

Corrected

A Regular Meeting
of the Planning Commission
Newberg Public Library

7:30 PM, Thursday

May 21, 1987

The meeting was called to order by Chairman Roger Veatch.

Members Present:

Bryce Fendall	Kathy Kelso
John Lyda	Kathleen Sullivan
Jack Kriz	Roger Veatch

Staff Present:

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

Citizens Present:

Approximately 30 Citizens

Motion: Fendall-Kelso to approve the minutes of the April 30, 1987 Special Planning Commission meeting. Motion carried unanimously.

Public Hearing A, Continued:

Comprehensive Plan Periodic Review

- a. Modification of Comp Plan land designations
- b. Expansion of UGB for possible future industrial zones

Chairman Roger Veatch identified that the hearing would be continued to the June 18, 1987 regular Planning Commission meeting to allow for additional audience participation and testimony. Audience participation and comments were invited.

Proponent: John Hickert, 808 S. Springbrook, felt that the property identified within proposed expansion area A should be included as industrial. It would be a financial benefit to him and a plus for the City.

Opponent: Jess C. Walker, 108 S. Springbrook Road, stated it is very early for property to be included within the City limits and to increase taxes. He thought there was adequate area within the City limits already and that it appears the City is trying to bring properties in to the City limits so the property owners would pay for the improvement of Springbrook Road.

Opponent: Walt Gaibler, 9680 NE Adolf Road, has been a resident of the area for the last 25 years and he feels that the proposal is 20 years ahead of its time. He commented that the City is looking for someone else to pay for sewer services for the Werth property.

Opponent: Ruth Peters, 29800 Wilsonville Road, is opposed to the proposed urban growth expansion.

Opponent: Larry Westling, 28805 NE Wilsonville Road, indicated he is already paying high taxes. His property is ideal for a homesite, not an industry or other use, and he doesn't want a pump station in his backyard.

Opponent: Bill High, 28905 NE Wilsonville Road, chose his property because he doesn't want to live in the City. He indicated it isn't good for industrial uses and he doesn't want a sewer going through his backyard.

Proponent: Marvin Schneider, indicated he owns some property in the area and has heard some comment regarding taxes. He has spoken with the County Tax Assessor who indicated to him that no tax increase would occur simply because the property was included within an urban growth boundary. Potential tax increases might occur however, when the property is annexed to the City or if the property were to be developed at a higher intensity. He asked Mr. Moorhead if that were correct information.

Planning Director Moorhead responded that it was his understanding that the County taxes would not change until the property were annexed or when the use was intensified through a zone change or development of the property.

Proponent: Anna Doan, 704 S. Springbrook, was in favor of the UGB, feels Newberg could benefit from it, and think's its time.

Proponent: Chuck Hewitson, representative of Current Electronics, and part owner of land located across from Ryco Manufacturing, felt that it was very important for development to occur in the Newberg area through careful planning and control. He feels that compatibility is possible with industry and residential uses and feels Newberg will continue to grow in a beneficial manner.

Proponent: John Hickert, 808 S. Springbrook, indicated his property and several adjoining properties are bisected by the existing urban growth boundary. This has created difficulties in property use. In addition, he commented that most of the farms in the area are not full-time, for-profit farms.

Opponent: Virginia Austin, 2902 E. Second, owner of the Nut Tree Mobile Park, feels it would be detrimental to the residents of the mobile parks to expand the UGB in this manner and she is strongly opposed to the expansion.

Opponent: Jim Ronning, 29895 NE Wilsonville Road, asked Chairman Veatch for his professional opinion as a Realtor regarding the financial impacts of an industrial designation on properties within the alternative areas.

Chairman Veatch responded that based on currently available industrial land within the City, his opinion was that industrially designated land would be much more valuable; however, there was a slight potential impact on sales relating to farm uses if the property had an industrial designation in the short term. Commissioner Fendall concurred.

Opponent: Larry Westling indicated that 20 year reviews seem too extensive. He questioned whether consideration could be given to growth potential and expansion areas based on a five or ten year need basis.

Proponent: Marvin Schneider thought it was very wise for the City to look ahead--20 years is a short time for review of an investment. He expressed his appreciation for the City's farsightedness.

Proponent: Millard Leslie, Newberg Realty, indicated it is worthwhile for the City to have property available for industrial use. In the past, opportunities have been missed to have firms such as Textronix come to Newberg because of the lack of available property.

Proponent: Chuck Hewitson, added that projects could be designed to be very compatible with the community.

Opponent: Bill Swenson, 29770 NE Wilsonville Road, asked how this was going to affect his agricultural hog farm operation and how it was going to affect his taxes.

Planning Director Moorhead responded that the existing uses would either be permitted or be considered a non-conforming, pre-existing uses and would be allowed to continue as currently operated.

Letters:

James & Suzanne Ronning, 29895 NE Wilsonville Road, in opposition.

Mr. & Mrs. J.C. Lozada, 28950 NE Wilsonville Road, in opposition.

Karen A. Russell, 1408 Hoskins, in favor.

Verna & Raymond Buckley, POB 169, in favor.

Marvin Schneider, Newberg Garbage Service, POB 990, in favor.

Planning Director Moorhead distributed material pertaining to the cost for providing services in the alternative areas as well as in several other areas.

Motion: Sullivan-Kriz to continue Hearing A to the next regular Planning Commission meeting, June 18, 1987. Motion carried unanimously.

Public Hearing B, Continued:

Applicant: David Abbott

Request: This is a request to amend the Planned Unit Development overlay placed on this property in 1985. The PUD limits use of the property to a restaurant, motel/hotel, and complimentary uses. The proposed amendment would allow C-2 (Community Commercial) uses for a period of up to 5 years. Additionally, the house would be moved to Newall Addition, at a future date.

Location: 3777 Portland Road

Tax Lot: 3216CA-2190

File No: PUD-2-87 (See also file C-1/Z-1-85)

No abstentions, objections to jurisdiction, or exparte contact were identified. None were requested.

Staff Report: Associate Planner Reitz reviewed the Staff Report and presented a letter from David Abbott which identified his proposal. The proposal would include authorizing all C-2 uses on the front portion of the

site. In addition, his proposal suggested that the PUD be retained only on the rear portion of the site; however, his request would broaden the uses permitted under the PUD to authorize all C-2 uses with the exception of a list of exclusionary uses normally allowed within a C-2 zone.

Proponent: David Abbott, 32555 NE Old Parrett Mountain Road, indicated that the Park & Recreation District cannot use the old church building. He identified the location of various structures on the site. He proposed that the house be moved to a site at the rear of the property, creation of a cul-de-sac from Libra to allow access to the house, and providing service to the house from Libra. He indicated that he would like to have the front 300 feet of the site designated C-2 without any PUD restrictions, and the remaining portion of the site designated C-2 with several specific out right permitted uses excluded. This would make the site more saleable for financing purposes.

Opponents: None.

Staff clarified the use of the existing structures and also indicated that C-2 uses could be specifically restricted on the site as proposed by the applicant.

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

Letters: No additional letters have been received.

Staff Recommendation: Mr. Moorhead indicated that the Planning Staff was currently leaning toward recommendation of Dr. Abbott's request but has reservations on the impact of the project on the adjoining lands.

Hearing Closed.

Staff was asked to identify the potential for extending Libra Street. Staff identified that Libra was currently not planned for extension; however, an accessway was originally intended to be provided through the site for fire purposes. Staff was asked what restrictions could be placed on the property. Staff identified that specific uses could be stipulated as well as a requirement for specific setback limitations.

David Abbott was questioned extensively about financing problems he has had regarding the PUD. He also was asked about retention of the screening requirement within the existing PUD. He did not object to the screening requirement being retained.

Motion: Sullivan-Fendall to approve the request for an amendment to the PUD to loosen up restrictions on the entire parcel, removing the requirement that the property be specifically designated for hotel/restaurant use and authorizing all C-2 outright permitted uses with the specific exclusion of the following uses: agricultural machinery sales and service; auction sales; automobile sales; bowling alleys; bus terminals; car washes; repair garages; service stations; and veterinary clinics--to authorize moving the house onto a lot proposed to be created on the northern portion of the property, and to allow the house to be used for residential purposes. All other conditions of the PUD originally placed on the property would be retained.

Amendment to Motion: Sullivan-Lyda to include ambulance services as a prohibited use.

Discussion on Amendment: The Commission discussed the various items outright permitted within a C-2 zone; concern was expressed as to whether additional items should be placed on the restricted list.

Vote on Amendment to Motion: Aye-Fendall, Lyda, Sullivan; Nay-Kelso, Kriz, Veatch. Amendment failed for lack of majority.

Vote on Main Motion: Aye-Fendall, Lyda, Sullivan, Veatch; Nay-Kelso, Kriz. Motion carried (4-2).

Staff identified that the City Council would hear this request at their June 1 Council meeting.

Public Hearing C:

Applicant:	Curtis Walker/Pacific Empire Builders, Inc.
Request:	This is a request to amend the Planned Unit Development overlay on this property. The PUD was to result in 57 common wall housing units. The proposed amendment would reduce the total number of lots to 47 to accommodate detached single family homes.
Location:	Marie Avenue, Oak Drive and Dolash Court
Tax Lot:	3217DC-1002 through -1063
File No:	PUD-3-87 (see also PUD-2-80)

Bryce Fendall indicated that he had been hired to market the properties. He abstained and seated himself with the audience. In addition, Roger Veatch indicated that he had occasion to do business with the applicant; however, he did not abstain. No other abstentions, objections to jurisdiction or exparte contact were identified.

Staff Report: Planning Director Moorhead presented the Staff Report and identified the location of the property.

Proponent: Jerry Green, Westech Engineering, indicated that his firm has been retained to re-engineer the plat. He indicated that the subdivision has been reduced to 46 lots, with the homes to be located on them so as to provide for at least 10 feet between the homes.

Opponents: None.

Public Agencies/Letters: None.

Staff Recommendation: Planning Director Moorhead indicated that an additional condition should be added to require that no encroachment of any structure will occur over the property line within the subdivision. He then recommended that the Planning Commission approve the request based on the Staff Report findings and conditions 1-6.

Motion: Kriz-Sullivan to approve the request to amend the Planned Unit Development overlay on this property to reduce the total number of lots to

47 to accommodate detached single family homes, based on Staff Report findings and conditions 1-5 with and additional condition that no building may be placed closer than two feet from the property line, that a minimum of 10 feet be retained between structures on adjoining properties, and that no encroachment of any structure will occur over the property line. Motion carried unanimously.

Public Hearing D:

Applicant: Sam Whitney
Request: Annexation of a 10 acre site identified as IND (Industrial) within the Newberg Urban Growth Boundary, to the City of Newberg, and withdrawal from the Newberg Rural Fire Protection District. In addition, a zone change is requested from AF-10 (Agricultural/Forestry-10) within Yamhill County to a City of Newberg M-2 (Light Industrial) zoning district.
Location: West of St. Paul Highway, adjacent to the Sportsman Airpark Runway
Tax Lot: part of 3220-300
File No: ANX-2/Z-2-87

Commissioner Fendall returned to his Commission seat. No absentions, exparte contact or objections to jurisdiction occurred.

Staff Report: Planning Director Moorhead pointed out the site on a map and reviewed the staff report, indicating that the property was located within the Urban Growth Boundary and was designated Industrial on the Comprehensive Plan.

Proponent: Sam Whitney, owner of the airport, outlined the history of the site and its proposed use. He indicated that the site was subject to FAA height requirements since it was within a 200 foot buffer zone from the airport runway, and that no tall buildings would be authorized. He indicated that the site was the possible future home for Allen Fruit's cherry processing business. He added that he had no objection to the Staff Report conditions.

Proponent: Bill Proppe, 6719 SE 29th Avenue, Portland, indicated he was one of four owners of property adjacent to the site. He questioned the impact on his property from any odors produced by the proposed facility.

Staff indicated that the odor resulting from the cherry brining was only seasonal, 1-2 months per year, and that effluent from the site would be regulated through a pre-treatment program.

Mr. Proppe indicated his support for Mr. Whitney's proposed annexation.

Opponents: None.

Public Agencies/Letters: No public agencies commented adversely.
Darlene and Jack Swonger, letter in opposition.

Staff Recommendation: The Planning Staff recommended approval of the request based on the Staff Report findings and conditions.

Hearing Closed.

A brief discussion occurred as to the landscape requirements, potential industrial uses of the property, and services available to the site.

Motion: Fendall- to approve the request for annexation of a 10 acre site identified as IND (Industrial) within the Newberg Urban Growth Boundary, to the City of Newberg, and withdrawal from the Newberg Rural Fire Protection District, and a zone change request from AF-10 (Agricultural/Forestry-10) within Yamhill County to a City of Newberg M-2 (Light Industrial) zoning district, based on Staff Report findings and conditions.

Motion died for lack of a second.

Concern was expressed regarding the lack of buffering between the Highway and industrial sites along the gateway areas of Newberg.

Staff was asked to identify what a future landscape corridor ordinance might contain. Mr. Moorhead indicated that a 50 foot landscape corridor in the gateway areas was under preliminary consideration; however, consideration of such an ordinance would not likely occur at the Planning Commission level until late in 1987.

Mr. Whitney was asked whether he would consider placing a deed restriction on the property for buffering purposes, and if he would consider placing an M-1 (Limited Industrial) designation on the eastern portion of the site and an M-2 (Light Industrial) designation on the western portion of the site. He indicated it could be discussed and considered; however, his preference was to obtain an M-2 designation on the entire parcel.

Motion: Sullivan-Lyda to approve the request for annexation of a 10 acre site identified as IND (Industrial) within the Newberg Urban Growth Boundary, to the City of Newberg, and withdrawal from the Newberg Rural Fire Protection District, and a zone change request from AF-10 (Agricultural/Forestry-10) within Yamhill County to a City of Newberg M-2 (Light Industrial) zoning district on the 5.1 acre tract and an M-1 (Limited Industrial) zoning district on the 4.9 acre tract, based on Staff Report findings and conditions.

Vote on Motion: Aye-Kelso, Lyda, Sullivan; Nay-Fendall, Kriz, Veatch.
Motion failed for lack of a majority (3-3).

Motion: Fendall- to approve the request for annexation of a 10 acre site identified as IND (Industrial) within the Newberg Urban Growth Boundary, to the City of Newberg, and withdrawal from the Newberg Rural

Fire Protection District, and a zone change request from AF-10 (Agricultural/Forestry-10) within Yamhill County to a City of Newberg M-2 (Light Industrial) zoning district, based on Staff Report findings and conditions.

Motion failed for lack of second.

Additional discussion occurred regarding limiting additional annexations until a corridor buffering ordinance could be reviewed and enacted. The Commission did not reach a consensus regarding this issue.

Motion: Fendall-Sullivan to approve the request for annexation of a 10 acre site identified as IND (Industrial) within the Newberg Urban Growth Boundary, to the City of Newberg, and withdrawal from the Newberg Rural Fire Protection District, and a zone change request from AF-10 (Agricultural/Forestry-10) within Yamhill County to a City of Newberg M-2 (Light Industrial) zoning district, based on Staff Report findings and conditions.

Vote on the Motion: Aye-Fendall, Lyda, Sullivan, Veatch; Nay-Kelso, Kriz. Motion carried (4-2).

Old Business: Commissioner Kriz indicated that the design review portion of the Zoning Ordinance was not strong enough and requested that the Planning Commission be allowed to review the ordinance as soon as possible. Staff was requested to place the Design Review Ordinance on the Planning Commission June 18th agenda.

New Business: Staff distributed two draft Comprehensive Plan documents for the Commission to review prior to discussion at next month's Planning Commission meeting.

The meeting was adjourned at 11:05.