

A Regular Meeting
of the Planning Commission
Newberg Public Library

7:30 PM, Thursday

October 15, 1987

The meeting was called to order by Vice-Chairman Jack Kriz.

Members Present:

Bryce Fendall	John Lyda
Kathy Kelso	Kathleen Sullivan
Jack Kriz	Mike Thompson

Staff Present:

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

Citizens Present:

7 Citizens

Motion: Fendall-Kelso to approve the minutes of the September 17, 1987 Planning Commission meeting with the following corrections:

Page 2 - Correct paragraph 11 to read "The promotion of wine production was protested by Commissioner Lyda."

Page 2 - Correct paragraph 12 to indicate that Kriz-Sullivan made the motion.

Motion carried unanimously.

Public Hearing A:

APPELLANT: John Blankenbiller

REQUEST: Appeal of the Planning Director's decision authorizing a variance to the 25 foot setback requirements for public or semi-public institutions in order to develop the proposed 4 ballfield facility and provide parking as required. A ten foot setback was proposed for the facility. In addition, waiving of the parking lot island landscaping requirements was requested since approximately 69% of the proposed park area is in landscaping.

LOCATION: N. Main between Pinehurst Drive and Marguerite Way

TAX LOT: 3218AC-700 and -800

FILE NO: APPEAL-1-87, V-4-87

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Staff Report: Planning Director Moorhead identified the variance approval and appeal process. He then reviewed the staff report, and distributed a supplemental staff report containing findings which could be used in support of the variance approval or in support of a variance denial.

Proponent: Don Clements, Supt. of Chehalem Park & Recreation District, 305 Lindquist Court, Newberg, distributed material which included diagrams of

the various phases of the proposed project, meeting notes, lists of residents involved, summary of neighborhood meetings, etc. He indicated that the project has been thoroughly reviewed by these groups and that a consensus of support was evident.

Proponent: Phil Kidby, a consultant with Robert E. Meyer, Consultants, 2375 SE Meadowlark Drive, Hillsboro, identified that he has been working with the Park & Recreation District to create a development proposal for the park site. He presented two drawings which identified the initial plan for the site and the currently proposed plan for the site. He indicated that the second plan addressed items of concern to both the Park & Recreation Board and to the neighborhood groups, such as additional parking, fencing, landscape screening and emergency vehicle access.

Proponent: Donna McCain, 1207 Pennington Drive, Park & Recreation Board Member, identified the concerns of the Board regarding neighborhood comments about the facility. She indicated that neighborhood meetings were held to identify and alleviate these concerns. The outcome of these meetings was a consensus of support for the present plan. The vehicle drop off area, the fenced warm-up area and landscaping were all considered and included in the current plan.

Questions to Proponents:

Don Clements was asked to identify how many meetings were held regarding the proposal. He indicated that three public meetings were held which were well advertised, in addition to numerous neighborhood meetings.

Phil Kidby was asked questions relating to the choice of field types. He responded that it did not work to include 2 small men's baseball fields and 1 large field.

Don Clements was asked to identify the need for the facility. He responded that there was an immediate need for the proposed facility, and an additional facility could also be utilized.

Phil Kidby responded to questions regarding field foul line lengths, indicating that the proposed foul line length on the large fields were 240 feet; 210-220 feet on one of the small fields; and 210-217 feet on the other small field. Responding to a question regarding the National Little League minimum field size requirements of 200 foot foul lines, he indicated that the additional 10 feet on the small fields was intended to allow for additional ball stopping space. In responding to a question regarding plan design compliance with City setback requirements, he added that none of the plans were able to comply with the setback requirements. He indicated that the mixture of fields was designed for community wide needs.

Don Clements indicated that the mixture of fields was intended to meet federal grant application requirements, as well as the needs of the community. Federal funding of the project could be in jeopardy if the variance wasn't approved. He was asked what support data was available to substantiate the need for additional parking. He indicated that the Park Board desired to alleviate the parking problems currently existing at Jaquith Park and to avoid new problems with the proposed facility by providing adequate on-site parking. He testified that his personal experience in working with these types of facilities indicated that the proposed parking would be both necessary and desirable.

Donna McCain was questioned as to the need for the presentation of an exhibit relating to attendance at previous meetings, notes, and so on. She indicated that neighborhood testimony was pertinent to the concern of the Park Board that the facility was appropriately designed.

Opponent: John Blankenbiller, appellant, address not indicated, indicated he was dissatisfied with the lack of reasons given by the Park District to support the variance approval. He felt that 2 variances should have been requested, one for the parking lot and one for the setback. He added that the waiving of fees for the Park District and not for an appellant was inconsistent. He reviewed the Park & Recreation District application. He indicated that it appeared the Park District had designed a facility that was larger than the property could support. He commented that there was nothing in the record which indicated the need for fencing, warm-up fields located where proposed, and so on. He indicated that the variance requests were two separate issues that should each meet the variance criteria. He added that the burden was upon the Park District to prove that a smaller facility could not be built. He felt that plans should be developed that meet the site's limitations, and then the other points relating to physical dangers, warm-up areas, etc. should be addressed. He stated that the Planning Director appeared not to have substantially reviewed the application and should have done so more thoroughly prior to approving the request.

Questions to Opponent: Mr. Blankenbiller was asked why he did not wish to see fencing included on the proposed site. He commented that the Park & Recreation District should be required to meet the standards applicable to all other citizens of the community regarding a variance request.

He was asked whether he owned property adjacent to the site, as well as his area of residence. He commented that he did own property adjacent to the site; however, he did not live there.

He was asked whether he attended any of the community meetings regarding the proposed development. He indicated he had not; however, he did not consider that relevant to the current variance request and appeal. He added that he did not feel the variance criteria were met by the Park District.

Don Clements asked whether Mr. Blankenbiller felt the Park District had made clear its concern that the federal requirements be met. Mr. Clements indicated that it was his desire to avoid any financial hardship for the community that withdrawal of a grant would create.

Mr. Blankenbiller indicated that he preferred documentation, in the form of specific data, be entered into the record, and not just Mr. Clements' word. He reiterated that he doesn't feel the evidence has been provided to support the variance request.

No public agencies other than the Park District responded. No letters were received with the exception of the appeal.

Proponent Rebuttal: Don Clements indicated that, if the variance were not granted, the federal grant would be jeopardized, which could create a financial hardship for the community.

Donna McCain added that fencing has been designed into the plan to alleviate potential extraneous use.

Opponent Rebuttal: Mr. Blankenbiller restated his opinion that the burden of responsibility was not with him to disprove what the Park & Rec District has claimed; it was the responsibility of the Park District to provide information addressing the Zoning Ordinance criteria for a variance.

Staff Recommendation: Planning Director Moorhead indicated that findings both for and against the variance approval had been distributed, and that all testimony, both written and oral, was to be considered by the Planning Commission as weighing equally.

He added that Chehalem Park & Recreation District has substantially provided public input and opportunity for testimony. He recommended that the Planning Commission approve the variance based on five findings of support and the testimony presented at this hearing.

Hearing Closed.

Brief discussion occurred regarding clarification of criteria and appeal procedures, and comment was made from several Commissioners relating to the application by the Park District. Planning Director Moorhead pointed out the initial Comprehensive Planning process designated the site as a Proposed Park. He indicated that site was currently zoned R-1.

Motion: Fendall-Sullivan to uphold the Planning Director's decision and to grant the variance, based on testimony, staff report and 5 findings in support. Motion carried 5-1 (Lyda-Nay).

Planning Director Moorhead stated that the motion becomes final October 25 at 5:00 or the next regular workday. If no appeal is received before that time, then the variance is granted.

A five minute recess was called.

Public Hearing B:

APPLICANT: Allen Fruit Co., Inc.

REQUEST: Vacation of that portion of E. North Street beginning at the east side of N. Washington Street and extending 150 ft. more or less to the east to the point of previous vacations; and that portion of an alley approximately 14 feet wide extending from the east side of N. Washington Street easterly to the railroad right-of-way between lots 4 and 5 in Block 3 in Central Addition to the City of Newberg.

LOCATION: 300 block of E. North Street and east-west alley located between North and Franklin Streets, Washington Street & the SP Railway right-of-way

TAX LOT: 3218DD-1000

FILE NO: VAC-3-87

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Staff Report: Associate Planner Reitz reviewed the Staff report, indicating the location of the proposed vacated sites; he added that Allen Fruit desired that the hearing be continued in order for negotiations to be concluded with affected utilities.

Proponent: None

Opponent: None

Motion: Sullivan-Lyda to continue the hearing to the next regular meeting of the Planning Commission, November 19, 1987. Motion carried unanimously.

Old Business: Staff was asked to respond to the status of islands within the City. Planning Director Moorhead indicated that the City Council was currently in the process of setting goals and would address this at a later time.

New Business: Staff briefly reviewed the upcoming Planning Commission agenda.

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