

A Special Meeting
of the Planning Commission
Newberg Public Library

7:30 PM, Thursday
Subject to P.C. Approval at 6/15/89 P.C. Meeting

April 27, 1989

Members Present:

Scott Bernard	Jack Kriz
Bryce Fendall	Rob Molzahn
Celine Hall	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:

13 Citizens

Public Hearing A. Continued:

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: Associate Planner Reitz identified the site on a map and gave a brief history of the various land use actions which have occurred there. He indicated that the residential inventory would not be significantly reduced if this site were redesignated R-P; uses permitted within an R-P zone were also identified. This site could be developed into 4 single-family lots under existing zoning. Site access was also discussed briefly.

Proponent: Jack Nulsen, applicant's attorney, indicated that he was a member of the Newberg City Council; he commented that he would be abstaining from decision making on this matter when it is heard at the Council level. He reviewed the site's zoning history, commenting that it was originally a part of a larger lot, and that Dr. Finch had donated a part of the property to accommodate street right-of-way for a realignment of Haworth. The R-P was approved on the site which was within 1000 ft. of the hospital; shortly after that the property was partitioned. Due to a subsequent Comprehensive Plan update this parcel was rezoned to R-1. His clients requested him to locate a site suitable for accommodating an office for 4 doctors; he discussed their site specifications and indicated that they are currently leasing offices in the Newberg Professional Center complex. They have not been able to negotiate a purchase; purchase of existing homes near the hospital which are properly zoned is not financially feasible. He added that build-to-suit facilities are available in the area but are subject to lease, not purchase. This site is of adequate size to accommodate the office, parking and landscaping. This would also be a

benefit to the adjacent City Park as the doctor's lot could be used during non-business hours as overflow parking for both the Park and pool. He estimated that traffic generation would be approximately half that indicated within the staff report, and the impact on existing traffic would not be that great. Limiting access to one business would be more advantageous than allowing 4 single-family sites with 4 separate access points onto Haworth. He further commented that Staff Report condition 1 has already been resolved with the City.

Proponent: Dr. Bill Bailey, 1819 Haworth, summarized a letter in support of the project. He indicated that the property was not well suited for residential purposes but was for professional offices and that there was a need for more R-P zoning in Newberg. He has served on the Hospital Long Range Planning Committee and was concerned that the Hospital include his existing site at 1819 Haworth in their plans; a medical mall near the hospital was identified within the Hospital Plan.

Questions to Proponent: None

Opponent: Steve Bragg, 3711 Coffey, indicated he was a registered architect and land planner as well as a concerned citizen. He believes that development is good but doesn't believe in doing it in a random manner. He pointed out Zoning Ordinance criteria which the applicant must meet. He believes that this request does not conform to the existing Zoning Ordinance. He cited the Newberg Community Hospital Strategic Actions and Goals from March 1989 which indicated that development of a medical campus around the current hospital was desirable. It should be visible, well-integrated, user friendly and flexible for future health care needs. He added that the applicant must bear the burden of proof; he feels that the applicant does not comply with the desires of the hospital or the current zoning and that financial issues should not be a decision consideration. He questioned that this project "best served" the community need. A correctly zoned parcel directly across the street from the hospital is available - finances are not applicable criteria. The area of service is likely to be more than just the northern side of town and more traffic would be generated from a doctor's office than from 4 homes.

Opponent: Ed Sullivan, 101 SW Main, Portland, an attorney, represented a number of people in the area who opposed to this application. He believes that there is a sufficient amount of land already correctly zoned. He presented several exhibits and a map which highlighted sites zoned C-2, C-3 and R-P that are currently available. He commented that "public need" criteria needs to be met and that the applicant has not done so. The location is quite distant from the hospital and existing medical offices; the applicant appears to be taking advantage of relatively cheaper land for conversion, which is contrary to the intentions of the Comprehensive Plan. The Manka zoning redesignation application in 1983 was denied for the same reasons. The Plan and Zoning Ordinance do not support commercial intrusions into residential areas. The hospital, in dealing with medical facilities, wants to build out from a central node, and not leap-frogging to other areas. The applicant has not shown the City is wrong in its present land allocations. He commented that parcel access will have to be dealt with at development and should not be a decision-making issue. He further commented that the City has intentionally designated the area around the hospital for commercial uses and that property cost in that area should not be a factor in a zone change decision. The traffic data presented in the Staff Report is legitimate data and should be considered. He indicated that

the policy of the hospital has been adopted by their board and he agrees with Mr. Bragg's comments completely. He summarized that the applicant has not met the three zone change criteria and the application should be denied.

Opponent: Fedor Manka, 310 Villa Road, testified that his request for rezoning (in 1983) of a closer site to the hospital was denied due to its location in a residential area. He reviewed the 1983 Planning Department staff report which pointed out the adequacy of properly zoned sites; he added that medical offices are permitted in C-2, C-3 and R-P zones. He reviewed the Council report on his zone change request and indicated that the situation has not changed. He distributed exhibits relating to denial of his 1983 zoning request.

Questions to Opponent: None

Public Agencies: None

Letters:

In Favor: William M. Bailey, MD., 1819 Haworth Avenue, Newberg OR 97132

In Opposition: Linda Miller, 1009 Sitka Avenue, Newberg OR 97132
Robert & Marg Anderson, 1103 Sitka Avenue, Newberg OR 97132
Rich & Walt Racette, Art and Richard Spada.

Proponent Rebuttal: Jack Nulsen said he was asking for an R-P zone, not a Commercial. There are only two small pieces of R-P property. He agreed that additional commercial property was not necessary but R-P sites are very limited and there is a need for more. This site was originally C-R (Commercial-Residential) and an additional site in the vicinity had been changed in 1983 to R-P. The Hospital Plan is for a 10-year site plan study; it is not currently in effect. He has met the criteria relating to the need for additional R-P land. He indicated there were other uses allowed in an R-P zone but the intent of the applicants was to construct a medical office. The traffic was not being increased; he based his opinion on comments by Dr. Skipper that office statistics were no where near the amount identified in the Staff Report. He questioned whether the opposition to this project was related to the proposed use of the site or the rezoning itself. He added that economics was not supposed to be a consideration but the Comprehensive Plan promotes economic growth for our community.

Proponent Rebuttal: Dr. Finch asked Mr. Sullivan why the buildings in downtown Newberg were mostly vacant; Dr. Finch concluded the reason was because of the highway going right through downtown. He did not feel the traffic would adversely impact Haworth. He added that he would not make any more money developing the lot as single family residential or selling it for a doctor's office.

Proponent Rebuttal: Peggy Nada, 1954 Orchard Drive, indicated that the traffic on Haworth is mostly high school students. She added that as a staff member of a doctor's office in McMinnville, she was aware of the typical office traffic flow. She felt that the proposed use would not impact the existing traffic situation. Traffic problems on Villa near the hospital were also identified. There is an existing medical office near the site and she felt another one would

not be a detriment to the neighborhood. She commented that a petition and literature had been distributed throughout the neighborhood which listed possible uses as being a 24 hour emergency clinic, a methadone clinic, and so on.

Proponent Rebuttal: Dr. Bill Bailey, 1819 Haworth indicated that this is not a random location for a medical office, but is located adjacent to an existing facility. The location is not a prohibitive distance from the hospital. He has spent a lot of time on the long range planning committee of the hospital; he feels a portion of their plan is in conflict with the City Comprehensive Plan, referring to Staff Report Finding 5 (G-I).

Opponent Rebuttal: Ed Sullivan, placed Strategic Planning Study and Newberg Community Hospital Board of Commissioners March 28, 1989 Minutes of meeting adopting the plan into the record. He indicated that other R-P property is available and there is not a lack of vacant residential sites or professional offices; the components of the R-P zone are available throughout the City. It is not the use that is considered, but the intensity of the use in the zone. The history of the site should not enter into a decision on this zone change; the decision should be based on the three criteria listed in the Zoning Ordinance. The Hospital has adopted the planning study and he felt that it did coordinate with other City policies. Economic growth areas have been determined by the Comprehensive Plan policies and plan map and investments are made based on that plan. Redesignation of residential properties to commercial use frustrates that plan. Properly zoned sites must be considered, not structures on those sites. Numerous sites are available along Highway 99W; regardless of the traffic problems, the policy of the City is to place commercial designations on that land and use it first before redesignating other sites. There is no conflict between the Strategic Plan adopted by the Hospital and the Comprehensive Plan.

Opponent Rebuttal: Fedor Manka presented tapes of the Planning Commission May 19, 1983 hearing, and City Council June 6, and June 20, 1983 hearings relating to his zone change request. He commented that properties available then are still available now; the reasons for denial are also the same now as then. He requested the Planning Commission make a decision consistent with previous actions.

Staff Recommendation: Associate Planner Reitz commented that arguments have been well stated by both opponents and proponents. He noted that there were some factual errors in Mr. Sullivan's report. Based on testimony presented at this hearing, he revised the staff recommendation; a recommendation to deny the zone change request was presented.

Hearing Closed.

Planning Commission discussion followed relating to the historic development of this and adjacent properties, as well as the ITE report relating to traffic. A poll of the doctors in the audience was taken relating to traffic volume for a doctors office. No consensus occurred relating to this topic.

Staff commented that the R-P (Residential-Professional) zone is allowed under both the Commercial and Residential Comprehensive Plan designations and residential land requirements would not be significantly impacted if this site

were converted to an R-P zone. The land designations were based on a higher population than Newberg currently anticipates.

The Commissioners briefly discussed the merits of placing a Planned Unit Development on this site or continuing the hearing for further information.

Motion: Molzahn-Bernard to deny a zone change from an R-1 (Low Density Residential) to an R-P (Residential-Professional) zone on Yamhill County Tax Lot 3217CA-1100 based on Staff Report findings and Planning Commission testimony.

A brief discussion followed regarding the applicability of all the Staff Report findings.

Amendment to Motion: Kriz-Fendall to amend the motion to include only findings 1-4, 9 and 17 and to add two new findings as follows:

1. The proposed development would promote strip development and should be discouraged.
2. The proposed development is incompatible with the residential zoned land adjacent to it.

Amendment to motion carried by voice vote.

Vote on main motion as amended: Aye-Bernard, Fendall, Hall, Kriz, Molzahn; Nay-Veatch. Motion carried (5-1).

Associate Planner Reitz informed the audience that this vote to deny stops further action on this proposal unless the decision of the Planning Commission is appealed to City Council. The appeal process was identified to the audience.

Old Business:

Motion: Molzahn-Fendall to approve the April 20, 1989 Planning Commission minutes as presented. Motion carried unanimously.

No Planning Commission meeting will be scheduled for May.

New Business:

Commissioner Sandy Foster's letter of resignation was read. One position is now open on the Planning Commission. Interested persons were encouraged to apply.

There being no further business, the meeting was adjourned.