

PLANNING
COMMISSION
MINUTES

1993

Planning Commission Minutes

1993

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MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
February 18, 1993

Subject to P.C. Approval at 3/11/93 P.C. Meeting

I. OPEN MEETING

Chair Russell opened the meeting.

II. ROLL CALL

Planning Commission Members Present:

Jack Kriz
Michael McCauley
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Donald Thomas
Robert Weaver
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 21

Chair reviewed the agenda and asked if there were any additions or corrections necessary. None were identified.

III. APPROVAL OF MINUTES

Motion: Thomas-Roberts to approve minutes of the January 21, 1993 meeting. Motion carried unanimously.

Chair Russell reviewed the testimony process for public hearings.

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IV. PUBLIC HEARING

APPLICANT:	CB Investments, Richard Brown and Kenneth Coe
REQUEST:	Conditional use permit to allow development of a 50 space mobile home park
LOCATION:	East of Everest Street and south of 3rd Street
TAX LOT:	3220-1200
FILE NO:	CUP-1-93
ZONE:	R-3 High Density Residential
CRITERIA:	Newberg Zoning Ordinance, Section 638

Chair Russell asked for abstentions, ex-parte contact or objections. Chair Russell abstained from the hearing based on a possible conflict of interest. No other abstentions, ex-parte contact or objections were indicated. Vice-chair Kriz assumed the Chair.

Staff Report: Planning Director Egner reviewed conditional use permit criteria and identified the location of the site using slides and graphics. He reviewed referrals from the Engineering and Fire Departments. He revised staff report recommendations relating to site access location and street widths which would allow parking only on one side of the street loop system as presented by the applicant. He added that the Fire Department has agreed that Everest Court can be retained without being redesigned as a through street and still be serviced by the Fire Department. He reviewed a revised condition relating to street improvements, indicating that a non-remonstrance for street improvements could be signed by the applicants in lieu of immediate street construction. He indicated that the criterion for a conditional use permit have been met by this application.

Questions from the Commissioners:

Commissioner Roberts asked for clarification of Everest Road as opposed to Everest Street. Mr. Egner indicated that there was no difference. Commissioner Roberts also asked about the recommendation for parking to be restricted to one side of the street only. He asked who would enforce that regulation. Mr. Egner indicated that the site was entirely under private control and enforcement would be subject to the developer.

Commissioner Worrall asked if the streets were public, whether a cul-de-sac radius would be required. Mr. Egner indicated that typically only private streets were allowed this kind of access arrangement.

Commissioner Thomas asked if all sites would be required to have on site parking. Mr. Egner indicated that 2 parking spaces would be provided on each site.

Proponent: John DeYoung, 2459 SE TV Highway, Hillsboro, representing CB Investments, indicated he was assisting Mr. Brown and Mr. Coe with the development. He noted that the applicants have met with City staff to review the conditions as revised and they were willing to comply.

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Proponent: Marc Willcuts, Coldwell Banker, on behalf of the owners of the property, addressed the need for this type of housing. He noted that with the increase in single family costs, this is one of the only types of facilities available for low cost housing.

Opponent: None

Public Agencies/Letters: None.

Staff Recommendation: Mr. Egner indicated that the staff would recommend approval based on the revised conditions A-G.

Hearing Closed.

Commissioner Roberts questioned the ability of the City to police the parking limitation. He was concerned about the ability to protect the site from fire and police problems. Mr. Egner indicated that including the parking limitation through the CUP process would allow the City to control the parking. This could be dealt with through the violation enforcement process.

Commissioner Roberts asked why Everest Road was not being required to be improved to a full street width. Mr. Egner noted that City policy currently requires that property owners abutting each portion of the street pay for their fair share of street improvements.

Commissioner Roberts felt that the Everest Road improvement should be required to be full and waive the Third Street improvement to none, or to only a half-street improvement. Mr. Egner noted that the developer instigating the change is responsible for the frontage abutting his site. Mr. Egner reviewed the pattern of development on the west side of Everest.

Proponent: Mr. DeYoung indicated that the applicant did not have the right-of-way on the west side of Everest Rd. in order to enable them to develop Everest to a full width improvement.

Commissioner Weaver felt that an evergreen buffer would be more aesthetically pleasing for the community than a site obscuring fence. Mr. Egner reviewed the applicant's fencing proposal and indicated that it was similar to that provided at Ridgeview Village.

Commissioner Thomas asked if Everest Street was adequate to handle the traffic generated from this site. Mr. Egner noted that the transportation plan currently being reviewed indicated that Everest was adequate to provide for possible traffic generation and that there would not be a light required at the 219/Everest intersection.

Commissioner McCauley asked about the ingress/egress to site 1. Mr. Egner noted that the entrance area was 38-40 ft. wide and would be adequate for accessing site 1.

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Commissioner Worrall asked how the community could be provided with information about private streets and that conditions relating to those streets were enforceable only by the homeowners residing on them. Mr. Egner indicated that typically mobile home subdivisions contained private streets. He indicated that the entire development was under one ownership with leases for each site and separate ownership of only each housing unit. He noted that parking restrictions could be identified in the lease agreement.

Commissioner Weaver asked about the types of families expected to live in the park, i.e. adults only, families, etc. Mr. Egner noted that the applicant had not indicated any specific group or type.

Commissioner Ring questioned the lack of storm sewer to the site. Mr. Egner indicated that as a condition of approval, the applicant would need to work with adjoining owners for construction of storm sewer lines.

Commissioner Kriz asked about development of street connections to be developed in surrounding areas as they abut this site. Mr. Egner noted that alignment of streets to the west would not conflict with the entrance to the proposed site. Commissioner Kriz asked about a typical site layout including parking area, decking, storage, etc. Mr. Egner distributed a plot showing a typical site layout.

Commissioner Worrall asked what the current vacancy rate was for rentals. He felt that there was a very high need for low income rentals.

Commissioner Post asked why a wooden fence was provided on only two sides. Mr. Egner noted that the Commission had the ability to revise the conditions.

Commissioner McCauley asked where the nearest public park was to the site. Mr. Egner indicated that Hoover Park was fairly close.

Commissioner Kriz asked what the typical mobile unit length could be. Commissioner Thomas indicated that units could be up to 60 ft. long.

Mr. Egner noted that the units would be installed according to state requirements and setbacks off the private drive. City setbacks would be required to be met on Everest and Third. He noted that street tree planting would be required in the park strip along the street frontages through the design review process, together with living ground cover such as ivy or grass.

Motion: Post -Roberts to approve a conditional use permit to allow the development of an approximately 50 lot mobile home park on TL 3220-1200 based on revised staff report findings, staff report conditions A-G, and testimony. **Vote on Motion:** Aye--Kriz, McCauley, Post, Ring, Roberts, Thomas, Weaver, Worrall; Nay--None; Abstain--Russell.
Motion carried (8-0).

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Mr. Egner indicated that this decision was final subject to appeal and the reviewed appeal process.

Chair Russell resumed the chair.

V. PUBLIC HEARING:

APPLICANT:	Brian Carleton for Friendsview Manor
REQUEST:	Conditional use permit to allow a six dwelling unit expansion of Friendsview Village.
LOCATION:	1013 Cherry Street
TAX LOT:	3217CB-500
FILE NO:	CUP-2-93/PUD-1-93
ZONE:	R-2 Medium Density Residential
CRITERIA:	Newberg Zoning Ordinance, Section 633

Chair Russell asked for abstentions, ex-parte contact or objections. None were indicated.

Staff Report: Associate Planner King noted that the PUD was found to be unnecessary and the request is only for a CUP. She identified the site using graphics and slides and reviewed the history of development. She indicated that the expansion is proposed to occur in two phases, which will include an RV parking pad and six units. The applicant has also proposed an 8 ft. fence along the north property line adjacent to the railroad right-of-way to act as a sound and dust buffer. She commented that preliminary findings conclude that the criteria for a CUP are satisfied. She noted that sidewalks would be required to connect Friendsview Village to the Friendsview Manor as a condition of approval. She recommended approval based on staff report findings and conditions.

Questions from the Commissioners:

Commissioner Kriz asked about ownership of the units. Mr. Egner noted that there was no title transfer involved in the ownership of the units. He commented that the units are under the ownership of Friendsview Manor.

Commissioner Worrall asked about the width of the entrance/exit from the site. He expressed concern about the need to place parking restrictions on the site.

Proponent: Jay Baker, 6450 SW Alice Way, Beaverton 97005, manager of Friendsview Manor, indicated that all conditions attached to the staff report were acceptable.

Proponent: Brian Carlton, 921 SW Morrison #418, Portland, indicated he was the architect for the project. He noted that all the existing tall trees on the site would be retained. He noted that an evergreen hedge is proposed as a buffer between adjoining property owners. The fence adjacent to the railroad right-of-way was for the protection of the property from gravel,

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etc. occurring adjacent to the railroad. He noted that the openness of the campus was beneficial to the community.

Mr. Baker noted that the existing fencing would be continued along the length of the site.

Opponent: None.

Public Agencies: None other than those included in the staff report.

Letters: Mr. & Mrs. Macy - Spaulding Oaks - in support of the project.

Staff Recommendation: Staff recommended approval of the CUP subject to Staff Report conditions A-E.

Hearing Closed.

Commissioner Worrall felt the proposal was well thought out. He asked about the density requirements that indicate that the overall density of the Manor units contains 9.0 units per gross residential acre with the new units; however, if the density of the units on the Friendsview Village tax lot were only considered, the R-2 density is met.

Motion: Worrall-Post to approve a conditional use permit to allow expansion of Friendsview Village, based on staff report findings, staff report conditions A-E, and testimony. **Motion carried unanimously.**

Ms. King noted that this decision is final subject to appeal. She reviewed the appeal process.

VI. PUBLIC HEARING:

APPLICANT:	NSP Development
REQUEST:	Comprehensive Plan Amendment/Zone Change from R-2 MDR (Medium Density Residential) to R-3 HDR (High Density Residential)
LOCATION:	E. Second between Elliott and Everest
TAX LOT:	3220-1700, part of -1800
FILE NO:	CPA-2/Z-3-92
ZONE:	R-2 Medium Density Residential
HEARING DATE:	February 18, 1993 - Planning Commission March 1, 1993 - City Council
CRITERIA:	Ordinance 1967, Section 4 and Newberg Zoning Ordinance, Sections 600-606

Chair Russell asked for abstentions, ex-parte contact or objections. None were indicated.

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Staff Report: Planning Director Egner reviewed the zone change/comprehensive plan amendment criteria. He identified the site using slides and graphics. He reviewed the staff report findings, including density calculations addressing R-2 and R-3 buildout calculations. He reviewed Engineering Dept. comments relating to the benefit of having this site develop under a single development, thus allowing use of a single sewerage pumping system. He reviewed school capacity concerns and ODOT concerns relating to the need to control or close Second Street access to 219. He reviewed graphics relating to possible street patterns if Second Street access to 219 is closed. He noted that in order to attach development conditions, the zone change should include a PD overlay. He reviewed DSL comments relating to fill permit requirements upon development. He also reviewed an ODOT, Aeronautics Division letter relating to protection of the integrity of the existing airport. He noted that the criteria for a zone change and comprehensive plan amendment have all been met.

Questions from the Commissioners:

Commissioner Worrall asked what the next step was in the development process. Mr. Egner indicated that the site plan review process was a City staff review and if the wetland area were to be disturbed, the Division of State Lands would review the project.

Commissioner Worrall asked if the area was on Newberg's inventoried open space. Mr. Egner noted that it was a national inventoried site but not on the City's inventory.

Commissioner Kriz asked if the property will come back before the Planning Commission for their review. Mr. Egner indicated that if an apartment complex were to be placed on the site, it would not be reviewed by the Planning Commission; however, if it were subdivided, it would.

Commissioner Worrall expressed concern relating to the wetlands on the site. He was concerned about the City's responsibility for protecting the wetlands.

Mr. Egner indicated that City policies require coordination of wetland concerns through DSL. Mr. Egner noted that findings could be made to also emphasize the need for natural storm drainage through that site.

Proponent: Mart Storm, NSP Development, 441 SW Maple, Dundee, indicated that the intent for development was to develop 1-2 bedroom apartments on the site, with outdoor recreation facilities, renting for under \$500 per month to provide affordable housing for lower income individuals. He noted that exiting from the site would be toward the light at 99W and Villa. He indicated that the drainage ditch on the site was a sharp ditch used for drainage and did not hold standing water. He noted that appropriate DSL permits would be obtained as needed. He felt that proper placement of the units on the site may preclude the need for a pump sewer system; however, a private pump system could be installed as needed. He expressed concern about how the cost for closing the Second Street/Highway 219 intersection would be apportioned to this site through the non-remonstrance process.

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Commissioner Roberts asked about limitations in the development density on the airport side of the property. Mr. Storm indicated that he has no specific design at this time and is working with an apartment developer to develop the site to its best advantage.

Opponent: Art Brownrigg, 308 S. Airpark Way, indicated he was not very pleased with the request for upzoning to R-3. He indicated that the roadway intersection was very hazardous with numerous accidents. He cited several aircraft accidents which have occurred in the general area. He noted that Sam Whitney uses a turboprop crop duster leaving the airport around 4:00 am every morning during crop dusting season. He indicated that the area was very noisy and could adversely impact the development.

Opponent: Pat Haight, Newberg resident, indicated that the airport was an asset to the community and would like to see Sportsman Airpark maintained and protected. She felt that there was a need for apartment complexes and low cost housing in Newberg; however, she expressed concern about the potential for increased crime in the area because of the increased density created by the mobile home development and the existing apartments already in the area.

Public Agencies/Letters: Division of State Lands and Oregon Transportation Department, Aeronautics Division letters, in addition to those included in the staff report.

Proponent Rebuttal: Mart Storm noted that there are virtually no sites available for apartment construction in the City today. He noted that the parcels either have service problems or are in the process of being developed. He noted that the crashes indicated by Mr. Brownrigg all occurred in the airport flightpath and that Mr. Brownrigg lives closer to the airport than the proposed site is.

Staff Recommendation: Staff recommended that the project be approved by the Planning Commission and forwarded for approval to the City Council with a PD overlay together with conditions A-D.

Hearing Closed.

Chair Russell noted that the deliberation should focus on the zone change/comprehensive plan amendment request and not any potential development.

Commissioner Roberts asked if a condition could be placed on the zone change to require that any development be brought to the Planning Commission for approval. Mr. Egner noted that the Commission could require that a PUD be placed on the project or require that site review could occur at the Commission level.

Commissioner Worrall asked for clarification of the location of the drainageway. Mr. Egner reviewed a map showing the drainageway location.

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Commissioner Kriz asked for clarification of the PD overlay requirements. Mr. Egner reviewed the PD requirements.

Commissioners Ring and McCauley expressed concern about the appropriateness of the site.

Commissioner Roberts indicated that the development of the site for apartments was potentially beneficial and that the serviceability of the property could benefit from having the site owned by a single owner.

Commissioner Worrall indicated that placing conditions on the development for further review by the Planning Commission was appropriate.

Commissioner Ring expressed concern about the siting of so many high density developments near the airport.

Commissioner Kriz discussed timing for the closing of Second Street.

Commissioners extensively discussed the closing of Second Street and the timely revision of Second Street access to another area of 219.

Commissioner Weaver indicated that there would likely be changes to the 219/Second Street access even if the zone change were not granted.

Commissioners revised conditions A-D as follows:

C. Add the following sentence.

Assessment shall be based on projected traffic at the new intersection and shall be tied to a percentage of trips generated by the new apartment complex.

E. The Planning Commission will provide final site review approval.

Motion: Worrall-Thomas to recommend to City Council approval of the Comprehensive Plan Amendment from MDR to HDR and a zone change from R-2 Medium Density Residential to R-3 PD High Density Residential Planned Unit Development on TL 3220-1700 and pt. of 3220-1800 based on staff report findings, revised staff report conditions A-E, and testimony. **Vote on Motion:** Aye--Post, Roberts, Thomas, Weaver, Worrall, Russell; Nay--Kriz, McCauley, Ring. Motion carried (6-3).

VII. OLD BUSINESS

A. Request for extension of subdivision preliminary approval - The Meadows Subdivision (formerly Stuart Estates Subdivision)

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Mr. Egner reviewed the request for extension by the applicant and indicated that the subdivider is now diligently working to complete final plat approval for phase I. He distributed a letter in support by John Owen of Century 21.

Motion: Thomas-Post to grant a one year extension for The Meadows Subdivision to complete final plat approval.

Commissioners reviewed a print of the final plat.

Vote on Motion: Motion carried unanimously.

B. General Hazard Overlay Update

Commissioner Worrall indicated that the meeting dates have changed to Wednesday nights from 7-9 and that the group will be putting together straw-man wording for the ordinance update. The group is working toward presentation at the April Planning Commission meeting.

C. School Capacity Issues

Mr. Egner indicated that he would be consulting with the Community Development Committee relating to this issue.

D. Specific Development Plan Update

Mr. Egner indicated that the first steering committee meeting is scheduled for next Thursday night at 7 pm at the Newberg Community Hospital, meeting rooms 1 and 2.

E. Urban Reserve Area Update

Mr. Egner indicated that Mary Dorman, project consultant, will be meeting with Council on March 1, and neighborhood meetings will occur on March 9 and 15.

VIII. NEW BUSINESS

Mr. Egner reviewed the March agenda.

Commissioner Roberts recommendation that testimony be limited to 5 minutes and that no one should be allowed to transfer their testimony time to anyone else. Chair Russell indicated he would verify with the City Attorney how flexible the testimony procedure may be.

Mr. Egner distributed a memo from the City Manager relating to a recent Newberg Graphic editorial and he reviewed the inconsistencies in the editorial.

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IX. COMMUNICATIONS FROM THE FLOOR

None

X. ADJOURN

There being no further business, the meeting was adjourned at 11:00 pm.

MINUTES OF THE PLANNING COMMISSION

**Kershner Hall - GFC
Thursday, 7:00 PM**

**Newberg, Oregon
March 11, 1993**

Subject to P.C. Approval at 4/8/93 P.C. Meeting

I. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting.

II. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Michael McCauley
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary
Bert Teitzel, Director of Public Works

Consultant Present:

Andy Mortensen and Gary Katsion, Kittleson & Assoc.
Paul Morris, McKeever/Morris

Citizens Present: approximately 160

III. APPROVAL OF MINUTES

Motion: Kriz-Weaver to approve minutes of the February 18, 1993 meeting. Motion carried unanimously.

IV. OPEN NUAMC MEETING

The meeting was then turned over to Commissioner Goecks to convene NUAMC.

V. NUAMC ROLL CALL

Dennis Goecks
Don Halbrook
Alan Halstead
Bill Jackson
Jack Kriz
Leslie Lewis
Martin McIntosh

VI. NUAMC ELECTION OF OFFICERS

Commissioner Goeck opened nominations for chair and vice-chair. Jack Kriz was nominated for Chair and Don Halbrook was nominated for vice chair. Nominations were closed and both individuals were unanimously elected.

Planning Commission Chair Russell then resumed direction of the meeting. He reviewed the testimony process for legislative public hearings and then asked for a show of hands relating to interest in the various issues of the hearing. He indicated that individual speakers would be limited to 5 minutes and speakers representing groups would be limited to 10 minutes.

VII. JOINT PUBLIC HEARING: NEWBERG TRANSPORTATION PLAN

Applicant:	City of Newberg
Request:	Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.
File No:	Newberg Planning File G-8-93
Criteria:	Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).

Planning Commission Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. The following abstentions were noted: Carol Ring abstained due to past involvement with the issue and location of residence. Steve Roberts abstained due to business contacts with water systems located in the areas under discussion. No additional abstentions, no objections to jurisdiction, and no ex-parte contact were noted.

Staff Report: Planning Director Egner read ORS 197 relating to the hearing process. He introduced himself and welcomed the audience to participate in the transportation systems plan development. He indicated that the Planning Commission and NUAMC were receiving

public testimony at this meeting and additional meetings relating to this issue. He noted that the Planning Commission would forward a recommendation to the City Council and NUAMC would forward a recommendation to the County Commissioners. He reviewed the various topics to be discussed and he noted the roles that Planning Commission and NUAMC play in the decision making process for the transportation plan. He reviewed the Comprehensive Plan, Subdivision and Zoning Ordinance criteria and Statewide Goals that apply to the adoption process.

Public Works Director Teitzel noted that the transportation process has been ongoing for about one year. He noted that the Visioning process had identified the transportation plan as a high priority in the City. He commented that coordination with the State is also required as the State is reviewing bypass issues. He commented that the State's new transportation planning rule requires that Newberg adopt a transportation plan by 1996. He indicated that a technical advisory committee has been appointed to review the consultant's recommendations. A citizens advisory committee has also reviewed the plan. Two community workshops have also occurred. He indicated that the plan includes a street plan, bicycle/pedestrian plans, air/rail/ water and pipeline plans, etc. He presented a slide show relating to the transportation plan which included maps outlining arterial and collector streets. Several models relating to possible transportation options and roadway standards were reviewed. Slides showing samples of the various roadway standards were reviewed.

Andy Mortensen, Kittleson and Associates, consultant for the project, indicated that in meeting with the citizens advisory committees, goals were established relating to pedestrian and automobile planning. He reviewed the existing transit system now available in the community and how it relates to the Portland transit system. He noted that preliminary investigation of a direct bus transit system to Portland indicates it would be a viable option for the community. He noted that the plan proposes development of a local transit district for operation of local transit service. Part of the plan includes facets of the transportation system geared to bicyclists and pedestrians. The plan includes recommendations to improve sidewalk and bicycle paths throughout the city. He noted there is a pedestrian/bicycle pathway project planned up Hess Creek Canyon to provide for recreation. He noted that air transportation and rail service are also included in the plan. He noted that changing rail service provisions may require some revisions to the plan; however, retention of the rail rights-of-way is desirable. Water and pipeline transport was also reviewed in the plan. He indicated that implementation of the measures noted in the plan will require ordinance revisions.

Mr. Egner noted that adjustments must be made to City engineering standards and the Subdivision Ordinance. He noted that the street standard minimum of 32 feet recently adopted by the council is one part of the adoption process. He noted that revisions to the Subdivision Ordinance and general land use issues need to occur to implement the plan. He reviewed revisions needed to design review standards, bicycle and bikeway standards,

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pedestrian/bicycle access and internal pedestrian circulation. Using graphics he reviewed internal pedestrian, parking and landscaping designs and pedestrian friendly developments.

Mr. Teitzel reviewed the financial plan for funding the transportation plan. He noted that the City would be responsible for about \$7 million of the funding, \$14 million would be paid by developers, system development charges would cover about \$12 million, adjacent landowners would be responsible for \$4 million, the State \$2 million and Yamhill County \$3 million. Funding available to cities includes state gas tax, local gas tax, user fees, property tax, local sales tax, economic development funds, SDC's and direct assessment. He reviewed policies and standards within the plan which had financial impacts on new developments and existing developments. He reviewed proposed timeframes for developing new streets and improving existing ones. He reviewed slides relating to alternatives for the proposed NE area arterial. He noted that neighborhood meetings in the area have occurred to discuss the various alternatives. He indicated that the citizens advisory committee's recommendation was to adopt a NE arterial with no specific location designated. He reviewed traffic characteristics by street classifications.

Staff Preliminary Recommendation:

Mr. Egner recommended that the Commission and NUAMC refer the matter back to staff for some minor modifications and additional analysis.

Public Agencies/Letters:

Mr. Egner indicated that DLCD has reviewed the transportation plan but has not offered comments and need additional time.

Letters/memos were distributed to the Commission and NUAMC and were briefly reviewed as follows:

February 18 1993 letter from Gary & Janet Warrington objecting to Crestview collector.

Newberg City Council Resolution 93-1758 relating to street widths.

March 9, 1993 memo from Michael Sherman, Newberg Fire Chief.

March 1, 1993 letter from John & Nancy Jones objecting to Crestview collector.

March 4, 1993 letter to John & Edith Plews from Duane Cole, Newberg City Manager.

February 26, 1993 letter from John & Edith Plews objecting to Crestview collector.

March 9, 1993 letter to Patrick & Patricia Ridenour from Duane Cole, Newberg City Manager.

March 2, 1993 letter from Patrick & Patricia Ridenour objecting to transportation plan issues.

March 11, 1993 memorandum from Mike Twenge objecting to all options relating to the NE area collector.

March 11, 1993 letter from Joan & Ken Austin supporting the transportation plan.

March 11, 1993 letter from Leonard Rydell objecting to transportation plan issues.

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March 10, 1993 analysis from Scott Gibbons objecting to Crestview collector.

March 4, 1993 Citizen's Advisory Committee minutes, Newberg Transportation System Plan.

Commissioner Goecks indicated he had also received numerous letters and he submitted them for the record. They are identified as follows:

March 4, 1993 meeting information letters to Mr. Migaki, Mr. & Mrs. Davidson, and Patrick & Patricia Ridenour from County Commissioner Dennis Goecks

March 2, 1993 meeting information letters to John & Edith Plews, Gary & Janet Warrington, Kathy & George Rice, and Brian & Lauri O'Connor from County Commissioner Dennis Goecks

February 24, 1993 letter from Brian & Lauri O'Connor objecting to Crestview collector.

February 18, 1993 letter from Gary & Janet Warrington objecting to Crestview collector.

February 23, 1993 letter from Kathy & George Rice objecting to Crestview collector.

February 23, 1993 letter from Mrs. Janet Warrington objecting to Crestview collector.

February 26, 1993 letter from John & Edith Plews objecting to Crestview collector.

March 2, 1993 letter from Terry & Susan Davidson objecting to Putnam/Benjamin collector.

March 2, 1993 letter from Patricia & Patrick Ridenour objecting to Crestview collector.

March 1, 1993 letter from George Migaki objecting to Crestview collector.

Public Testimony, Groups:

Jeff Osborne, 3202 Crestview Drive, representing the Crestview Group, indicated he has been dealing with this issue for about 4 years. He addressed two areas: the plan and its credibility. He felt the basic elements should protect the current residents of the community. He felt that protection was often one of the last things discussed. He indicated that there was a lack of credibility from the City and the County and that the City's close association with the Chamber of Commerce is not healthy. He indicated that the City gave \$30,000 in city taxes to help fund the Chamber and is also a member of the Chamber, paying dues of \$3,000 yearly. He felt that the workings of the community were not enhanced by this relationship and that the City was being overly influenced by the Chamber. He felt that the County has neglected their responsibilities in the transportation issue. He expressed concern about the matter of alignment in the NE Newberg area. He felt that the County should realize that Newberg is someone to be dealt with and not the second cousin to McMinnville and western parts of the county.

Jeff Kleinman, attorney, 1207 SW 6th Avenue, Portland OR 97204, representing Oxberg Lakes Homeowners Assoc., reviewed the history of development of Oxberg Lake Estates in 86-88. He indicated that prior to the subdivision applications being filed with the County, the owner had filed numerous applications with the City to develop the property to City standards. He indicated that the City did not wish to annex the property and the owner then went to the County to subdivide the property. He indicated that the City attempted to interfere in the County subdivision process at that time. He further reviewed exhibits relating to the

development process of Oxberg and the development of Crestview as a non-arterial in this area. He presented exhibits relating to the history of this development process. He commented that under the State's transportation rule, development of transportation plans will require exceptions to Goal 11 and Goal 14 of the transportation rule. He indicated that OAR 660-12-0353A (?) would be violated if this alignment were adopted. He indicated that there is an apparent assumption that this arterial has been on the maps for 20 years. He noted that maps lying around at the County and City indicating this arterial were never adopted.

Nan Atzen, 29365 Putnam Rd., and Dave Dailey, Putnam-Benjamin Road Association, presented a petition in opposition to the Putnam/Benjamin Road alignment. He indicated that the rural lands rule would apply to their area as well. He discussed the approval process for Oxberg Estates Phase III. He noted that the County did send out inquiries relating to the subdivision application and the City's response was very specific relating to the development of Crestview as an arterial. He indicated that the County approval process did include the City's requested conditions. He reviewed the County's stand in the development of Oxberg Lake Estates. He indicated that the Putnam-Benjamin Road Association is opposed to the Putnam alignment as being inefficient and not cost effective, especially in light of the extensive history relating to the anticipated Crestview alignment. He indicated that topography and waterway crossings alone would make this option cost prohibitive. He reviewed proposed cost for construction of each bridge required for the Putnam alignment. Additionally, he noted that notices had not been received until late January. He indicated that their neighborhood doesn't want the road. He noted that the Kittleson report had some inaccuracies relating to housing counts on the various alignments. He noted the impacts on the existing homes, wells, and septic systems with the Putnam alignment.

Dennyese Wheeler, 3112 Crestview, representing Crestview Drive Neighborhood Group, expressed concern relating to buffering of residential properties. She supported development of a transportation plan for the community which could be depended upon by the community in the future and she would like to see a plan where all present and new development would be buffered. She presented a diagram relating to buffering of residential areas from arterial traffic, trucks etc. She cited Bull Mountain Road as an example of this type of buffered housing development. She indicated that schools should be built within these residential areas and not surrounded by commercial and industrial development. She noted that the Crestview area was a good example of the possible expansion of industrial uses into residential neighborhoods. She stressed the importance of buffering existing residential areas in every way possible. She noted that College, Main and Chehalem Drive are recommended to be 3 lane roads. She recommended that College and Illinois south of Main should be designated truck routes to deter truck traffic from the north Newberg area. She noted that the City's connection with the Chamber of Commerce should be revised and the support money should be redirected to school or transportation expenses in the community.

Don Clements, Supt. of Chehalem Park and Rec District, 1802 Haworth, noted that as a citizen of the community, he supported the commission and encouraged them in their endeavors. He discussed the planned collector near Highway 219, Chehalem Drive and North Valley Road. He indicated that the Park District is discussing locating a park in that area. He requested that the Commissioners clear up the specific problem areas prior to adopting any document. He requested that specific information be included in the plan relating to areas of concern. He next addressed the comments relating to the \$30,000 Chamber donation. He noted that the money came from the motel/hotel tax and that was dedicated to the Chamber some time ago.

Question to Mr. Clements: Where is the specific location you are looking at for a park? He noted it was in the vicinity of the Crater site designated for a school on the Comprehensive Plan and he requested that the transportation plan be a little more specific. He noted that the Chamber has contracted with the City for a service which would cost more to the City if independently funded.

A 10 minute recess was called after which the meeting was reconvened.

Public Testimony, Individuals:

Terry Atzen, 29365 NE Putnam Road, spoke in opposition to the third option. He reviewed an overhead relating to both positive and negative aspects of the Crestview and Mountainview options. He noted that the cost of bridges in Option 3 would be a minimum of \$4 million. He noted that there is a historical site in the area.

Paul Anderson, 4601 Blue Heron Ct., asked Dave Dailey about the limitation of choices to Crestview or Putnam as arterials and where he got his information.

Mr. Dailey responded that the material came from public record.

Mr. Anderson felt that Oxberg residents were not proposing that the arterial be moved to Putnam. He questioned that the option to do nothing would cost \$10 million more and that there were other options.

Dennis Farber, 1808 Leo Lane, felt any kind of northeast arterial would impact his subdivision. He expressed concern that all Kittleson reports and graphics had no scale. He felt the reports were meaningless and that accurate information should be provided to the public. He noted that there has been very little breakdown of cost provided to the public. He indicated that he had been told schools were not a consideration and that the concern was only about roads. He noted that the plan was proposed to be pedestrian friendly but 3-5 lane roads were designed to divide neighborhoods up. He felt that public health would be impacted by the diesel fumes coming from the arterials into their backyards.

George Alexander, POB 350, Newberg, indicated he has been involved in the east-west road discussion since 1972. He noted that the traffic impacts are already severe in the area. He indicated that it was the duty of the City to try its best to represent its citizens. He indicated that the process cannot occur overnight but a plan is needed. He felt that the route chosen in 1972 was the most appropriate and also that the Mountainview Route through Buckley's Mountainview Park was also designated and should be used.

Kathy Rice, 4600 Blue Heron Ct., indicated she has lived in the area for 15 years, and built in Oxberg Lake Estates several years ago. She noted that the subdivision has approximately 30 children. She noted that they would all have to cross this 'truck route' to get to school and the Springmeadow Subdivision. She felt it was a safety hazard for the children and she opposed this route.

Carla Anderson, 4601 Blue Heron Ct., discussed safety for children and safety for the community. She indicated there are 30 children in their community, 25 of elementary age or younger. Residents live there for the open spaces and a safe environment. She pointed out that Bird Haven Loop is a road which connects Oxberg to Springmeadow and is a connector to that subdivision, used for pedestrian and bicycle access. She felt it was important to recognize the humanness of each small community within the larger one.

Ray Johnson, 4201 Birdhaven Loop, mentioned how cooperative the City staff has been. He noted that the files have all been accessible to him. He noted that he spent many years as right-of-way agent. He noted that he did search the records prior to purchase in Oxberg Lake. He noted that he purchased his property based on filed documents relating to streets in his area. He noted that Mr. Teitzel has indicated that the existing 60 ft. right-of-way would be adequate to provide paved width, sidewalks and utility installations. He noted that he would be required to move some of his sewer leach lines if the road were improved in his area.

Keith Wingfield, 4204 Birdhaven Loop, indicated he was the first homeowner in the subdivision, and he noted that there is a 60 ft. right-of-way through Crestview. He indicated that there would be an 80 ft. arterial on either side of that 60 ft. section through Oxberg Lake. He noted that the proposal includes a 90 degree right-hand turn. He noted that it is not possible to use arterial speeds in a 90 degree turn on a 60 ft. right-of-way. He indicated that the City has until 1996 to come up with a comprehensive transportation plan and he suggested that a short term solution should not be taken to a long term problem. He felt that more input should be required and that all possible alternatives should be investigated. He felt that the bottom line in any plan should include existing and future objectives with all the people considered. He suggested that the plan be referred back to staff for further study.

Question to Mr. Wingfield: Mr. Goecks noted part of the plan was how the County road system relates to the City road system, and what parts of VLDR areas would be potentially

interested in annexation. Mr. Goecks asked how the Oxberg residents felt about retaining a rural residential character or if they were looking at possible annexation within 10 years.

Mr. Wingfield noted that he had reviewed all requirements, responsibilities and maintenance relating to his subdivision and that it was his sense that the community would chose to retain its rural character and integrity. He noted that the community has its own water and septic systems and that originally the City refused to provide city services, even when the developer anticipated paying the expense of extending service.

Barbara Kirk, 1808 Leo Lane, concurred with previous speakers relating to protection of the residential areas, particularly relating to public health and pollution protection. She felt that if there had been previous planning, the negative issues would not be occurring today. She felt that after-the-fact road building was not appropriate and that the planning should be done in a long-term fashion, not through existing residential areas. She asked why in all the planning documents the Crestview to Highway 99W connection was always indicated as a solid black line, as if it is already in place. She also expressed concern about the water table in the area and she asked what kind of impact there was on the water table if a roadbed were placed in that area.

Scott Gibbens, Oxberg Lake Resident, indicated he had submitted a letter. He reviewed the overall plan proposed and compared and contrasted the goals of the City's comprehensive plan with the transportation system plan. He noted that there were numerous conflicts in the two documents. He felt that adoption of the transportation plan was premature. He questioned whether the need for the transportation plan has been satisfied, whether the capacities for the new roadways were able to be sustain, and whether the calculations used to project these capacities were accurate. He noted that Bell Road is currently a county arterial, and improving it up to its intersection with Highway 99W would help alleviate much of the congestion. He felt more accurate traffic studies should be done. He then reviewed non-motorized modes of transportation including rail and water transportation. He felt the plan was lacking in those areas.

Question to Mr. Gibbens: Mr. Goecks asked Mr. Gibbens if he felt Oxberg residents would continue to be rural residential in 20-40 years or whether he saw the area as a transition area that would eventually be annexed to the City. Mr. Gibbens indicated he anticipated retaining the residential nature of his site and would oppose annexation.

William Cofield, 3104 Zimri Drive, indicated he has been an area resident for many years. He noted that the City has been dealing with the State regarding a southside bypass for at least 25 years and that at the time this was originally proposed, it was anticipated that in 10-15 years it would be completed. He noted that it still isn't done. The same thing is likely to happen to the NE area if something is not done now. He indicated that he had been chair of the committee at the time that an arterial was planned for this specific area. He noted that

specific alignments need to be decided upon and analysis of alternatives and problems would assist in the process. He indicated that the north side arterial was imperative and the problems would not go away. Principle factors to be considered in location of new developments is new water and roads. He suggested that the process be expedited, not slowed down.

Rachel Kennedy, 1909 N. Springbrook, indicated that if the road was widened, it would take out her front yard and would abut her front porch. She commented that there are many senior apartments on both sides of Springbrook Road. She did not feel that Springbrook Road should be widened to 5 lanes. She felt that if the railroad was going to be eliminated, Villa Road should be extended out to Highway 219. She noted that connection would relieve a lot of traffic. She commented that often traffic from Highway 219 comes down Bell Road to Aspen or Zimri and then continues down Springbrook to 99W. She commented that many of the individual businesses in the downtown are suffering now because of decisions made over 28 years ago relating to a bypass.

Nan Atzen, Putnam Road, Alternative 3 area, reviewed a paragraph relating to keeping the arterial out of an ecologically significant area, with wetlands and many species of birds and animals. She also noted that there are significant old oak groves in the area and that many of the oak trees are over 300 years old.

Commissioner McCauley asked about the wetland designations. Mr. Egner noted that Springbrook Creek is identified on the national wetlands inventory.

Scott Stiefbold, Crestview and Springbrook property owner, indicated that one proposal would entirely eliminate his home. He asked when the transportation planning began. Staff indicated prior to 1991. He indicated he couldn't fight the proposal but would like some answers so that he can start planning to sell his house and find some other place to live.

Leonard Rydell, 601 Pinehurst, indicated he was a civil engineer who designs subdivisions. He asked how the plan would address bike paths on existing streets. He asked about the streets in town which do not have curbs. He indicated that standards are subjective. He felt that the consultants have done an excellent job of giving background information. He indicated that the citizens must decide what to do with the plans for the community. He felt that a citizens committee should review the transportation plan line by line and then return the plan to the City for approval.

Blake Williams, Oxberg Lake, expressed concern about the impacts on the Putnam and Oxberg neighborhoods. He commented that if the people were spotted owls there would be no discussion. He expressed concern that more discussion should occur as to a possible solution. He felt that Crestview was the easy solution but that it was not a long term solution.

He felt that breaking up a neighborhood would cause more long term problems down the road.

Gary Warrington, 4307 Birdhaven Loop, felt that the plan to extend Crestview was a short term, stop gap plan. He felt the solution would not benefit the area to the north and its expected population in the future. He felt the proposal for Crestview was far too close to Highway 99W to benefit the area. He felt the City should slow down the process and see what impacts there would be from the bypass. He noted that 25 years or more ago Bell Road was considered as an arterial. He felt that Bell Road would be a better road to study for inclusion in the plan and that the bigger regional picture should be considered.

Pat Ridenour, Birdhaven Loop, expressed concern about the NE area arterial options. He felt there are many discrepancies throughout the plan. He cited pages 50 and 51 of the plan as having discrepancies. He noted that many words in the goals were subjective and needed to be measurable. He reviewed various graphs which had areas of oversight. He felt that the plan was not complete enough and that the City should generate better material to address the goals.

Carl Wagner, 29665 NE Putnam Road, felt that the transportation plan has been studied for years and that planning should progress with as much speed as possible. He expressed concern about the Putnam Rd/Highway 99W intersection. He indicated that the intersection is hazardous at this time and increased traffic capacity would make it even more hazardous. He indicated that wintertime ice and snow also create additional problems. He felt that improvements on Highway 99W should also be considered.

Daniel Peek, 4402 Birdhaven Loop, indicated that the extension would be in his backyard, sideyard and frontyard. He supported further review of the plan by staff. He indicated to Mr. Goecks that he did not anticipate dividing his lot in the future. He noted that just because they did not live in the City didn't mean they weren't members of the community.

Roger Currier, 504 Pinehurst, Newberg City Council member, expressed his thanks to the citizens for their interest and input into the process. He indicated he was sorry to see neighborhoods pitted one against the other and he hoped that the issue of the Crestview alignment could be resolved. He indicated that the Crestview alignment voted on several years ago did not mean that Crestview would never be reconstructed. He noted that the State has jurisdiction over where access points will occur. He suggested that the connection would likely be somewhere in the area of the proposed bypass. He indicated that the primary concern was the environmental impacts, cost and what best serves the community. He felt the recommendation to return the plan to staff for further study was a valid recommendation. He noted that something must be done with the traffic and any comments were welcome.

Carol Ring, Crestview Drive, encouraged the commission to interface with the School District, especially relating to site acquisition and street connections and that everyone should work together toward a united plan.

Herb Gueldner, Sherwood, owner of land directly south of Oxberg Estates, wanted to know what exactly would be happening. He felt that the Commission should decide quickly so that owners in the area can make decisions about their properties.

Question to Mr. Gueldner: Are you planning to develop your property yourself and are you anticipating tying in to the existing systems. Mr. Gueldner indicated he was planning to develop his site and that development of his property was contingent on whether a road would be required to go through the middle of it. He was asked where he was anticipating a road connection if the road did not go through. He noted that he would develop access both from Highway 99W and from Oxberg Lake Estates. Mr. Goecks asked what zoning was on that site. Mr. Gueldner indicated it was AF-10 and that he was not anticipating annexing to the City.

Chair indicated that additional meeting dates will probably be scheduled to further review the plan.

Mr. Egner indicated that it might be best to establish a date for a community forum and re-advertise a hearing at a later date to discuss the matter with NUAMC and the Planning Commission.

Mr. Goecks indicated that the County Commissioners were going into budget year 93-94 to discuss this issue. He requested that as the Planning Commission reviews the plan, they consider a fairly distant horizon from the planning perspective.

Mr. Egner recommended that the Commission not continue to a specific date but instead should re-advertise to reconvene and discuss this material at a later date. He noted that in the interim a public workshop could be held relating to these issues.

Mr. Teitzel was asked about the timeline for this plan as it impacts the State's planning for the bypass. He indicated that there was no immediate need for information. He added that the bypass project has many impacts on the community including environmental, social and civic impacts.

Mr. Egner noted that the April meeting agenda is already full. He suggested that the staff review the plan and re-advertise an additional hearing. He noted that based on audience comments, the following items appeared to be primary concerns: Mountainview extension, Highway 219 realignment and the collector from Aspen Way to Chehalem Drive.

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NUAMC member Halbrook indicated that financing methods should be further defined.

Chair Russell indicated that the record would continue to remain open for further testimony.

The meeting of NUAMC and Planning Commission was unanimously adjourned at 11:09 pm.

*Approved - Bym
5-13-93*

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
April 8, 1993

Subject to P.C. Approval at 5/13/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Michael McCauley
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 7

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting.

III. APPROVAL OF MINUTES

Motion: Roberts-Worrall to approve the minutes of the March 11, 1993 Planning Commission meeting. Motion carried unanimously.

Chair Russell asked if there were any additions or deletions to the agenda. Commissioner Roberts requested that 5 minutes be allowed for discussion of the site specific development plan. By consensus the Commission added this item to the agenda under Old Business.

IV. PUBLIC HEARING:

APPLICANT: NSP Development
REQUEST: Subdivision of a 4.85± acre parcel into 32 lots with an average size of 5,300 sq. ft.
LOCATION: Approximately 550 ft. west of Everest Road between Second and Third
TAX LOT: 3220-1800 and part of -1700
FILE NO: S-1-93
ZONE: R-2 Medium Density Residential
CRITERIA: Newberg Subdivision Ordinance, Section 24

Planning Director Egner requested that the Planning Commission continue this hearing one month for revision of the site plan by the applicant.

Motion: Post-Weaver to continue the hearing to the May Planning Commission meeting.

Staff indicated that the applicant anticipates redesigning the development based on a recent discussion with City staff. Based on this discussion, staff is requesting that the hearing be continued to the May meeting. Mr. Egner noted that renotification would not be required if the hearing was opened and continued.

Vote on Motion: Motion carried by voice vote.

V. PUBLIC HEARING:

APPLICANT: A Storage Place For Newberg
REQUEST: A conditional use permit to allow a residence to be constructed in the C-2 zone.
LOCATION: 2811 Portland Road
TAX LOT: 3217DD-1900, -1902
FILE NO: CUP-3-93
ZONE: C-2 Community Commercial
CRITERIA: Newberg Zoning Ordinance, Section 638

Planning Commission Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. The following ex-parte contact was identified: Commissioner McCauley indicated this site is on his route to work every day. Commissioner Kriz noted that a neighbor had commented on the mini-storage site. Chair Russell noted that he had welcomed the owner to the community. Commissioner Worrall noted that some individuals have contacted him voicing their opinions. No abstentions were noted. No objections to jurisdiction were noted.

Chair Russell read ORS 197 relating to public hearings into the record.

Staff Report: Mr. Egner reviewed the site on an overhead and reviewed the conditional use permit criteria which must be addressed to approve or deny the application. He discussed the standards relating to the airport overlay zone which also apply to the site. He presented a slide show identifying the site and surrounding sites. He noted that the mini-storage project is outright permitted in the zone; but the residential structure is in the Airport overlay zone, within which residential uses require conditional use permits. He presented an overhead identifying a similar structure at one of the applicant's other sites. He noted that the site will look less industrial with the residence located at the front of the site. He also identified the location of parking and landscaping. He noted that the project meets the criteria for conditional use and the airport overlay zone. He indicated that the preliminary staff recommendation was to approve the use with conditions identified in the staff report.

Commissioner Ring asked about fencing on the project. Mr. Egner reviewed the site fencing proposal, landscaping and sign plan.

Proponent: Jerry Carlson, 22691 SW 54th, Tualatin, one of the owners of the facility, indicated that in some jurisdictions this type of residence would require no additional permit. He noted that by having a residence with on-site managers would provided security for users of the facility. He noted that the house design has been intended to be friendly to the community and to aesthetically blend into the community. He noted that the landscape plan provides for abundant grassy areas to soften the impact of the project. The residence will face 99W and the structure will be built of 2 x 6 construction to reduce the traffic noise impacts. He noted that the facility will have 3 bedrooms and is intended to house a primary resident with room available for a part-time weekend manager and office space. He indicated that most managers they have hired have been mature couples. He indicated that the storage facility will be two-story but will be lower than the top of the house. He noted that the storage buildings would be constructed with split concrete block on the bottom floor and a steel structure on the second floor. He noted that a mansard roof is proposed for the portion of the project along Deborah to break up the roof line. He noted that fencing at this time will be provided between the residence and the storage units. He was asked if the bedrooms could be placed at the rear of the structure. He noted that the design proposal could be altered to redesign the bedroom placement within the structure.

Opponent: Herb Gueldner, owner of property at 904 Filbert Court, asked what kind of landscaping would be provided abutting his property. Staff noted that a six foot fence faced with Photinia would abut Mr. Gueldner's property.

Mr. Russell indicated that opponents should address conditional use permit criteria for the residence and that the project as a whole was discussed under design review at the staff level.

Mr. Gueldner indicated that he was concerned about the storage facility and not the residence. He indicated he did not object to the residence.

Opponent/Proponent Rebuttal: None

Public Agencies: Mr. Egner noted that there was discussion with the Highway Dept. regarding Highway 99 access. He noted that since access has been changed to Deborah, the Highway Dept. has no input.

Letters: None.

Staff Recommendation: Mr. Egner recommended approval of the request subject to conditions identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Commissioner Kriz felt that questions relating to the house, fence and surrounding uses were relevant to the issue and should not be excluded from consideration.

Motion: Post-Kriz to approve the conditional use permit to allow a single-family home as an accessory use to the storage use at 2811 Portland Road subject to the requirement of the Airport Overlay Zone, based on staff report findings, conditions and testimony.

Vote on Motion: Motion carried unanimously by those present.

Mr. Egner noted that the decision was final and there was a 10 day appeal period.

Commissioner Roberts commented that he felt storage units were probably not the most appropriate use for this property and that this area should be more appropriately used for housing which has access to the Portland Road transportation corridor.

Mr. Egner indicated that this project appears to be designed as a very attractive development for the community.

VI. PUBLIC HEARING:

APPLICANT: Michael & Margurite Simpson
REQUEST: Annexation of a .28 acre parcel of land and withdrawal from the Newberg Rural Fire Protection District to allow relocation of the Eighth Street sewage pump station
LOCATION: 808 Dayton Avenue
TAX LOT: part of 3219-900
FILE NO: ANX-1-93
ZONE: R-1 Low Density Residential
CRITERIA: Newberg Annexation Ordinance 2012, Sections 2 and 4

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. Commissioner Kriz indicated that several of his friends who own property in the area have been in contact with the City relating to right-of-way access. He did not feel this contact would invalidate his review of the request. No additional ex-parte contact was noted. No abstentions or objections to jurisdiction were noted.

Staff Report: Associate Planner King reviewed the criteria for annexation and zone change and identified the proposed use of the site as the new location of the Eighth Street sewage pump station. She reviewed Comprehensive Plan goals and policies applicable to the proposal. She identified the site on a map and presented a slide show relating to the existing and surrounding uses of the site. She noted that the location of the site is appropriate for accessing and servicing the proposed pump station site. She noted that the application meets the comprehensive plan and zone change criteria. She noted that mitigation of impacts on the natural environment would be required with the aid of an environmental impact report. She indicated that the station was proposed to be designed as a 16 x 20 metal shed type building designed to blend in with the rural character of the area.

Commissioner Kriz expressed concern about the gerrymandering of the city limits line and whether this should continue.

Motion: Roberts-Post that the Planning Commission recommend to the City Council approval of the requested annexation/zone change and withdrawal from the Newberg Rural Fire Protection District based on staff report findings, conditions and testimony relating to the protection of the health, safety and betterment of the community.

Discussion of Motion:

Mr. Egner noted that some additional statements could be included in the ordinance relating to the public need and benefit to the community. The commission concurred.

Staff presented the following statement to include in the ordinance:

Whereas, the Planning Commission found that the annexation will result in an irregular city boundary; however, it will allow development of a necessary pump station which will correct an extreme environmental hazard and benefit the health and safety of the community.

Vote on Motion: Motion carried unanimously by those present.

A 5 minute recess was called.

VII. OLD BUSINESS

A. Open Space/General Hazard

Commissioner Worrall presented a position paper from the open space/general hazard subcommittee. He noted that their intention was to define open space separately from general hazard. He introduced the subcommittee members.

Subcommittee member Ken Lite noted that although most of the committee members had somewhat different views on open space, there was a general consensus relating to the development of the new ordinance with only a few exceptions. He noted that the general purpose statement has not been changed; however, the balance of the ordinance had been reviewed and revised.

Commissioner Worrall reviewed item 566.1 relating to identifying a distance measurement from an identifiable source for use as a starting point from which to identify open space requirements. He reviewed the subcommittee draft elements relating to visual breaks in the landscape, drainageways, floodplains, parks, etc. He presented the draft to the Planning Commission for review. He noted that several sections have been highlighted for further review and discussion by the Planning Commission.

Sub-committee members were identified as Ken Lite, Sid Friedman, Tim Journey, Don Halbrook, Mike McCauley, and Roger Worrall.

Ken Lite noted that the 100 ft. distance identified in section 566.1 was intended to define approximately what was currently protected in the existing GH area.

Mr. Egner noted that a public hearing would be required for a text amendment such as this.

Commissioner Worrall suggested that a work session be scheduled under Old Business at the next Planning Commission meeting.

Motion: Weaver-Post to accept the report for Planning Commission consideration. Motion carried by voice vote.

B. Site Specific Development Plan

Commissioner Roberts indicated that OTAK has been requested to present three alternatives for the site: traditional development, mixed lot sizes, and neo-traditional development. He noted that once the project is approved by the Planning Commission and City Council, it should be considered as final and no further public input should occur.

Mr. Egner noted that the next several meetings are key to the progress of the project and the Planning Commission members were encouraged to attend.

VIII. NEW BUSINESS

A. Water Master Plan

Mr. Egner noted that the water master plan has been withdrawn from Planning Commission consideration and DLCD has been notified of the plan withdrawal. He indicated that numerous changes are required and the current plan is premature. He noted that the plan will likely be presented to the Commission in a few months.

B. Other

Mr. Egner noted that a neighborhood transportation plan meeting may be held in the future and concerns identified at the Planning Commission meeting in March will be further reviewed.

Commissioner Worrall noted that he felt many of the people attending the transportation meeting felt that some decision should be made and the project should proceed, not continually delayed.

IX. COMMUNICATIONS FROM THE FLOOR

None.

Mr. Egner noted that Saturday, April 24 there is a leadership forum relating to METRO planning and service provision and Planning Commissioners are welcome to attend.

X. ADJOURN

Motion: Worrall-Roberts to adjourn. Motion carried unanimously.

There being no further business, the meeting was adjourned at 9:45 pm.

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
May 13, 1993

Subject to P.C. Approval at 6/10/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Don Thomas
Robert Weaver
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 24

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting. He then asked if there were any additions or deletions to the agenda. The following additions to agenda were noted: Commissioner Roberts requested an opportunity to respond to Ms. Rak's letter after the conclusion of hearing V. Planning Director Egner asked that the Prospect Park II subdivision preliminary approval extension request be added to New Business. Chair Russell recommended that the Open Space/General Hazard Work Session listed under Old Business be continued to next month. The commission concurred.

III. APPROVAL OF MINUTES

Motion: Worrall-Roberts to approve the minutes of the April 8, 1993 Planning Commission meeting. Motion carried unanimously.

IV. PUBLIC HEARING:

APPLICANT: NSP Development

REQUEST: Subdivision of a 4.85+ acre parcel into 32 lots with an average size of 5,300 sq. ft.

LOCATION: Approximately 550 ft. west of Everest Road between Second and Third

TAX LOT: 3220-1800 and part of -1700

FILE NO: S-1-93

ZONE: R-2 Medium Density Residential

CRITERIA: Newberg Subdivision Ordinance, Section 24

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Mr. Egner read ORS 197 relating to public hearings into the record and reviewed the public hearing procedure.

Staff Report: Mr. Egner reviewed the application, noting that the applicants have reduced the request from 32 lots to 16 lots and a single large undeveloped tract. He reviewed the subdivision criteria and identified the site

on an overhead. He presented a slide show identifying the site and surrounding sites. He noted that the project meets the subdivision criteria. He reviewed the history of the site development. He reviewed the staff report referrals, findings and preliminary recommendation. He indicated that the preliminary staff recommendation was to approve the use with conditions identified in the staff report.

Questions to staff:

Commissioner Worrall asked why no driveways were allowed on Second Street. Mr. Egner indicated that this condition was extended from the Phase I application and would allow for a more smoothly flowing neighborhood.

Proponent: Mart Storm, 441 SE Maple, Dundee, representing NSP Development, reviewed the staff report conditions. He concurred with all conditions with the exception of the requirement that the Council approve the LID before the subdivision can begin. He felt that now was not the time to request an LID and that further review of the Second Street/Highway 219 access should take place before full development of Second Street should occur. He feels that immediate implementation of an LID without that information is premature. He agreed to sign the non-remonstrance and agreed to complying with the LID requirement at a later date. He requested that conditions 1 and 2 be revised to reflect this request.

Opponent: None

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended approval of the request subject to all conditions identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Staff was asked about the LID deferral request from the applicant. Mr. Egner indicated that the Development Team had reviewed the proposal. He noted that a previous proposal by the applicant for a zone change to allow high density units on this site had been denied by Council. He indicated that if that development had occurred, it would have triggered the need for the LID. Currently, without the higher density development, there are no standards which set a level of development which would trigger the need for the street improvements. He indicated that the Development Team felt that this subdivision should trigger the need for the street improvements.

Commissioner Thomas asked if Second Street was going to be closed as noted in the Transportation Plan. Mr. Egner noted that it is not currently listed in the capital improvements program.

Chair Russell asked if the developer was really being required to develop the streets and if the LID would likely not be approved. Mr. Egner indicated that it was likely that the development of the subdivision would hinge on whether the Council approved the LID or not.

Mr. Egner noted that the applicant is likely to present a revised plan with lots fronting on Second Street only if this proposal is denied, thus limiting infrastructure expense to the applicant if the LID fails.

Commissioner Roberts asked for clarification about the LID requirement. Mr. Egner indicated that the Development Team felt that now was an opportune time to obtain improvements and that enough traffic would be generated to indicate a need for the improvements. Commissioner Roberts inquired as to why the LID

shouldn't wait for implementation until the most easterly portion of the site was ready for development, thus allowing development of the entire length of Second and Third Streets. Mr. Egner encouraged the Planning Commission to reopen the hearing for further questioning of Mr. Storm, the applicant.

By consensus the hearing was reopened.

Proponent: Mart Storm indicated that the initial application had been for 50 ft. lots along the frontage of Second Street with a Second Street improvement only. He noted that City staff suggested a north-south street grid with improvements on the north-south streets. He indicated that the Second Street in its current state should be adequately able to serve the proposed sites. He indicated that they had no objection to an LID but were concerned that if the Council didn't approve the LID, they would then be forced to improve both the east-west and north-south running streets. He didn't disagree with the need for an LID; however, he felt that implementation of the LID should not hold the subdivision approval hostage. Mr. Storm indicated they were willing to ask for LID approval, but if it were denied, they weren't economically able to pay for the improvements without the assistance of an LID.

Opponent: None

Hearing Closed.

Planning Commissioners discussed revision of the conditions as follows: Condition 1 and 2 to be revised to read "The applicant must request an LID from the City Council for Second and Third Street improvements prior to final plat approval."

Commissioner Kriz asked what staff felt were the chances of an LID not being approved. Mr. Egner responded that there might not be an adequate amount of property owners in the area who would desire to be included in an LID. He noted that it becomes somewhat of a political decision at the Council level as to whether or not they want to create an LID. Mr. Egner noted that street improvements would likely cost \$80-95 dollars per foot.

Commissioner Worrall concurred that it appears City staff was attempting to hold the subdivider hostage over the LID issue and that it is a wrong thing to do.

Motion: Roberts-Thomas that the Planning Commission grant preliminary plat approval for Emery Orchards Phase II, Yamhill County Tax Lots 3220-1700 and -1800, based on testimony, staff report findings and conditions 1 - 9 with conditions 1 and 2 modified that the applicant shall request an LID (for both Second and Third Streets) from the City Council prior to final plat approval. Motion carried unanimously by those present.

Staff noted that the decision was final and there was a 30 day appeal period.

V. PUBLIC HEARING:

APPLICANT: Joe & Tobi Young

REQUEST: Subdivision of a 141,500 sq. ft. parcel into 10 lots

LOCATION: West of N. Main and Markris Way

TAX LOT: 3218CA-200, -202

FILE NO: S-2-93

ZONE: R-1/GH Low Density Residential/General Hazard

CRITERIA: Newberg Subdivision Ordinance, Section 24

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the site on an overhead and reviewed the subdivision criteria. She presented a slide show identifying the site and surrounding sites. She noted that the project meets the subdivision criteria.

She reviewed the staff report findings, referrals and conditions. She indicated that the preliminary staff recommendation was to approve the subdivision with conditions identified in the staff report.

Question to Staff: Commissioner Weaver requested clarification of condition 8 relating to improvement of Nicholas Place. Mr. Egner indicated that the Development Team requested full improvement of Nicholas Place.

Commissioner Thomas asked why full improvement of Nicholas Place was being required. Mr. Egner indicated that development of Nicholas Place reduced the length of the dead-end cul-de-sac to allow it to comply with subdivision standards, to allow a better emergency apparatus turn-around, and to allow access to the property to the south.

Commissioner Thomas felt that the City seems to be holding the applicant hostage for any improvements. Mr. Egner noted that in this instance the applicant also owns the property to the south. The initial plan did not indicate this road improvement but in subsequent meetings the Development Team felt the improvement should be completed.

Commissioner Worrall asked for clarification of "Tract A". Ms. King identified its location on a map.

Proponent: Joe Young, 901 N. Main, Newberg, developer of the property, indicated that the staff recommendation was acceptable with the exception of conditions 7-10. He noted that he would like the restriction relating to crossing Nicholas Place with sewer lines removed from condition 7. In regards to condition 8, he indicated that dedication of the right-of-way and signing of a non-remonstrance should be adequate. He reviewed the lot line adjustment which created tax lot -203. He requested that condition 9 be revised to allow a 50 foot street with the sidewalk along the curb. This would allow for an adequate street and alleviate some maintenance problems. He noted that he anticipated merging the area identified as Tract A with property he currently owns to the south. He concurs with the balance of the staff report findings.

Commissioner Kriz asked why individual sewerage pumps were being used instead of a pump station for the entire subdivision. Mr. Young indicated that he had initially proposed a 25 lot manufactured home subdivision and that in the initial discussion process, he planned to install a pump station somewhere in the northwest area of the property. He commented that the Development Team suggested to him that he would be installing the pump station at his expense and that, later on, if the pump station was needed for surrounding development, perhaps the City would be able to reimburse his costs. He found that condition to be uneconomical and revised his proposal to what is currently before the Planning Commission.

Opponent: Sid Friedman, 31909 NE Corral Creek Rd, Newberg, indicated he had some specific concerns about this development as well as how the City is implementing its general hazard zone. He expressed concern about the runoff into the stream, the possible presence of hazardous fill, and the possible effects on downstream properties. He requested that bio-filtration swales or catch basins be installed to protect the creek and comply with the City's comprehensive plan goals for general hazard protection. He asked where the sewerage would go if there were a pump failure. He reviewed the Comprehensive Plan statements relating to open space. He indicated that this is one of a series of developments which are occurring in general hazard areas and the Comprehensive Plan policies relating to GH are not being addressed. He noted that the Comprehensive Plan also encourages the retention of existing wooded areas and areas of this type exist on the property. He encourage the Commission to consider these issues.

Opponent: Sam Hultz, 1203 N. Main, indicated he was not opposed to the subdivision but was concerned about the removal of the trees which act as a buffer between his country home and a city development.

Commissioner Worrall asked about the location of the trees on the property. Mr. Hultz indicate there was about a 30 ft. strip of fir trees partially fronting the northern property boundary of the subdivision.

Commissioner Weaver asked Mr. Young his plans for the retention of the trees. Mr. Young indicated that he anticipated retaining as many trees as possible; however, he did anticipate that some of the trees would be removed.

Commissioner Worrall asked Mr. Young how the runoff from the street would be handled. Mr. Young noted that the cul-de-sac would drain off into the gully. He noted that there is an existing large drain which currently provides runoff to the creek.

Commissioner Worrall asked what the economic impact would be of installing a catch basin to prevent the direct runoff of the water and any contaminants. Mr. Egner noted that there were certain types of catch basins which would trap foreign material; however, they were generally not required.

Commissioner Kriz noted that even though most subdivisions don't require this type of catch basin, the runoff generally flows into a contained drainage system. Mr. Egner noted that the typical subdivision had contained surface drainage; however select subdivisions in the community have had such catch basins installed.

Proponent Rebuttal: Mr. Young asked where the contained drainage eventually wound up. Mr. Egner noted that it eventually went into the drainageways.

Opponent Rebuttal: Mr. Friedman indicated that the staff has noted the possible presence of hazardous fill on the site and that should be considered when reviewing the subdivision conditions.

Public Agencies: None

Letters: Marian Rak, 104 Markris Way, Newberg - Letter in opposition.

Staff Recommendation: Staff recommended approval of the request subject to conditions identified in the staff report with the following revisions: She did not feel a revision was required of condition 7 since the condition indicated that "If possible, the lines should not cross Nicholas Place." Condition 9 should be modified to allow for a 50 ft. right of way with a 1 foot easement on either side. Condition 10 should be revised to require that a lot line adjustment be required to combine the area identified as "Tract A" with the property to the south and to delete the reference to Tract A. Condition 11 should be deleted.

Hearing Closed.

Commissioner Discussion:

Commissioner Kriz asked the logic of individual pump stations as opposed to a community wide pump. Mr. Egner indicated that individual pumps would be owned by individual owners. He indicated that a homeowners association could operate a community pump station but there is no desire on the City's part to develop or take over small community pump stations. Mr. Kriz requested clarification of the location of the UGB. It was identified on a map. Mr. Kriz asked if the Comprehensive Plan addressed tree protection. Mr. Egner indicated there was only a general policy in the Comprehensive Plan relating to tree protection.

Commissioner Worrall asked how the Comprehensive Plan Map delineation of OS in the area of this project compared with the Zoning Map delineation of GH. Mr. Egner indicated that the Comprehensive Plan Map presented only a generalized area identified as OS. Mr. Worrall felt that the majority of this subdivision appeared to be located within the GH area and, therefore, subject to more careful consideration relating to discharge and drainage design. Mr. Egner indicated that the subdivision would be reviewed through design review. Mr. Worrall felt that these sites should have special consideration relating to environmental protection.

Commissioner Roberts felt this is too much development on this particular site and that perhaps development should wait until a more comprehensive development over a larger area could occur.

Commissioner Ring felt that the development was appropriate to the site.

Commissioner Weaver felt that the developer should not be discouraged and that the builder should be cognizant of the lay of the land, the buffering for the neighbors, the drainage concerns, etc.

Commissioner Ring indicated she was also not insensitive to the environmental concerns. She asked how the sidewalk was proposed by the developer. Ms. King indicated that the Comprehensive Plan indicates that there should be a buffer between pedestrian and vehicular traffic. Ms. Ring asked why there didn't appear to be consistency in the sidewalk designs throughout the City.

Mr. Egner indicated that there has been consistency in the last several years regarding park strip widths and locations.

Commissioner Worrall reiterated that the Comprehensive Goals relating to open space and drainageway protection should be consistently reviewed in future subdivisions. He requested that a condition be added to design review to require that environmental impacts be reviewed when designing the drainageway.

Commissioner Roberts felt it would be difficult to approve the development without imposing a condition relating to remediation of the runoff.

Commissioner Kriz asked if the Development Team had considered stubbing a street to the north. Mr. Egner noted that there are two houses blocking a clean extension to the north.

Commissioner Worrall also felt there were economic concerns relating to development of this site that should be considered on a broader scale; however, each development must be considered as it is presented to the Commission.

Commissioner Russell indicated that concerns regarding remediation in this area could be discussed by a Planning Commission subcommittee for possible revision of the Comprehensive Plan to better address these concerns.

Mr. Egner was asked about the need for analysis of the fill material before the City accepts the right-of-way. Mr. Egner noted that the City wants verification that there were not hazardous materials used to fill the area.

Mr. Egner indicated that if an environmental hazard turns up, the applicant would likely be required to remove the hazard throughout the property.

The Commissioners reviewed the staff report conditions and the following conditions were revised, deleted, or added by Commission consensus:

1. Condition 8 was deleted.
2. Condition 9 was modified to allow a 50 ft. right-of-way with a 1 ft. easement on either side of the right-of-way.
3. Condition 10 was revised to add "...or complete a lot line adjustment to merge this site with the property to the south."
4. Condition 11 was deleted.
5. New condition: The storm sewer shall be designed to mitigate pollution of the general hazard area.

Motion: Worrall-Kriz that the Planning Commission grant preliminary plat approval for Young Estates Subdivision, Yamhill County Tax Lots 3218CA-200 and -202, based on testimony, staff report findings and amended conditions 1 - 10. Vote on Motion: Aye--Kriz, Post, Ring, Thomas, Weaver, Worrall, Russell; Nay--Roberts. Motion carried (7-1).

Staff noted that the decision was final and there was a 30 day appeal period.

A 5 minute recess was called after which the meeting was reconvened.

Commissioner Roberts then commented on the letter received from Ms. Rak. He indicated that impact of construction on land values was not normally one of the Planning Commission's criteria for decision-making. He suggested that Ms. Rak and others express their concerns to the legislature. The Planning Commission may not consider tax increases as a criteria for decision making.

At the request of representatives of Colonial Dames of America the hearing order was reversed for Agenda Items VI and VII.

REVISED HEARING ORDER:

VII. PUBLIC HEARING:

APPLICANT: Colonial Dames of America for Hoover-Minthorne House
REQUEST: Approval of a 6 foot cyclone fence on the north property line of a historical site
LOCATION: 115 S. River
TAX LOT: 3220BB-6800
FILE NO: H-2-93 (also DR-19-93)
ZONE: C-3 Central Business District
CRITERIA: Newberg Zoning Ordinance, Section 422

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King presented the staff report and noted that the hearing was before the Planning Commission because it was not considered a minor modification to the historic site. She reviewed the alteration criteria for historic sites and reviewed the site with a slide show. She indicated that the staff report should be amended to indicate that a wooden fence had not been considered and that cost was not a consideration when choosing the cyclone fence. She indicated that the chain link fence was essentially intended to blend into the existing laurel hedge. She indicated that historic alteration criteria I could be met since the fence could be taken down without impairing the historical integrity of the site. The initial staff recommendation was to deny the request.

Commissioner Weaver noted that staff indicated the laurel hedge was not historic. He felt that other historically significant trees on the site should be protected.

Proponent: Ms. Leslie Daggett, 1230 Oak Drive, McMinnville, representative of Co-director of Colonial Dames, noted that the laurel hedge appears to have been in place since 1950. The site has been bothered by transients, drug dealers and drug paraphernalia. She indicated that this type of fence would keep this element out as much as possible. She indicated that the pickets on the existing fence have been destroyed in the past by vandals. She indicated that the laurel hedge has just been trimmed and will quickly grow through the proposed fence. She commented that it was their desire to retain the laurel hedge.

Proponent: Ms. Jette, 114 S. Center, Museum curator, indicated that overnight campers have frequently used the site by accessing the rear of the site and were destroying the existing fence. She indicated that the fence would be installed on the south side of the laurel hedge and would be quickly screened by the laurel. She expressed continued concern regarding the vandalism on the site.

Opponent: None

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended denial of the request based on findings identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Commissioner Post asked if any changes could be done on the exterior of the house without jeopardizing the historic designation of the house.

Ms. Jette indicated that she had contacted the Historic Preservation League of Oregon, who indicated that so long as there was no visible sign of a change to the exterior of the house, it was permissible.

Mr. Egner indicated that it would be prudent for the applicants to go through the State Historic Preservation Office (SHPO) to obtain their approval.

Commissioner Weaver felt the fence should be approved.

Motion: Post-Kriz that the Planning Commission approve the request to erect a six foot high coated chain link fence at the Hoover-Minthorne House, based on testimony and staff report findings for approval, and with the further recommendation that SHPO be contacted for their approval. Motion carried unanimously.

Staff noted that the decision was final and there was a 10 day appeal period.

REVISED HEARING ORDER:

VI. PUBLIC HEARING:

APPLICANT: Richard Egnell & Margaret Donovan

REQUEST: Subdivision of a 138,015 sq. ft. parcel into 13 lots.

LOCATION: West of Ninth St.

TAX LOT: 3219DC-740; -3700

FILE NO: S-3-93

ZONE: R-2/GH Medium Density Residential/General Hazard

CRITERIA: Newberg Subdivision Ordinance, Sections 24 and Planning Commission Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the site on an overhead and with a plat. She noted that the applicant has requested that lot 2 not be considered a part of the subdivision and that a partition application will be processed to separate lot 2 from the balance of the property. She noted that a modification is required for the lot depth to width ratio on several of the lots. She presented a slide show identifying the site and the surrounding area. She noted that the project meets the subdivision and modification criteria. She reviewed the staff report referrals, findings and conditions. She indicated that the preliminary staff recommendation was to approve the use with conditions identified in the staff report.

Proponent: Richard Engnell, 39395 N. Pendle Hill Rd., Newberg, the applicant, indicated he concurred with the recommendations; however, he requested that the Section IV. Facts be revised to note that the applicants may also retain the existing garage structure. He requested that the right-of-way be reduced to 50 ft. with a 1 ft. easement on either side of the right-of-way. He also indicated it was the applicant's desire to save as many trees on the site as possible.

Opponent: Alice Sprague, 1012 Charles, indicated that a lot line adjustment has occurred in the past which has been recorded at the County and that the fence indicated as crossing lot 12 is actually on the property boundary.

Opponent: Israel Allen, 1318 S. College, expressed concern about the storm drain runoff. He was opposed to the runoff running through the park.

Opponent: Sid Friedman, 31909 NE Corral Creek Rd., again pointed out that he was concerned about the creek runoff and the impacts on the open space. He also noted that the subdivision application ignored use of the tools in the Comprehensive Plan intended to protect the open space.

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended approval of the request subject to conditions identified in the staff report with the following revisions:

1. Revise 3 to reduce the right-of-way to 50 ft. with 1 ft. easement.
2. Revised 4 to indicate the location of the property line and the fence identified on lot 12 must be clarified.
3. Revise 11 to indicate that lot 2 may be excluded from the plat subject to partition approval with conditions similar to the subdivision where applicable.
4. Revise 12 to indicate that storm sewer runoff should be designed to mitigate impacts.
5. Revise 13 to indicate that existing trees should be preserved to the extent possible.

Hearing Closed.

Commissioner Discussion:

Motion: Kriz-Post that the Planning Commission grant preliminary plat approval for Chehalem Bluff Subdivision, Yamhill County Tax Lots 3219DC-740 and -3700, based on testimony, staff report findings and conditions 1 - 13 as revised. Vote on Motion: Aye--Kriz, Post, Ring, Roberts, Thomas, Weaver, Russell; Nay--Worrall. Motion carried (7-1).

Staff noted that the decision was final and there was a 30 day appeal period.

VIII. OLD BUSINESS

- Open Space/General Hazard Work Session - Continued to next meeting by consensus.
- Other - none

IX. NEW BUSINESS

- Request for extension of subdivision preliminary approval - Prospect Park II

Mr. Egner noted that the applicants are working on the project and have requested a six month extension.

Motion: Roberts-Thomas to approve the request for a six month extension. Motion carried by voice vote.

- Other

- Transportation Plan

Commissioners discussed the May 24 transportation plan meeting. Commissioner Ring extended the opportunity to view the area of the transportation plan routes from her parents house on Old Parrett Mtn. Rd.

- Comprehensive Plan Goals

Commissioner Kriz asked how Comprehensive Plan Goals should be applied. Mr. Egner indicated that if the Comprehensive Plan indicates "shall", it would be mandatorily required to occur.

- Tree Ordinance

Commissioner Roberts indicated that the tree ordinance should be returned to the Planning Commission for review. Commissioner Worrall indicated that there is information from the OS subcommittee relating to other cities tree ordinances.

- Subdivision Conditions

Commissioners asked questions regarding their authority and the limitations they had relating to applying conditions on subdivisions. Mr. Egner indicated that ordinances from other cities could be reviewed.

- Meetings

Mr. Egner indicated that the specific development plan meeting would be May 20 at the Library.

X. COMMUNICATIONS FROM THE FLOOR

Ken Lite, 300 Mountainview Court, indicated he has witnessed continued degradation of the open space and he requested that the open space be placed back on the agenda and dealt with before any more of it is lost. He read a statement from the Comprehensive Plan relating to open space protection. He expressed concern about degrading the resource until it is gone.

XI. ADJOURN

There being no further business, the meeting was adjourned at approximately 11:15 p.m.

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
June 10, 1993

Subject to P.C. Approval at 7/8/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mike McCauley
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary
Bert Teitzel, Public Works Director

Consultants Present:

Andy Mortensen, Kittleson & Assoc.

Citizens Present: 25

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting. He then asked if there were any additions or deletions to the agenda. None were noted.

III. APPROVAL OF MINUTES

Motion: Worrall-McCauley to approve the minutes of the May 13 Planning Commission meeting. Motion carried unanimously.

Motion: Weaver-Post to approve the minutes of the May 24 Planning Commission-NUAMC meeting. Motion carried unanimously.

IV. PUBLIC HEARING:

APPLICANT: George Fox College
REQUEST: Expanding an existing parking lot at the Weesner House dormitory.
LOCATION: 206 Carlton Way
TAX LOT: 3220BB-500
FILE NO: H-3-93
ZONE: R-P Residential-Professional
CRITERIA: Section 422 of the Newberg Zoning Ordinance No. 1968

Chair Russell opened the hearing and requested that the public hearings process be read into the record. Ms. King read ORS 197 relating to public hearings. Chair Russell then asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King presented the staff report and noted that the issue was being heard before the Planning Commission because it was not considered a minor modification to the historic site. She noted that GFC does not require additional parking on a campus wide basis; however, there is an existing parking shortage in this area. She reviewed the alteration criteria for historic sites and reviewed the site with a slide show and overheads. She indicated that the alteration meets historic modification criteria a, d, h and i because the structure will not be altered and because the expanded parking lot will have a minor impact on the site. She indicated that GFC has been requested to present a protection plan for the large inventoried trees on the site. She distributed a letter from GFC addressing mitigation of tree damage. She indicated that staff's preliminary recommendation was for approval of the parking lot provided GFC provides a mitigation plan for protection of the large trees.

Questions to staff: Ms. King was asked if the property to the north was also owned by GFC. She indicated on a map that this site and several others in the neighborhood were owned by GFC. She was asked how the land sloped on the site. She indicated it sloped towards the gully. She was asked if the swale proposed by GFC would protect the canyon from parking lot runoff. She reviewed the drainage plan presented by GFC and indicated that the design review committee felt it would be adequate protection. She reviewed a letter presented to the design review committee by GFC relating to assurance that they would resolve any problems relating to their drainage plan.

Commissioner Worrall asked whether waterborne pollutants would be prevented from going down into the canyon by the swale. Ms. King indicated that staff was reviewing the issues relating to runoff with the Public Works Department to establish more specific criteria for erosion and pollution protection.

Proponent/Opponent: None

Public Agencies: None

Letters: John Lyda, GFC representative, dated June 4, 1993, relating to site drainage and a commitment that GFC will resolve the issue.

Staff Recommendation: Staff recommended approval of the request subject to a condition which would require that GFC provide a tree protection plan.

Hearing Closed.

Commissioner Discussion:

Commissioner Worrall noted that the neighbors have stated that parking is a problem in the area and he gave credit to GFC for providing additional parking.

Commissioner Roberts expressed concern about the student population with higher than normal vehicle use and his concern about an overall need for GFC to reduce the total number of automobiles coming into the community by students. He was concerned about the over-paving of open space for the convenience of the automobile.

Commissioner Kriz agreed with concerns about the drainageway and tree protection mitigation. He felt a professional such as an arborist or landscape architect should be used to develop protection plans.

Several commissioners concurred with this concern.

Commissioner Russell asked staff what would be requested from GFC. Ms. King indicated that on other sites GFC has contracted with a civil engineer to mitigate environmental impacts. She noted that the City is using guidelines from Portland and Lake Oswego relating to environmental impacts.

Mr. Egner indicated that the drainage issue is a technical issue not related to the historic review of this request.

Commissioner Worrall indicated that drainage concerns could be included in a condition relating to design review requirements.

Commissioner Kriz felt that additional landscape screening should be required on the street frontage. He felt that a more detailed landscaping and tree preservation plan should be included as a requirement for approval.

Commissioner Post indicated that the landscaping should be adjacent to the parking lot rather than in the parking strip area for vision clearance purposes.

Commissioner Worrall felt that GFC has been attempting to do the right thing and he does not feel that the postponement or denial would be appropriate.

Motion: Kriz-Post to approve the request to expand the parking lot at Weesner House from 8 spaces to about 20 spaces, with the following conditions: 1) provide the Design Review Committee with a tree protection plan prepared or reviewed by an arborist or landscape architect; and 2) provide additional site obscuring landscape buffering adjacent to the west side of the parking area, based on staff report findings for approval. Motion carried unanimously.

Good of the Order: Chair Russell noted that it was Bob Weaver's birthday.

Motion: Worrall-McCauley to extend birthday congratulations to Mr. Weaver. Motion carried unanimously.

V. PUBLIC HEARING, CONT'D.: NEWBERG TRANSPORTATION PLAN

APPLICANT: City of Newberg

REQUEST: Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.

FILE NO: Newberg Planning File No. G-8-93

CRITERIA: Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294)

Commissioners Roberts and Post confirmed their abstentions from the meeting and stepped down from the hearing.

Staff Report: Mr. Egner reviewed the May 24 NUAMC and Planning Commission hearing. He noted that there was some apparent confusion relating to the adjournment and staff direction. He noted staff's proposed discussion outline if the Commissioners choose to proceed with the issue. He indicated that the Planning Commission was now in the deliberation stage of the hearing process. He noted that the Planning Commission would be making a recommendation to City Council relating to comprehensive plan amendments, transportation ordinance text and support findings. He noted that the staff report included criteria that need to be addressed and findings which support the changes proposed by staff. He indicated that City staff recommends the Planning Commission approve the Transportation Plan and forward it to the Council for a hearing. In addition, NUAMC is holding deliberation May 15 with results from their deliberation being referred to both the City Council and County Commissioners. If approved by the City Council, the request will be forwarded to the County for adoption at the County level. He indicated that a new notice would be forwarded to DLCD relating to the Council hearing of the Transportation Plan.

Staff Recommendation: Mr. Egner recommended adoption of the current draft of the plan, with the Crestview/Mountainview extension being included as two optional alignments.

Commission Deliberation:

Chair Russell confirmed that the document to be approved was the Draft Transportation Plan and amendments as distributed at the May 24 PC/NUAMC meeting. The Commissioners then began discussion as outlined by staff.

1. Arterial-Collector System

A. Mountainview-Crestview Minor Arterial

Commissioner Worrall expressed concern that routing Crestview through Oxberg Lake Estates does not comply with the Newberg Comprehensive Plan Housing Location Policy 2.a. criteria as well as the alternative which is directed toward the southern boundary of Oxberg Lake Estates. He felt that running traffic through a low density area did not meet the criteria.

Mr. Egner noted that transportation facilities are intended to recognize present land use patterns.

Commissioner Worrall felt that there should only be one choice.

Mr. Egner indicated that the route to the south is a fair compromise but is more costly to develop.

Commissioner Weaver asked how the policy would apply to the first option. Mr. Egner felt that this policy did not apply to the Crestview/Mountainview extension.

Commissioner Worrall felt that the policy indicates that high volume traffic should be kept out of low density areas.

Commissioner Kriz felt that this policy applied more appropriately as a direction to follow after the roadway was in place.

Commissioner Russell indicated that at the last meeting a comment was made relating to school location. He noted that School District Superintendent Wes Smith was present at the meeting and offered to clarify the issue.

Commissioners debated reopening the hearing to hear Wes Smith's testimony.

Commissioners, by consensus, reopened the hearing for the purpose of receiving testimony from School District Superintendent Wes Smith to testify.

Public Testimony: Wes Smith, Newberg School District Superintendent, indicated on a map the location of the proposed middle school on Crestview. He indicated that it would be located on the north side of Crestview abutting Oxberg Lake Estates with a smaller site on the south side of Crestview at the same location being proposed to be held for a possible future elementary school site. He suggested that there might be a third alternative with closure of Crestview at one point and access to Oxberg Lake Estates through a parcel which would connect with Robin Court.

Commissioner Worrall asked how long Mr. Smith has known about this possible purchase.

Mr. Smith indicated that it has only been about 2.5 months with serious negotiations occurring after May 18 and the election. He indicated that prior to the 24th meeting no negotiations had occurred.

Commissioner Worrall expressed concern that the Transportation Plan has been ongoing and he questioned whether the property purchase has taken the Transportation Plan into account. He noted that discussions have occurred since November on an intermittent basis relating to possible sites and purchases. He commented that

It would have been premature to proceed with firm commitments to specific sites prior to school bond passage.

Mr. Egner reviewed Newberg Comprehensive Plan Public Facilities and Services, Schools Policy 5.c. which indicates that schools should not be located on arterial streets. He indicated that some interpretation will eventually be required to be made relating to the proposed school site and this policy.

Chair Russell closed the hearing.

Mountainview-Crestview Minor Arterial Deliberation, Continued:

Chair Russell asked where Crestview was intended to go toward the west.

Mr. Teitzel indicated that where the Crestview arterial is adjacent to housing, a sound buffering would be provided with a frontage road adjacent to the residential use. He indicated there would be a parallel road. He indicated that it is staff's recommendation that criteria be placed in the plan relating to sound treatments and frontage roads, but that the plan should retain a statement relating to route alignment to be determined through the development review process.

Chair Russell felt that Newberg Comprehensive Plan Transportation - Automobile Policy 2.b. was not being appropriately addressed.

Mr. Teitzel indicated that this plan was developed prior to the School District's looking at a 16 acre site in this area and that this could be developed as a road to serve that specific site.

Mr. Egner indicated that the City is looking at a system and not a basic alignment. The specific alignment gets determined at development review.

Chair Russell felt that if no specific alignment were determined, then there should be no lines on the map anywhere.

Mr. Egner indicated that the City does not care specifically where the street will go, just that it will connect points A and B.

Commissioners debated whether there should be only one option or whether there should be two options.

Mr. Egner indicated that when a minor arterial is built, there will be sound buffering provided adjacent to residential development. He reviewed policy language identified on page 55 of the Transportation Plan as noted in the revision statement provided at the May 24 meeting. He indicated that the policy was to provide a sound barrier along residential areas.

Mr. Teitzel noted that the specific location of the roadway west of Springbrook could be adjusted based on development desire. He indicated that the transportation system plan lays out the general location of the collectors, minor and major arterials. A refinement plan done by the developer of the area would lay out the specific location. He indicated that the NW Newberg Specific Plan is a refinement plan which the City and the property owners are jointly developing.

Chair Russell was not satisfied with the placement of the Crestview route on a map. He was satisfied by the language of the ordinance. He felt that the Crestview alignment put in place many years ago was the one that should be retained.

Mr. Teitzel pointed out the route of the alignment that was on the Comprehensive Plan many years ago; he noted the it generally ran through Oxberg Lake Estates out to the Benjamin Putnam intersection with 99W.

Commissioner Worrall asked if Oxberg Estates was in or out of the UGB. Mr. Egner indicated that it was outside the UGB.

Commissioner McCauley noted that this kind of development outside of the urban growth boundary made expansion and redevelopment more difficult.

Mr. Egner noted that Goal 12 addresses those kinds of issues. He referred to OAR Chapter 660, Division 12, Section 065 which addresses the ability to not request an exception.

Commissioner McCauley noted that in this area the City is required to address a problem that has occurred in the county and the City has been left to deal with.

Mr. Egner concurred. He reviewed the staff report relating to addressing exceptions to goals.

Commissioner Worrall asked about the various options presented relating to the Mountainview-

Mr. Teitzel indicated that there were originally three options: the Benjamin-Putnam option; the Crestview option and the Springbrook Road option. He noted that during the hearings, Bell Road was suggested by the audience as an option.

Commissioner Worrall asked why these options were not being discussed.

Mr. Teitzel indicated that it was Staff's opinion that the Crestview alignment best met the objectives of serving the property within the UGB, providing traffic relief to Springbrook, and provides the least environmental damage, as well as keeping the alignment close to the existing UGB. He indicated that Benjamin, Bell and Springbrook would be preserved in the county plan as collector streets.

Commissioner Worrall felt that if this plan was for the future, shouldn't the road be located further out so as not to limit and constrict development to what exists now.

Mr. Teitzel indicated that the transportation planning rule requires that the City provide a Transportation Plan for the existing UGB and not to project out for the next 50 years. He felt that the City needs this collector. He indicated that when the State does the south bypass, the interchange with the Highway and the collector will be tied in with the bypass interchange somewhere in the vicinity of the Creek and Vittoria.

Commissioner McCauley felt there should be a commission consensus relating to each section of the discussion outline.

Commissioners agreed by a 4 to 2 show of hands to include the Mountainview-Crestview minor arterial as proposed by staff.

Staff asked those not agreeing to identify any changes that would revise their vote of disagreement.

Commissioner Worrall indicated that it was cheaper to build streets where there are already streets; however, he felt there should be serious review of a more northern alternative that have not been included in any previously proposed options. He felt there should be further review of the Benjamin Road/Putnam Road area.

Chair Russell indicated that he objected based on the fact that Crestview has always been identified as a collector and that the original plan should be retained. He objected to putting so many lines on maps which would be taking other property that doesn't need to be taken. He felt that the frontage road should be removed from the plan and that the original Crestview alignment should be retained.

Commissioners recessed for 5 minutes after which the meeting was reconvened.

B. 219 Realignment for Airport

Mr. Egner highlighted the proposed realignment of 219 in the vicinity of the airport. He noted that revision of the existing alignment or lowering the grade of the existing roadway at the north end of the runway were options.

Chair Russell asked what happens if Highway 219 were left where it was and Second and Fernwood were moved.

Mr. Egner noted that doesn't eliminate the conflict between the airport and truck traffic.

Commissioner Worrall noted that there were several options for rerouting 219 that could be provided.

Mr. Teltzel indicated that it was likely all of the state highway routes through Newberg would be reviewed by the State. He noted that if 219 and Second Street are left on the plan, the traffic that is generated will require a signal and there is no ability to coordinate traffic signals with airport runway use.

Chair Russell asked what authority the City had to relocate the state highway. He indicated that all the Transportation Plan as well as all the state highways through the City would be reviewed at the time that the impact statement is done by the state relating to the bypass.

Andy Mortensen was asked if there was any problem with revising 219 to go up Springbrook to 99W. He indicated that one of the problems would be that 99W would likely need to go to 3 lanes each way with the addition of 219 traffic.

Commissioner Worrall suggested that the proposal identified in the Transportation Plan was not feasible and that a better alternative would be to go up Springbrook to 99W and connect to 99W.

Commissioner Kriz asked if, once the lines were on the map, how the state would react to the City's chosen locations.

Mr. Egner indicated that some language should be placed in the document which indicates that, subject to the state's EIS analysis, this is the best option that the City can come up with. It should also include the possibility for change.

Mr. Teitzel was asked if the airport would be retained. He indicated that if the proposed alignment were adopted, there would still not be enough additional space to extend the runway. He indicated that another option for 219 would be to put it on the bypass and run it around. He felt that perhaps nothing should be drawn on the map from the present location but only address the issue in the text as recognition of the problem.

Mr. Mortensen indicated that it was necessary to provide state highway access until such time as the bypass occurs in case the bypass does not occur.

Mr. Teitzel indicated that if 219 were placed on Springbrook Road, then the change should not occur until the bypass is in place. He indicated that if the bypass does not happen, 99W needs major improvements anyway.

Commissioners generally discussed the need to divert traffic away from the airport and up Springbrook Road.

Mr. Teitzel indicated that it was the Citizen Advisory Committee's (CAC) desire to retain the existing methods of transportation available in the City. He was asked if the viability of the airport would be preserved if 219 were routed up Springbrook. He indicated it would.

Mr. Egner indicated that street design standards are different for a collector and major arterial.

Mr. Mortensen indicated that it was the desire of the CAC to retain the Second Street east-west local street connection.

Commissioners debated several options relating to Second Street location with no consensus established.

The following issues were reviewed for Commission consensus:

- Leave 219 at its present location and close off Second Street.

Yes 4 No 2

- Adopt the proposed plan identified as figure 4-1.

Yes 0 No 6

- Reroute 219 up Springbrook Road to 99W.

Yes 2 No 4

As identified by the above poll, the majority of the Commissioners majority desired retention of 219 at its present location with closure of Second Street access to Highway 219 on both the east and the west.

C. Collector system in NW Newberg

Mr. Teitzel reviewed the relocation of a collector along Foothills to the west of College and through the NW Newberg Specific Plan area with additional collector designation through an extension of Villa. He indicated that there would be a need to develop bike access along the Foothills collector to provide access for students to the new proposed school on the Crater site. He noted that if the school were not sited on the Crater site, a collector would not be required. He indicated that the existing right-of-way would be adequate, the existing pavement would likely remain in place and there would be a bike path marked on the paved portion of the street.

By unanimous consensus, the Commissioners agreed to include replacement figure 4-1 with collector street revision of Foothills in the Transportation Plan.

D. Haworth extension to College

Mr. Teltzel indicated that the intent was to provide a clear east-west collector in the vicinity of Fulton from the area west of College to the school system on Elliott.

By unanimous consensus, the Commissioners agreed to accept recommendations as noted in the Transportation Plan to extend Fulton from Haworth to College.

E. Other Issues

- State Bypass

Commissioner Worrall indicated that it was the overwhelming need of the community to get the bypass installed as quickly as possible.

Mr. Teltzel indicated that the Transportation Plan is built around the bypass and if the bypass is not built, the plan would have to be redone. He noted that the plan has been reviewed by Region 2 ODOT and they are very happy with it. ODOT also noted that the plan contains both an alternative which includes the bypass and one which exclude the bypass and it will make their job doing the EIS easier.

Commissioner McCauley felt there should be very strong language relating to access and commercial development along the bypass. He felt that "discourage" was not strong enough.

Mr. Egner noted that these policies were amended to the Comp Plan several years ago to show support for the bypass.

Chair Russell then quickly review each paragraph of the Transportation System Plan as an opportunity for the Planning Commission to express concerns. Comments occurred relating to the following items:

a. Brutscher Street

It was noted that Brutscher Street was named by Dean Werth. Mr. Werth indicated that Mr. Brutscher was Newberg's first postmaster and named the city "Newberg".

b. Mountainview Drive and New East/West Minor Arterial

Commissioner Worrall asked why the Crestview/Mountainview connection was identified at the proposed location. Mr. Teltzel reviewed the history of the Crestview alignment and the ensuing ballot measure.

c. Highway 219

Commissioner Kriz asked about the right-of-way improvements being provided for on 219 between Hancock and the RR tracks.

Commissioners generally discussed the difficulty of widening the streets through an area which contained numerous historic homes.

As a result of this discussion the Commissioners, by consensus, recommended elimination of Page 72 paragraph 1 of the Transportation Plan as follows:

1. College Street Widen to full, 3-lane collector street standards between Hancock Street and Fulton Street to include sidewalks and bicycle lanes on each side of Main (typo - should be College) Street. Total length of this improvement is approximately .3 miles and is estimated to cost \$.6 million. No additional right-of-way is needed for this improvement.

Commissioners discussed setting an adjournment time and by consensus agreed to continue deliberation at the next Planning Commission meeting.

Staff reviewed the progress the Commissioners have made on the Transportation Plan deliberation.

It was pointed out by Chair Russell that there are other issues related to the Transportation Plan such as system development fees, that still need to be discussed.

Mr. Egner noted that he sensed that the balance of the Commission review would deal with easily correctable changes for the plan. He noted that the Transportation Plan deliberation would continue where it left off.

VI. OLD BUSINESS

Mr. Egner again invited the Commissioners to the NW Newberg Specific Plan meeting on June 17th.

VII. NEW BUSINESS

None

VIII. COMMUNICATIONS FROM THE FLOOR

None

IX. ADJOURN

There being no further business, the meeting was adjourned at approximately 10:50.

DRAFT
SUBJECT TO REVISION

MINUTES OF THE NEWBERG PLANNING COMMISSION

Newberg Public Library
July 8, 1993

Newberg OR 97132
7:00 PM

I. ROLL CALL

Members Present:

Jack Kriz
Mike McCauley
Mary Post
Steve Roberts
Wally Russell
Bob Weaver
Roger Worrall

Members Absent:

Carol Ring
Don Thomas

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner

II. OPEN MEETING

Planning Chair Russell opened the meeting and reviewed the agenda for additions. Commissioner Worrall requested that discussion relating to open space be added under Old Business. Planning Director noted that there is an additional item under New Business relating to a September meeting date.

III. APPROVAL OF MINUTES

Motion: Worrall-McCauley to approve the minutes of the June 10, 1993 Planning Commission. Motion carried unanimously.

Planning Director Egner reviewed ORS 197 relating to public hearing testimony.

IV. PUBLIC HEARING:

APPLICANT: Wayne Smith
REQUEST: Lot line adjustment transferring 4,468.75 sq.ft. from parcel 1 to parcel 2 resulting in an 8,531.25 sq. ft. parcel and a 25,593.75 sq. ft. parcel; variance to the lot frontage

requirements to allow a 17 ft. easement as access to 4 parcels where a 25 ft. access and frontage is required; a partition of a 25,593.75 sq. ft. parcel into 3 parcels of 8,531.25 sq. ft. each; and a modification to allow a 20 ft. access easement to all parcels where a 25 ft. access is required.

LOCATION: 725 N. College
TAX LOT: 3218DB-2700 and -2800
FILE NO: ADJ-1/P-S/V-4-93
ZONE: R-1 Low Density Residential

Chair Russell asked for abstentions, ex-parte contact or objections to jurisdiction. None were identified.

Staff Report: Associate Planner King reviewed the criteria for the partition, modification of partition provisions, and variance. She then reviewed the history of the site, identifying the location of the site and noting that access to the site was over a 17 ft. easement owned by the property owner to the south. She presented a slide show of the site identifying surrounding uses. She presented overheads identifying the proposed site plan. She reviewed staff report findings, noting that the proposal would fully develop the site. She indicated that even though the proposal does not impede surrounding development, it limits the lot and street layouts which could occur on the surrounding vacant parcels. She noted that facilities are available to the site. She added that the applicant has proposed a 20 ft. utility easement; however, the development team has requested a 25 ft. utility easement to accommodate needed utilities. She identified the following proposed conditions if the project is approved: Condition 1 should include posting "no-parking" over the easement and condition 2 should provide an additional area at the westerly end of the access easement to allow maneuvering room for emergency vehicles. She indicated that the 25 ft. easement does not prohibit development of any of the sites, however, it may be difficult to site a house on each parcel. She noted that access could be modified to 20 ft. and still be acceptable by the Fire Department. She indicated that additional right-of-way might be acquired from the property owner to the south but there is not adequate property available to the north to obtain additional right-of-way from the northerly property owner. She indicated that the 17 ft. access to the site is unique; however, an opportunity exists for obtaining additional right-of-way to bring the access closer to the 25 ft. standard. She noted that the staff recommendation at this time would be to deny the partition since future development in the surrounding area would allow a better and more efficient development. If Planning Commission were to approve the proposal, she noted that staff report conditions 1-12 should be included. She noted that the proposed approval motion should include "approve the modification to provisions to allow a 20 ft. access easement to serve lots...".

Proponent: Wayne Smith, 10050 SW Hazelbrook Rd., Tualatin, owner of the site asked staff to clarify condition 3 relating to the storm sewer system requirement.

Ms. King indicated that site drainage would be required from the site to the drainage ditch on College Street, and eventually connect to an improved storm system on College.

He did not agree with the requirement of the Fire Department to extend the access easement westerly to allow for emergency vehicle turn-around. He felt that enough property had already been proposed for access.

Mr. Egner indicated that the Fire Department standard should be supported; however, the Planning Commission could choose to approve either option and allow the Fire Department and the applicant to mutually resolve the issue.

Mr. Smith indicated that he was not in a hurry to develop the property and would like to know about any development which may be occurring on the surrounding vacant land.

Ms. King noted that no current development proposals have been presented about the surrounding property.

Mr. Smith indicated he would like to know now what he can or can't do with the property. He noted that if the 17 ft. easement were expanded to the north, the northerly property would not be in compliance with the code. He noted that if the easement were expanded to the south, that lot would not be in compliance.

Ms. King indicated that an easement over either northerly or southerly parcel would be included in the setback for the parcel it was over.

Mr. Smith indicated that even though the paved width of the roadway was 20 ft., Mr. Holveck owns the easement and it is only 17 ft. wide. He noted he has not discussed additional easement with Mr. Holveck. He reiterated that he would like to know what development options were available to him.

Questions to Proponent:

Commissioner Weaver asked if the house on the site was occupied. Mr. Smith indicated it was occupied. He indicated that he intended to remodel portions of the existing structure.

Opponent: None

Public Agencies/Letters: None

Staff Recommendation: Ms. King noted that this type of development situation is becoming more typical as infill occurs. She did not add to the staff recommendation for denial.

Hearing Closed.

Commissioner Weaver asked how many homes could be built on the site. Ms. King indicated there were 4 lots proposed. Mr. Weaver did not feel there was adequate space for additional traffic at this site.

Commissioner Russell felt that if this proposal were granted, it would limit the future development of the entire vacant area. He did not feel that the 17 ft. access was a viable access for 4 lots.

Chair Russell reviewed the site access including the existing 17 ft. access, the 20 ft. access requested by the Planning Department and the 25 ft. access requested by the Fire Department.

Mr. Egner pointed out the transitional area where the 17 ft. and 20 ft. easement meet.

Commissioners briefly discussed the possible location for additional setback.

Commissioner Weaver felt the access to College was inadequate, particularly as regards backing out onto the highway. He felt the proposed 35 ft. turn-around on the west end of the site is necessary.

Motion: Roberts-Post that the Planning Commission deny the partition, variance and modification to provisions based on testimony and staff report findings.

Discussion on Motion:

Commissioners briefly reviewed the ingress/egress hazards associated with the site.

Vote on Motion: Aye: Kriz, McCauley, Post, Roberts, Weaver, Russell; Nay: Worrall. Motion carried (6-1).

Mr. Egner indicated the decision was final subject to appeal to City Council.

The applicants questioned staff as to what other development options were available to them. Chair Russell indicated that the decision of the Planning Commission was only about the current application and that other possible solutions for development may be available.

V. PUBLIC HEARING:

APPLICANT: NSP Development
REQUEST: Comprehensive Plan Amendment And Zone Change from
MDR/R-2 (Medium Density Residential) to HDR (High Density
Residential) on a 4.36 acre site
LOCATION: Ninth & College
TAX LOT: 3219DD-100
FILE NO.: CPA-1-93/Z-1-93
CPA/ZONE: MDR/R-2 (Medium Density Residential)

Chair Russell asked for abstentions, ex-parte contact or objections to jurisdiction. Mr. Russell indicated he worked in the same office as the realtor representing the applicant; however, he has had no contact or conversation with the realtor relating to the issue. No objections, abstentions, or ex-parte contact were indicated.

Staff Report: Ms. King reviewed the criteria for a comprehensive plan amendment and zone change. She reviewed the staff report, noting that it is the applicant's intention to develop an apartment complex with a density of approximately 14 units per acre. She presented a slide show identifying the site and surrounding uses. She noted that the Oregon Department of Transportation has looked at the general area for a possible southern bypass. She noted that ODOT has considered using the ravine area as part of their right-of-way. She indicated that the actual development plans for the apartments will be reviewed by City Staff and not the Planning Commission. She noted that the Planning Commission will make a decision only on the comprehensive plan amendment and zone change request. She reviewed housing densities and uses in the existing R-2 and proposed R-3 zones. She noted that in the R-3 district 21.8 units are allowed per acre. She reviewed comprehensive plan goals and policies relating to the proposal. She indicated that the application meets the criteria for a comprehensive plan and zone change. She noted that the revised housing needs analysis identifies a greater need for medium and high density land than was originally identified in the development of the comprehensive plan. Staff feels there is an overwhelming need for rental units in the City and that there is a greater need for HDR than MDR zoned land. She noted that there was a need for better pedestrian access in the area. She felt the change would protect the on-site open space better than if the site were developed as single family homes. She added that there was a limited supply of developable R-3 land in the City now.

Questions of Staff:

Commissioner Weaver asked the area of a 20% break in slope on the lot. Ms. King pointed out on an overhead the area generally considered to be in the slope.

Proponent: Marc Willcuts, 125 Hawthorne Court, Dundee, realtor with Coldwell Banker, and representing NSP Development, the applicant. He indicated that the applicants intend to construct an apartment complex on the site. He noted that there are only two other sites available and neither are large enough to develop with appropriate amenities.

Questions to Proponent:

Commissioner Worrall asked how the applicants were going to handle the general hazard area. Mr. Willcuts indicated that the applicants know there can be no development below the 20% break in slope. He indicated that the applicants have only done preliminary work on a site plan for the development.

Letter in Opposition: Six residents in the area objecting to additional traffic impact of the proposed development.

Opponent: Mary Gustafson, 910 S. College, expressed concern about the traffic problems on Ninth Street and College Street. In addition, she expressed concern about the impact on already full schools. She felt that apartments would affect the quality of the single family neighborhood. She felt the whole area was getting pretty well over-developed. She felt the Planning Commission should review the impacts on the neighborhood.

Question to Opponent: Chair Kriz asked how long she has lived in the neighborhood. She indicated over 2 years. He asked if she knew when she moved into the neighborhood that the zoning was R-2. She indicated she did not. She noted that there is much congestion already because of the ballfields in the vicinity. She felt that no further high density development should occur in the area until the traffic issue was resolved.

Opponent: Lonie Jense, 708 E. Ninth, resident in the area indicated that she had lived in the area for over 7 years and didn't know that the zoning was R-2. She indicated there was much congestion. She indicated that renters don't seem to take care of their homes. She indicated that deer come in up from the canyon and if this area is developed, the deer will leave. She indicated that she has problems with the renter on the site now. She expressed concern about the lack of stop signs in the area. She knows that changes are likely to happen, but she wants a close look if its in her backyard. She noted that if the development was for 60 units, she was concerned about the impact on the neighborhood.

Commissioner Roberts asked her if there was only one owner, wouldn't the landscaping, etc. be easier to control.

Commissioner Worrall asked if she was aware of the state criteria to provide for adequate housing for various housing types. She indicated she understood about the need for

additional housing; however, she was concerned about the increase in density to R-3. She indicated she would prefer R-2 zoning.

Commissioner Weaver asked if a high end apartment complex might not improve her property value. She indicated the apartments that exist across from the ballfields are not very nice.

Public Agencies/Letters: Ms. King noted the letter previously identified. No additional information has been received from ODOT or the school district.

Chair Russell noted that the capacity of the schools is not an issue in the criteria for making a decision on the proposal.

Commissioner Weaver asked why overpopulated schools were not a part of the livability of the community.

Mr. Egner indicated that the school capacity issue is not listed in the criteria; however, the City does have the opportunity to change the criteria.

Commissioner Worrall asked if school capacity has an opportunity to limit development in the community.

Commissioner Weaver indicated it was not currently, but he felt it should be considered.

Planning Director indicated that school capacity can be considered in this action because the request is a comprehensive plan amendment.

Proponent Rebuttal: Marc Willcuts indicated that it was the intent of the applicant that the rental house on the site would be demolished. He noted that NSP does build a very high quality development with professional managers. He felt it would be a real asset to the community and would provide some much needed housing.

Staff Recommendation: Ms. King indicated that the staff recommendation was for approval of the zone change and comprehensive plan amendment.

Hearing Closed.

Commission Discussion:

Commissioner Weaver reviewed the request and asked for clarification about the actual number of units to be located on the site. Ms. King indicated that in the R-3 district the

density is 21.8 units per gross residential acre and the applicants proposed density complies with the R-3 density calculations.

Commissioner Worrall felt that trading off an R-2 to an R-3 was the least of two evils on the site.

Commissioner Roberts felt that housing must be provided for all housing types in order to retain them in the community. He particularly expressed concern about providing housing opportunities for young and newly married individuals.

Commissioner McCauley felt that the current zone would allow densities for duplexes, etc. He felt that this area already had a concentration of apartment units. He was especially concerned about the additional traffic.

Commissioner Roberts noted that previous attempts to distribute R-3 zoning throughout the city have not been accepted well. He felt that the opportunities should be taken when offered.

Commissioner Kriz asked whether the specific development plan had any R-3 land in it. Staff indicated that it did not.

Commissioner Kriz noted that Ninth Street is not included for improvements in the transportation plan. He asked staff if this was a correct assumption if the zone change were granted.

Mr. Egner indicated that the plan was based on existing zoning. He indicated that this area had no problems specifically identified in the transportation plan.

Commissioner Worrall indicated that the opponents have indicated a potential safety problem. He felt that this testimony should be carried forward into the transportation plan discussion for consideration of sidewalks and Ninth Street improvement.

Chair Russell indicated that there a number of apartments scattered throughout the south side of Newberg with a variety of management styles.

Commissioner Kriz felt that impacts on the surrounding property should be considered.

Commissioner Worrall concurred with Kriz, however he noted that the opponents have indicated they had no idea what the zoning was when they purchased.

Commissioner McCauley indicated that most purchasers don't completely investigate possible developments surrounding them.

Motion: Worrall-Roberts that the Planning Commission approve the comprehensive plan amendment and zone change from MDR/R-2 to HDR/R-3 based on staff report, findings and public testimony. Vote on Motion: Aye: Post, Roberts, Worrall, Russell; No: Kriz, McCauley, Weaver. Motion carried (4-3).

Mr. Egner indicated this was a recommendation to City Council and a public hearing will be held on the first Monday in August. The Council may or may not choose to receive additional testimony.

A five minute recess was called.

VI. PUBLIC HEARING, CONT.: NEWBERG TRANSPORTATION PLAN

APPLICANT:	City of Newberg
REQUEST:	Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.
FILE NO.:	Newberg Planning File G-8-93
CRITERIA:	Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968; Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).

Mr. Roberts reiterated his abstention from this hearing.

Chair Russell indicated that there was a need to limit the Planning Commission meeting times to a reasonable hour.

By consensus the Commission revised the agenda hearing order.

VII. OLD BUSINESS

Commissioner Worrall waived his item of old business.

VII. NEW BUSINESS

Mr. Egner indicated that by August there would be a general discussion relating to the NW Newberg Specific Development Plan, with a hearing on the matter scheduled for September.

Commissioner Worrall asked if there was material available for the Commission to review prior to the meeting. Mr. Egner indicated that the material would be included in the next packet.

Mr. Egner noted that the September Planning Commission hearing date conflicts with OPI. He requested that the PC hearing be changed to the third Thursday. By consensus, the Planning Commission agreed to meet September 16.

Mr. Egner noted that he would return the open space discussion to the Planning Commission as soon as the transportation plan was completed.

Commissioners discussed a time of adjournment.

Staff was asked about the length of additional review required. Mr. Egner identified the outline location at which the commission should resume discussion.

Motion: MCCauley-Kriz to adjourn at 10:30 PM. Motion carried with 1 nay - Worrall.

VI. TRANSPORTATION PLAN - DISCUSSION RESUMED

Mr. Egner indicated that the Commission should resume with discussion relating to River St.

Commissioner Kriz expressed concern about a policy which would address cutting of trees.

Mr. Egner indicated that a policy could be included which would state that where a collector or arterial crosses a historic area, mature trees should be preserved. He indicated that if the City plan states that the roadway should not be widened in order to preserve the trees, the state is unlikely to come in and widen it.

Commissioners discussed whether this would promote rerouting of Highway 219 away from the historic area.

Mr. Egner indicated that staff would develop a policy relating to this issue.

Commissioners discussed policies relating to River Road, Elliott Road, and Wynooski.

Commissioners generally discussed the relocation of Highway 219. Commissioners felt that Item 6 relating to the improvement in the vicinity of Villa and Sentry should be deleted from this location and included in the area addressing Highway 219 issues.

Mr. Egner noted that the most recent version of the transportation plan shows a diagram relating to street standards. Local streets are proposed to have a 60 ft. right-of-way with a 32 ft. paved width. Collector streets and arterial streets are the same as originally proposed.

Commissioner Worrall asked if this was a proposed change to existing street standards. Mr. Egner indicated that it was a significant change and that a policy should be included to exempt existing developments with 50 ft. right's-of-way.

Commissioner Worrall concurred that this exemption should be included.

Staff indicated that a policy will be added relating to this exemption if the Commission agrees.

Discussion then centered on streets being proposed for upgrading from local to collector streets.

Commissioner Worrall questioned the proposed locations of planting strips on the various types of street classifications. Mr. Egner indicated that it depended upon the type and location of the rights-of-way. Mr. Egner indicated that existing right-of-way limitations would not impact the designation of the street.

Staff was asked why there was a range given for variation of paved width from 32-34 ft. paved width. Mr. Egner indicated it gave staff some discretion and flexibility of design.

Chair Russell noted that the Planning Commission had decided several years ago to promote narrow streets for traffic control and lessening of congestion on residential streets.

Mr. Egner indicated that a narrower street slows traffic.

Commissioners concurred on the sidewalk width policy.

Ms. King expressed concern that sidewalks be wider along Highway 99W together with a park strip.

Commissioners concurred that in the C-3 zone, sidewalks should not be required to have planter strips and sidewalks could be curbside.

Mr. Egner indicated that the Commission was now reviewing minor arterial street standards.

Staff noted that page 55 of the transportation plan should be revised to indicate that there should be 5 ft. sidewalks setback from the curb.

Staff then reviewed recommended street design standards.

Commissioner Kriz asked again about Ninth Street and whether it should be included for street improvements.

Staff indicated that Ninth Street needed to be included in the pedestrian section of the transportation plan for sidewalk improvements.

Mr. Egner indicated that there were changes to the minimum spacing between intersections. He noted that the minimum spacing on a major arterial would be should be changed to 800 ft. on Highway 99 and 500 ft. on Highway 240 to comply with state standards. The minimum spacing on minor arterials would be 500 ft. He noted that shared access drives would be encouraged under the new plan. He noted that the recommendations are from the consultant, Kittleson and Assoc. He added that the standard is also revised under minor arterials as recommended by the consultant.

Mr. Egner next reviewed the amendments to the public transportation plan. He reviewed the local and commuter transit policy revisions. He noted that the transit issue would need to be included in the county plan. He added that a local transit district could include Newberg and Yamhill County and develop an agreement with Tri-met for operating a transit system like this.

Commissioner Worrall felt that the language in the public transportation system section was too strong. He felt that the language should be softened to promote or investigate the possibility of a public transportation system.

It was noted that the preceding paragraph indicates that the issues of establishing a transit system be investigated, not required.

Staff then reviewed the bicycle/pedestrian section.

Mr. Egner indicated that the Ninth Street sidewalk improvement should be placed on page 32, item C.3 of the transportation plan.

The Commissioners concurred with the addition of Ninth Street on the sidewalk improvement map.

Mr. Egner then reviewed the on-street bike routes.

Motion: Worrall-McCauley moved for adjournment.

Commissioners briefly discussed the reason for adjourning at this time. Commissioner Worrall noted a motion to adjourn is a privileged motion. The meeting was adjourned at 10:30.

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MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
August 12, 1993

Subject to P.C. Approval at 9/9/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mike McCauley
Carol Ring
Steve Roberts
Robert Weaver
Roger Worrall

Staff Present:

Sara King, Associate Planner
Duane Cole, City Manager
Barb Mingay, Recording Secretary

Consultant Present:

Dennis Egner

Citizens Present: 7

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting. He then asked if there were any additions or deletions to the agenda.

Associate Planner King requested that the hearing schedule be revised to hear Item V. first. Commissioners concurred.

Planning Commissioner Roberts requested that the transportation plan be heard at the end of the meeting to enable those abstaining to leave the meeting. Dennis Egner noted that the specific plan slide show would take approximately 15-20 min. Commissioners and staff discussed quorum requirements relating to the transportation plan issue.

Motion: Kriz-Weaver to table Agenda Item IV - Newberg Transportation Plan to the September 16 Planning Commission meeting. Motion carried unanimously.

Ms. King presented the ORS 197 requirements for public hearings.

III. APPROVAL OF MINUTES

Motion: Kriz-Roberts to approve the minutes of the July 8 Planning Commission meeting. Motion carried unanimously.

IV. PUBLIC HEARING: Newberg Transportation Plan - Tabled to September 16, 1993 Planning Commission meeting.

*Ignore Deletion
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minutes ok*

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
September 16, 1993

Subject to P.C. Approval at 10/21/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Robert Weaver
Roger Worrall
Wally Russell

Staff Present:

Sara King, Associate Planner
Greg Scoles, Comm. Dev. Director
Duana Cole, City Manager
Barb Mingay, Recording Secretary

Citizens Present: 5

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting. He introduced Greg Scoles, Community Development Director, to the Planning Commission and welcomed him to the community. He then asked if there were any additions or deletions to the agenda. None were noted by staff.

Commissioner Worrall requested that a discussion relating to open space be added to Old Business. Commissioners concurred by consensus.

Mr. Scoles stated that the Agenda Item VII. NW Newberg Specific Plan, has been continued and NUAMC also continued this item. He noted that staff has been working with county staff to develop implementing measures and that this item will appear on an agenda in the near future.

Commissioner Kriz asked whether the Commissioners wanted to set an adjournment time. Commissioner Worrall suggested that the transportation plan should be concluded. No adjournment time was set.

III. APPROVAL OF MINUTES

Motion: Roberts-Weaver to approve the minutes of the August 12 Planning Commission meeting with a correction noting that Commissioner Worrall was not present. Motion carried unanimously.

Ms. King presented the ORS 197 requirements for public hearings.

IV. PUBLIC HEARING:

OWNER: Christ Community Church
REQUEST: Historic Review and variance to the institutional setback required in the R-2 zone
ZONING: R-2
LOCATION: 611 N. Main
TAX LOT: 3218DC-2501
FILE NO: H-5-93/V-11-93
CRITERIA: Section 422 of the Newberg Zoning Ordinance No. 1968

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. Commissioner Roberts noted he had made an informal site visit. Commissioner Kriz noted that he lives across the street from the site. No other ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Assoc. Planner King distributed site and landscaping plans to the Commission for their review. She reviewed the criteria for approval and denial of a historic modification. She then presented the staff report and reviewed the history of the site with a slide show. She noted that there were a large number of mature trees on the site. She indicated that the church has purchased the property to the north of the site for an office-parsonage. She indicated that the education building is proposed to be a separate building to the west of the existing church structure and the parking lot improvements and proposed structure would fully develop the site. She added that the landscaping to the south and west will be reduced to accommodate the required driveway width and parking lot site. She noted that one tree is proposed to be removed. She discussed the design review requirements which will impact the proposed building, including parking, landscaping, refuse collection and so on. She indicated the proposed setbacks for the church are 5 ft. She noted that an institutional use requires a 25 ft. setback from all property lines. She noted that because of the historic nature of this site, the applicants are requesting that a 5 ft. setback be allowed. She noted that if the 25 ft. setback were imposed, the church could meet the requirements by using the setback area as a parking lot. She noted that the proposed addition could be placed on the property to the north but that would reduce the traffic circulation. She noted that the proposed plan meets the parking requirements, serves the site well and retains the circulation pattern. She noted that the applicants have indicated they need a building the size that has been proposed.

Commissioner Roberts asked Ms. King what exists to the south of the site. Ms. King indicated that the home to the south is some distance away from the site.

Mr. Roberts asked what exists to the west of the site. Ms. King noted that there was a garage. The applicant indicated that there was a rabbit hutch and storage building located on the abutting property to the west.

Mr. Roberts asked if there was a local improvement district on Grant Street. Mr. Scoles noted that the Grant Street Improvement was now being completed.

Mr. Worrall asked if notice was provided to abutting property owners. Ms. King indicated that notice has been provided and no comments have been received.

Ms. King reviewed the dimensions of the proposed building and suggested that it may be a little out-of-scale with the neighborhood; however, the R-2 zone allows two story construction. She stated that the Commission might discuss the historic compatibility of the proposed structure with the existing structure. She noted that the applicants are proposing to eliminate the windows on the west wall. She indicated that this may make the building appear to be more institutional and less compatible. Staff recommends that the windows remain on the west side of the building and that vertical landscaping be installed to break up the impact of the structure. She then reviewed variance criteria and findings for approval of the setback variance.

Commissioner Weaver asked about the landscape plans for the area between the gravel road on the south side of the church and the adjacent residence. Ms. King noted that there are a number of old evergreen trees on the

south property line which act as a buffer to the parking area. She noted that the area will have grasscrete pavers installed to serve as emergency access without requiring removal of a tree. She commented that Staff's preliminary recommendation was for approval of the historic adjustment and the variance based on both staff report findings and conditions.

Mr. Kriz asked if staff has consulted with any historical architects. Staff noted they have not.

Proponent: Ken Paulsen, architect for the project, 5638 SW Haines St., Portland, thanked Ms. King for helping with the project. He noted that the need was great for this type of building. He concurred with the provisions of the staff report and invited questions from the Commission.

Mr. Roberts asked David King, resident pastor, why this amount of space was required.

Proponent: David King, resident pastor, 25701 NE North Valley Rd., noted that 40-50 members normally attend the church. He noted that the current building has an awkward internal design. He noted that the ministry would like to have smaller educational areas available to administer to all the various age groups. He noted that the first floor of the proposed building has an accordion door to divide up the space into two areas and the upstairs would also be divided into two areas. This would allow four natural areas for ministerial services. He noted that the house to the north is intended to be used as an office, counseling room and for additional services. He noted that the congregation desires to have a place for the congregation to sit and eat together.

Mr. Roberts asked about the dimensions of the existing building. Pastor King noted it was approx. 1500 sq. ft. He commented that the total square footage would be about 3200 $\pm$ sq. ft. including the kitchen area.

Mr. Weaver asked if the house to the north was intended to be a parsonage. Pastor King noted that it was not anticipated at this time.

Mr. Weaver asked about handicap access to the second floor. Pastor King indicated that there are no current plans but it is their intention to comply with all handicap code requirements.

Mr. Worrall asked about the anticipated use of the multipurpose building. Pastor King noted that it would be primarily on Sundays only with possible mid-week services. He noted that there already are several holiday meals served in the community and there may be such food service provided from this facility. He noted that there is no thought of having a day care facility, school, or anything of that kind.

Mr. Kriz asked Mr. Paulsen about the window size and pattern as noted in the staff report. Mr. Paulsen indicated that the long wall in the proposed structure could be used for windows, and they hope to install numerous vertical plantings. He noted that the windows will be left in or modified in such a way as to put them more in alignment with the residential character of the neighborhood. He noted that the design of the new building was intended to be different in character and to not detract from the existing building.

Opponent: None

Public Agencies/Letters: None

Staff Recommendation: Staff recommended that the request be approved as noted in the staff report.

Hearing Closed.

Planning Commission Discussion:

Mr. Roberts felt the proposal was appropriate; however, he expressed concern that the site would be permanently locked together with the adjacent residential site purchased by the church. He noted that there appeared to be a major increase in sq. footage for an institutional use. He felt that the Commission should review the types of activities possible if the church sold the site to someone else.

Mr. Weaver felt that the development was appropriate to the site, that churches need space for their ministries and that it would enhance the neighborhood.

Mr. Roberts continued to express concern about this particular site being used for an expanded church. He felt there might be a more appropriate site elsewhere.

Mr. Worrall felt that the building design as proposed would be appropriate on the site. He felt that expansion of the institutional use would be an improvement to the site.

Commissioner Post indicated that the interior of the existing church is limited and there is no room for Sunday school classes. She noted that the church outreach appears to be to the immediately surrounding community. She added that it was appropriate to not connect the proposed building to the existing building. She added that the size of the addition was more cost effective than doing a smaller one and needing to add on again in a few years. She supported the proposal.

Commissioner Ring felt there was justification for the request and supported it. She expressed concern about handicapped access to the second story.

Ms. King noted that Building codes limited the use of the second floor for children's activities. She added that both Planning and Building code issues would need to be met if the building were converted to a school site.

Mr. Russell noted that several years ago a different church used this facility and had a much larger congregation. He noted that there was a severe traffic problem and this proposal with off-street parking would resolve much of this problem.

Mr. Kriz noted that the parking has been difficult in the past but has not adversely impacted the area.

Ms. Post noted that there are also several business buildings in the general vicinity.

Mr. Kriz felt that the location of the proposed building was appropriate. He noted that the building does not match the architectural integrity of the existing building, particularly relating to windowing. He felt that perhaps the new building could have the windows grouped in threes, similar to the church. He felt the roof pitch might be adjusted to be more compatible with surrounding homes and the church. He noted that there are significant historic homes in the general area and that it was part of the character of the neighborhood. He felt that a breakup in the window design might be more appropriate. He expressed concern that staff has not had anyone such as a historical architect review these kinds of issues. He questioned what vertical planting was.

Ms. King indicated that it was any kind of planting that would break up the vertical space of the building.

Mr. Kriz asked about the type of enclosure proposed for refuse. The architect noted that a fenced enclosure was proposed.

Motion: Worrall-Weaver that the Planning Commission approve the setback variance and the request to improve the site with the proposed parking lot and education building with the requirements outlined in Section VI of the Staff report subject to final staff design review, based on testimony and staff report findings for approval.

Amendment to Motion: Kriz - Post to revise VI-2 to retain windows on both the east, west and north elevations and to revise the pattern to be more compatible with the historic nature of the existing structure.

Vote on Amendment to Motion: Amendment to motion carried unanimously.

Vote on Main Motion: Motion carried unanimously.

Mr. Scoles reviewed the appeal process which includes mailed notice and a 10 day appeal period.

Mr. Russell recommended that the agenda order be revised to hear Old Business issues prior to the transportation plan hearing. He also requested an update on the specific plan hearing process.

VII. OLD BUSINESS

A. General Discussion

Mr. Scoles noted that the specific plan hearing has been postponed based on the need to coordinate implementation issues and create ordinances for adoption by each of the affected agencies. He noted that staff is preparing the implementing measures with both rigidity and flexibility which will appropriately implement the proposed plan. He indicated that scheduling should be determined by the next meeting.

Mr. Scoles noted that there are numerous items on the October meeting agenda and he suggested that the Commission consider meeting on the third Thursday of October to allow adequate staff preparation time.

Mr. Kriz asked if NUAMC was scheduled for the same week. Mr. Scoles indicated that no date has been set for the next NUAMC meeting.

Commissioners briefly discussed whether October 21 was available for meeting. Staff also discussed the meeting day in November. By consensus the commissioners agreed to meet on the third Thursday of October and November.

B. Open Space Discussion

Mr. Worrall reviewed the history of the Planning Commission subcommittee's development of a position paper relating to open space. He requested that the item be placed on the next Planning Commission agenda. He felt that it has been postponed long enough. He then read the position paper which included an objective delineating open space.

Mr. Roberts noted that Friendsview Manor has filled in a portion of Hess Creek adjacent to the Fulton Street right-of-way. He noted that this area is semi-developed but is an area needing to be preserved as Open Space. He noted that he has a meeting with the Division of State Lands regarding this particular location. He felt that the committee's proposal would address these issues.

Mr. Worrall concurred that this issue should be completed at the earliest possible agenda opening.

Staff reviewed agenda items for the October meeting. Mr. Scoles noted that the revised transportation plan document would likely appear on the November agenda.

Commissioners briefly discussed the need to hold a second hearing during October.

City Manager Cole noted that the Planning Staff is currently overwhelmed by a very large number of unfinished and new projects. He added that this is compounded by the shortage of staff and that the long range items would be pushed back if necessary.

Motion: Roberts-Post to place Open Space on the October agenda. Motion carried 6-1 (Russell-Nay).

Mr. Weaver asked who develops the agenda. Mr. Cole indicated that development of the agenda was a cooperative issue between the Planning Commissioners and staff.

A 5 minute recess was called after which the meeting was resumed.

- V. PUBLIC HEARING: NEWBERG TRANSPORTATION PLAN, CONTINUED
- APPLICANT: City of Newberg
- REQUEST: Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.
- FILE NO: Newberg Planning File G-8-93
- CRITERIA: Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).

It was noted that Commissioners Roberts and Ring again abstained.

Mr. Russell asked Mr. Cole if the Planning Commission should deal with the transportation system development charge as it has already been implemented by City Council. Mr. Cole indicated that the Council has adopted the fee and it need not be discussed at this time.

Mr. Scoles briefly reviewed the items to be discussed by the Planning Commission at this meeting. He noted that the balance of the items for discussion included air, rail, water and pipeline plan and short term improvements. He noted that at the conclusion of the Planning Commission review a compiled document would be presented to the Commission for final approval.

A. Bicycle/pedestrian plan discussion:

Commissioners generally discussed the location of a bike path on N. College between Hancock and the railroad tracks. Several expressed concern about the need to retain the trees and historic character of that area of N. College. It was concluded that the map should be revised to allow a bike path in the general area but not necessarily on College Street.

Mr. Russell requested that Jaquith be correctly spelled in the document.

The Commission unanimously approved the bicycle pedestrian plan as modified.

B. Air, rail water and pipeline plan discussion:

Mr. Scoles indicated this section was compatible with changes made earlier to previous sections of the plan.

Commissioners noted that rerouting Highway 219 might be difficult. Commissioners discussed the upgrade options for 219 in the vicinity of the airport.

Mr. Scoles noted that the Oregon rail passenger policy was discussed under the passenger section of the plan.

Mr. Worrall asked if the State's future bypass plans would include provisions for light rail.

Commissioners and staff briefly discussed the expanding need for telecommuting capabilities.

Mr. Cole noted that the telecommuting portion could be expanded drastically. He noted that TCI's contract could be expanded to include these services and features.

Mr. Scoles noted that the existing statement in the transportation plan will not limit the City's options relating to these kinds of services.

Mr. Worrall expressed concern about the transportation plan implementation. He noted that one of the policies appeared to require all streets to be improved to City street standards. He asked what kinds of improvements would be required for existing sub-standard streets.

Mr. Scoles noted that one of the objectives was to bring all City streets up to City street standards. He noted that Grant Street will soon be a new city street with curb, gutter, sidewalk, etc.; however, he noted that it does not meet current city street width standards.

Mr. Worrall was concerned that some of the older streets in the City would be revised in such a way as to damage existing trees and so on.

Mr. Cole noted that transportation money was not likely to be spent in areas where it was not necessary or where the people adjacent to the unimproved street did not desire the improvement. He added that the property owners who abutted under-improved streets would have an opportunity to request an LID for improvements.

Mr. Scoles noted that City standards could include increased width, paving, curbs, gutters, etc. He noted that older streets would be reviewed on a case-by-case basis.

Mr. Cole noted that there should be some flexibility in development of the streets.

Mr. Weaver felt that some of the historic streets should be retained as they are and he questioned whether the transportation plan would be the final rule book or whether there were other checks and balances relating to these issues. He felt there should be some sort of grandfathering clause relating to some of the older historic streets.

Commissioners by consensus agreed.

Commissioners unanimously approved the air, rail, water and pipeline plan as presented.

Transportation improvement funding was briefly discussed.

Commissioners unanimously approved the transportation improvement funding section.

C. Short term Improvements discussion:

Mr. Scoles noted that short term improvements were those that could be completed within the next 4-6 years. This section lists some of the projects to be completed in that time period.

Commissioners briefly discussed the proposed signal lights on Hancock and Meridian and the River/Hancock Street Intersection.

Mr. Kriz expressed concern that pedestrian traffic would not be able to cross 99 northbound on River.

Staff was asked when the Hancock Street realignment would occur. Mr. Cole noted it was planned for 1995.

Mr. Worrall asked if the traffic count figures were being updated regularly. Mr. Cole noted that the current analysis was done in 1992. He felt that a new analysis would need to be done in 1997.

Mr. Worrall was concerned that the growth rates were much more rapid than we might be anticipating. He felt that actual statistics should be reviewed on a more frequent basis.

Mr. Russell questioned the necessity of having bike lanes on all arterials. He felt they were costly and not that beneficial.

Mr. Cole noted that the arterials were State Highways through the community and felt that the community would want them.

Commissioners briefly discussed the merits of bike lanes.

Commissioners unanimously approved the short term improvements section.

D. Systems development charge discussion:

Mr. Russell asked if it was necessary for the Planning Commission to review this section.

Mr. Scoles noted that the fees have been implemented.

Mr. Worrall indicated that there are some very strong opinions in the community relating to the development fee and the issues should be readdressed in the future.

Mr. Cole noted that the transportation plan would be adopted by appendix with an ordinance for each section as needed.

Mr. Scoles noted that the revised transportation plan would be distributed as soon as it was received back from the consultants.

Mr. Kriz asked if NUAMC indicated that the City can only deal with information within the UGB, and he asked whether this plan would continue to evolve over the next several years.

Mr. Cole noted that there would probably be a recommendation with a master resolution relating to transportation issues which would be occurring in the County.

Mr. Worrall expressed concern that the apparent cooperation between the City and County is not producing a final document.

Mr. Cole noted that our record will be entered into the County hearing process for transportation planning County wide.

Mr. Scoles noted that NUAMC has recommended adoption of the transportation plan in their area of jurisdiction, specifically those lands within the UGB.

Commissioners concluded transportation plan discussion.

VI. NW NEWBERG SPECIFIC PLAN - Hearing Continued.

VIII. NEW BUSINESS

A. Update on the URA process

Mr. Cole noted it would probably be discussed again in January.

B. Other

It was noted that there are two vacancies on the Planning Commission.

IX. COMMUNICATIONS FROM THE FLOOR

None

X. ADJOURN

There being no further business, the meeting was adjourned at 9:53 p.m.

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library
Thursday, 7:00 PM

Newberg, Oregon
October 21, 1993

Subject to P.C. Approval at 11/18/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight
Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver
Roger Worrall

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 22

II. OPEN PLANNING COMMISSION MEETING

Chair Russell welcomed new Planning Commissioner Pat Haight to the Commission. He encouraged all Commissioners to attend the planning commissioner training session scheduled for November. He then opened the meeting and asked if there were any additions or deletions to the agenda. No revisions were requested.

III. APPROVAL OF MINUTES

Motion: Post-Worrall to approve the minutes of the September 16, 1993 Planning Commission meeting. Motion carried unanimously.

Associate Planner King read ORS 197 relating to public hearings into the record and reviewed the public hearing procedure.

IV. PUBLIC HEARINGS:

A. APPLICANT: Newberg School District 29JT
REQUEST: Annexation of a 17.9 A. parcel to allow development of a new elementary and middle school
LOCATION: North of Crater Lane, east of Chehalem Drive
TAX LOT: 3207-1000
FILE NO: ANX-2-93
ZONE: AF10 to R-1 Low Density Residential

Mr. Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the annexation and zone change criteria. She identified the site on a map and reviewed the topography, use of the site and surrounding sites, and road access. She reviewed staff report findings and noted that the application meets both annexation and zone change criteria. She noted that system

Planning Commission Minutes
October 21, 1993
Page 2

design will be reviewed through the City design review process. She noted that a traffic impact statement will also be required during the design review process.

Questions to staff:

Commissioner Haight asked Ms. King about who would install sewer to the site. Development Director Scoles indicated that sewer extension to that site will depend on the development pattern on the site. He noted that no plans have yet been submitted by the School District; however, it is anticipated that a school will be developed on the site. He noted that the system could be totally paid for by the School District or other properties in the vicinity of the school site could be included. He noted that the Council is considering a UGB amendment to include several other properties in the area within the UGB. He noted that quite possibly a sewer system would be provided for all the affected parcels. He indicated that a pump station would probably be required because of topography in the general area and that funding for development of utility systems could be from a combination of sources.

Ms. Haight asked about Foothills Drive being the major access to the site. Mr. Scoles concurred.

Ms. Haight indicated that Main, Chehalem, and Crater were substandard and she asked what improvements would occur on these streets. Mr. Scoles noted that this application should be reviewed based on the possibility of extending improvements to the site, not what possible development might occur. He noted that sewer and transportation issues were going to be discussed at the time of development of the site to determine the impacts of any facility on the surrounding systems.

Proponent: None

Commissioners expressed concern that the applicant was not present to testify.

Mr. Scoles noted that the hearing was advertised as a public hearing and testimony may be taken without the primary proponent being present.

Opponent: None

Question from Audience:

Sid Friedman, 31909 NE Corral Creek Rd., asked how this property was sited in relation to those under consideration for inclusion in the UGB. Ms. King indicated the location of the proposed UGB amendment on a map.

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Commissioner Roberts asked if the School District owned the site prior to development of Foothills Dr. Staff was unaware of the sequence of ownership of this site.

Commissioner Worrall asked when the School District has planned to develop the site. Mr. Scoles indicated that it was conceivable for the school to be constructed within 2 years.

Ms. Haight asked about whether the Police and Fire Departments have commented about servicing the site. Staff indicated that both agencies have indicated they have no conflict with the proposed annexation.

Staff Recommendation: Staff recommended approval of the request subject to conditions 1 and 3 as identified in the staff report. Ms. King noted that condition 2 is not necessary at this time. She noted that the conditions must be completed prior to City Council approval of this matter.

Hearing Closed.

Commissioner Discussion:

Commissioner Weaver supported annexation of the site.

Mr. Roberts felt annexation was inappropriate at this time. He felt that if this site was solely for the use of children within the City limits it would be a different case. He felt that the transportation plan and sewerage plan should be available prior to the annexation. He expressed concern about several road intersections which were hazardous. He felt that more information should be provided relating to the expense to the taxpayers for development of the site.

Ms. Haight indicated she agrees with Mr. Roberts relating to lack of information about development of the site. She asked when surrounding properties were going to be developed. She reviewed an Oregonian article about urban growth boundaries.

Mr. Russell noted that the staff report does address some methods by which improvements to the site will be financed.

Mr. Roberts indicated that a waiver of remonstrance is not a method of funding. He felt that there was not enough certainty about what would be paid for.

Commissioner Kriz asked staff what "adversely affect" and "unduly compromise" mean. He asked if the transportation issues were considered to adversely affect and unduly compromise the City.

Mr. Scoles indicated that the Comprehensive Plan has designated the site as LDR with a "School" designation. He noted that this hearing was for consideration of the annexation only and not potential development. He noted the application is for R-1 zoning and Staff felt there was adequate access for that type of zoning. He noted that no development plans have yet been presented for the site. He added that numerous meetings have occurred between the School District and the City relating to funding and development proposals.

Mr. Kriz asked if a school were to develop on the site, would the Planning Commission have any additional input relating to the development. Mr. Scoles noted that some subdivision of the property would be needed and extension of services would be required; both of these issues would be heard by the Council.

Motion: Weaver-Post to recommend to the City Council approval of the request for annexation of the 17.9 acres as the first step towards meeting the needs of our community, with conditions 1 and 3.

Discussion of the Motion:

Mr. Worrall indicated that the process relating to this hearing is quasi-judicial. He felt it was inappropriate for the Commission to make assumptions relating to what may occur on this parcel. He felt that the Commission is acting without all the proper tools available to them. He would like to have some questions answered.

Commissioner Ring felt that additional information would be appropriate.

Mr. Roberts asked if it was appropriate to bring in additional R-1 land at this time. He felt that some assurance should be given that the School District would be developing the site as a school.

Mr. Kriz noted that the site was already in the UGB and intended to be brought in as an R-1 parcel. He noted that the need for inclusion was already proven when the site was included in the UGB numerous years ago. He noted that the Commission is here to judge the annexation only on the criteria.

Mr. Roberts felt it was inappropriate to annex the site at this time.

Mr. Kriz felt the Commission was being inconsistent in their decision-making if this annexation were denied based solely on the need to pump sewerage. He noted that Chehalem Drive serves the site, Crater Lane can be extended and Foothills serves the site now.

Mr. Worrall felt that there was no public need for a change of this kind and Zone Change criteria 2 was not being addressed. He felt there needs to be some significant upgrading of transportation facilities to the site.

Mr. Scoles indicated that the hearing is to amend the comprehensive plan and to change the zone from a County to City zone. He noted that the zone change criteria primarily would apply to changes in zone once the property was inside the City.

Mr. Worrall felt that it was necessary to understand what would be developed on the site.

Mr. Weaver indicated that the initial request was for a comprehensive plan amendment and zone change to allow the development of a school.

Mr. Worrall felt that facts relating to the development should be more clearly outlined.

Mr. Kriz noted that development plans were clear as there was a \$30 million bond issue for a school and the Crater site was donated for the purpose of school construction. He felt that this annexation should be considered as any other annexation in the past has been considered.

Mr. Roberts felt that the school's potential impacts on the neighborhood should be considered.

Mr. Kriz noted that the City has design review requirements over all such development which might occur on the site. He felt that the high school is a very good example of what not to do and that design review standards did not exist when the high school was constructed.

Commissioner Post indicated that traffic-wise there is no comparison with the student traffic going to a high school and that going to a middle school.

Vote on Motion: Aye-Kriz, Post, Ring, Weaver, Russell; Nay-Haight, Roberts, Worrall. Motion carried (5-3).

Staff noted that the hearing before the Council would be on November 1, 1993.

B.	APPLICANT:	City of Newberg
	REQUEST:	Adopt the NW Newberg Specific Plan as an element of the Comprehensive Plan and enact related ordinance amendments
	FILE NO:	Newberg Planning File GR-3-92

Mr. Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Mr. Scoles indicated that material relating to this matter has been previously presented to the Commission. He noted that the hearing would be both quasi-judicial and legislative in nature. He reviewed the development of the plan, noting that a group of property owners have worked together with consultants and the City to develop a plan which would be coordinated, consistent, with good street access, pedestrian access, and

contain residential, commercial and park facilities on a much larger scale than that available on a site by site basis. He noted that revisions to the Comprehensive Plan are required to allow this type of development. He reviewed the staff report, highlighting changes required to the Comprehensive Plan Text, Plan Map and Zoning Ordinance Text. He noted that the Northwest Newberg Specific Plan would also need to be adopted as an exhibit to the SP overlay plan district. He noted that the Commission should provide an opportunity for testimony, close the hearing, consider the proposed ordinance amendments, and identify revisions. He noted that findings of fact must be developed by staff to support the proposed legislative changes. He noted that changes to the Comprehensive Plan and Zoning could be adopted separately from review of the NW Newberg Specific Plan.

Mr. Russell requested that testimony be restricted to the Comprehensive Plan amendments and Zoning Ordinance Amendments.

Audience Testimony:

Roger Grahn, 9065 SW Sagert, Tualatin, asked about the differentiation between minor and major amendments to the specific plan and the process of adjusting it. He asked if it was in accordance with State rules relating to comprehensive plans. He asked if a minor amendment to the comprehensive plan could be allowed at the staff level.

Earl Sandager, 3800 N. College, Newberg, spoke as a proponent in general relating to the plan. He felt the plan should have flexibility. He felt there should be adjustments available for streets and how they relate to property lines. He noted that he owns about 1/2 acre of land which has been designated on the Newberg Specific Plan as wetlands. He indicated that the Highway Dept. has routed drainage in this area down through his property. He noted that there is no water there, no frogs, fish or ducks and it is really not wetlands. He noted that his neighbor has maintained and mowed his property and this area is similar to a park. He felt this wetland designation should be removed.

Mr. Weaver asked Mr. Sandager who designated this site as wetlands. Mr. Sandager noted that the landscape architect involved in the process had noted the wetland grass and that the designation should be removed from the site.

Mr. Worrall asked Mr. Sandager to identify on a map where this area was located. He so noted.

Mr. Russell asked for citizen comment relating to the NW Newberg Specific Plan.

Audience Testimony:

Proponent: Sonja Haugen, 3113 Crestview Drive, representing Ken and Joan Austin, noted that she was a Specific Plan advisory committee member, representing the Austins, adjacent property owners of the project. She noted that the Austins continue to be very supportive of the specific plan and believe in the concept of planning. She noted that a few days before the plan process was completed, the Austins purchased the Wilhoit property which is included in the Specific Plan. She indicated that the Austin's current desire is to withdraw the Wilhoit property from the NW Newberg Specific Plan. After consulting with OTAK, the project consultant, relating to the project, she noted that there would be no apparent adverse impact on the NW Newberg Specific Plan. It is the Austin's intention to include the Wilhoit property in the larger development of the Austin property to the south and east.

Question to Proponent:

Mr. Worrall asked Ms. Haugen if it was the intent of the Austins to develop their properties under a specific plan. She noted that it was the intent of the Austins to develop the Wilhoit property under a master plan which would address all of their property.

Opponent: Roger Grahm, 9065 SW Sagert, Tualatin, spoke as a builder/developer. He noted that he was concerned about the general design and density of the project area. He felt that all that would be created would be more rats in a cage. He felt that economics did not ever enter into the development of the project. He noted that much of the R-2 area is classified in a general hazard zone and could not be developed. He pointed out that the plan included a development segment with alleys and he commented that alleyways are typically unused and often vacated by the Council. They are also not economical to develop. He presented a letter from Steven W. Abel, an attorney with Schwabe, Williamson & Wyatt, which addressed several points of concern including streets not converging on property lines. He felt that comprehensive plan amendments would be required to change any of the project. He felt that almost all requests for change to the plan would be at hearing level. He felt the specific plan would complicate the development process.

Questions to Opponent:

Mr. Roberts asked Mr. Grahm if any site specific plan would work in Oregon. Mr. Grahm indicated his attorney's opinion was that development of specific plans would be very difficult. He noted that if one owner were to develop a plan, then the difficulties would be easily resolved; but with multiple ownerships such as this, it would be very difficult.

Ms. Haight asked what Mr. Grahm's status was in Newberg. He noted that he was a local builder. She asked him if there was any apartment housing proposed in the plan. Mr. Grahm noted that R-2 areas were identified as apartment uses, but that it has been proven that condominiums such as those proposed do not sell in Newberg.

Mr. Kriz asked if this plan were designed as a PUD with the property owners developing the sites, then would the project work. Mr. Grahm felt that it could work if the property owners did their own developing. Mr. Grahm commented that most of the individuals involved in the project were not developers and were not aware of the expenses and realities of development.

Mr. Kriz asked Mr. Grahm if development of the proposed apartments in the R-2 designated area would be inhibited by lack of immediate development of the R-1 property abutting N. College. Mr. Grahm indicated that each development depended on the development of the abutting property.

Mr. Weaver asked Mr. Grahm what his opinion was relating to condominium sales in Newberg. Mr. Grahm indicated that the last two condominium units in the Newberg area have gone into receivership. Mr. Weaver felt that the opposite was true.

Mr. Scoles reviewed both major and minor amendment regulations relating to specific plans. He cited examples of how a change in circulation could be handled as an amendment to the specific plan. He noted that the intent was to make the development flexible.

Public Agencies: None

Letters: Pacific Empire Builders, Inc. by Curtis Walker, President, in support of the proposed plan with several concerns

Proponent Rebuttal: Ms. Haugen noted that the alleys mentioned by Mr. Grahm were intended to provide parking for the condominiums proposed on part of the site and were not intended as an alleyway. She noted that an economist was present during the plan development process and each of the property owners had an opportunity to ask questions of the economist. She also noted that certain sites may be landlocked but that is not a result of the specific plan. She noted that the property owners desired a high standard of development and that the higher density was necessary and appropriate for their property.

Staff Recommendation: Staff recommended that the Commission deliberate after the hearing is closed, consider the language as proposed, and request staff to return with revised ordinance language, and adopt the language.

Hearing Closed.

A 5 minute recess was called after which the meeting was reconvened.

Commissioner Discussion:

Mr. Russell recommended that the Commission continue deliberation of this issue to the next meeting.

Motion: Roberts-Haight to continue discussion of the Newberg Specific Development Plan to the November 18th meeting. Motion carried unanimously.

C. **APPELLANT:** BK Consulting
 REQUEST: Appeal of a denial for a variance to the front yard building setback and several perimeter landscaping setbacks on the Arco Service Station site
 LOCATION: 1500 Portland Road - Arco Station
 TAX LOT: 3220BA-600
 FILE NO: V-9-93 (APPEAL)
 ZONE: C-2 Community Commercial

Mr. Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the variance criteria upon which the Planning Director's decision was made. She summarized the variance request and identified the site on a map. She pointed out the areas that were granted a variance and reviewed the approval document. She then reviewed the findings for variance denial and a staff analysis relating to the issues under appeal. She noted that the site is a difficult one to redevelop and the City is willing to work with the applicant to develop a workable plan. She noted that although a convenience store is allowed outright in this zone, the site is not large enough to handle the size building that the applicant proposes.

Appellant: Dave Kimmel, BK Consulting, 122 SE 27th, Portland, reviewed the staff report criteria for variance approval. He noted that this site is unique in that it is a triangle with two front yards. He noted that the 20 ft. front yard setbacks required on two sides of the site impose a physical difficulty for development of the site. He felt that this is a commercial property with severe restrictions because it is a triangular lot. More development opportunities would be available for the site if it were not a triangular lot. He felt that granting a variance would not be injurious to the surrounding properties. He distributed photographs indicating landscaping on the site. He noted that the owner has purchased part of the right-of-way adjacent to Rocket Park for landscaping. He noted that the Highway Department will not sell their right-of-way on 219 for landscaping. ODOT desires retention of the right-of-way for utilities only but have closed the highway access onto 99W over this portion of 219. He added that the existing building is not able to be restructured for use as a convenience store as it is structurally unsafe. It would need to be demolished completely. If that were done, the building would then have to comply with Zoning requirements and could not house a business and adequate parking. He noted that the sidewalk appears to be the property boundary but it is actually 12-15 feet further in on the site. He reviewed a proposed site plan for development of a mini-mart on the site, with revised access, and adjacent site landscaping. He discussed shared access with Sentry's site. He noted that Mr. Laughlin has greatly improved the site over the last few years. He reviewed a letter from the property owner of the Sentry site which indicates there is no desire to sell or lease any property to the Arco store.

Questions to Appellant:

Mr. Roberts asked if the applicant agreed that the staff map was accurate. Mr. Kimmel agreed it was.

Mr. Roberts asked if the site could be used for some other commercial use. Mr. Kimmel indicated that this site was extremely limited in its development potential based on the need for access from the highway, ingress, egress, landscaping and store size.

Mr. Worrall felt that the unusual circumstance identified by Mr. Kimmel (having two front yards) was not unusual. He cited examples such as Sharls, Fred Meyers, etc. He indicated that shape of the lot could be considered exceptional. He asked if the appeal was based on the fact that the site has two front yards. Mr. Kimmel indicated that the appeal was based on having two front yards, site size and site access.

Ms. Haight indicated she appreciated the landscaping efforts of Mr. Laughlin. She felt that business owners should be allowed to do what they wished with their property so long as it did not infringe on someone else. She asked what ODOT requirements were for the 99W access. Mr. Kimmel reviewed the ODOT requirements for access revisions on Villa. Ms. Haight asked if a 1900 sq. ft. building was too large for the parking spaces shown, or could a smaller building be built on the site. Mr. Kimmel indicated that a smaller building would not be efficient for containment of coolers, shelving, etc.

Ms. Haight asked if the proposed building had provisions for emergency access if it was under full occupancy load. Mr. Kimmel indicated it had adequate highway access. He indicated that current planning theory was to provide for pedestrian access by placing the building next to the street.

Mr. Kriz asked how long his client has owned the property. Mr. Laughlin indicated he has owned the site since 1985.

Mr. Kriz asked what the plan was for 219 next to this site. Mr. Kimmel indicated that they had no plans for revising 219 in this area and that ODOT indicated it would be happy to have the City responsible for jurisdiction.

Mr. Kriz asked if the landscaping currently near 219 and 99W was in the right-of-way. Mr. Kimmel indicated it was in the right-of-way and was maintained by Mr. Laughlin.

Proponent: Charlie Laughlin, 1875 Dorrel St., McMinnville, indicated he owns the property in question. He noted that originally, the right-of-way landscaping had been considered as part of their 15% landscaping requirement. He desires only to provide a good service to the City.

Opponent: Ken Robinson, 1200 S. Springbrook Rd., manager of Sentry Market, asked not to be listed as an opponent to Mr. Laughlin. He questioned if any calls had actually been made to Sentry Market by staff. Ms. King indicated she had contacted the property management group. He questioned whether Sentry should give up any of their property to benefit a competing business at Sentry's expense. He noted that Sentry is open to any ideas if they would further Sentry's business.

Opponent/Proponent Rebuttal:

Mr. Kimmel noted that Sentry does not, at least to the best of his knowledge, own the Sentry site. He does not feel that a convenience mart or mini-mart is in direct competition with Sentry. He felt that site design issues could be worked out with staff. He supported Mr. Laughlin in his efforts to beautify the community.

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended denial of the appeal based on findings identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Ms. Haight asked if the variance denial was completed prior to Mr. Scoles coming to Newberg. Ms. King indicated it was.

Mr. Weaver felt that the existing store could be redesigned.

Mr. Roberts felt that continued precedent setting would not fulfill the intent of the Zoning Ordinance.

Mr. Worrall asked if 219 over the section abutting Rocket Park was still considered to be an arterial. Mr. Scoles noted that the new transportation plan deletes this portion of 219 as an arterial.

Mr. Russell asked about the number of parking spaces indicated on the plan. Mr. Scoles indicated that the parking design has not yet been approved through design review. Mr. Scoles noted that the design issues will need to be dealt with through design review after the variance appeal has been resolved.

Mr. Kriz asked if the Zoning Ordinance addresses convenience store parking spaces. Ms. King noted it was covered generally under retail commercial.

Motion: Haight-Ring that the Planning Commission uphold the Planner's decision to deny the variances sought for the Arco station site and that the Commission deny the appeal based on variance criteria, findings for denial of a variance dated August 11, 1993 and public testimony.

Discussion of Motion:

Mr. Weaver complimented Arco owners on their site upgrading; however, he felt the site was just too small for the proposed use.

Mr. Worrall agreed with the concept that the property owner has the right to do what he desires with his property; however, Zoning and Comprehensive Plans are in place for a reason.

Vote on Motion: Aye-Haight, Kriz, Post, Ring, Roberts, Weaver, Russell; Nay-Worrall. Motion carried (7-1).

Staff noted that the decision was final and there was a 10 day appeal period. Appeal would be to the City Council.

D.	APPLICANT:	M.A.L. Corp dba Dairy Queen
	REQUEST:	Comprehensive Plan Amendment and Zone Change from R-1 Low Density Residential to C-2 Community Commercial
	LOCATION:	111 S. Harrison
	TAX LOT:	3219BD-400
	FILE NO:	CPA-2-93
	ZONE:	R-1 Low Density Residential

Mr. Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King presented the Comprehensive Plan amendment and zone change criteria. She reviewed the site location and noted that part of the site is used as a parking lot. She indicated that this application was intended as a clean-up measure. She reviewed the staff report findings and noted that the Comprehensive Plan amendment and zone change criteria have been met.

Proponent: Steve Lehman, 404 W. First, representing Dairy Queen, indicated that this site has been a parking lot for 18 years. It is their intent to clean up the zoning to develop the site in the future.

Opponent: None

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: Mac Rental in support of the zone change.

Staff Recommendation: Staff recommended approval of the request.

Hearing Closed.

Commissioner Discussion:

Mr. Roberts expressed concern that there is a non-conforming use which is being continued.

Ms. Haight asked about the referral process and where this issue was advertised. Staff indicated that the request was advertised in the Graphic and referred to public agencies, utility companies and City staff.

Motion: Worrall-Post that the Planning Commission approve the Comprehensive Plan Amendment and Zone Change from LDR/R-1 to COM/C-2 based on staff findings and public testimony. **Vote on Motion:** Motion carried unanimously.

Staff noted that the hearing before the Council would be on November 1, 1993.

V. OLD BUSINESS - None

VI. NEW BUSINESS

- **Open Space/General Hazard Work Session**

Commissioner Worrall reviewed proposed revisions identified in the position paper relating to open space.

CAP member Sid Friedman expressed concern about the revision to 566 - 1.

Mr. Worrall noted that it was the committee's intent to continue protection of the existing open space and that item 566 should be revised to read *...within 250 ft. of the stream bed...*

Mr. Worrall recommended that these issues be reviewed by the Commission for discussion at the next Planning Commission meeting.

Mr. Scoles asked if it was the committee's intent to replace the existing language with the proposed replacement language.

Mr. Worrall indicated that was the intent. He then noted that the subcommittee membership included the following individuals: Tim Journey, Ken Lite, Don Halbrook, Mike McCauley, Roger Worrall, and Sid Friedman. He requested that the Commissioners review the open space ordinance revisions as proposed and discuss them at the next Planning Commission meeting.

Mr. Worrall was asked how many acres were currently protected. He did not have a total area.

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VII. COMMUNICATIONS FROM THE FLOOR

Ms. Haight indicated that she enjoyed her first meeting of the Planning Commission.

VIII. ADJOURN

There being no further business, the meeting was adjourned at approximately 11:05 pm.

MINUTES OF THE PLANNING COMMISSION

School District Admin. Bldg. - 714 E. Sixth - Newberg, Oregon

Thursday, 7:00 PM

November 18, 1993

Subject to P.C. Approval at 12/9/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Pat Haight
Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 3

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting and asked if there were any additions or deletions to the agenda. No revisions were requested. No revisions or additions were requested.

III. APPROVAL OF MINUTES

Commissioner Haight indicated that on page 2 of the minutes she had asked who would pay for sewer, not who would install it.

Motion: Weaver-Ring to approve the minutes of the October 21, 1993 Planning Commission meeting as corrected. Motion carried unanimously.

IV. CONTINUED BUSINESS:

A. Specific Plan

APPLICANT: City of Newberg
REQUEST: Adopt the NW Newberg Specific Plan as an element of the Comprehensive Plan and enact related ordinance amendments
FILE NO: GR-3-92

Chair Russell asked if there were any abstention or ex-parte contact. None were identified.

Development Director Scoles indicated that the hearing had been opened at the last meeting with a staff report indicating that there would be amendments to the comprehensive plan text and map, to the zoning ordinance text, and amendment of the zoning map relating to adoption of a specific plan and implementing measures. He also noted that the last hearing also included discussion relating to the Northwest Newberg Specific Plan and its proposed design standards and development pattern. He noted that the staff recommendation was for approval of implementing measures for specific plan and adoption of the Northwest Newberg Specific Plan. He reviewed the approval process required for each of the recommendations.

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Planning Commission Discussion:

Commissioner Weaver felt that the Comprehensive Plan and Zoning Ordinance amendments should be discussed first, followed by the NW Newberg Specific Plan.

Commissioners concurred.

Commissioner Haight asked what creates a neighborhood identity; how many houses - 5, 50 or 100.

Mr. Scoles indicated that this amendment would allow planning for more than one piece of property at a time. He noted that in Newberg development has generally occurred on single parcels without planning joint uses on adjoining properties. He noted that a specific plan would look at multiple parcels and plan for the impacts on a greater area of land.

Commissioner Haight asked why the specific plan should result in changes to already planned uses.

Mr. Scoles indicated that this is an overlay designation to the existing Comprehensive Plan designation. He noted that the Comprehensive Plan designates certain types of development in the designated area. The overlay would allow for additional uses only in the specific plan area and it would allow some flexibility in the overlay area.

Commissioner Kriz asked if a commercial segment was identified in a specific plan, and it was designated as residential in the Comprehensive Plan, whether the designation would be revised on the Comprehensive Plan map.

Mr. Scoles indicated that the specific plan could either have uses specifically identified on the Comprehensive Plan map or the overlay could include the use as a modification to the uses listed in the comprehensive plan for that area.

Russell indicated that a specific plan would allow tailoring the needs of an area specifically.

Mr. Scoles indicated that based on the text amendments proposed, the location of the kinds of uses would be identified in a general way. It was noted that in no case should a specific plan violate any of the concepts of the Comprehensive Plan.

Commissioner Roberts indicated that the Comprehensive Plan is designed to protect the planning process on a general basis. He noted that a specific plan is intended to be more definitive. If a specific plan is in conflict with the Comprehensive Plan, the specific plan should not be approved.

Commissioner Kriz felt that the Comprehensive Plan Map should have the specific plan uses identified.

Mr. Scoles felt that specific plans should allow some flexibility, and that streets, utilities, topography, etc. would be identified through the review process.

Ms. King noted that some specific plans could be applied merely by meeting specific criteria.

Commissioner Haight asked how a decision is made regarding limiting or expanding uses. She asked who decides.

Mr. Scoles noted that limits or expansion identified in proposed section 270 is a definition of what a specific plan is. He noted that the method of adoption is further identified in this section.

Commissioner Haight felt there was some conflict between proposed section 428 (C) and Section 270.

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Mr. Scoles explained that the specific plan may set regulations which are different than that of the Zoning Ordinance, but that if no regulations were identified, then the Zoning Ordinance regulations would need to be complied with.

Commissioner Roberts noted that because a specific plan could override existing zoning, care should be taken relating to review of the specific plan, and that a specific plan was an extremely powerful tool which should not be used without careful consideration.

Commissioner Kriz suggested that additional language should be added to section 425 to include one or more owners as being eligible for participation in a specific plan. He also asked what happens if a specific plan with one or more owners is approved and one of the owners requests removal from the specific plan.

Mr. Scoles noted that the specific plan process is not very different from the existing process. He noted that City Council could initiate a specific plan or property owners in a specific area could submit applications for development.

He was asked if a specific plan could be adopted for a property whose owner did not desire inclusion.

Mr. Scoles noted that planning could be done for properties which were abutting or surrounded by those interested in being included. The planning for the area would be done in a hearing process which would allow public participation.

Commissioner Roberts noted that a specific plan is intended to act as a flagship for the area. He added that surrounding properties are affected because of the transportation and utility networks developed for the specific plan area. He indicated that property decisions would be made by abutting property owners based on monetary impacts.

Commissioner Haight asked what would happen if a property owner of a parcel approved for a specific plan choose to not comply with the specific plan requirements.

Mr. Scoles indicated that the Commission or the Council had the ability to add or subtract properties based on what they feel the final product should look like. He indicated that removal could occur in the decision making process.

Commissioner Haight asked what impacts would occur on the same withdrawn site if it were sold at a later date.

Mr. Scoles noted that the owner would be required to apply for a comprehensive plan amendment to remove the specific plan designation on that site.

Commissioner Roberts noted that a request for withdrawal could only occur up to the point of approval of the specific plan.

General discussion occurred relating to when continued participation in a specific plan would be required and the method of withdrawing the site from the specific plan.

Mr. Scoles indicated that changes to designated specific plan areas would be processed as a comprehensive plan amendment.

Commissioner Ring asked if the zones would be floating or if specific locations for various uses would be required.

Mr. Scoles noted that general densities could be used as a basis for overall intensity of use and development. He added that the level of detail would depend on the requirements for development of roads, parks, utilities and

etc. He noted that the specific plan should identify the density of the area but not necessarily the style of the units.

Commissioner Roberts felt that the ordinance language should be flexible in the general criteria.

Mr. Scoles commented that many specific plans might not change the underlying Comprehensive Plan use at all. He noted that specific plans could include density shifting, types and styles of housing units, setback requirements, master utility plans, etc.

Commissioners further discussed section D-3 relating to extent of the uses of land. It was noted by several commissioners that there was not enough specific criteria relating to uses. Others noted that flexibility should be maintained.

Commissioner Haight asked if the listed criteria for a specific plan were complete or if any other items should be considered as criteria.

Mr. Scoles felt that the listed items should give the Commission enough information to make a decision. He added that general compliance with the comprehensive plan would also be required.

Commissioner Haight questioned why there was a need for major or minor amendments. She felt an amendment was an amendment.

Mr. Scoles noted the terms could be changed. A major amendment could be called an amendment and a minor amendment could be called an adjustment.

Commissioner Kriz noted that under C - Minor Amendments abutting property owners should also be notified of any minor amendments.

Mr. Scoles indicated that was appropriate and he included that change as part of the staff recommendation.

Commissioner Kriz asked if minor amendments to a specific plan were really Comprehensive Plan amendments and would need to be processed through the hearing process.

Mr. Scoles noted that minor amendments do not really affect the plan and would include minor modifications to the plan similar to the variance process which modifies the Zoning ordinance in a minor way.

Commissioner Haight asked if the City could be subject to a lawsuit if a request for modification would revise the plan in such a way that the property owner would lose a saleable lot.

Mr. Scoles noted that in terms of the liability of the City, the exposure of the City is pretty minimal. This is a comprehensive planning process. The City is not taking or adding anything to any particular properties in those districts. Opportunities for a hearing process would preclude any liability the City would be responsible for.

Commissioner Haight asked if shifting of streets should not be considered a major amendment.

Mr. Scoles felt that minor shifting of streets should be allowed by the developer, thus allowing flexibility of development.

Commissioner Russell reviewed the proposed ordinance language, noting the one change relating to abutting property owner notification for minor amendments.

Motion: Weaver-Post to recommend to City Council adoption of the proposed Comprehensive Plan and Zoning Ordinance amendments as revised.

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**MINUTES OF THE PLANNING COMMISSION
Newberg Public Library - Newberg, Oregon**

Thursday, 7:00 PM

December 9, 1993

Subject to P.C. Approval at 1/13/94 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Robert Weaver
Roger Worrall (7:15 p.m.)

Staff Present:

Greg Scoles, Comm. Development Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 3

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting and asked if there were any additions or deletions to the agenda. No revisions or additions were requested.

III. APPROVAL OF MINUTES

Motion: Post-Weaver to approve the minutes of the November 18, 1993 Planning Commission meeting as corrected. Motion carried unanimously.

ORS 197 relating to the public hearing process was read into the record by Associate Planner King.

IV. PUBLIC HEARING:

APPLICANT: Kevin Fish
REQUEST: Partition of a 21,240 sq. ft. parcel into two parcels of 13,716.6 sq. ft. and 7,526 sq. ft. together with a modification to the 25 ft. minimum lot frontage requirement to allow a 20 foot access easement
ZONE: R-1 Low Density Residential
LOCATION: 3100 Crestview
TAX LOT: 3216BB-700
FILE NO: P-12-93
CRITERIA: Newberg Subdivision Ordinance 91-2294, Sections 12 & 66

Chair Russell asked if there were any abstention or ex-parte contact. Commissioner Ring indicated that she was an adjoining property owner and she abstained from the hearing. No additional abstentions were indicated. No ex-parte contact or objection to jurisdiction were indicated.

Staff Report: Ms. King indicated that the hearing was on the modification request only. She briefly reviewed the frontage requirement and the applicant's request for a reduction in access from 25 ft. to 20 ft. She indicated that the request was to allow the applicant to retain an existing carport. If the modification were not granted, the carport would need to be demolished in order to provide a 25 ft. access to the proposed partition. She reviewed

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the modification criteria, indicating that the proposal would not limit fire access to the rear of the site for development of an additional parcel. She noted that the preliminary staff recommendation was for approval of the modification subject to the two conditions identified in the staff report.

Questions to staff:

Commissioner Roberts asked if the waiver of remonstrance was required to be filed for both lots. Ms. King indicated that the non-remonstrance was required to be filed as part of the partition process. Comm. Development Director Scoles indicated the filing would be prior to the lot division.

Commissioner Roberts asked how the lots were to be divided. He questioned how the figures were arrived at for the division of the lots, noting that the totals did not add up correctly. Mr. Scoles indicated that the easement shown on the application would be required to be a part of one or the other of the lots.

Proponent: Kevin Fish, 3100 Crestview Drive, applicant, requested that the modification be granted. He thanked the City and the Commission for considering his request. He indicated he was only uncomfortable with signing the remonstrance at this time as he did not know the costs involved. He understood that improvements to streets are necessary but he is concerned about the financial impact in the future. He requested a waiver of the non-remonstrance condition.

Mr. Scoles indicated that a non-remonstrance would cover the cost of improvement to Crestview at such time as it occurs. He noted that the non-remonstrance merely waives the applicants right to protest at the time that an improvement to Crestview occurs. He noted that Mr. Fish would not be required to disproportionately pay for such improvements.

Mr. Fish expressed concern that he had to sign this agreement now. He questioned why he had to sign it when others did not.

Commissioner Worrall indicated that this appeared to be an issue which could be resolved by discussion with staff.

Commissioner Roberts asked Mr. Fish for a description of the carport. Mr. Fish indicated it was actually a free-standing carport and was not physically attached to the house. Mr. Fish noted that there is approximately 1/2 inch between the house and the carport. He noted that there was a shed built back into the carport and it is constructed on a concrete slab. Mr. Fish indicated that he considers it a carport, but it is a substantial sturdy structure with a shed at the rear.

Opponent: None

Public Agencies/Letters: None

Staff Recommendation: Staff recommended approval of the request subject to conditions 1 and 2 as identified in the staff report.

Hearing Closed.

Commission Discussion:

Commissioner Roberts requested that an additional condition be imposed so that the carport could not be modified in such a manner as to turn it into a garage at a later date.

Commissioner Worrall asked what difference it would make if there was a wall or not adjacent to the access easement.

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Commissioner Roberts indicated that if there was an emergency situation and the City fire truck, for example, struck the garage, it would be more costly for the City to repair the damage than if it were only a carport.

Commissioner Worrall asked staff if a conversion was requested from a carport to a garage sometime in the future, whether a permit would be required. Ms. King indicated a building permit would be required but it would not go through design review.

Mr. Scoles indicated that enforcement of such a condition would be very problematic. He noted that once the lot is in place, there is nothing that will trigger some automatic review of this issue. He noted that the Fire Department requires a 20 ft. easement but there will likely be only a 12 ft. paved width.

Mr. Scoles was asked why there was a 25 ft. requirement for access. He noted that this width is indicated within the subdivision ordinance and is an arbitrary number.

Commissioner Post asked if construction can occur up to the easement line. Mr. Scoles indicated that it could; there is no setback requirement from an easement line.

Commissioner Weaver reviewed the concerns expressed by the applicant. He asked what the staff position was relating to the non-remonstrance requirement. Mr. Scoles indicated that when subdivision occurs, there are several options: require street improvement immediately, require an agreement to be signed to do it later, or require a non-remonstrance to be signed.

Commissioner Weaver asked about the issue relating to giving up additional property abutting the street. Mr. Scoles indicated that the non-remonstrance requirement does not include a requirement to give up any property.

Commissioner Worrall felt that waivers appeared to be fairly straight-forward and that Mr. Fish could further discuss the issue with staff if he had additional concerns.

Motion: Roberts- to add condition 3 that requires recording of a condition on parcel one that bars construction of any carport that is not similar to the existing carport.

Motion failed for lack of second.

Motion: Worrall-Kriz to approve modification to the 25 ft. minimum lot access requirement to allow a 20 foot access easement for partition file no. P-12-93 based on testimony and staff report findings subject to the following conditions:

1. A non-remonstrance agreement for street improvements to Crestview shall be executed and prepared for recording.
2. The applicant shall provide the Community Development Department with contours of the site indicating the direction of storm drainage. The plans shall provide for adequate collection and conveyance of storm drainage.

Vote on Motion: Motion carried (1 abstain - Ring).

Commissioner Scoles indicated that there is a 30 day appeal period during which the appellant may appeal the action to the City Council. He noted that the minor partition will be acted upon separately through staff review.

V. OLD BUSINESS

Mr. Scoles indicated that the Open Space ordinance will be placed on the January Planning Commission agenda.

VI. NEW BUSINESS

None.

VII. COMMUNICATIONS FROM THE FLOOR

None.

Chair Russell reviewed the CAP newsletter briefly.

Mr. Scoles noted that some terms of Planning Commissioners are ending. He noted that this was Commissioner Roberts last meeting. He commented that during the early part of 1994, the meeting process including ex-parte contact, findings, etc. would be discussed in a round-table discussion with the City Attorney, and the Planning Commission members.

Commissioner Weaver asked when Commission reappointments would occur. It was noted that he should plan to attend the meeting unless otherwise contacted.

Mr. Scoles also indicated that election of new Chair and vice-chair would be required at the January meeting.

VIII. ADJOURN

There being no further business, the meeting was adjourned at 7:55 pm.

Discussion of the Motion:

Commissioner Haight asked Mr. Scoles if he felt the ordinance would do the job.

Mr. Scoles felt that even though he was not a part of the initiation of this process, the flexibility proposed by these revisions will protect the existing ordinances. He noted that over the years it might be subject to modification but that it was a good start.

Vote on the Motion: Motion carried unanimously by those present.

NW Newberg Specific Plan Discussion:

Mr. Scoles noted that the previous issues relating to developing a specific plan were legislative in nature. He added that approval of the NW Newberg Specific Plan was more of a quasi-judicial process. He noted that the kinds of issues to be addressed should include findings that the proposed change was consistent with and promoted the objectives of the Comprehensive Plan and the Zoning Ordinance of the City, there is a public need for the change and the need will be best served by changing the classification of the particular piece of property in question as compared with other available property. Mr. Scoles highlighted the specific amendments required to be adopted for implementation of the NW Newberg Specific Plan. He noted that the staff recommendation was for approval and forwarding to City Council.

Commissioner Haight asked if collector streets would have bike paths on both sides. Staff noted that bike paths would be on both sides of the street.

Commissioner Haight felt that the staff should not make a recommendation to the Commission as to the whether or not they should adopt an ordinance.

Commissioner Weaver felt that the staff recommendation enabled him to make a more accurate decision.

Commissioner Haight did not feel that setbacks relating to garages was appropriate. She felt that the property owner should be given the choice of house styles without restriction.

Commissioner Roberts noted that the underlying purpose of the specific plan was to create a neighborhood with a specific character. He noted that the desire of the NW Newberg Specific Plan committee was to give a neighborhood identity to the community without a facade consisting entirely of garage doors.

Commissioner Haight did not feel this was a necessary restriction.

Commissioner Roberts asked for clarification of the open space designation on Figure 10, page 17 of the plan.

Mr. Scoles noted that the areas with potential open space would be reviewed when the preliminary plat was presented to the Planning Commission.

Commissioner Kriz asked if there was a time frame for development of the NW Newberg Specific Plan.

Mr. Scoles noted there was not.

Mr. Scoles noted that current regulations would apply unless revisions were made to exclude the NW Newberg specific plan from compliance with current regulations.

Commissioner Kriz expressed concern about the ability to increase the square footage of each of the parcels.

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