

A Regular Meeting
of the Planning Commission

7:30 PM, Thursday

Council Chambers

15
May 16, 1986

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6-20-86
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The meeting was called to order by Chairman Roger Veatch.

Members Present:

John Englebrecht	John Lyda
Bryce Fendall	Roger Veatch
Kathy Kelso	

Member Absent:

Jack Kriz (excused)
Eldon McIntosh (excused)
Ken Overton (excused)
Arthur Roberts (excused)

Staff Present:

Clay Moorhead, Planning Director
James Reitz, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present:

12 citizens

Motion: Fendall-Englebrecht to approve the minutes of the April 17, 1986 Planning Commission meeting. Motion carried unanimously.

Public Hearing A:

Applicant: Newberg Downtown Association
Request: Request for a Conditional Use Permit for the purpose of initiating a weekly Farmers Market in downtown Newberg
Location: 112 N. College (Commercial Bank Parking Lot)
Tax Lot: 3219AA-5400
File No.: CUP-1-86

No abstentions or exparte contact were indicated; none were requested.

Staff Report:

Planning Director Moorhead gave a brief history of the Newberg Downtown Association and its goals. He highlighted findings pertaining to use of lot, hours of operation and market maintenance. He identified conditions 1-5 which should be included in a recommendation for approval.

Proponent: Al Bassey and Scott Iverson, students from George Fox College representing NDA, identified that NDA was trying to establish a farmers market as one step in the process of improving downtown business. They

identified that the craft fair which occurred during Spring Fling several weeks ago was a success. They observed that there was a minimum disruption in traffic patterns. In addition, the property was cleaned up at the conclusion of the fair in a timely fashion. They pointed out that there would be additional signage and parking requirements for an expanded market.

Proponent: Allyn Brown, 501 E. First, member of the Board of Directors of NDA urged support of the request. He felt this program was basic to increasing downtown business. It could be a forerunner of a Yamhill Showcase, providing an outlet for county wide sales of produce, goods and merchandise.

Opponent: None

Public Agencies: No adverse comments have been received.

Staff Recommendation: Staff recommends approval of the Conditional Use Permit request based on Staff Report findings 1-9 and conditions 1-5.

Hearing Closed.

Commissioner Kelso indicated that she had been a participant in the Spring Fling market but felt it would not conflict with her decision-making. There were no objections to her continued participation in this hearing.

Questions were asked as to the use of signs on First Street if the additional parking lot were obtained. Staff responded that installation of parking directional signs would be permissible based on the conditions stated in the Staff Report.

Questions were asked relating to noise created by the market vendors. Staff responded that the Conditional Use Permit could be reviewed again by the Planning Commission if any problems developed.

Motion: Englebrecht-Kelso to approve the Conditional Use Permit for the purpose of initiating a weekly Farmers Market in downtown Newberg based on Staff Report findings 1-9 and conditions 1-5. Motion carried unanimously.

Public Hearing B:

Applicant: James R. Norris

Request: Major partition of a 259,340 sq. ft. parcel into three parcels of 86,405, 77,805 and 95,130 sq. ft. respectively. The property is currently zoned R-1 (Low Density Residential). This property was previously platted as a subdivision which was later voided.

Location: North end of N. Main Street and west end of Melody Lane
Tax Lot: 3218AB-100
File No.: P-4-86

No abstentions or exparte contact were indicated; none were requested.

Staff Report: Planning Director Moorhead stated that the request was considered to be a major partition when property was divided into three or more lots with a public roadway. He pointed out that standard processing of a minor partition was handled on a staff level. Due to the creation of a public roadway, the Planning Commission was requested to review the application and render a decision on the matter. He identified the site on a map and reviewed the history of the subdivision which had been proposed on the site. He also reviewed the history of the Melody Lane Subdivision. He pointed out that Newberg Subdivision Ordinance requirements for approval must include affirmative findings that:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.
2. The partition complies with Newberg plans and policies.
3. Either,
 - a. Improvements as required by the City and this ordinance have been completed, and a certificate of fact has been filed with the Planning Department by the Superintendent of Public Works; or
 - b. A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements; or
 - c. A petition for non-remonstrance of improvements has been properly executed by the partitioner who is effecting the partition and will be assessed for improvements.

Proponent: James R. Norris, property owner, stated that since his application for a partition was filed, the owner of the property abutting his site on the west side has indicated no interest in developing Main Street or his property. Mr. Norris indicated that he felt Exhibit B was a viable alternative to his proposed plan if it were extended a bit further into the property. This would reduce the number of lots in the platted subdivision to 23 sites. He added that if a half-street improvement were to be required, then he would prefer approval of his proposed plat for the property (~~Exhibit A~~). *(Applicant's Exhibit) Corrected 6-20-86 by gm*

Staff identified that a "waiver of non-remonstrance" could be used in lieu of a half-street improvement on partition requests.

Proponent: John Coleman, 1506 N. College, a Newberg realtor, questioned whether the user assessments would have been required to be paid if the subdivision had been created as originally proposed. Staff responded that improvements would have been required but that development fees would have been paid for when building permits were issued for construction on the sites.

Opponent: Nina Waters, 2700 Prospect Drive, indicated that the cul-de-sac plan shown in Exhibit B would be more compatible with the Melody Lane area. She indicated that Melody Lane is currently a public street which is privately maintained. She questioned who would be responsible for repair if the streets were damaged during construction on Mr. Norris's site. Staff responded that there were no written requirements at this time for restoration by the developer. She questioned what assurance adjoining property owners had as to the type of construction to take place on the site. Staff indicated that the Design Review ordinance did not cover R-1 zoned homes. He indicated that perhaps a covenant could be placed on the property to set specific standards; however, that has not been required on partitions in Newberg before. She asked what assurance there was that Melody Lane would not be extended into a through street in the future. Staff pointed out that the City could accept or reject any request for street dedication in the future.

Public Agencies: The following public agencies commented:
The Police Department indicated a preference for Exhibit A although all three designs would be acceptable.
The Fire Department indicated a preference for Exhibit C although all three designs would be acceptable.

Letters: Staff entered into the record a letter sent anonymously in opposition to the proposal.

Proponent Rebuttal: Mr. Norris felt that the quality of home to be built on the site should be left to the property owner. He indicated that water and sewer were available from the Main Street side of the property. He stated his preference for the plat he submitted.

Opponent Rebuttal: None

Staff Recommendation: Planning Director Moorhead did not recommend a specific design; however, he commented that Exhibit B would probably be the most cost efficient for the applicant of the two alternative designs. He again reminded the Commission that approval of the application must not impede the future best use of the remainder of the property under the same ownership; it must comply with City ordinances and must comply with the Oregon Revised Statutes. He added that several conditions were ordinarily attached to any partition application. These conditions include the requirement that property corners be surveyed; that mapping requirements within the Subdivision Ordinance must be met; that there must be a dedication for the public roadway; and that a waiver of non-remonstrance must be signed. He commented that these conditions were subject to clarification by the Planning Director. He also identified the appeal process for the Commission.

Hearing Closed.

Considerable discussion followed, centering on the need for a street, its location and impact on the property owner. Staff pointed out that at previous hearings Melody Lane residents had objected strenuously to road improvements and to any through street design.

An observation was made that the applicant's proposal for a cul-de-sac on Prospect Drive was longer than the maximum 400 ft. allowed by ordinance.

Motion: Englebrecht-Kelso to continue the hearing to the June 19, 1986 regular Planning Commission meeting to allow time for the Commission to study the alternatives, and to re-open the hearing for further testimony. Motion carried unanimously.

Old Business: None

New Business: Letters of resignation by Arthur Roberts and Eldon McIntosh were submitted to the Commission.

Motion: Veatch-Kelso that a letter of thanks be drafted to both Commissioners for the time and effort that has been provided by these individuals, and to encourage Mayor Hall to do the same. Motion carried unanimously.

Motion: Englebrecht-Veatch to adjourn. Motion carried.