A Regular Meeting
of the Planning Commission

7:30 PM, Thursday — Newberg Public Library — April 20, 1989

Subject to P.C. Approval at 4/27/89 P.C. Meeting

Members Present:

Bryce Fendall
Celine Hall
Jack Kriz
Rob Molzahn
Mary Post
Kathleen Sullivan
Roger Veatch

Staff Present:

Terry Mahr, City Attorney
Barb Mingay, Recording Secretary
James Reitz, Associate Planner
Bert Teitzel, Director of Public Works (Acting Planning Director)

Citizens Present:

70+ Citizens

Motion: Fendall-Hall to approve the minutes of the March 16, 1989 Planning Commission meeting with correction to Dick Hoy's name. Motion carried unanimously.

Requests From The Floor: Brian Murray, 304 Mountainview Ct., objected to the jurisdiction of the Planning Commission relating to Public Hearing A. He was advised that the appropriate time for his comments was during that public hearing.

Chairman Veatch indicated that the hearing order was being revised, and that Public Hearing B would be heard first.

Public Hearing B:

Applicant:	Dr. E Finch/J. Nulsen
Request:	Zone change from an R-1 (Low Density Residential) to an R-P (Residential-Professional) zone.
Location:	One lot east of 1821 Haworth
Tax Lot:	3217CA-1100
File No:	Z-2-89 (See also Z-3-76, C-1-76 and P-20-77)

No abstentions or ex parte contact were identified. No objections to jurisdiction were requested.

Staff Report: None at this time.

Motion: Kriz-Molzahn to continue this hearing to a Special April 27, 1989 Planning Commission meeting. Motion carried unanimously.

Jack Nulsen thanked the Commission for continuing the hearing to a special meeting and for the volunteer time the Commission puts in serving the community.

Hearing A, Cont'd:

Applicant:	Austin Industries
Request:	Annexation of a 5 acre site identified as LDR (Low Density Residential) and IND (Industrial) and withdrawal from the Newberg Rural Fire Protection District. A zone change and comprehensive plan amendment are also requested on 25+ acres from County VLDR-1 (Very Low Density Residential-1 A. minimum), City R-1 (Low Density Residential), and R-2 (Medium Density Residential) to a City of Newberg C-2 (Community Commercial) zoning district. This request is also for a planned unit development to restrict permitted use to an inn with associated uses, up to Medium Density Residential use, and office uses. The inn is planned at this time but specific residential and office plans have not been established.
Location:	Immediately north of the Mountainview/Springbrook Road intersection.
Tax Lot:	3209CD-200, -300, -600, -700, -800, -1000, -3209-2600
File No:	ANX-2/Z-1/CPA-1/PUD-1-89

No abstentions, or ex-parte contact were indicated. Chairman Veatch asked if there were any objections to jurisdiction.

City Attorney Mahr indicated that this was a continued hearing, and it was inappropriate to ask for objections to jurisdictions at this point. That issue has already been addressed at the previous hearing. The hearing was now in the public testimony stage after which the Planning Commission will make a recommendation to Council. The Council will receive written testimony in addition to the established record and objections to jurisdiction can be proposed at that time. Further, the Council also has the option of opening the hearing to additional oral testimony. In addition, he indicated there was an appeal process available. He then reviewed the Planning Commission's decision of last month relating to the jurisdiction issue.

Brian Murray requested that the Commission allow him to present some new information which is pertinent to the Commission's review of this matter.

Chairman Veatch polled the Commissioners as to whether the jurisdiction issue should be re-addressed. The poll resulted in the following vote: Aye-Kriz, Molzahn, Post, Sullivan; Nay-Fendall, Hall, Veatch. Mr. Murray then was informed he had 5 minutes to present his information.

He indicated that the Commission had been ill-advised and poorly counseled relating to the jurisdiction issue. He added that there would be certain litigation and delay for the Austin project. He was asked to give his name and address and whom he was representing. He indicated his name was Brian Murray, 304 Mountainview Court and that he does not practice law for a living. He then reviewed the memorandum from the City Attorney to the Planning Commission dated April 13, 1989. He pointed out that material taken out of context from Section 3 of Ordinance No. 88-2225 was incorrectly typed, effectively changing the meaning of the statement, and that the memo was full of vague comments. He disagreed with the comments relating to enabling legislation in the memo as well. He questioned Mr. Mahr's interpretation of Oregon CLE 1982, Suppl. 1988, Section 9.8 relating to enabling legislation and Sands and Libonate Loc. Gov't

Law, Section 16.08 relating to floating zones. He indicated that the issue of a moratorium was not pertinent. The map was not amended; however, allowing an area to float without settling down and then allowing spot zoning was not appropriate. He urged the Commission to discontinue review of this hearing and to allow the Council to determine whether the Springbrook District should be in place before this hearing continues.

Chairman Veatch polled the Planning Commission as to whether they wished to continue this hearing. The Commission unanimously agreed to continue the hearing.

Staff Report: Acting Planning Director Teitzel reviewed the Staff Report which was a response to five questions raised at last month's hearing: 1) He indicated that the legal question had been adequately addressed by the City Attorney; 2) The uses had been specifically identified; 3) Discussion relating to the Springbrook District Master Plan was not appropriate at this hearing; 4) More specific detail relating to the PUD would be available at the required PUD hearing; and 5) The traffic issue had been reviewed by James R. Hanks, P.E., president of JRH Transportation Engineering. Mr. Hanks was then introduced.

Consultant Report: James R. Hanks, P.E., JRH Transportation Engineering, a transportation consultant, reviewed his report which indicated: 1) The Springbrook Inn would not physically obstruct arterial construction due to the topography of the site; 2) The City could require the developer to build the arterial as a condition of issuing a building permit for the project; 3) The City could reach an agreement with the applicant at the time of building permit application to obtain right-of-way dedications, and 4) Additional traffic created by the proposed inn would not cause the roadway to reach its capacity. He also commented on the number of vehicle trips per day generated by various uses. He indicated that the traffic generation figures had been taken by City crews over the last several years, not just during a one-week period.

Chairman Veatch then indicated that, due to the large number of participants in this hearing, testimony time would be limited to 20 minutes for proponents and 20 minutes for opponents, and testimony should be limited to new material only.

Proponent: Sonja Riihimaki, Austin Industries General Manager, 2601 Crestview, responded to 12 issues identified at the last meeting. She distributed a memorandum addressing these issues, and reviewed them briefly. She commented that items 1) **Legal** and 2) **Master Plan** had been addressed by City Staff. She indicated that the Springbrook District is not yet operative and will only be operative when a Master Plan has been prepared, submitted and approved and the Austin's have no obligation to complete that process; 3) **Piecemeal development** - This request is not an attempt to circumvent the Springbrook District by proceeding with piecemeal development in the area; 4) **Scheduling** - Scheduling for this construction season is the primary reason for requesting the zone change at this time; 5) **Vagueness? Lack of specifics?** - The application and testimony in favor of this proposal have stated the facts as well as they are known at this time and as are pertinent to this application; 6) **Uses Associated with Country Inn** - The proposed uses are very specifically identified; among them, an inn, restaurant, conference rooms, and ancillary uses (recreation facilities, gift shop, etc.); 7) **Design** - Design plans have not yet been developed; but when developed will be presented at a public hearing; 8) **Off-Site Impacts** - These have been addressed by the Traffic Consultant; 9) **Why this site?**

- She identified numerous criteria used in the selection of a site by the Austins. She was asked to summarize her comments. It had appeared that a mutual agreement had been reached which satisfied those opposing the inn; only at the last moment has it been discovered that the opposite was true. The inn project is the only matter subject to discussion at this meeting and she requested an affirmative vote for the requested zone change.

<u>Proponent</u>: Robert E. Meyer, President, Robert E. Meyer Consultants, Beaverton, indicated that this project is a new and unique process which has taken much more time than anticipated. Numerous staff changes at City Hall and clients who are very concerned about every aspect of the project have also delayed the completion of the Master Plan. He could not identify a specific time when the Master Plan would be completed.

<u>Proponent</u>: Celia Austin, Austin Industries, 2601 Crestview Drive, commented on the Austin family commitment to the community. She indicated that there are now four generations of the family living, working and being educated in this community. The Austins have made a commitment to make Newberg a great place to live. Newberg must work together to make this happen. She urged the Commission to approve the project.

<u>Proponent</u>: Janet Ker, Chamber of Commerce Director, presented a letter of support from the Chamber Board of Directors, identifying economic viability, job creation, long term added value, and a destination for tourists and visitors with less impact than if the property were fully developed under existing zoning. She then commented that, as a resident of Buckley's Mountainview Park, she was concerned that the facts be presented correctly. She added that Mountainview Drive will only be fully developed with sidewalks and lights at the time that someone develops the contiguous property.

<u>Proponent</u>: LeRoy Benham, President, Climax Portable Machine Tools, 15900 NE Dopp Road, commented that the inn was an appropriate and valuable asset for the Newberg area, it will greatly enhance our tax base and relieve some of the tax burden. It will provide a valuable service to the community and will attract business that is appropriate and compatible. In the area of planning for traffic flow and public safety, there is a long-standing need for a long range plan for traffic flow in Newberg and this proposal is not the cause. The problem has existed for a long time. The community needs to work together to provide for the safety and convenience of Newberg citizens. He supports the zone change.

<u>Proponent</u>: George Alexander, 34005 Old Parrett Mountain Road, a local businessman and taxpayer in this community, commended the Austins for their community concern and attractive developments. He supports the proposal.

<u>Proponent</u>: Curtis Walker, 1508 Hess Creek Court, Newberg commented that he was in favor of this project and feels it would be a benefit to the community and to the neighborhood. He had served as one of the spokesman for the Springbrook Neighborhood Awareness Committee and attended a meeting with Sonja, City officials, Steve Scott, Melinda Newland and Jeff Osborne to work out some of the problems previously identified. He felt that the results of the meeting were very positive and that those attending had mutually concurred on the issues. He added that since then, the leadership of the group has fallen apart and he no

longer wishes to be associated with them. He would like the project unanimously approved.

Proponent: Fred Casey, 1701 N. Hoskins, spoke not as a representative of the School Board but as a citizen of Newberg. He expressed concern about how residential development of this property would impact the school district; he noted that an additional school might be required if it develops residentially. The proposed development will not burden the schools and will contribute many tax dollars to the community. He was in favor of the project.

Questions to Proponents: None

Opponent: Steven Bragg, 3711 Coffey Lane, a registered architect and land planner, commented that the meetings have been informative and productive. He doesn't know of anyone in the group not supporting the inn, just the manner it is being processed. One major problem has not been addressed by the Austin's; the Springbrook District limits the commercial acreage to 10 acres - the current request is for 25 acres. The people will more readily accept what is being proposed if the whole scope of the project is looked at. He was concerned about the shotgun effect of allowing small parts of a project to develop in anticipation of a master plan; the final outcome shows a lack of proper planning. He encouraged development of a Master Plan, especially regarding traffic flow and its impacts on the neighborhoods. The people he is representing are for the inn but want to know the total scope of the project. He recommended taking an additional 2-3 months to review this issue. He expressed concern about Findings 7 and 12 of the Staff Report; he also questioned the applicability of Findings 23-29. He wanted the Commission to deny the application.

Opponent: Dennyece Wheeler, 3112 Crestview, indicated that roads were still her primary concern. She discussed the INTRA report criteria relating to protection for the inn from traffic, noise and other adverse environmental effects, and Staff Report finding 21 relating to site location for an inn. She commented that a 3-5 lane minor arterial as proposed is a busy highway. She was concerned about Crestview Drive becoming the minor arterial and this is not acceptable to the neighbors. She would like the Austin's to compromise on the location of the proposed arterial.

Opponent: Brian Murray, 304 Mountainview Court, suggested that the Commission closely review Mr. Hanks traffic report in the area of developer participation in road development. Without a Master Plan, approving a Conditional Use for the inn might force the applicant to construct a roadway which might not be correctly located for the remaining development plans. The calculations used in the traffic report indicated the maximum capacity of the existing roadway was approximately 14,000 cars per day; or 6.1 per second. He expressed concern about the ability to walk across the arterial without being struck by a vehicle. He cited Land Use Law Mandelker, Section 6.23, Spot Zoning.

Opponent: Bill Coffield, 3104 N. Zimri Drive, is an abutting property owner. He was concerned about the speed with which the road report was completed. He commented that the Comprehensive Plan shows a northern bypass 250-300 feet north of Mountainview. He cited PUD requirements from the Zoning Ordinance, and questioned why a preliminary plan could not be presented at this time. He doesn't oppose this development but believes that site specific data should be provided before approval is given.

Opponent: Renne Senecaut, 201 Park Court, has no objection to the inn but objects to the lack of organization and planning. Since the planning of the northern bypass on the Comprehensive Plan, two subdivisions have been constructed directly in its path. He feels that proper planning and organization is required before this project is approved.

Questions to Opponents:

Commissioner Fendall asked for clarification of a minor arterial. He indicated that this minor arterial was not an expressway from 99W; that issue is under State of Oregon jurisdiction and feasibility studies are already being done to place the expressway down by the river. Mr. Teitzel responded that Newberg's minor arterials are identified as Mountainview, Springbrook, and College. They are defined as a 3-5 lane facility to carry traffic. Other designations are Major Arterial (99W) and Collector Street (Haworth, Vittoria, Villa, Crestview, etc.).

Chair Veatch requested that Mr. Coffield clarify his position; last month he indicated he was a proponent and this month he spoke as an opponent. Mr. Coffield indicated that he was not opposed to the inn but was opposed to approving it with just the current information.

Commissioner Sullivan asked for clarification of hearing procedures relating to detail requirements; she believed that detail would be required at the time of a PUD hearing. Mr. Teitzel responded that a PUD hearing would follow at a later date at which time planning detail would be required.

Public Agencies: None

Letters In Favor:

Michael Warren, City Manager - Benicia, California (former City Manager of Newberg), dated April 20, 1989
Ed Stevens, President - George Fox College, dated April 20, 1989
Mike Boyes, President - Newberg Area Chamber of Commerce, Board of Directors, dated April 20, 1989
Anne Meinert, dated April 20, 1989
James & Donna Jean McDaniel, dated April 20, 1989
Paul Hart, 411 N. Edwards, dated April 19, 1989
Jan Jacobsen, President - Rex Hill Vineyards, dated April 19, 1989

Letters In Opposition:

Lillian & Homer Farley, 3101 Middlebrook Drive, Newberg recv'd April 20, 1989
Lora Errand, Ruby Strandberg, Helen Robertson, Betty Smith, recv'd April 20, 1989

Estella Dare, 1901 N. Springbrook Street, dated April 20, 1989
Janice Spielman, recv'd April 20, 1989

Proponent Rebuttal:

Sonja Riihimaki, Austin Industries, discussed the legal requirements relating to this hearing. It is the understanding of Austin Industries that the Springbrook District does not take effect until the Master Plan is in place; they believe that the inn is a separate issue. She added that the Austins would like to be treated just the same as other individual property owners. She added that mixed signals have been received regarding the need for detail. In addition, she commented that the City has adamantly indicated the road issue is under their jurisdiction and not that of the Austins. She requested that the Commission review the application based on the Zoning Ordinance criteria and unanimously approve it.

Rick Hoy, 1800 Cedar Street, expressed concern that if action on this were not to occur quickly, Austins may give up on their project and an out-of-state developer could take over the project.

Questions to Proponent:

Sonja Riihimaki was asked if there was any time-frame for a preliminary Master Plan to be completed. She indicated that presenting a Master Plan at this time was inappropriate.

Opponent Rebuttal:

Steve Bragg, indicated that the issue was a city-wide problem, not just that of a few individuals. Flexibility is necessary; is the inn the real issue or is it something else? He recommended that the Planning Commission consider the overall project, not just the inn; a development of this size can't be done without a plan.

Brian Murray, disagrees that the Springbrook District is not in place; he felt the intent of the ordinance was to protect the community. He requested that the zone change not be allowed.

Dennyece Wheeler, feels that the road changes necessary to protect the privacy of the inn will be detrimental to the surrounding neighborhoods. She urged the Commission to delay approval to consider protection of the neighboring properties and clarification of the location of the minor arterial 300 ft. north of Mountainview.

Gene Kennedy, son of Paul and Rachel Kennedy, 1909 Springbrook Road, indicated he was a practicing lawyer who would be willing to appeal the Master Plan issue. He recommended that Newberg should look at long-term goals; a Master Plan would not take long and the Commission should wait until it was in place before making a decision.

Staff Recommendation:
Acting Planning Director Teitzel made the following staff recommendation:

> Approval of the request for annexation of a 5 acre site designated as LDR (Low Density Residential) and IND (Industrial) and withdrawal from the Newberg Rural Fire Protection District; a comprehensive plan amendment on 18 acres from MDR, LDR, and IND to COM together with a zone change from County VLDR-1 (Very Low Density Residential-1 A. minimum), City R-1 (Low Density Residential), and R-2 (Medium Density Residential) to a City of Newberg C-2 (Community Commercial) zoning district with a planned unit development overlay, on Yamhill County Tax Lots 3209CD-200, -300, -600, -700, -800, -1000, and the easterly 525± feet of Tax Lot 3209-2600. Permitted uses shall be limited to a hotel or inn, a restaurant, a lounge, meeting and conference rooms to service the inn, and recreational and gift shop facilities that primarily serve the patrons of the inn.

Public Hearing Closed.

Planning Commission Deliberation:

Several clarifications were requested: Staff indicated that the application is currently for 18 acres, a PUD overlay is requested and an additional hearing for the PUD would be required at a later date. The issue of whether development can occur without the Master Plan being approved was discussed briefly. It was the opinion of staff that the land could be developed either through existing zoning, through the jurisdiction of a Master Plan or following any other approved land use amendment. Concern was expressed about being more restrictive with one property owner just because he owned numerous parcels. Several Commissioners expressed a desire to see the Master Plan prior to making a decision on this issue. Mr. Hanks was asked to clarify level of service; he indicated that Service Level A would be approximately 5,000 trips per day, and Service Level D would be approximately 14,000 trips per day.

Mr. Bragg was asked what group he represented. He indicated that he doesn't have an established neighborhood group but is representing approximately 15+ people.

City Attorney Mahr pointed out that a zone change could not have conditions attached to it.

Commissioner Kriz pointed out several findings which he countered with opposing comments and indicated that findings 23-29 appeared to be conditions, not findings.

Staff responded to road improvement questions relating to minor arterial designations, indicating that Mountainview and Springbrook were designated arterials in the Comprehensive Plan through Planning Commission recommendation and Council approval. Designation revisions would be subject to a new recommendation by Planning Commission and a new approval by Council.

Discussion of a new hearing to review the Springbrook District ordinance followed together with a general discussion on the Master Plan requirements.

<u>Motion</u>: Fendall-Hall to recommend approval of the request for annexation of a 5 acre site designated as LDR (Low Density Residential) and IND (Industrial) and withdrawal from the Newberg Rural Fire Protection District; a comprehensive plan amendment on 18 acres from MDR, LDR, and IND to COM together with a zone change from County VLDR-1 (Very Low Density Residential-1 A. minimum), City R-1 (Low Density Residential), and R-2 (Medium Density Residential) to a City of Newberg C-2 (Community Commercial) zoning district with a planned unit development overlay, on Yamhill County Tax Lots 3209CD-200, -300, -600, -700, -800, -1000, and the easterly 525± feet of Tax Lot 3209-2600. Permitted uses shall be limited to a hotel or inn, a restaurant, a lounge, meeting and conference rooms to service the inn, and recreational and gift shop facilities that primarily serve the patrons of the inn, based on Staff Report and findings.

<u>Vote on Motion</u>: Aye-Fendall, Hall, Veatch; Nay-Kriz, Molzahn, Post; Abstain-Sullivan.

City Attorney Mahr requested that Commissioner Sullivan identify the reason for her abstention. Commissioner Sullivan reconsidered her vote and voted aye with the statement that Austin Industries owes it to the City of Newberg to clarify their intent and to expedite the Master Plan. She also encouraged the participants to stay involved in the hearing process.

<u>Vote on motion 4-3. Motion carried</u>

City Attorney Mahr indicated the Council would be hearing this matter at their May 1 Council meeting; however, he anticipated the hearing would be continued to May 8, at George Fox College Kirschner Hall to more easily accommodate interested persons.

A five-minute recess was called after which the meeting reconvened.

<u>Public Hearing C</u>:

Applicant:	Pacific Empire Builders
Request:	Creation of Holiday Park, a subdivision of 9.6 acres into 42 lots
Location:	East of Crater Lane adjacent to Oxford Street.
Tax Lot:	3207-3000
File No:	S-3-89

Commissioner Fendall stepped down due to financial interest in the project. Chairman Veatch indicated he had worked with the engineer before but didn't feel it would influence his decision. No other abstentions, ex-parte contact or objections to jurisdiction were indicated.

<u>Staff Report</u>: Associate Planner Reitz reviewed the Staff Report and identified the site as well as several other preliminarily approved subdivisions on a map.

<u>Proponent</u>: Jerry Green, Westech Engineering, indicated that the property is already correctly zoned and the proposal fits the density permitted. There is a need for this type of housing. He added that he was willing to comply with the Engineering requirements relating to the extension of Main Street. He requested that a non-remonstrance or bonding be used for the Main Street extension until development occurs on the abutting property.

Proponent: Curtis Walker, President - Pacific Empire Builders, stated that he intends to begin the first phase of the project immediately, and the homes will be built as pre-sold units.

Proponent: Claude Hamblett, 2900 N. Crater Lane, indicated he was in favor of the project but he would like to see quality construction.

Opponent: None

Public Agencies-Letters: None

Staff Recommendation: Planning Staff recommended approval of the request with the following conditions:

1. Street, sewer, water and storm drainage improvements within the proposed subdivision are the responsibility of the applicant, and must comply with City Standards, subject to approval by the Director of Public Works.

2. Appropriate street names will be necessary, subject to the approval of the Planning Department.

3. An extension of Main Street shall be stubbed out to the South from Oxford Drive. The right-of-way shall be 60 ft.; street width shall be 34 ft.

4. Phase I shall include the dedication of Oxford Drive to Crater Lane; this dedication shall be for a 60 ft. right-of-way.

5. Phase I shall include construction of an 8" water line to Crater Lane.

6. The applicant shall sign a non-remonstrance statement pertaining to street and utility improvements on Crater Lane and Oxford Drive.

Public Hearing Closed.

Staff was asked whether the proposed cul-de-sacs met City standards; it was indicated that they just do meet them. The extension of Main Street and other alternative locations for access were discussed extensively. Acting Planning Director Teitzel pointed out that numerous driveways already cause congestion on Main Street. Terminating it would prevent it from eventually becoming a collector street. Water and sewer distribution lines were also discussed.

Motion: Hall-Post to grant preliminary plat approval of a 41 lot subdivision called Holiday Park, based on Staff Report findings and conditions 1-6. Motion carried with one abstention (Fendall).

Old Business: None

New Business: A proposed periodic review schedule was distributed. Since no applications have been received requiring Planning Commission review, there will be no meeting scheduled for May. The Commissioners were encouraged to sign up for the Planning Commission Training Program scheduled for Saturday, May 13.

Chairman Veatch updated the Commission on the Chamber sign ordinance review. He indicated that verbal comments are currently being taken and information will be forwarded to the Planning Commission in several months.

There being no further business, the meeting was then adjourned.