

Planning Commission Minutes - January 21, 1988
Subject to P.C. Approval at 3/10/88 P.C. Meeting - Staff Corrected

A Regular Meeting
of the Planning Commission
Newberg Public Library
7:30 PM, Thursday
January 21, 1988

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

Members Present:

Bryce Fendall
Kathy Kelso
Jack Kriz
Kathleen Sullivan
Mike Thompson

Staff Present:

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

Citizens Present:

30 Citizens

Motion: Fendall-Kelso to approve the minutes of the December 17, 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

This hearing has been cancelled. A new hearing on the request will occur at a later date by re-application of Allen Fruit Co., Inc.

Public Hearing B, Continued:

APPLICANT: David Abbott
REQUEST: Annexation of two vacant parcels within Newall Addition, together with a Comprehensive Plan Amendment to revise the Plan Map designation from Low Density Residential to Commercial and a Zone Change from County residential zoning to a City C-2 (Community Commercial) zoning designation. This request, if approved, will also remove the properties from the Newberg Rural Fire District.

LOCATION: Highway 99W and Hadley Road, within the Newall Addition
Subdivision.
TAX LOT: 3216CA-1700 and -1701
FILE NO: ANX-3/C-4/Z-5-87

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

Staff Report: Planning Director Moorhead identified the site on a map and reviewed both the December and January Staff Reports. He identified the location of the City water hydrant and lines, as well as the current method of water distribution to the subdivision by way of the master meter. He indicated that direct connection to the City water system by each parcel would only be authorized through annexation. The sites currently proposed for annexation are zoned VLDR within Yamhill County. Development within the County would require the installation of a well on the sites, since no new water connections are permitted within the water district. Additionally, installation of a septic system would be necessary. If the properties were annexed, both sewer and water access would be available to the sites.

He then outlined the Comprehensive Plan policies relating to island annexation requirements. He indicated that annexation has not been pursued in consideration of the existing property owners desires to remain within the County, as well as some concerns relating to the expense of providing sewer and water to the entire subdivision. He added that the State provides for annexation of islands with or without the owners consent. He further indicated that the annexation of the subdivision was not at issue at this hearing. Further, the annexation and zone change request currently under discussion were separate issues; however, the hearing process would occur concurrently.

Proponent: David Abbott, 32555 NE Old Parrett Mountain Road, briefly reviewed the previous testimony relating to this project. He indicated it was not practical to install a well and septic system on this site. He presented a noise analysis of the site for review by the Commission. He requested that the proposed sites be included under his adjoining property's PUD requirements. He introduced Albert Duble, an acoustical consultant who had generated the noise analysis for the site.

Proponent: Albert Duble, P.E., Acoustical Consultant, 16765 NE Kings Grade Road, indicated he had done a study of the noise levels at the site in comparison to DEQ and FHWA highway noise standards. Seventeen 5 minute samples were taken during the evening traffic hours on January 18, 1988. His report indicated that the Highway 99W noise data exceeded the FHWA standard by three decibels, and was also above the USHEW and DEQ comparative standards. He added that 32 heavy eighteen wheel type trucks had passed the property during the 5-6 PM testing time period.

He doubted that a design could be created that would effectively reduce highway noise to the site. To shield a residence at this location to meet FHWA criteria would require a very large noise barrier; an earth berm and a 12 foot tall concrete wall would likely be required to reduce the noise. He added that HUD loan guarantees would not be available for residential

development on these lots if the noise exceeds Ldn 65, without a barrier and special architectural considerations. These noise design requirements could increase construction cost as much as 15-20%.

He further commented that 3 decibels represents a 30-50% sound increase, and that hearing loss can occur when the decibel level is over 85.

Proponent: David Abbott indicated that a 24 hour measurement had been attempted; however the equipment had been tampered with on the site. He commented that the property would still be protected by the CCR's of the subdivision which disallow construction of any commercial building. He added that progress on the project has slowed considerably due to the extensive hearing process and relocation of the Newall House.

Several questions were asked of him regarding his interest in the properties, the financial implications of restricted zoning, and the projects development based on the current economic climate.

He indicated that most financial institutions were interested only in funding projects which allowed for alternative uses should the initial project fail. He indicated that the area would be best served if the project had its highway access at this more easily visible location. He added that he had inherited the project by default, and was trying to come up with the most acceptable solution to the problems he has encountered with it. He commented that his research at the County had not turned up any formally recorded group representing the Newall Addition Subdivision. He further added that development appears to be much more economically feasible at this time.

Opponent: Scott Bernard, 1317 Newall Road, representing the Water Association, read a letter submitted by Bill Houser, Attorney, indicating that the subdivision covenants were valid, and he highlighted covenants against commercial uses within the subdivision.

Opponent: Ed Hayes, 1104 Newall Road, indicated it was his opinion that the project would cause decreased property values and security problems and would cause the existing quality of life to suffer. He stated he is opposed to both the annexation and zone change.

Opponent: Clay Woolen, 1204 Hadley Road, was opposed to the zone change/annexation. He was assured eight years ago that this property would remain residential. He added that Dr. Abbott knew about the covenants when he bought the parcels in question. He felt it would ruin the neighborhood and diminish property values. He stated that he had been told by a banker and a Realtor that his property could be difficult to sell if it was located adjacent to a parking lot or motel development.

Opponent: Howard McDonald, 1408 Hadley Road, built there in 1965. He expressed his concern regarding what kind of commercial development could occur on the subject site. He added that when all of the subdivision was annexed, these sites would then be residentially buildable because they would then have water and sewer access.

Opponent: Laurie Hold, 1305 Newall Road, stated they were just trying to protect their neighborhood. She questioned the additional impact that a commercial use would have on the already high noise level.

Opponent: Anne Pfund, 1009 Newall Road, stated that the traffic on Highway 99W was already a concern, and the traffic ingress/egress from a commercial development would have a serious impact on the existing problem. She added that the existing noise would also disturb motel residents.

Opponent: Gary Hold, 1305 Newall Road, asked Mr. Duble what kind of additional increase in construction methods would be required for a hotel. Mr. Duble responded that the percentage of sound-barriers would be the same as required for a residence.

Opponent: Howard McDonald, 1408 Hadley Road, questioned whether Dr. Abbott was in the business of land development or whether the property would be sold to a development firm after the requested change occurred.

Opponent: Samuel Brothers, 1301 Newall Road, questioned which was more important--an established residential neighborhood or a yet to be constructed motel.

There were no questions to the opponents.

No public agencies commented; no additional letters have been received.

Proponent Rebuttal:

David Abbott commented that the Newall Addition was surrounded by commercial uses already; it was his desire to protect the existing neighborhood in a responsible manner. He added that the traffic count has increased a great deal since the development began, and that residential construction was inappropriate there at this time. He stated he had been unaware of the strong neighborhood opposition when he bought the subject properties. He further commented that motels are always built on busy roads; however, houses usually are not.

Opponent Rebuttal: None

Staff Recommendation: Planning Director Moorhead commented that both commercial and residential commodities are important to the community, and any decision the Planning Commission makes should be taken as not indicating that one type of use is more or less important than the other. He added that HUD building sound standards were also important to consider. In addition, an established 40 year old subdivision should be taken into consideration. He indicated that if this property were developed to City standards residentially, it could accommodate 5-7 single family homes. He added that the applicant had made a conscientious attempt to place restrictions on the site in consideration of and to benefit the neighbors.

He indicated that if limits on the type of commercial use, access restrictions and construction limitations were placed on the site, then a number of potential conflicts could be reduced. The potential conflicts created by construction of 5-7 single family homes would be comparable to

that of a parking lot. He recommended approval of the annexation together with the zone change to C-2 (Community Commercial). Even though the City ordinances could allow commercial uses if this request were approved, violation of the CCR's may still occur and could pose additional concern to the property owner.

Hearing Closed.

The Commission asked Mr. Bernard whether the Association was opposed to the commercial development of the five acre site owned by Dr. Abbott to the east of the subdivision. Mr. Bernard, speaking for the Association, indicated they were not opposed to the commercial use of the adjacent property.

The Commission discussed the possible advantage of a berm, parking and open space or a park on these sites; highway access; home values in the area now; and the CCR's existing within the subdivision. It was noted that CCR's are not enforceable by the City but are instead a civil matter. A discussion regarding the PUD restrictions on the adjacent property followed with concerns expressed about buffering and fencing. A plot plan identifying where the roadway should be located was briefly discussed.

Motion: Kelso- to deny the requested annexation and zone change based on findings in Staff Report Exhibit B and E. Motion failed for lack of a second.

After a brief discussion, the following motion was made.

Motion: Thompson-Fendall to recommend that City Council approve Annexation of two vacant parcels within Newall Addition, commonly known as tax lots 3216CA-1700 and -1701; amend the Comprehensive Plan to revise the Plan Map designation from Low Density Residential to Commercial; change the zoning designation from County residential zoning to a City C-2 (Community Commercial) zoning designation; and remove the properties from the Newberg Rural Fire District based on Staff Report Findings and the following conditions:

1. The applicant shall sign a statement of non-remonstrance indicating that the owners of the subject property will not object and shall participate in the establishment of a local improvement district if any is created for improvements of public roads and services adjoining the subject property. In any event, half street improvements may be required at the time of development.
2. If a survey does not already exist on the subject property, then one shall be made by an Oregon Registered Land Surveyor and submitted to the Planning Department for review.
3. These parcels shall be designated for parking and open space purposes only, under Planned Unit Development regulations.
4. A one-foot reserve strip along Hadley Road shall be deeded to the City of Newberg, to ensure that no access can be gained.

5. These parcels shall be combined together with Tax Lot 3216CA-2190 as part of the PUD.
6. Only one access onto Highway 99W shall be permitted from the combined lots.
7. The applicant shall install or develop a fence or landscaped area consistent with the requirements of the PUD linked with Tax Lot 3216CA-2190.
8. A 20 foot utility line easement shall be required located abutting the westerly property line of Yamhill County Tax Lot No. 3216CA-1700.

Vote on Motion: Aye--Fendall, Thompson, Sullivan; Nay--Kelso, Kriz.
Motion carried (3-2).

Staff identified that this recommendation would be forwarded to the City Council and a formal public hearing would be scheduled at the March Council meeting.

A 5 minute recess was called.

Public Hearing C:

APPLICANT: William B. Heinzman, Jr.
REQUEST: Annexation of a parcel within Meads Park Subdivision, and a Zone Change from County residential zoning to a City M-2 (Light Industrial) zoning designation. This request, if approved, will also remove the property from the Newberg Rural Fire District.
LOCATION: 2209 Alice Way
TAX LOT: 3217-1300
FILE NO: ANX-4/Z-6-87

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

Staff Report: Planning Director Moorhead identified the site on a map and reviewed the staff report findings. He commented that water and sewer are not currently available to the site.

Proponent: Bill Heinzman, 2013 N. Alice Way, concurred with the staff report. He indicated that traffic generation would be minimal. He anticipates working on small engine repair, starters, etc.

Staff indicated that the City was encouraging annexation and development to City standards for all sites within the UGB.

Opponent: None

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

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

Hearing Closed.

A brief discussion followed relating to the industrial use of this site, and surrounding property uses.

Motion: Sullivan-Fendall to recommend to City Council approval of the annexation of Yamhill County Tax Lot No. 3217-1300, a parcel within Meads Park Subdivision commonly known as 2209 Alice Way; a Zone Change from County residential zoning to a City M-2 (Light Industrial) zoning designation; and withdrawal from the Newberg Rural Fire Protection District based on Staff Report Findings and the following conditions:

1. The applicant shall sign a statement of non-remonstrance indicating that the owners of the subject property will not object and shall participate in the establishment of a local improvement district if any is created for improvements of public roads and services adjoining the subject property.
2. If a survey does not already exist of the subject property, then one shall be made by an Oregon Registered Land Surveyor and submitted to the Planning Department for review.

Vote on Motion: Motion carried unanimously.

This matter has been scheduled to be heard by the City Council at their February 1, 1988 meeting.

Old Business: Allen Fruit's vacation request status was briefly discussed. It was noted that some utility relocation was currently occurring within the right-of-way.

New Business: Planning Director Moorhead commented that discussion of a draft historic ordinance may occur at the February Planning Commission meeting.

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