

A Regular Meeting
of the Planning Commission
Newberg Public Library

7:30 PM, Thursday March 19, 1987

The meeting was called to order by Chairman Roger Veatch.

Members Present:

Bryce Fendall	Kathy Kelso
Eldon McIntosh	Kathleen Sullivan
Mike Thompson	Roger Veatch
Jack Kriz	John Lyda

Staff Present:

Clay Moorhead, Planning Director
James Reitz, Associate Planner
Becky Manning, Recording Secretary
Terrence D. Mahr, City Attorney

Citizens Present:

25 Citizens

Motion: McIntosh-Kelso to approve the minutes of the February 19, 1987 Planning Commission meeting. Motion carried unanimously.

Staff requested that the agenda order be revised based on new information received regarding Public Hearing C.

Motion: McIntosh-Thompson to move Public Hearing C to the beginning of the agenda. Carried unanimously.

Public Hearing C:

Applicant: Rodger & Judy Heinzl
Request: A request for approval of a conditional use permit to use the entire basement of a commercial building for a public use, indoor shooting range.
Location: 400 E. First Street (commonly known as the Almond Tree Restaurant)
Tax Lot: 3219AB-8200
File No: CUP-1-87

Commissioner McIntosh indicated that he has had numerous conversations with Mr. Heinzl regarding his project; therefore he wished to abstain from the hearing.

No other abstentions, objections to jurisdiction, or exparte contact were identified.

Motion: Sullivan-Lyda to continue Public Hearing C, a request by Rodger and Judy Heinzl for approval of a conditional use permit to use the entire basement of a commercial building for a public use, indoor shooting range to April 16, 1987 to allow the Commission time to review additional material submitted by the applicants.

Proponent: Mark Bierly, attorney representing the Heinzels, stated that he objected to the continuance. The information which was submitted to the staff contained a summary of the meeting which was held on Monday, March 16, 1987 between himself, the Planning Director and the City Attorney. It also addresses the 15 standards and criteria items which have been presented to the applicant. The applicants still do not believe that the 15 standards are applicable to the conditional use process and have stated specific proposals to meet the conditional use permit standards.

Commissioner Sullivan stated that as a representative of the people, she felt that a decision should not be made on the request at this time, since the material was not made available to the Commissioners at the time of the meeting.

City Attorney Mahr gave a background of the meetings which have been held and advised the Commission that it would be best to continue the matter to the April meeting to allow them time to review the material.

Commissioner Kelso asked the audience and applicants whether a postponement to the April Planning Commission meeting would cause a hardship to anyone. No one indicated it would with the exception of one member of the audience who said his work schedule would have to be altered to allow him to attend.

Vote on the Motion: Carried with one abstention, Commissioner McIntosh and one absent, Commissioner Overton.

Staff requested that the hearing order be revised to allow consideration of Public Hearing B next on the agenda.

Public Hearing B:

Applicant: A.R.E. Machining
Request: Request for annexation to the City of Newberg, that portion of a 4.44 acre parcel located within the Newberg Urban Growth Boundary, and withdrawal from the Newberg Rural Fire Protection District, together with a zone change from Yamhill County zone VLDR-1 to a City of Newberg M-2 (Light Industrial) zoning designation. The property is currently designated for MDR (Medium Density Residential) on the Newberg Comprehensive Plan. Therefore, a Comprehensive Plan Amendment to change the designation to IND (Industrial) is also requested.
Location: 512 S. Springbrook Road
Tax Lot: 3221-3700
File No: ANX-1/C-1/Z-1-87

No abstentions, objections to jurisdiction, or exparte contact were identified.

Staff Report: Clay Moorhead, Planning Director, presented the Staff Report and made a drawing locating the property.

Proponent: Alvin Elbert, 1292 SW Myrtle, Dundee, owner of the business indicated his present location in Dundee was too small for his business. He has chosen the location on Springbrook Road due to its availability to him and the cost. He has looked at other property in the Adec complex and in Flightways Industrial Park; both areas were not feasible due to their high cost. He has proposed to build a 2,880 square foot conventional

building with eleven foot ceilings, with a wood and metal frame. The insulation of the building is a factor and the applicant stated that he is installing R-11 and R-19 insulation in the walls and ceiling. His business does not make a lot of noise and he feels this should not be a factor. The backside of his building which has no windows will be facing the residents around his property. He is proposing a fenced area for any scrap materials which he may have. The products he uses are mostly all recycleable by-products. He plans to have the business running from 7 AM to 6 AM with only one person working during the night.

Opponents: None.

Comments from the Floor:

Stewart Low, 212 N. Springbrook Road, indicated he is a member of the citizens concerned about truck traffic on Springbrook Road. He stated that he had some concerns about the noise level of the business and the business hours. He also commented that the applicant should be aware of signing a remonstrance statement regarding the LID for the road improvements. He added that some of his concerns had been answered by the applicant.

Public Agencies, Letters: None other than those identified within the Staff Report.

Proponent Rebuttal: Alvin Elbert stated that he did not think that noise would be a factor due to the insulation and the type of equipment he uses. The one-man shift at night uses only one machine and he has never received any complaints from the surrounding residents at his present site. No major operation occurs during the night shift. With the high cost of the equipment it is not feasible for him to run only an eight hour shift.

Commissioner Veatch requested that a decibel reading be taken to see if it meets the requirements for the area. He also indicated that a design review be done on the proposed project.

Mr. Low inquired as to the changing of the zones along Springbrook Road. He wanted to know if all of the property along that area would be changing to industrial.

Planning Director Moorhead stated that the CIAC is reviewing the properties and some of them may be changed to industrial from residential. This is done through the public hearing process and all affected property owners are notified and have the opportunity to speak. The CIAC makes a recommendation to the Planning Commission, who in turn make a recommendation to the City Council, at which time another public hearing is held.

Staff Recommendation: The Planning staff recommended approval of the annexation based on the findings and conditions 1-3 as stated in the Staff Report.

Public hearing closed.

Commissioner Kriz pointed out that the zoning could be M-1 rather than M-2, which would change the zoning to a limited industrial rather than a light industrial designation. The staff and Commission concurred. The applicant agreed to the proposed change.

Motion: McIntosh-Fendall to recommend to the City Council the request for annexation to the City of Newberg, that portion of a 4.44 acre parcel located within the Newberg Urban Growth Boundary, and withdrawal from the Newberg Rural Fire Protection District, together with a zone change from a Yamhill County VLDR-1 zone to a City of Newberg M-1 (Limited Industrial) zoning designation, and a Comprehensive Plan Change from MDR (Medium Density Residential) to IND (Industrial) based on Staff Report Findings and Conditions. Motion carried with one nay, Lyda and one absent, Overton.

Public Hearing A:

Applicant: Oregon Conference Free Methodist Church
Request: This is a request for an amendment to the covenants, conditions and restrictions for Crestview Manor, a Planned Unit Development, which would extend the time allowed to complete construction of the common building and landscaping appertaining thereto.
Location: Johnson Court and Johnson Drive
Tax Lot: 3217BC-1100
File No: PUD-1-87; also see PUD-1-81

Commissioner McIntosh identified that he and his wife have recently been in contact with the owners of the property and may be purchasers of a lot; he abstained from the hearing and seated himself with the audience. Commissioner Fendall stated he had been hired as a real estate sales person by the applicants. He abstained from the hearing and seated himself with the audience. Commissioner Lyda stated that he had been involved with some of the bidding processes on the project but did not have any conflict with the request before the Planning Commission; therefore he did not abstain.

No other abstentions, objections to jurisdiction, or exparte contact were identified.

Staff Report: Planning Director Clay Moorhead introduced Ken Haevernick, the project manager.

Proponent: Ken Haevernick, the project manager, was appointed by the Church Conference to try and salvage the project. Within the last 60 days more has happened with the Crestview Manor project than in the last two years. Mr. Haevernick reviewed, in detail, the financial plan which was submitted in the Staff Report. The Conference has come to the conclusion that a 2,000 square foot common building would be adequate. Currently four lots of the ten they had hoped to sell by August, 1987 are in the process of being sold; therefore, money should be coming in soon.

Recommendation from Staff:

The Planning Director made the following recommendations regarding the request:

1. \$3,000 from any cash sale from any lot or 30% of the down payment and 30% of any regular monthly payments paid to the Conference shall go into an escrow collection account on a lot by lot basis. These funds will be used to support the construction of the common building/recreational facility.
2. Fourteen (14) lots shall be held lien free of all mortgages, encumbrances and taxes or other liens until the recreational building is completed. These lots shall be used as collateral to secure the construction. It is intended that, if the construction is not completed by June of 1989, these lots may be taken by the City and auctioned off for the purpose of gaining revenue to construct the common building/recreational facility.
3. A title report and lien check shall be presented to the City of Newberg on an annual basis to monitor title ownership, lien checks, and other encumbrances.

The Commission discussed the recommendations and alternatives presented by staff and the proponent.

Commissioner Veatch recommended that the hearing be continued to the April meeting.

Staff urged the applicant to present a proposal which could guarantee the construction of the common buildings. The project now appears to be in violation of the covenants and it is questionable whether building permits can be issued. Mr. Haevernick stated that a meeting of the trustees will be April 11 and he will get something back to the Commissioners as soon as possible after the meeting.

Motion: Lyda-Kelso to continue the hearing to the April 16 Planning Commission meeting. Motion carried with two abstentions, Fendall and McIntosh and one absent, Overton.

Old Business: Commissioner Kriz asked if action had been taken by the City Council regarding proposed amendments to commercial zoning designations.

Staff said that they would check into the matter and get back to him.

New Business: Planning Director Moorhead stated that a letter would be going out to Dr. Abbott regarding his deadline on the property located on Highway 99W.

Commissioner Kriz made a comment regarding the location of reader boards in the rights-of-way around the City.

Motion: Kriz-Sullivan to recommend to the City Council that enforcement be taken to remove all portable signs out of the rights-of-way in the City. Motion carried unanimously.

Motion: McIntosh-Kelso to adjourn. Motion carried unanimously.