

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.

V. PUBLIC HEARING:

APPLICANT: Schmidt Excavating
REQUEST: Conditional Use Permit to allow the expansion of an existing building which is presently used as an office for Schmidt Excavating, Inc.
LOCATION: 514 Dayton Ave.
TAX LOT: 3219AC-5201
FILE NO: CUP-4-93
ZONE: R-1

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. Commissioner Ring noted that she was a friend of the applicant; however, she did not feel this would affect her decision. No ex-parte contact or additional abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the criteria for approval and denial of a conditional use permit. She then presented the staff report and reviewed the site with a slide show and overheads. She noted that the development is a non-conforming use which has been in existence for many years. She reviewed conclusionary findings for both approval and denial.

Questions to staff: None

Proponent: Allyn Brown, 501 E. First, attorney for applicant, reviewed portions of the staff report relating to the issues. He noted that the applicants are lifetime residents of Newberg and are concerned about the growth and habitability of the community. He also noted that they are now and have been good neighbors in the area where they work and live. He noted that they also reside on the site and live adjacent to the proposed structure. He reviewed a map identifying the properties near the site that are owned by the Schmidt's. He distributed photographs indicating the park-like quality of their property and their residential and industrial complex. He felt that the use was not really being expanded by this application. The intent is only to enlarge an existing office to allow for more office space. The structure is intended to be designed with a residential facade. He noted that in 1985 the City allowed the existing use to be expanded. He noted that the Schmidt's employ 15 people who primarily work off-site and the industrial activity on the site is limited. He felt that a precedent has been established by the City and that granting this request is not setting a new precedent. He also noted that the neighbors have all signed a statement supporting the proposal. He noted that the structure will be screened from its closest neighbors and the impact on them would be very slight. He felt that the criteria listed in the staff report for approving the request far outweighed those listed for denial. He reviewed those items currently allowed in an R-1 zone as noted in the Zoning Ordinance. He indicated that some of these uses would have a far greater impact on the property than that requested.

Question to Brown: Commissioner Roberts asked what the effect was of the 1985 expansion. Fonda Schmidt responded that prior to 1985 a portion of the equipment had been stored off-site. She noted that the off-site storage building had been destroyed by an arson fire and at that time they applied to the City for on-site storage of their equipment which would allow construction of an open-faced building for equipment protection. She noted that there is currently very little equipment stored on the site. The exception would be if equipment required extensive repair. Primarily pickups and trucks were stored on the site.

Question to Brown: Commissioner Kriz asked why the addition was being increased from 400 to 2000 sq. ft. Mrs. Schmidt indicated that normally only two people would be using the site; however, the computer and other equipment requires space and record storage also consumes a large amount of space. She noted that no new employees were anticipated.

Proponent: Leonard Rydell, 601 Pinehurst Dr., indicated he was acquainted with the Schmidts. He noted that he also has a home business. He noted that computers and paper storage require much more space these days. He recommended approval. He felt that the use was a home occupation which was an outright use. He noted that it was also a benefit to have occupants in the neighborhood during the day to provide neighborhood security.

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He noted that at some point in the future the proposed structure could be turned into a residential structure. He supported the request.

Opponent: None

Public Agencies: None

Letters: As noted in the staff report.

Staff Recommendation: Staff recommended that the request be denied.

Hearing Closed.

Commissioner Discussion:

Commissioner Roberts felt that the issue of precedent was dangerous. He felt that the 1985 precedent should be denied and that if approved, the conditional use permit approval should be attached to the current ownership only. He felt the site should be limited in use to that which exists now.

Commissioner Ring felt that the use was an asset to the community.

Commissioner Kriz thanked Mr. Rydell for pointing out the similarity of this use with a home occupation. He did express concern about the Zoning Ordinance section which requires that non-conforming uses not be expanded.

City Manager Cole noted that the ordinance is subject to Planning Commission interpretation relating to the definition of "expand". He felt that the Planning Commission had the ability to interpret with discretion the ordinance.

Planning Commissioner Roberts noted that if the law were rigidly interpreted, it could limit the Planning Commission's abilities to grant a conditional use permit.

Motion: Roberts-McCauley to approve the request for a conditional use permit based on staff findings and testimony subject to the following conditions: 1. The business may not expand business related structures on this site. 2. This use is limited to the current owners.

Discussion of Motion:

Chair Russell expressed concern relating to the limitations suggested by the motion.

Planning Commissioner Roberts indicated that his intent was to not allow any further business related structures on the site.

Commissioner McCauley felt that the intent appeared to be a remodel rather than a business expansion.

Commissioner Kriz asked if there were any signs on the site. Mrs. Schmidt indicated that there was a small address sign on Dayton Avenue.

Commissioner Weaver reviewed the terms "industrial vs. office". He noted that the word "expansion" and the word "industrial" describes different things to each of the Commissioners.

Vote on Motion: Motion carried unanimously.

Ms. King reviewed the appeal process and indicated that a design review would be required for the construction.

VI. OLD BUSINESS

- **Request for extension - River's Landing preliminary plat approval**

Ms. King noted that the subdivision preliminary plat was approved in July 1992. She indicated that the applicant is requesting an extension to allow for completion of funding and final plat approval. She noted that staff is recommending approval of the request.

Motion: Roberts-Kriz to grant the requested extension. Motion carried unanimously.

- **General Hazard Ordinance Revision**

Ms. King indicated that staff is requesting a continuance of this issue until later this year.

By consensus the Planning Commission agreed to the extension of this issue to the October Planning Commission agenda for an update.

VII. NEW BUSINESS

- **NW Newberg Specific Plan**

City Manager Cole introduced Dennis Egner, planning and development manager for SRI Shapiro, and previous Newberg Planning Director.

Mr. Egner briefly discussed his new position. He then reviewed the development of the NW Newberg Specific Plan slide show. He identified members of the audience who were involved with the development of the plan including Donna McCain, Sonja Haugen, Steve Roberts, Don Clements, Dan Findley and Roger Grahn. He then presented the slide show. He described street details proposed for the plan using overheads. He explained that the plan included 32 ft. wide neighborhood streets and pedestrian connections. He noted that the proposed overall density for the area is approximately 4.8 as opposed to 4.4 which exists now in the Comprehensive Plan. He noted that those homes facing the collector streets have proposed alley access. He reviewed options for setback standards. He noted that the issues before the Planning Commission would include approval of the plan, design standards, and how to deal with some of the left over parcels as each of the sections develop.

Chair Russell asked why some of the properties appeared to be excluded from the requirements.

Mr. Egner noted that all owners were appointed to the study committee and several requested that all or portions of their property be excluded. He noted that Tom Gall was very involved in the project and had offered to donate a portion of the Gall property as a proposed park; however, Mr. Gall preferred to maintain enough property to protect his current residence. He noted that the Wardin property was noted as being an outparcel at the request of the owner; however, street patterns in both areas would still allow for future development of the sites. Mr. Egner noted that necessary ordinance amendments would be presented at the hearing in September to implement this plan.

Ms. King noted that next month's agenda would include a historic review, the conclusion of the transportation plan and hearing on the NW Newberg Specific Plan.

The Commission asked if a unique name has been designated for the project area.

Ms. McCain indicated that a potential name for the development could be Oak Knoll.

Minutes

ed if a property owner in the area objected to participation in the plan, whether they would
ite. Mr. Egner noted that adoption of the plan was a legislative process and would require
g to specific standards through a streamlined process.

at the negative aspects of the plan were. Mr. Egner noted that a letter has been received
d it is his intention to work with the proposed ordinance based on those concerns.

he has attended all the hearings and is concerned about the details of the plan. He
tter was an objection to the project, not suggestions for revision. He noted that he is a
bf one of the sites and that a large portion of the project area has changed hands since
process. He noted that the proposed densities and setback restrictions were not
or development. He noted that excessive amounts of street requirements in the project
le felt that Newberg is a blue collar and commuter community and people come here
d it. He asked if this plan is adopted, who is going to be the arbitrator in each of the areas
use development restraints. He has several alternative plans which would provide more
and would provide less expensive housing for the citizens of the area. He noted that if he
ly with the plan, he would withdraw from the purchase.

y. Grahn to bring his testimony in writing to the hearing.

ed Mr. Grahn to present his proposed alternative plans for the area at the hearing.

that the alleys provided a greater potential for crime and were more expensive to build.
e that is overlaid on the land, the greater will be the expense to the developer and to the

the alley access was proposed to be an internal driveway access to the rear of each home.

that the staff provide slides showing actually alleys which represent those proposed in the

indicated that he would like specific research relating to Mr. Grahn's testimony. Mr. Grahn
vide support data.

etter has been received for the Planning Commission requesting review of the Industrial
ularly relating to existing non-conforming uses. She noted that letter was from Pro West,
entury 21 brokers. The issue will be reviewed at a later date when the Department is fully

COMMENTS FROM THE FLOOR

egner for his service to the City.

business, the meeting was adjourned at 9:10 pm.