Council Chambers
7:30 PM, Thursday

A Regular Meeting
of the Planning Commission

November 17, 1983
Newberg, Oregon

Members Present:

John Cach, Chairman
Greg Moore
David L. Richards
Roger Veatch
Jean Harris
Jane Parisi-Mosher
Arthur Roberts
Joe Young

Members Absent:

Frank Bowlby

Staff Present:

Clay W. Moorhead, Planning Director
Rick Faus, City Attorney
Barb Mingay, Recording Secretary

Citizens Present: 15 + Citizens

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

Motion: Harris-Veatch to approve October Planning Commission Minutes as presented. Motion carried unanimously.

Public Hearing A:

This hearing is a continuation of the October 20, 1983 Planning Commission hearing with new testimony admissable and proponent and opponent participation authorized.

Applicant: Pet Prevent-A-Care
Request: A conditional use permit for the purpose of permitting a mobile vaccination clinic for dogs and cats during certain days and advertised hours, two times per year.
Location: Parking lot of the Newberg Plaza, located near the intersection of Highway 99W and Everest Street
Tax Lot No: 3220AB-1100
File No: CUP-5-83

No abstentions were requested, none were given.

Mr. Moorhead briefly reviewed the occurances of the October 20 Planning Commission hearing on this matter ending with the tie votes and the need for allowing new testimony at a continued hearing of the matter.

Planning Director Moorhead presented his staff report dated November 10, 1983 and also re-entered the material and staff report presented at the October 20 Planning Commission hearing.

Proponent: Sharon Roberts, Pet Prevent-A-Care, 2856 Mark Lane, West Lynn, OR, presented a brief review of written material she distributed to Planning Commission members which was entered into the record. She indicated that PPC had little impact on adjoining land. There would be a small amount of additional traffic which could be accommodated by the existing parking and street system. The design of the clinic is attractive and fits in with the requirements of the Newberg Zoning Ordinance. The economic impact on local veterinarians should not be the major issue.

Questions to Proponent:

Jean Nellis, 303 N. Main, asked the proponent whether the length of time requested for the CUP was still five years. Sharon Roberts responded that PPC was leaving that to the Planning Commission to decide.

Commissioner Parisi-Mosher asked if PPC would be unable to operate the business without using a mobile unit. The proponent indicated that it had been tried at a previous location and didn't work out. It would really limit the business. The business had not been designed to work inside an enclosed structure.

Commissioner Richards asked how many times a year the service would be offered and how it was to be advertised. Sharon Roberts responded that the request for was allowing a twice a year operation and that advertisements would be placed in local papers usually 2 weeks prior to the clinic. Approximately 50 people were served at each clinic with approximately 1½ animals per person being accommodated.

Opponent:
Donald Shubin, D.V.M., Newberg Veterinary Hospital indicated his concern that PPC was not the only clinic of its type which came to Newberg. He felt that setting a precedent in this case could create multiple requests of this nature in the future.

Opponent:
Jean Nilles, 303 N. Main, Newberg briefly reviewed written material she presented to the Planning Commission for inclusion in the record, specifically indicating her concern as to the difference between temporary and permanent businesses and their affect on this community.

Opponent:
Richard Benham, 304 Foothills, indicated he was concerned about how many more mobile types of businesses should be allowed to locate in the future in places like the Newberg Plaza. He felt that such action under consideration was a dangerous precedent. He questioned how many more such units would be required before an obvious impact was noticable by the community.

Opponent:
Bob Holveck, Rt. 1, Box 133 stated he was in agreement with the previous opponents. He entered into the record a letter from Don Cooley, a registered state land surveyor, pretaining to distance measurements on the roadways surrounding the site.

Questions to Opponents:
Commissioner Roberts asked Mrs. Nilles if she felt the request would impact the beauty, livability, etc., of the community. She indicated that the financial impacts on the local businesses could eventually cause the businesses to close, creating empty buildings and being a detriment to the community.

Mr. Shubin was asked what was wrong with having more than one mobile clinic operating in Newberg. He responded that this type of precedent setting operation was a detriment to Newberg's future. Mr. Shubin further commented that the veterinary clinics in Newberg had to comply with all City regulations regarding waste disposal and he felt the same requirements should be placed on PPC.

Mr. Benham was asked his definition of temporary and he responded that things such as Christmas tree stands and fireworks stands were not permanent structured business. Seasonal temporary may not be the same thing as temporary by definition.

Mr. Holveck was asked to clarify the site obstruction as indicated by the letter he presented from Don Cooley. He indicated the site obstruction on a drawing and stated his concern that visibility would be a concern of vehicular traffic at that site.

Don Waddell asked if the proposed site were the same location that a traveling carnival uses occasionaly. Staff indicated that it was; however the carnival operates under a special carnival permit.

Mr. Shuben was asked if the rates of PPC were less expensive than the local vets could offer. Mr. Shuben responded that the local vets higher prices were due to higher overhead but that low cost vaccinations were available. He indicated that the rates were not normally advertised.

Public Agencies:
No further responses have been provided other than those indicated in the staff reports.

Letters:
A letter was received from Pamela E. Schubel indicating her dissatisfaction with PPC and her opposition to the request.

Proponent Rebuttal:
Sharon Roberts commented that PPC overhead for operating was higher than the local vets. She further commented that any waste material was taken with PPC and not left on the site. The area in question would be hosed off with no effect on the local sewer system. She stated PPC has a business office in Beaverton. She added that cats are required to be kept in boxes and dogs on leashes, the local ads are adding to the local economy and that the service assists people in the community to save money and prevent disease. She stated PPC has no objection to relocating on the lot to correct any vision problems due to site obstruction.

Opponent Rebuttal:
Mr. Shuben indicated that the overhead costs for the local vets was extreme and that the requirement for rabies vaccinations of dogs was a State law.

Staff Recommendation:
Director Moorhead stated that the Planning Commission should base their decision, approval or denial, on the 3 conditional use criteria stated in the Zoning Ordinance. If the Planning Commission chose to approve the application, the approval should

be based on the staff report and specifically include conditions 1-4. The Commission may also consider an extension of the 2 year permit for another 2 years subject to compliance with conditions.

Mr. Moorhead further stated that no ordinance is currently established to disallow mobile units in Newberg.

Hearing Closed.

Motion: Harris-Moore to amend the Staff Report conditions to include condition 5 that an extension of the Conditional Use Permit shall be authorized for an additional 2 year period provided no objections are filed with the Newberg Planning Department relating to the operation or impacts associated with the setup and operation of the mobile vaccination clinic. Vote on motion: Aye--Cach, Harris, Moore, Parisi-Mosher, Richards, Veatch. Nay--Roberts, Young. Motion carried 6-2.

Motion: Young- that public restroom facilities be provided on site to meet City standards (located within close proximity to site in an existing building 100-150 feet away or porta-pottie facilities).

Motion died for lack of a second.

Motion: Roberts-Young to deny the conditional use permit based on a conflict with Finding 2, Observation 3 of the Staff Report in that it sets a precedent for use of temporary structures on a permanent basis and tends to bypass the purposes of the Zoning Ordinance for the regulation of both the public health and safety and general welfare and to provide economic and social advantages which result from an orderly planned use of land resources and based on a conflict with Zoning Ordinance Section 252 Item 4 which relates to compatible uses in as much as it is a permanent ongoing type of business and that we should try to encourage permanent types of businesses to fit into the planned use of land resources. Vote on motion: Aye--Parisi-Mosher, Roberts, Young. Nay--Cach, Harris, Moore, Richards, Veatch. Motion failed 5-3.

Motion: Moore-Harris to approve the request for a conditional use permit for a 2 year period based on Staff Report findings 1-7 with an amendment to finding 7 to read "usually in the neighborhood of 30 to 40 percent of the parking spaces..." and Staff Report conditions 1-4 with the addition of condition 5...that an extension of the Conditional Use Permit shall be authorized for an additional 2 year period provided no objections are filed with the Newberg Planning Department relating to the operation or impacts associated with the setup and operation of the mobile vaccination clinic. Vote on motion: Aye--Cach, Harris, Moore, Richards, Veatch. Nay--Parisi-Mosher, Roberts, Young. Motion carried 5-3.

Planning Director Moorhead identified the method for appealing the decision of the Planning Commission and indicated that the effective date of the CUP action would be 10 days from this date, November 28, 1983. The matter would be reviewed by the City Council if an appeal request were received prior to the effective date.

Old Business:

The Commission was informed that November 23, 1983 was the date set for conclusion of recommendations by the Newberg/Dundee Study Area Committee.

Director Moorhead reviewed material outlining land use activities which have occurred in the Newberg-Dundee corridor area to date. He indicated there would be a special Newberg City Council meeting November 21, 1983 to discuss the corridor issue. The Commission discussed what types of uses could occur in the area. Mr. Moorhead indicated that the Planning Commission could offer some options to the Corridor Committee. Chairman Cach indicated that the "area of influence" was a concern to Newberg and in that area we have an advisory capacity to the County on land use decisions.

As the Newberg Planning Commission representative to the Corridor Committee, John Cach reviewed the previous discussions of the Committee regarding options available to both Newberg and Dundee.

Don Waddell, Dundee City Councilman, joined the Newberg Planning Commission and commented he felt the concensus of opinion of the Dundee Planning Commission was to leave the area in a status quo mode; however, the Dundee City Council appeared to be interested in looking at the corridor area for future inclusion in Dundee's Urban Growth Boundary.

After continued discussion as to how industry might develop in the corridor area, a straw vote was taken with three options offered for consideration.

1. Require that the land be left status quo, which would not allow for any further commercial or industrial development. One Commissioner chose this position.
2. Allow development to be permitted in the area under County standards. One Commissioner chose this position.
3. That development only be permitted after including the land within an urban growth boundary and requiring that municipal sewer and water services must be available before construction. This requirement would provide the ability to impose City standards for the right of using municipal sewer and water services. Six of the Commissioners chose this position.

Chairman Cach was directed to report the results of the straw vote to the Corridor Committee at its next meeting.

New Business:

Under new business Planning Director Moorhead pointed out that the Commission might wish to consider looking into ordinances restricting mobile business in Newberg or consider other options to create a broader base for decision making on this issue.

The Commission directed City Attorney Faus and Planning Director Moorhead to look into the development of standards for mobile businesses in Newberg.

A motion to adjourn was seconded and unanimously carried.