

Council Chambers
7:30 PM, Thursday

A Regular Meeting
of the Planning Commission

August 18, 1983
Newberg, Oregon

Members Present:

John Cach, Chairman
Frank Bowlby
Jean Harris

Jane Parisi-Mosher
Roger Veatch
Joe Young

Members Absent:

Sally Adamson
Greg Moore
Arthur Roberts

Staff Present:

Clay W. Moorhead, Planning Director, Newberg
Barb Mingay, Recording Secretary

Citizens Present: Dundee Planning Commission members and interested citizens
Approximately 25 people

The meeting of the Newberg Planning Commission was called to order by
Chairman John Cach.

Motion: Harris-Bowlby to approve July Planning Commission minutes as distributed.
Motion carried unanimously.

Public Hearing A:

Applicant: Arnold & Myrta Jensen
Request: A conditional use permit for the purpose of permitting
a duplex within the R-1 (Single Family Residential) zone.
Location: 3705 Vittoria Way, Newberg, Oregon
Tax Lot: 3216AC-7700 and -7800
File No: CUP-4-83

Mr. Moorhead presented a slide photo review of the site which identified its
location and surrounding land uses. He entered the staff report into the record.

Proponent: Arthur Wilson, speaking for Mr. & Mrs. Jensen, indicated he was an
architect in Lake Oswego. He stated that the Jensens frequent absences from
the area due to out of town jobs was the primary reason for the requested
conditional use permit. He further indicated that no exterior modifications were
to be made to the unit with the exception of a small sidewalk which would be
installed to allow for ease of entry to the new unit. No outward changes
would occur to the site with only a single efficiency unit being created in the
present basement of the home.

Questions to Proponent: Stu Harris, 3305 Vittoria Way questioned why the unit
needed to be changed at this time; what was the need for the change?

Mr. Wilson responded that previously Mr. Jensen had been able to work in the
area more often in his profession as a contractor, but due to the current economy
jobs were not as readily available locally and he was required to travel out
of town frequently to obtain work. He said that Mrs. Jensen was a school teacher
and frequently travelled with her husband on weekends and during summer vacation.

He responded to questions regarding parking by indicating that the existing driveway could accommodate up to 8 cars easily. He indicated that the other lot would remain vacant.

Staff stated that under the conditional use permit the lot becomes one development site but not one tax lot. It would not be possible to construct additional housing on the second lot as long as the conditional use permit exists on the property; however, accessory buildings could be permitted (i.e. storage shed, garage, etc.).

Mr. Wilson indicated that a new kitchen facility would be built within the area of an existing laundry room in the basement of the house and that all utilities would be provided as part of the rent of the unit.

Opponent: Ralph Burkett, 1700 Libra, an adjacent property owner, indicated his occupation was also in construction and that he had to travel but was still able to maintain his home adequately. He suggested that a possible option for Mr. Jensen would be to simply hire house sitters to maintain his home while he was away. He was also concerned about the tax impact of a change such as the one requested. He felt that resale of his property might be made difficult at a later date if the conditional use permit were granted to allow a duplex next door. He felt the request would adversely impact the neighborhood.

Opponent: Marv Robinson, 1708 Libra, an adjacent property owner, stated his house plan was identical to Mr. Jensens and he doesn't see how an adequate amount of living space could be created in the basement of the home. He was also concerned about the impact of the conditional use permit, if granted, on the resale value of his home. He suggested that Mr. Jensen consider construction of a single family home on the adjacent lot for rental purposes or sale of the lot if it was a maintenance problem for him.

Staff asked Mr. Burkett if conditions such as items 1 and 2 below were included in the approval of the conditional use permit, would he consider the application acceptable.

1. A limitation of 1-2 years on the conditional use permit with a new review by the Planning Commission, and
2. A non-transferable ownership clause which would cause the conditional use permit to be voided if the Jensens sold the property

Mr. Burkett responded that it would be less objectionable if those conditions were placed on the request.

Staff asked Mr. Robinson the same question and Mr. Robinson responded it would make the application somewhat more acceptable but he was still concerned that the duplex would be allowed to continue for years.

Public Agencies: None.

Letters: A letter was received from Mr. & Mrs. Richard Gormand, 1607 Libra, stating their opposition to the request.

Proponent Rebuttal: Arthur Wilson indicated that the current occupants of the residence are 2 and that in the past, 4 people resided at the house. The new unit would only add 1-2 people, again having up to 4 residents at the house. He again reiterated that no visible change would be made to the house.

Staff Recommendation:

Mr. Moorhead indicated that the livability of the area was the consideration. He stated that the use of the building would not materially detract from the outside appearance of the building. He related that findings could be found in favor or opposition to the proposed conditional use permit. He recommended placement of the following conditions on the request if the request were to be granted.

1. That the conditional use permit be authorized for a one year time period at which time the permit would be reviewed by the Planning Commission and denied or extended for a 2 year time period only.
2. That the use be authorized solely to the current owner and be non-transferable.
3. That no outside structural changes be made to alter the outside appearance of the house.

Public hearing closed.

Discussion followed relating to the need for a conditional use permit on the site.

Motion: Veatch-Harris to deny the requested conditional use permit based on the finding that the characteristics and the livability of the area is a single family dwelling situation and by granting a conditional use permit, the Planning Commission would be simply accommodating the applicant for a minor inconvenience during the summertime. Vote on the motion-- Aye: Bowlby, Cach, Harris, Veatch, Young; Nay: Parisi-Mosher. Motion carried (5-1).

Mr. Moorhead identified the appeal procedure, stating that any appeals must be received by August 29, 1983 at 5:00.

At this time the Dundee Planning Commission joined the Newberg Planning Commission for a joint discussion of the following public hearing.

Public Hearing B:

Applicant: City of Newberg

Request: An amendment to the Newberg Comprehensive Plan (Transportation Element) to include long and short range policies together with proposed transportation routes relating to the rerouting or bypassing of Highway 99W through traffic in or around the City of Newberg

File No: G-6-84, Continued

Planning Commissioners from Dundee and Newberg introduced themselves. The Dundee Commission Chairperson requested deferral of other regular business of the Dundee Commission until their next regular meeting in Dundee.

Newberg Commissioner John Cach introduced the bypass topic as currently proposed and opened the discussion with information as to the progress of the petition

which is being circulated in the community. He indicated that to date the circulation of the petition has been well received and the publicity has been abundant. Maps identifying a tentative proposal for a bypass route were displayed and all commission members reviewed the route. Commissioner Cach related to the Dundee Commissioners and audience that the method for choosing the route was that a line was drawn which followed land curves down Parrott Mountain and continued between Newberg and the Willamette River, with an access point at the beginning, one mid-way and one at the end. He said that the middle access point had been left open but at least one mid-way access was considered reasonable, the most likely location being at the St. Paul Highway interchange.

The McMinnville bypass was cited as a poor example of a bypass which had uncontrolled access points and the resulting commercial developments which have resulted in a bypass with a 40 mph speed limit.

Yamhill County Planner Bill Campbell indicated that the City of McMinnville had desired to see the development of the airport and a local improvement district had been created to aid in that development. Due to trade-offs required to compensate property owners in the area for their increased taxes, commercial developments were authorized.

A member of the audience asked what process occurred for land attainment for the proposed bypass. Mr. Campbell stated that Federal regulations required that the local jurisdiction must tender an offer to the affected property owner that was deemed reasonable. Additional action could be condemnation proceedings on properties unavailable any other way.

Responding to a question regarding the time frame for construction of the bypass, Mr. Moorhead indicated that construction would probably not occur for a minimum of 10 years; however that would only be a good guess and the time could be greater.

The question of "taking" was discussed. "Taking" was identified as being the placement of a specific designation on a property, which would cause that property to be identified for a specific purpose in the future which would preclude the current use of the property. Discussion relating to legal procedures a property owner could then take went on.

The amount of property required for right-of-way for a proposed roadway was discussed with the general opinion being that approximately 200 feet of right-of-way would be required depending upon the nature of the proposed roadway. It was mentioned that underpass access for properties on the south side of the proposed highway must be identified on any plans presented to the state.

Mr. Moorhead indicated that the Dundee Planning Commission might wish to review further the plans as presented at this hearing which would allow them time to consider any amendments to the current map and/or any additions/deletions they consider necessary.

A citizen of Dundee questioned the right of the Newberg Planning Commission to include a bypass of Dundee in their plans. He was concerned that the stores in Dundee would be severely impacted by the rerouting of coastal traffic away from the City. He indicated that a feasibility study should be done by the state as to need for such a bypass.

It was the opinion of some of the members that a feasibility study should be done by the State as to the location of access and how they would be installed.

It was mentioned that the Newberg City Council had removed the bypass from its Comprehensive Plan Map in 1978 as it appeared to be an item which would not be required until well beyond the 20 year planning period.

A citizen asked why a northern bypass around only Newberg wasn't being considered. He was informed that the northern route had been discarded after numerous hearings as being too costly and not a feasible route to best serve Newberg's needs.

Bill Campbell indicated that consideration of just a truck bypass might be a starting point. Notably, the past history of truck routes indicates that once regular traffic discovers the route is quicker, it soon becomes used by much more traffic. He indicated that much relief had been found in some areas of Newberg due to the removal of garbage and chip trucks from City streets by routing them on a truck route to their destinations.

Mike Warren, Newberg City Manager, related his concern that the Planning Commission at least plan for a bypass and the Council must work with the businesses to maintain a good economic level. He stated that Newberg has established a redevelopment agency to assist with downtown development and be a supportive agency in an effort to prevent economic disaster. He felt that Dundee might also develop some sort of drawing card such as their vineyards to attract patrons to the local businesses. The consensus of the Dundee Planning Commission was to further study the proposal for a bypass and to get additional input from the people of the community who would be impacted.

Mr. Cach again mentioned the petitions being circulated in the community. He indicated that approximately 3000 signatures had been collected to date but that the petitioners were trying to reach 10,000 signatures for presentation to appropriate state agencies.

Old Business:

None

New Business:

None

Motion: Veatch to adjourn. Carried unanimously.