

Council Chambers
7:30 PM, Thursday

A Regular Meeting
of the Planning Commission

December 20, 1984
Newberg, Oregon

Members Present:

Jean Harris
Kathy Kelso
John Lyda
Ken Overton

Arthur Roberts
Roger Veatch
Joe Young

Members Absent:

John Englebrecht, Excused
Jack Kriz, Excused

Staff Present:

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

Citizens Present:

12 Citizens

The meeting of the Newberg Planning Commission was called to order by Chairman Roger Veatch.

Motion: Young-Lyda to approve the November 15, 1984 Planning Commission minutes. Motion carried unanimously by those present.

Chairman Veatch suggested that the Public Hearing order be reversed due to the number of citizens in the audience interested in the annexation request and the Commission concurred.

Public Hearing B:

Applicant:	David and Sherry Ryan and the Estate of Eva Klein
Request:	Approval of an annexation and a zone change from a county zone to a City of Newberg M-2 (Light Industrial) zoning district together with a withdrawal from the Newberg Rural Fire Protection District on a 6.6 acre tract of land.
Location:	Between Highway 219 (St. Paul Highway) and Springbrook Road, South of First Assembly of God Church
Tax Lot:	3221-1600
File No:	ANX-3/Z-4-84

No abstentions were requested. Chair Roger Veatch abstained due to a conflict of interest.

Vice-Chair Jean Harris opened the hearing.

No objections to jurisdiction were voiced.

Staff Report: Planning Director Moorhead identified the location of the site under discussion on a map. He entered the staff report into the record, highlighting several findings, policies and goals. He also indicated there was a public need to create additional jobs and this was being specifically addressed by the applicants in this request.

Proponent: David Ryan, 25 Canter Lane, Sherwood, co-owner of Ryco Manufacturing, indicated that from its beginning in 1974, his company has been creating custom steel products for local and international firms. Moving to Newberg in 1976, he has been located at the A-dec Industrial Park, and has currently 12 employees. He currently desires to expand his business which will require a greater amount of building space. An expansion will increase local employment during the construction phase of the facility and additional employment opportunities after construction. He presented a sketch of the proposed structure, a metal and concrete building of approximately 15,000 square feet with a 1,200 square foot office space in the front of the building. He indicated his desire to blend the building in with its natural surroundings. He anticipates locating the building on approximately 2 acres of the 6 acre tract with the building fronting on Springbrook Road. He indicated his business was not a noise producer; however, he anticipated installing 3" insulation in the walls and will have no door facing Springbrook road, to act as a sound barrier for the building.

Proponent: Debbie Myers, 700 N. Meridian, a realtor for Roger Veatch and Associates, indicated she has been working with Ryco Manufacturing in the process of site selection. She indicated that this site meets the specific needs of Ryco Manufacturing and also complies with the Comprehensive Plan and other City requirements. Some other sites had been ruled out due to size, inadequate topography and site deed restrictions. This property is ideal for access, utilities, and the usage is consistent with the Comprehensive Plan. She added that approval of the annexation request would result in additional tax dollars and employment opportunities for the City of Newberg residents in the years ahead.

Questions to Proponents

Commissioner Roberts asked Mr. Ryan what sort of deed restrictions caused site elimination. Mr. Ryan responded that primarily the A-dec complex required tilt up concrete construction as part of the building requirements to be located in A-dec Industrial Park. Because Ryco Manufacturing required a crane attached to a steel framework to be installed for their manufacturing process, the use of tilt-up concrete construction in addition to steel framework construction was cost - prohibitive.

Opponents: None spoke.

Public Agencies: The City Engineering and Fire Departments commented that a fire hydrant would be required to be placed at the site if the property were annexed into the City.

Letters: Miss Ruth Kilgore, Rt. 4, Box 145, Newberg sent in a letter in opposition to the annexation due to the adverse impact she felt urbanization would create on surrounding farm land.

Opponent Rebuttal: Jim Burres, 819 Sierra Vista, Newberg, a realtor with Malone Realty, acting as agent for the Klein Estate, requested the opportunity for rebuttal of Miss Kilgore's letter. He commented that this 6.6 acre tract of land had several physical barriers which limited it's use as agricultural land. He indicated that the proposed expansion was bounded by Springbrook Road which acts as a natural divider between existing farm land and urbanized properties to the west. He added that other manufacturing uses existed in the immediate vicinity, with no adverse impacts.

Staff Recommendation: Planning Director Moorhead indicated that the property has been located within the Urban Growth Boundary for several years, has been recognized in the Comprehensive Plan as urbanizable land and is expected to be developed by the year 2000. He added that there are also adequate public services available in the immediate vicinity. Planning Staff recommends approval of the annexation with conditions 1-3 as stated in the Staff Report.

Hearing Closed.

Motion: Young-Harris to recommend to Council approval of an annexation and a zone change from a county zone to a City of Newberg M-2 (Light Industrial) zoning district together with a withdrawal from the Newberg Rural Fire Protection District on a 6.6 acre tract of land known as Tax Lot 3221-1600 based on Staff Report findings 1, and 3-7.

Commissioner Roberts questioned why finding #2 was omitted from the motion. Commissioner Young chose not to include finding 2 but did not object to an amendment to his motion.

Amendment to Motion: Roberts-Young to amend the motion to include finding 2. Vote on amendment to original motion carried unanimously by those present.

Vote on Main Motion: Motion carried unanimously by those present.

Planning Director Moorhead indicated that a hearing would be scheduled before the City Council on Monday, January 7, 1984 and additional testimony would be received at that time.

Vice-Chair Harris called a 5-minute recess.

Commissioner Joe Young was excused from the meeting at 8:30.

Meeting was reconvened at 8:35 by Chair Roger Veatch.

Public Hearing A:

Applicant: City of Newberg
Request: Review of a proposed ordinance for the purpose of
permitting and regulating bed and breakfast facil-
ities within certain zones and locations within the
Newberg City limits
Location: City of Newberg
File No: G-19-84

No abstentions were requested and none given. No objections to juris-
diction were received.

Staff Report:

Director Moorhead indicated that he had incorporated in the draft
presented those items discussed at the November Planning Commission.
He presented the Staff Report observations and reviewed the State Health
Division Standards under which Bed and Breakfast establishments would
fall. He was asked whether the motel tax would be required on Bed and
Breakfast establishments.

City Attorney Rick Faus indicated that under the motel tax ordinance,
Bed and Breakfast's would be required to pay a motel tax. He indicated
that the tax was collected from the guests by the operator of the
facility as an agent of the City. A guest log would be maintained and
the operator would be required to pay the City the appropriate fee based
on the log entries.

Director Moorhead briefly reviewed the changes in the ordinance as
presented. He indicated that the Building Department requested that a
condition be included pertaining to a requirement for fire exiting.

No proponents or opponents wished to speak.

Public Agencies: The Building Department indicated that current building
code requirements must be met. Additionally, the building code
requirement for window size was incorrectly stated in the Staff Report;
the correct size should be an opening no less than 20" by 24".

Letters: No letters were received; however, a note from outgoing City
Council member Eldon McIntosh did question whether the Bed & Breakfast
business would be required to pay the existing motel tax.

Staff Recommendation:

Planning Staff recommends that the Planning Commission refer to City
Council a recommendation for adoption of the proposed bed and breakfast
ordinance with the inclusion of a statement recommending that the City
Council exempt bed and breakfast establishments from the motel tax.

Hearing closed.

The general consensus of the Commission regarding this issue was very favorable. General comments for discussion and/or inclusion in the ordinance were as follows:

1. Consideration of a change to the "applicant only" requirement.
2. Change the sign requirement to include "all" wood.
3. Transfer of ownership of a bed and breakfast should be made easier, possibly through the use of a staff review only and not a reapplication process.
4. Addition of a provision regarding exemption to the motel tax.

In addition, Health Department inspections were discussed extensively. Questions regarding pets and the Clean Air Act were reviewed. It was concluded that the common area (public eating area) would probably come under the Clean Air Act requirements. Mr. Moorhead indicated that most of the cities with bed and breakfast establishments do not have a sanitation inspection included in their ordinance requirements. He further indicated that standards for health requirements could be placed on the establishments under the Conditional Use Permit procedure.

Motion: Veatch-Overton to recommend to City Council the adoption of the Bed and Breakfast Ordinance with the following amendments: Change Condition 3 to read "...daily or weekly..."; Change Condition 5 to read "...One all-wooden sign..."; Delete Condition 7; and add Condition 10 to exempt bed and breakfast establishments from Ordinance 1835A pertaining to the motel tax. Motion carried unanimously by those present.

Old Business. None.

New Business. None.

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