

**MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon**

Thursday, 7:00 PM

June 25, 1992

Subject to P.C. Approval at 7/16/92 P.C. Meeting

I. OPEN MEETING

Chair Russell opened the meeting.

II. ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Elaine Smith
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Barb Mingay, Recording Secretary

CAP Members Present: None

Citizens Present: 18

III. PUBLIC HEARING:

REQUEST: Discuss and adopt ordinances relating to the following issues to comply with DLCD's response to the City of Newberg Periodic Review Order:

- A. Historic Preservation
- B. Manufactured Housing
- C. Residential Facilities
- D. Farmworker Housing
- E. Public Facilities Planning
- F. Siting Streets In Resource Areas

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No objections to jurisdiction occurred. Commissioner Worrall indicated he owns one of the sites listed in the proposed inventory. Commissioner Post indicated she owns one of the secondary sites listed in the inventory. No abstentions or ex-parte contact were indicated.

Staff Report A: Historic Preservation

Planning Director Egner reviewed the original historic survey, the 1985 inventory, 1990 evaluation and 1991 ordinance which was adopted, Goal 5 requirements, existing historic overlay zone, comprehensive plan inventory, adoption process and a compromise recommendation. He noted that the original survey inventoried 193 resources. He presented examples of the material which had been compiled. He indicated that in 1990 a separate consultant was hired to evaluate the 1985 survey. He noted that at that time the properties were evaluated using a point system to establish a primary, secondary or compatible resource ranking. He noted that the results pointed out three areas of the City where there was a concentration of resources. He noted that as part of that process, additional value was added to those sites which were located in the three concentration areas. He indicated that 116 properties were included in the 1990 evaluation. All primary resources in the community, and then any primary, secondary or compatible resource within the concentration areas were included in the development of the 1991 ordinance. He reviewed the Goal 5 requirements which include an ESEE analysis. He gave several examples of uses which could be considered conflicting with Goal 5 requirements and the method by which the conflict could be resolved.

Mr. Egner noted that the existing ordinance is part of the Zoning Ordinance and applies only to Landmark properties and currently only four properties are protected. He stated that the existing ordinance requires review of exterior alterations through an administrative process, with more extensive alterations going through a hearing process. An appeal process was also available. He noted that the process requires completion of an application and presentation of a site and elevation plan for the site. He then presented a slide show of various exterior alterations examples which would be subject to Landmark Committee review.

Mr. Egner reviewed the status of the Comprehensive Plan Inventory from 1985 to 1992. He noted that only the 4 sites listed on the National Inventory are currently protected. He added that DLCDC indicated that those sites on the 1981 inventory are not protected and have not had an adequate ESEE analysis completed to have them removed from the inventory. He reviewed the adoption process. It includes the Planning Commission making recommendation to the City Council and the Council then taking appropriate action on the request. He noted that the Council will likely review the issue in October. He indicated that staff report recommended designation of the 116 properties listed in the current inventory, however, he amended his recommendation. He commented that a compromise which would increase the currently protected 4 sites to a larger list would also be appropriate. He recommended that those individuals desiring removal from the inventory list consult with the Planning Department

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relating to development of an ESEE analysis supporting their request. He reviewed the ESEE analysis checklist which individuals requesting removal could complete. He felt these forms would provide a good format for those who object and then the Planning Commission could weigh those objections when considering whether each specific site should be protected under the ordinance.

Commissioner Roberts asked about whether the concept of a district had been included in discussions relating to the existing ordinance.

Mr. Egner indicated that the approach currently being taken was conservative and sites were included on an individual basis only. He noted that at some point in the future districts could potentially be discussed.

Commissioner Roberts asked if that meant that each listed site would have the exterior design review requirements but that surrounding properties would not be similarly restricted.

Mr. Egner indicated that the approach was conservative to enable development of an ordinance that would be acceptable to the State. He noted that districts have been discussed in the past and were not implemented. He felt the proposed approach was a good starting point.

Chair Russell read ORS 197 into the record.

Mr. Egner noted that the review criteria could be found in Section 421D of the Zoning Ordinance.

Chair Russell requested that those testifying limit testimony to 5 minutes. He requested that any written testimony be submitted without oral reiteration.

Proponent: Glen Post, 415 N. College, indicated he owns and lives in a home cited as a secondary resource. He noted he was in favor of the historic ordinance as drafted by the Planning Commission. He noted he has completed a large addition to his home. He feels that all of the primary and secondary properties should be included in the inventory. He questioned why some secondary sites were not included in the inventory. He wondered if this would cause a problem at the State level. He felt the City has been much too long in the adoption process. He noted that the State has mandated enactment of such an ordinance. He commented that it was "better the devil we know, than the one that's forced on us."

Proponent: Ted Kunze, 400 N. Blaine, owns and lives in a home sited originally as compatible, and now listed as secondary. He indicated that he would like to see the idea of a district revisited by the City, incentive programs for restoration of historic homes, and resources to aid in historic background and reconstruction of the sites. He noted that there

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appeared to be no provision for protection from the slow demolition of many of the historic homes. He would like to have the designation on his property clarified. He felt the ordinance was a good idea and would like to see it put in place. He felt one way the City could assist with the district would be to help develop homeowners organizations within the proposed district boundaries.

Opponent: Ed Stevens, 1912 Carol Anne Drive, represented George Fox College interests in property listed on the inventory. He indicated he was not sure he was an opponent. He noted that Minthorne Hall is listed on the National Register. He also noted that requests for removal of two other properties GFC owns were not anticipated. He noted he has just completed and turned in an updated ESEE analysis for City staff review. He noted that the proposed GFC master plan included plans to enhance Minthorne Hall by removing the maintenance building adjacent to it. He also indicated that demolition of Woodmar Hall was part of the George Fox College master plan. He commented that Woodmar had received a rating of Compatible on the inventory and that was the lowest possible rating. He felt that Woodmar Hall has had numerous detrimental additions which detract from the original structure. He commented that the building is not of great architectural value in its simplicity, and an engineering report recently done indicated it would cost over \$1 million to restore. He requested that Woodmar again be removed from the list, as it had been removed in 1990, and again in 1991. He agreed to the compromise proposal relating to other properties and would like to work with City staff in resolving conflicts.

Opponent: David Thouvenel, 501 Sunset Court, Graphic Publisher, expressed concern about inclusion of the Graphic Building. He noted that severe internal damage has been done over the last few years which resulted in external integrity difficulties. He indicated that listing the building on the inventory would hamper repair, financing and relocation possibilities. He requested that the Graphic Building be excluded.

Commissioner Kriz asked Mr. Thouvenel's opinion of the ordinance generally. Mr. Thouvenel responded that he felt such ordinances should be put in place to preserve local historic sites, but he was primarily concerned about excluding his site.

Opponent: Ed Stevens noted that Woodmar Hall was incorrectly listed as being on the National Register (Exhibit A - Historic Resources Element of the Comprehensive Plan - Page 18). The correct National Register Site is Minthorn Hall.

Proponent: Chris Anderson, 708 E. Third Street submitted a card requesting that the record remain open for 7 days in order to obtain information relating to historic districts from other communities.

After a brief discussion, Chair Russell reopened the proponent portion for testimony.

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Proponent: Chris Anderson felt a historic ordinance was very valuable to the community. He favored the district concept which tends to enhance the whole neighborhood and is a very valuable attribute to the community over the long term. He indicated that he did not require that the record remain open.

Proponent: Lois Rudman, 617 N. Villa Road, indicated that her house was not listed in the inventory at this time. She indicated that previous owners were not aware of how to protect this kind of resource and she felt that is why an ordinance is necessary. She would like to see major historic properties in Newberg preserved. She added that historic properties on the GFC campus should be preserved and that our local heritage was very important and should be retained.

Public Agencies/Letters: Planning Director Egner reviewed the following letters:

Dick Sartwell representing the Newberg Friends Church expressed concerned about how the might impact an additions or modifications to the existing church structure.

Maureen Bauldwin of 509 S. College expressed support of the proposed ordinance.

Mona Gettman of 1200 E. Sheridan expressed opposition to having her home included in the inventory. Mr. Egner noted that an ESEE checklist has been completed on this property.

Al Bankendorf representing George Fox College relating to inclusion and exclusion of specific GFC sites.

Planning Director Egner noted the following conversations prior to the hearing:

Hugh Brown, owner of property on First Street expressed opposition to including his site.
Leonard Johnson, owner of property on First Street expressed opposition to including his site.

Mr. Egner noted that several property owners previously in opposition have not recontacted the City. He added that he anticipated contacting those previous opponents to review their current opinion relating to the historic preservation issue.

Proponent Rebuttal:

Glen Post reminded the Commission that no one has opposed the concept of the historic preservation ordinance at this meeting; only opposition to individual sites have been identified.

Chris Anderson commented about the letter from the church. He felt this kind of ordinance would not prevent any interior remodeling, but the original structure would be preserved and

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the extension could still be very compatible. He felt the proposed ordinance could enhance and strengthen the community's historic heritage.

Staff Recommendation: Planning Director stated that he would like to contact previous complainants and develop an ESEE analysis for those specific sites for rediscussion by the Commission. He recommended adoption of a list which would include those sites not being opposed for inclusion. He clarified the proposed ordinance revisions and comprehensive plan amendments. He requested that the commission adopt the proposed ordinance and comprehensive plan amendments, excluding for further review only those sites whose owners who have asked for exclusion. He noted that those sites would then require review by the Planning Commission after completion of an ESEE analysis.

Mr. Egner was asked if districts could be included at this time. He noted that the entire issue has been so controversial that staff was attempting only a very conservative approach at this time. He noted that the Commission could take action relating to a district if they so desired.

Commissioner Roberts felt it would be appropriate to send the original ordinance back to the Council as it was sent last time. He felt all the properties originally designated should be sent to the Council. He noted that there was a process that those individuals could go through to withdraw at that time if they chose to. He felt districts should be included as the original ordinance indicated and that the ordinance should be approved as mandatory.

Mr. Egner indicated that the ordinance setting up historic preservation and including districts was presented early in 1990. He commented that the inventory recommended to Council did exclude certain properties.

Commissioner Kriz felt the ESEE analysis process would be appropriate.

Commissioner Roberts felt there should be a formal hearing relating to each individual sites seeking withdrawal.

Mr. Egner felt that the hearing process could be simplified.

Commissioner Roberts felt that adjacent property owners should be allowed to access the hearing process to voice their opinion.

Commissioner Kriz felt that adequate public input could be received prior to Council action in October.

Mr. Egner noted that the ESEE analysis process currently exists; the issue now being dealt with is which properties should be listed.

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Commissioner Post asked for clarification.

Mr. Egner suggested that those individual sites not being objected to would be listed, and those individual sites being objected would have the opportunity to complete the ESEE analysis.

Commissioner Thomas asked about the significance of the sites which are requesting removal.

Mr. Egner indicated that the sites vary in significance. He felt that if something were removed, some kind of reasonable findings to remove them must be put in the record.

Commissioner Thomas indicated that selection of sites requesting removal could be done by their significance on the list. He noted that some sites requesting removal might not be allowed to be removed based on their significance.

Commissioner Russell felt that the ordinance as proposed would protect both those who object and those who don't.

Commissioner Thomas asked why the SPRR tracks and the several parks were listed in the proposed inventory.

Mr. Egner noted that inventories prior to 1985 included those historically significant sites and other linear features.

Commissioner Thomas asked about those items listed as possible sites to be included in the Inventory.

Mr. Egner noted that a windshield survey completed in 1989 identified 111 additional possible sites.

Commissioner Worrall felt that the previously submitted ordinance which includes districts should be supported by the Planning Commission.

Commissioner Roberts felt that a deed endorsement should be placed on those homes designated and/or within a historical district. He felt that kind of endorsement should be required to notify future property owners. He requested that the Planning staff consult with the City Attorney the method required to place a deed restriction on historically designated sites which would notify future property owners about the designation.

Commissioner Post asked about the ordinance presented to the City Council last year.

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Mr. Egner indicated that the historic preservation ordinance was sent to the Council with provisions for creation of historic districts. He noted that the inventory ordinance was sent to City Council later in the year and that anyone who objected to inclusion was left out of the inventory.

Commissioner Post asked whether that ordinance allowed anyone to nominate a building for inclusion in the inventory. Mr. Egner indicated that the current proposed ordinance was a compromise which enabled citizens to approach staff relating to new nominations, but staff would be required to make the formal request.

Chair Russell indicated that the nomination and inclusion process was a little more stringent than just nominating a property and expecting it to automatically be placed on the inventory.

Mr. Egner indicated that the currently proposed process was a little more stringent.

Chair Russell reviewed the recommended changes. He noted that it appeared the Commission supported including historic districts, temporarily excluding those sites which are objecting until they could be further reviewed through an ESEE analysis, and the nomination process for placing new sites on the inventory to include staff, Planning Commission, and Council. He reviewed the economic hardship revision.

Mr. Egner noted that staff recommended deleting that section.

Chair Russell asked about the Design Review requirements relating to historic sites. Mr. Egner indicated that the historic design review standards were fairly clear and specific and had provisions for appeal and amendment.

Chair Russell asked what kind of controls could be placed on construction adjoining historically designated sites. Mr. Egner indicated that no design protection was available in the residential areas.

Motion: Roberts-Thomas to recommend to the City Council the adoption of the original historic preservation ordinance submitted by the Planning Commission in the summer of 1990 with the following changes:

1. The 15% limitation be stricken and replaced as per the staff report.
2. Adoption and designation of the entire inventory identifying 115 sites as identified in the staff report.
3. Adoption of historic districts designated A, B and C (Appendix E).

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4. Obtain a legal opinion relating to deed endorsement on individual historic sites and membership in district.

Discussion on Motion:

Commissioner Kriz expressed concern relating to adoption of an ordinance which has not been reviewed by staff.

Commissioner Roberts suggested he would revise the motion to recommend that staff bring back the original ordinance for review at the next Planning Commission meeting.

Commissioners Smith and Post expressed concern about adoption prior to review of original ordinance.

Chair Russell expressed concern that the original ordinance did not include an appeal process.

Vote on Motion: Aye: None; Nay: Kriz, Post, Smith, Thomas, Worrall, Russell. Abstain: Ring, Roberts. Motion failed.

Commissioner Worrall recommended that the Commission adopt staff recommendations identified on Page 2 and 3 of the staff report.

Commissioner Kriz agreed with the concept of adopting staff recommendations but would like to have the recommendations individually adopted.

Motion: Kriz-Post to amend Sections 421 and 423 of the Historic Preservation Ordinance as identified in the Staff Report II.A. based on staff report findings and testimony.

Discussion on the Motion:

Commissioners discussed the designation procedure for nominating sites to the inventory.

Vote on Motion: Motion carried unanimously.

Commissioners discussed how to evaluate language relating to adopting historic districts.

Staff discussed notification requirements relating to development of districts.

Motion: Smith-Worrall to adopt staff recommendation II.B. to replace the adopted Historic Resources Element with the proposed element which includes all properties which are

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currently on the inventory being designated as landmarks subject to the historic preservation section of the zoning ordinance and to eliminate one site which has been demolished.

Discussion on the Motion:

Commissioner Kriz felt the public should be given the opportunity to provide an ESEE analysis to eliminate sites. He felt the Council should be given one clean package.

Commissioner Smith felt everyone should be treated equally.

Commissioner Worrall felt the process should be done and the exceptions should occur as the opponents apply for exception.

Commissioner Russell indicated that this motion would include everything and those desiring removal would be required to go through the ESEE process.

Commissioner Post felt that no one has been identified as a landmark yet, and so no one should be left off the list.

Commissioner Kriz felt that those individuals who do not desire to be included should have the opportunity to present testimony in support of their request.

Vote on Motion: Aye: Post, Roberts, Smith, Worrall; Nay: Kriz, Ring, Thomas, Russell. Motion failed (4-4).

Motion: Kriz-Thomas to allow a one month period for those requesting removal to present criteria supporting their request to not be included as landmarks.

Discussion on Motion:

Discussion occurred relating to how notice would be provided to those individuals opposing landmark designation and at what meeting discussion would occur relating to the removal process.

Amendment to Motion: Worrall-Kriz to require that interested parties submit a request for removal from landmark designation to the Planning Department utilizing the ESEE form within 30 days.

Commissioner Smith asked if this was the same procedure as if on landmark list. DE answered it was.

Vote on Amendment: Amendment to motion carried unanimously.

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Revised motion to read: Allow 30 days to submit a request for removal from landmark designation to the Planning Department utilizing the ESEE form.

Vote on Motion: Motion carried unanimously.

Motion: Kriz-Post to hold a special Planning Commission meeting July 23 to review historic preservation issues. Motion carried by voice vote.

Commissioner Kriz requested that copies of the 1990 Planning Commission proposed ordinance be available at the special meeting.

Motion to adjourn: Worrall-Roberts. Motion carried by voice vote.

There being no further business, the meeting was adjourned at 10:15 pm.