

7:30 PM, Thursday

A Regular Meeting
of the Planning Commission
Newberg Public Library

November 19, 1987

The meeting was called to order by Chairman Roger Veatch.

Members Present:

Bryce Fendall	Kathleen Sullivan
Jack Kriz	Mike Thompson
John Lyda	Roger Veatch

Staff Present:

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

Citizens Present:

20 Citizens

Motion: Fendall-Thompson to approve the minutes of the October 15, 1987 Planning Commission meeting. Motion carried unanimously.

Public Hearing A:

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

At the request of Allen Fruit Co., Inc., this hearing has been continued to the December Planning Commission meeting.

Public Hearing B:

APPLICANT: Bert & Elizabeth Teitzel
REQUEST: Approval of a conditional use permit to allow a bed and breakfast establishment at this location.
LOCATION: 401 N. Howard
TAX LOT: 3218DD-9500
FILE NO: CUP-2-87

No abstentions, objections to jurisdiction or ex-parte contact were indicated other than Chairman Veatch's brief involvement, through his realty office, in the sale of the site to the Teitzel's.

Staff Report: Planning Director Moorhead presented the Staff Report, reviewed the Bed and Breakfast conditions from the Zoning Ordinance and the applicable Conditional Use Permit Criteria. Listed within the Staff Report were several conditions which could be required for approval of the project.

Proponent: Elizabeth Teitzel, 401 N. Howard, applicant, indicated that it was their desire to create a Bed and Breakfast with two guest rooms. She added that the site has been used in past years as a nursing home, and has existing provisions for fire protection. She added that any additional requirements imposed by the City or County would be met. In addition, the site was very suitable for a Bed and Breakfast and it also complies with the Newberg Zoning Ordinance and Comprehensive Plan.

Proponent: Janet Ker, 311 Mountainview Court, Newberg Chamber of Commerce Director, encouraged and supported the creation of a Bed and Breakfast establishment at this location. She indicated that it would be a very beneficial addition to the community.

No opponents wished to speak.

Ms. Ker indicated that no other Bed and Breakfast establishment is located within the City limits. A Bed and Breakfast establishment previously located within the City is no longer in business.

Mrs. Teitzel indicated that the normal schedule for overnight guests would include afternoon arrival, overnight stay, continental style breakfast and an 11:00-12:00 checkout time.

Staff Recommendation: Planning Director Moorhead recommended approval of the request.

Hearing Closed.

After a brief discussion, the following motion was made.

Motion: Thompson-Lyda to approve the request for a Conditional Use Permit to allow the property located at 401 N. Howard to be used as a Bed and Breakfast facility, based on the Staff Report findings and conditions. Motion carried unanimously.

Public Hearing C:

APPLICANT: City of Newberg/ADEC & G.K. & Joan D. Austin, Jr.
REQUEST: Creation of a new mixed-use zoning district entitled SD (Springbrook District)
LOCATION: Generally North of Mountainview and Crestview Drives and East and West of Springbrook Road
TAX LOTS: 3208-4400, -4401, -4500, -4700, -4800; 3209-2600, -2690, -2700, -2703; 3209CD-200, -300, -600, -700, -800, -900, -1000; 3216BB-100, -300, -400, -401, -402, -600, 3217-100
FILE NO: Z-3/C-2-87

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

Staff Report: Planning Director Moorhead introduced material relating to the creation of a new zoning district called the Springbrook District, and a master plan for the district. He recommended that testimony be taken and the hearing be continued to the December Planning Commission to allow time for additional testimony. He indicated that the as yet undeveloped Master Plan would be reviewed through the Public Hearing process at a later date.

Proponent: Sonja Riihimaki, 1740 SW Westwood, Portland, General Manager for Austin Industries and representing Mr. & Mrs. Austin, indicated that the City's suggestion regarding the creation of this new zone would allow a great deal of flexibility for integration of diverse activities on the properties included. She added that there are currently no specific plans for any of these sites; however, this proposal would allow for better long-term planning to take place. She indicated that Adec's current covenants could possibly be incorporated into the Master Plan, and that preferred industries would include high tech industries that are compatible with the existing facilities. She added that, given the extensive landscaping preferred by Adec projects, the commercial restriction of 10% would possibly need to be revised upward.

Proponent: Janet Ker, 311 Mountainview Court, Chamber of Commerce Director, strongly supported the proposal. The flexibility proposed by the plan would be an attraction for economic development. She commented that Adec's style of growth makes them extremely good neighbors.

Opponent: Donna J. McDaniel, 2708 E. Roberts Lane, indicated she was not an opponent; however she was concerned about a Greenway to buffer the industrial portion of the zone. She suggested that the Master Plan include a 2-3 tree deep Greenway perimeter between the industrial and residential portion.

Opponent: Arthur Roberts, 2714 E. Roberts Lane, indicated he was a benign opponent. He commented he was pleased with Adec as a neighbor; however, he expressed concern regarding the term "flexibility" in the proposed zone. He would like to see that transition of zones be retained, adding he was concerned that the intent was to establish just an industrial zone. It was his hope that multiple uses be developed as proposed and that compatibility be a great consideration.

Opponent: Wyn Stuckey, an adjoining property owner, had some questions regarding uses which could appear on the project site. He was concerned that no additional public input would be allowed as to the Master Plan development.

Staff indicated that the Master Plan would be subject to revision at any time; however, the intent of the Plan was that it be administered on a Staff level after it was adopted. In addition, the proposed Master Plan would be reviewed through a public hearing process.

Mr. Stuckey indicated that he generally supported the proposed zone.

Staff Recommendation: Planning Director Moorhead recommended that the hearing be continued to the December Planning Commission meeting to allow for further public testimony. He commented that the Master Plan could be developed with policies that are general as well as specific, conditions could include specifically excluded uses, possible map designations indicating industry free areas, etc. Amendments could occur to the district through the public hearing process.

Dean Werth, part owner of a site identified as the "Werth property", indicated that, though the proposal was interesting, it was not currently applicable to the proposed development of his site.

Several Commissioners expressed concern relating to traffic flow issues in the proposed development area.

Planning Director Moorhead added that the City has the right-of-way for Mountainview Drive from Springbrook to College; however, there are no development funds available.

Sonja Riihimaki indicated that all of the issues brought up at the hearing were concerns of the Adec representatives; maintaining neighborhood compatibility was a primary concern.

Wyn Stuckey requested clarification of a "XXXX" designation on the Comprehensive Plan Map.

Planning Director Moorhead indicated that this represented the general line for a northern route around the City. A portion of property along this line has been approved by the County for a rural subdivision.

Motion: Sullivan-Kriz to continue the hearing to the December 17 Planning Commission meeting. Motion carried unanimously.

A 5 minute recess was called.

Public Hearing D:

APPLICANT: Elmer and Dean Werth/Betty Joan May
REQUEST: A request to include four additional properties in the Newberg Urban Growth Boundary.
LOCATION: North of Fernwood Road, East of Springbrook Creek
TAX LOT: 3221-4300, -4301, -4390, -4400
FILE NO: UGB-1-87

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

Staff Report: Associate Planner James Reitz presented the Staff Report and identified the sites on a map. He indicated that access was the primary reason for this request. Services are not currently available to the properties but are feasible in the future. He added that the cost estimate for a single road needed to cross the creek would be approximately \$1 million.

Proponent: Dean Werth, 10417 131 Street E, Puyallup WA, applicant, indicated that the additional expense of crossing the creek, the impact on the environment, and the excessive length needed to create the access road made that option very undesirable. The existing County zoning of Farm-20 also seemed inappropriate as the current use of the land was residential in nature and the properties were all smaller than 20 acres.

Proponent: Janet Ker, 311 Mountainview Court, Chamber of Commerce Director, added the support of the Chamber for this proposal. She indicated that the easier development potential of the site would make it much more flexible for use.

No opponents wished to speak.

Public Agencies: None.

Letters: A letter in support of the project was received from Walt and Lois Gaibler, adjoining property owners.

Staff Recommendation: Assoc. Planner Reitz recommended that the request be approved and referred to City Council.

Hearing Closed.

Staff was asked how much undeveloped residential land currently exists within the UGB, and how this request will be received at State level. Planning Director Moorhead responded that current LCDC planning practice was becoming more flexible, and that this proposal would probably be well received.

Motion: Sullivan-Thompson to recommend approval of the request to include four additional properties in the Newberg Urban Growth Boundary, identified as Tax Lot No. 3221-4300, -4301, -4390, and -4400, based on Staff Report findings. Vote on Motion: Aye--Fendall, Lyda, Sullivan, Thompson, Veatch. Nay--Kriz. Motion carried (5-1).

Public Hearing E:

APPLICANT: City of Newberg
REQUEST: Review of Section 494 of the Newberg Zoning Ordinance, relating to setback requirements for public and semi-public buildings.
FILE NO: G-12-87

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

Staff Report: Planning Director Moorhead identified the history of the variance which initiated this request for a Zoning Ordinance amendment. He added that Chehalem Park and Recreation statements have indicated that a 25 foot setback would be extremely difficult to enforce. He presented options which the Planning Commission could adopt and he recommended approval of Alternative 2. He added that an additional option might be to revise the setback to a smaller dimension, i.e. 10 feet.

Proponent: Donna McCain, 1207 Pennington Drive S, Chehalem Park & Rec Board Member, commented that some of the existing parks and churches in the area are in violation of the current setback requirements. She added that play areas for parks should be allowed within the 25 foot setback area.

Opponent: John Blankenbiller, 14955 NE Springbrook Road, stated he was opposed to the proposed ordinance change, especially during the time the variance was still in an appeal process. He felt the request was a single item issue and that the City should spend the time to review the entire Zoning Ordinance so that it would last as long as the current ordinance has. He would like to further address the proposed revision; however, his involvement with the appeal has limited his time to review the proposal.

He was asked whether he was going to appeal the variance to LUBA and he indicated he probably would, although a final decision has not yet been made.

Planning Director Moorhead indicated this hearing was a legislative process and the appeal was a separate process. He added that if this revision to the Zoning Ordinance were approved, then the appeal would be moot. He was asked whether currently non-conforming parks could be "grandfathered" in. He stated that non-conforming uses could not be expanded.

No public agencies responded; no letters were received.

Opponent Rebuttal: Mr. Blankenbiller said the City Attorney had indicated to him that the Planning Commission should not proceed with this issue during the appeal process.

Staff Recommendation: Planning Director Moorhead stated that he had not received the same information from the City Attorney. He added that the Planning Staff recommended Alternative 2.

Hearing Closed.

After a brief discussion, the following motion was made.

Motion: Kriz-Sullivan to recommend to City Council the deletion of the last sentence of Section 494 and to replace it with the following language: "Play equipment and hard surface play areas are not permitted within this 25 foot setback area." Vote on Motion: Aye--Fendall, Kriz, Sullivan, Thompson, Veatch. Nay--Lyda. Motion carried (5-1).

Mr. Blankenbiller was advised that this matter would go before the City Council at their next regular meeting.

Old Business: None.

New Business: It was asked that Planning Staff investigate the status of the County islands within the City limits for future discussion.

There being no further business, the meeting was adjourned.