurred with the staff report with one exception, Condition #4. This condition was to make reasonable efforts to contact the FAA, FCC, and ODA to get their response. This had already been done, and he noted it was difficult to get a response from FAA and FCC. This would be a 100 foot faux tower with branches. He showed examples of other faux towers. The reasons for the new tower were capacity and signal coverage. He discussed the two existing Verizon towers, the analysis of the need for a new tower, six panel design of the tower, screening and landscaping proposed, site plan, and access.

PC Edwards asked if the tower would improve the signal strength of the area or would it expand the area of service. Mr. Fourmier said it would be an increase in capacity.

Proponents: None.

Opponents:

Pat Haight, Newberg resident, lived nearby on Illinois Street and had a window facing where the tower would be placed. Illinois was a connector street connecting Main and College. It was used by bicyclists, pedestrians, families, seniors, and children. There was traffic and speeding on the street day and night and there had been accidents. There was a lot of truck traffic on the street as well. There needed to be a clear site distance through

this property and the fence would obscure the view. Lifelight has landed on this property more than once and the cell tower would be in the path of helicopters. This was a residential area and the cell tower would be an infringement and would put people at risk. She was concerned that the fence would be vandalized and thought the tower should be put in somewhere else.

Written correspondence: None.

Applicant Rebuttal:

Mr. Fourmier explained there was a perimeter fence around the entire property, and then there would be a fence around the tower. He did not think it would be vandalized. Regarding traffic, there would be one vehicle on the site one time per month to do maintenance. The tower would be located a distance away from the street. It would not have an impact on local traffic. In regard to flight issues, ODA and FAA were contacted and the flight elevation ceiling was 150 feet and they were a good 50 feet below that. No lighting was required to be put on the tower for aviation vehicles.

Close of Public Testimony: Chair Dale closed public testimony portion of the hearing at 10:50 pm.

Final comments From Staff and recommendation:

SP Olson said staff recommended approval with one change to the conditions. Condition #4 would be modified to say they had received confirmation from ODA, and that the applicant had done due diligence and tried to get comments from FAA and FCC.

Planning Commission Deliberation and Action:

PC Edwards thought this was a good design and would increase service.

MOTION: PC Cathy Stuhr/PC Ron Wolfe moved to approve PC Order No. 2017-02 with modifications to Condition #4. Motion carried (6 Yes/ 0 No).

ITEMS FROM STAFF:

The next Planning Commission meeting was scheduled for March 9, 2017.

ITEMS FROM COMMISSIONERS:

PC Edwards said the Commission could discuss issues on applications with staff. CDD Rux clarified talking to staff was not ex parte contact.

Chair Jason Dale adjourned meeting at 10:55 pm.

Approved by the Newberg Planning Commission this April 13, 2017.



Jason Dale, Planning Commission Chair



Bobbie Morgan, Office Assistant II