

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:30 PM

October 17, 1991

Subject to P.C. Approval at 11/21/91 P.C. Meeting

I. OPEN MEETING

Present:

Jack Kriz
Rob Molzahn
Sandra Prewitt
Carol Ring
Steve Roberts
Wally Russell
Donald Thomas
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Barb Mingay, Recording Secretary

Citizens: 18 Citizens, Graphic and TCI representatives

II. APPROVAL OF MINUTES

Motion: Molzahn-Russell to approve the minutes of the September 19, 1991 Planning Commission. Motion carried unanimously.

III. Public Hearing:

Applicant:	Horizon Construction
Request:	Approval of a conditional use permit to construct a 108 unit apartment complex in a C-2 zone
Location:	East of Elliott on Hayes Street
Tax Lot:	3220AA-702, 3220AA-301 (part)
File No:	CUP-4-91
Zone:	C-2 Community Commercial
Criteria:	Section 638 of the Newberg Zoning Ordinance

Chair Veatch asked for abstentions, objections to jurisdiction and ex-parte contact. Mr. Veatch indicated he had been contacted by Sam Whitney and Rick Rementeria concerning the impacts on Sportsman Airpark. He recommended that they attend the Planning Commission meeting to express their concerns. He felt that contact would not

Planning Commission Minutes

October 17, 1991

Page 2

impact his decision. No other ex-parte contact was noted. No abstentions or objections to jurisdiction were noted.

Chair Veatch explained hearing and appeal procedures.

Staff Report: Planning Director Egner reviewed the application and site plan. He noted that the request has been amended, reducing the number of units to 108, and creating a common area. He reviewed the MU Mixed Use Comprehensive Plan designation, conditional use permit criteria and airport overlay zone criteria. He described the site with an overhead and through a slide presentation. He indicated that the density requirements would satisfy the density of an R-3 zone. The C-2 zone does not have density requirements. He noted that 10% of the floor area of the development in both C-2 and R-3 zones must be in outdoor living area. The current 108 unit plan satisfies that requirement. He commented that the revised plan has identified a 20 foot setback. The C-2 zone requires a 20 ft. front setback with no sideyard setback. He noted that the proposed densities would meet the requirements of the Airport Overlay (AO).

Mr. Egner reviewed Comprehensive Plan policies which include buffering and landscaping, height limitations, and building occupancy load requirements of the AO. He noted that the applicant is proposing to use PGE Super Good Cents construction standards and would like the project to be under construction before January when that program expires. He reviewed the potential street development in the area. He indicated that no street lights currently exist in this area but they could be installed through a local improvement district or at the time of site development at the expense of the developer. He reviewed findings for approval and denial. He indicated that conditional use permit criteria have been met. He noted that service is available to the site and that the proposed change would fully develop the site. He noted that the project could generate approximately 600 trips per day. He noted that a landscaping plan would be required through the design review process.

Proponent: Mike Kelly, project developer, 4600 SW Joshua, Tualatin, OR 97062 indicated that his company, Horizon Construction, develops, constructs, owns and manages apartment units. He identified numerous projects including Silver Park, Cedar Park, Cheryl Lynn, River Town, Fir Crest, Greenwood Phase III and IV, Stonehedge and Pacific Crest projects in locations such as Salem, Stayton, South Salem, Silverton, Woodburn etc. He noted that they construct complexes in smaller communities. They try to provide affordability in housing; however, they don't build low income housing. He noted that Horizon Construction owns and operates apartments in smaller communities. Rents are primarily \$400-420 per month with typical units of 828 sq.ft. constructed to PGE Super Good Cents program standards. He noted that Horizon Construction is the largest participant in this program. He indicated that decks and patios for this project have been directed toward the front of the units. Windows are vinyl framed with argon gas in the

Planning Commission Minutes
October 17, 1991
Page 3

windows. All the projects have performed well and have been very well received. He referred to a letter from the City of Woodburn in support of the project that has been included in the staff report.

Mr. Kelly stated that he has been interested in Newberg for over a year, noting that Newberg had only a 1% vacancy rate at that time. He noted that Fred Meyer's interest in the area was also a factor in deciding on Newberg as a project site. He noted that the site had attractive attributes, services and amenities. He said that in discussions with local businessmen, they appeared to support the project. He also indicated that the MU Mixed Use comprehensive plan designation was also helpful. He indicated that there were limited sites available in Newberg for apartments. He noted that the site is level, has utilities available, and most of the road network is already in. He stated that the project was oriented toward Hayes Street to the north. He indicated that security would be provided by the proposed layout, a fence and secondary fire access. He added that he had revised the project based on staff concerns. He noted that he is proposing a brick entry with ornamental fencing, together with a 5 ft. chain link fence around the perimeter of the project. He indicated that he was unaware that the airport would be a factor of the development until just prior to the hearing.

Mr. Kelly noted that the project is well under the FAA height requirements. He added that he had a sound study done to address the noise issue. He noted that the City requires the sound level to be below 55 dba. He indicated that his consultants Daly, Standlee and Associates felt the sound factor would be under 30 dba.

Mr. Kelly indicated that Horizon Construction is one of just a few currently constructing apartment complexes. He noted that this site has been vacant for a number of years and that the owners are anticipating further development on the surrounding vacant properties as a spin off from this project. He noted that Key Bank is considering financing of this project and they have indicated no concerns about the proposed use of this site. He noted that the amendment to the project plan includes four less units, a common area, a setback adjustment, a second access for emergency use, and the submission of a noise report. He indicated that the tenants would be notified that there is an airport in close proximity to the site and that the tenants must understand that the airport is part of the community. He commented that if tenants don't like it, they have the option of moving. He felt the Woodburn project near a railroad track presented a much greater sound concern than the airport does for this project.

He reviewed the staff report conditions, noting that the applicants intend to meet requirements for outdoor living areas, minimum 20 ft. setback, and a gated emergency access. He indicated that he did not agree with the fencing condition. He commented that the project would satisfy landscaping and noise level requirements. He added that connecting Deborah with Hayes Street is a consideration that will be pursued. He stated

Planning Commission Minutes
October 17, 1991
Page 4

that he would work with the City on street lights. He agreed to sign a non-remonstrance statement relating to public improvements and he said fire flows to the site would be tested and adequate.

Proponent: Rich Racette, Dundee, owner of the site, indicated that the community lacks rental units. He noted that the airport will not impact the proposed project. He requested that the Commission approve the project.

Proponent: George Johnson, owner of the Texaco station, supported the project and supported the Deborah/Hayes Street connection.

Opponent: Tom Pratt, Federal Aeronautics Administration (FAA), Hillsboro OR, Flight Standards District Office, indicated that the FAA was concerned with aviation safety, regulating, investigating and enforcing FAA requirements, covering NW Oregon and parts of Washington. He indicated that airports have the highest concentration of air traffic, at the lowest altitudes and at the most critical portion of flight. Most aircraft accidents occur on or near airports. He reviewed several accident cases in Hillsboro. He noted that at a recent public hearing, the citizenry were informed that the airport was in place prior to the development of homes. The citizens then questioned how the zoning had been placed so that housing was in the vicinity of an airport. He indicated that he desired to highlight the potential difficulties of being located in the vicinity of the airport. He noted that noise complaints were a primary concern; however possible aircraft accidents could also present liability concerns. He noted that airports are generally built in remote sites, which eventually are built up around. Generally, he indicated that FAA felt residential units in the vicinity of an airport did not promote safety either to the aircraft or the citizenry.

Opponent: George Alexander, 33405 Old Parrett Mountain Road, owner of a property in Flightways Industrial Park, indicated that he had been advised that surrounding properties would be retained as industrial. He noted that the city needs some good residential areas and feels the apartment plans are very attractive. He asked who owned the lots directly to the east of the project site. Planning Director Egner stated that according to Assessors records, the parcels were owned by some individuals who reside in California. Mr. Alexander indicated he felt that 600 traffic trips per day were excessive in the area. He noted that the industrial uses to the south are already being badly impacted by traffic now. He indicated that truck parking in the industrial area has made Hancock a one-lane street. He noted that the area to the north of Hancock is a commercial zone rather than an industrial zone. He felt the project should be shifted further to the east. He commented that Hancock should be extended to Springbrook Street and that street lights would be an advantage to the area. He felt that the land in this area should be retained as an industrial park.

Planning Commission Minutes

October 17, 1991

Page 5

Opponent: Don Halbrook, 2201 E. Second, Newberg, owner of property in Flightways Industrial Park, expressed concern about a residential development in a commercial zone. He noted that 600 extra cars in that area will create an additional traffic hazard and that existing traffic is already severe. Truck parking on Hancock already creates difficulty. He supported development of residential/apartment units in the City, and he knows there is a demand; however, he felt the commercial zone is inappropriate for housing. He felt the airport flight path and approach area are also negatively impacted by the project site.

Opponent: Jerry M. Kus, 1200 Elm Lane, owner of Kus Electric at 2710 E. Hancock, questioned the impacts of commercial/industrial uses which may run 24 hours a day and the noise impacts on the proposed project from such uses. He noted that the community needs apartments, but not at this location.

Opponent: Debbie Myers, 2824 E. Second, spoke on behalf of Jack Williams, owner of Jack Williams Machine, which has purchased vacant property at 2700 E. Hancock. She indicated that Mr. Williams will be starting construction in early spring and that the business runs from 7:30 a.m. to 11:00 p.m., with plans for an additional shift. She noted the firm has noisy machinery. She felt that impacts of industrial uses should be considered.

Opponent: Rick Rementeria, 1804 Leo Lane, business owner who flies a plane in conjunction with his business, indicated that the only access to the north end of the runway is over this site. He noted that westbound or southbound departures create airplane elevations of 500 ft. He said the City already receives complaints from the existing trailer parks about the airport noise. He indicated that the airport was there prior to development and the airport may expand in the future.

Questions to proponent: Commissioner Prewitt asked Mr. Kelly about lighting the project. Mr. Kelly indicated that exterior wall packs using high pressure sodium lights or post lamps would be installed at the site. Ms. Prewitt asked about washer and dryer hookups. Mr. Kelly indicated that they would be available on the main floor sites only. Planning Director Egner asked how many units Horizon Construction currently owns and operates. Mr. Kelly indicated they own and operate approximately 900 units.

Commissioner Prewitt asked Tom Pratt of FAA what the estimated length was from the end of the runway to the Hillsboro accidents he mentioned. He responded that the accidents occurred about 1/2 mile from the end of the runway. Commissioner Russell asked Mr. Pratt whether the accidents occurred within an airport overlay. He indicated that they probably did not fall within the airport overlay but were within the approach zone. Mr. Russell asked if they were outside of the protection zone. Mr. Pratt noted that they were outside the area Newberg would have as a safety factor. Commissioner Russell asked how many takeoff and landings typically occurred in Hillsboro. Mr. Pratt

Planning Commission Minutes
October 17, 1991
Page 6

indicated that substantially more takeoffs and landings occurred at the Hillsboro airport than at the Newberg airport. He added that Hillsboro was a much busier airport than Newberg.

Commissioner Ring asked where the exact location of the Williams property was. Deborah Myers indicated that it was located between Newberg Transmission and Kus Electric.

Debbie Myers asked if the project would have any access onto Hancock. Mr. Kelly indicated that the Director of Public Works had requested pedestrian access onto Hancock. Mr. Kelly indicated a preference for no access. Ms. Myers asked if the development would be required to install sidewalks on Hancock Street. Mr. Egner indicated they would be required.

Debbie Myers asked how long his company generally owns projects. Mr. Kelly indicated that some have been under their ownership more than 25 years.

Public Agencies: Gary Viehdorfer, Oregon Aeronautics, indicated that ODOT had concerns about aircraft safety factors, liability to the developer and to the City, and potential noise problems. He noted that noise complaints will occur. Sportsman Airpark is a small but growing airport. He commented that safety risk factors are increased based on proximity to the airport and that pilot habits, types of aircraft, and noise produced by aircraft all are involved. Oregon Aeronautics does not support or oppose this development; however, he felt that the Planning Commission should consider the safety factors. He noted that the appropriate FAA review form 7460-1 is required to be filed by the developer for FAA review of the project. He requested that the Commission consider the short term as well as the long term impacts of the development. He noted that in an actual count done in 1985 by FAA, the airport traffic was 11,000 flights annually.

Letters:

Letter from Sam Whitney, Sportsman Airpark, Inc. - expressing concern about potential for perceived hazards and offensive aircraft related noise.

Letter from Gary Viehdorfer, Planning Manager, Aeronautics Division, ODOT - expressing concern relating to airport noise and proximity to the development site.

Letter from Deborah Myers on behalf of Jack Williams, objecting to the project.

Proponent Rebuttal: Mr. Kelly questioned how Highways 219 and 99W were built if there was a hazardous situation presented by the airport. He noted that most of the apartments are not in use during the day during the peak airport use time and that numerous buildings including a gas station and other services exist in the airport approach area. He felt the airport is an attractive asset to the community but that the

Planning Commission Minutes
October 17, 1991
Page 7

airport will not cause negative impacts on the project. He indicated that the project and owners will be insured in any event.

Proponent Rebuttal: Walt Racette noted that numerous airports have housing around them, including much larger municipal airports. He asked if the property were going to be allowed to develop or whether the property would continue to be left vacant.

Staff Recommendation: Planning Director Egner noted that based on the plan designation in this area, MU Mixed Use allowing commercial, industrial and residential uses, the City believes that it is appropriate to provide residential uses in this designation area. He said there are some concerns with the design as it relates to the adjoining properties. He recommended continuance of the hearing for a month in order to allow for an alternative design to be submitted; however, he recommended that the Commission not continue the hearing if they are inclined to deny the project based on the airport concerns. He indicated that it appears the conditional use permit requirements appear to have been satisfied subject to the design review process.

He was asked about Staff Report condition 4 relating to screening requirements. He indicated that a more substantial screen is required to reduce commercial and industrial impacts.

Hearing Closed.

Motion: Roberts-Kriz to deny the conditional use permit request.

Discussion on Motion: Commissioner Roberts indicated that this project would set the tone for the Mixed Use zone. He complimented the opponents and proponents on the discussion concerning the noise issues. He indicated he was concerned about the additional impacts of approximately 100 children on the School District. He felt this project would too greatly affect the school system.

Commissioner Ring expressed concern about the impacts of the project on the airport. She felt that careful consideration should be given to the impacts on the industrial area.

Commissioner Thomas asked what the legal liability was. Planning Director Egner indicated that in the event of a lawsuit, anyone connected with the problem would probably be subject to the suit. Commissioner Thomas did not have any problems with the project.

Commissioner Molzahn did not feel that noise would be an issue. He questioned the school considerations.

Planning Commission Minutes
October 17, 1991
Page 8

Commissioner Thomas noted that if this project were in an R-3 zone, the Planning Commission would not be hearing the issue.

Commissioner Prewitt indicated she did not feel mixing residential uses with industrial and commercial uses would be a problem. She felt that the school district would not take any action until the students were there.

Commissioner Kriz felt there would be too great an impact on the school district.

Commissioner Roberts was asked how he arrived at 100 additional children. He indicated that typically 1 child per household would be normal.

Commissioner Kriz indicated that it would be more likely to be higher. It is also in a C-2 zone which allows a number of uses which are not necessarily compatible with a residential use.

Commissioner Thomas questioned the concern relating to the schools. He felt that the school district should be required to cope with the growth and that we should not restrict growth because of school shortages.

Chair Veatch asked Mr. Kelly how many children usually resided in each unit. Mr. Kelly indicated that in a 168 unit project in Silverton, 43 children were residents.

Commissioner Russell indicated he was in favor of the units, partly because of the zoning and partly because they are needed in Newberg; however, he expressed concern about compatibility with the increasing industrial development. He also noted that he was concerned about the traffic mix.

Chair Veatch expressed concern about the roughly 600 trips per day using Hayes onto Deborah or Elliott to 99W. He asked if there has been any discussion with the applicant relating to traffic signals. Planning Director Egner noted that the only way to get traffic signals along that stretch of road is to justify traffic volumes to the State Highway Department. He reviewed the street patterns on an overhead. Chair Veatch indicated that if either Hayes or Hancock went through, the traffic impacts would be mitigated. Planning Director Egner noted that there would probably be a light at Elliott and 99W but not for a long while.

Chair Veatch felt there was a need for apartments; however, he felt this location has certain drawbacks.

Motion Amendment: Russell-Thomas to include the reasons for denial to include Criteria 1. relating to compatibility and Criteria 2. relating to traffic.

Planning Commission Minutes
October 17, 1991
Page 9

Vote on Amendment: Amendment carried unanimously.

Vote on Motion: Aye--Kriz, Roberts, Russell; Nay--Molzahn, Prewitt, Ring, Thomas, Veatch. Motion failed (3-5).

Motion: Thomas-Molzahn to approve the request based on testimony, staff report findings and conditions with the deletion of condition 4. relating to fencing.

Commissioner Ring asked if other sites were available. Planning Director Egner indicated that other locations were limited. He noted that there were sites in the urban growth boundary that could be annexed; however most of the sites available for apartment construction of this size would be in the C-2 zone.

Discussion on Motion:

Commissioner Roberts had no objections to the project itself.

Commissioner Molzahn indicated that the Commission should consider that the proposed site is a mixed use area and that the project fits the MU designation.

Planning Director Egner's concern with the design placement was discussed. Mr. Egner noted that the design should be buffered better.

Commissioner Russell noted that the apartment's desirability was not for the view but for the affordability.

Commissioner Ring indicated that the area had potential transportation improvement requirements.

Chair Veatch felt that the Hancock Street side of the property should be completely screened.

Commissioner Roberts felt that a non-remonstrance for pedestrian access could be an additional condition.

Mike Kelly suggested that arborvitae be used as screening adjacent to the fence around the perimeter of the site.

Commissioner Kriz felt there were other areas in the MU designation that would be more suitable and did not feel this site was appropriate.

Chair Veatch expressed concern about the traffic impacts.

Planning Commission Minutes
October 17, 1991
Page 10

Planning Director Egner noted that additional development would be required by the State before they granted an additional traffic light on 99W.

The Commission took a 10 minute recess in order to attempt to contact the Director of Public Works relating to information about traffic impacts in the area.

The meeting was recalled to order.

Chair Veatch recommended that other agenda items be discussed while waiting for contact with the Director of Public Works and the Commissioners concurred.

IV. Video Presentation - Architect Peter Calthorpe speaking at the Governor's Conference on Livability

Planning Director Egner suggested that the next Planning Commission meeting be scheduled for 6:00 p.m. with pizza provided in order to enable the Commission to review the video. Commissioners concurred. It was noted that the November Planning Commission would begin with a video presentation and pizza at 6:00 p.m. with the regular meeting beginning at 7:30 p.m.

V. Old Business:

A. Council Update

Planning Director Egner discussed the Visioning Forum on November 7. He updated the Commission on recent Council actions. He noted that the Council hearing relating to locations for RV parks was continued. He noted that the Veatch/Willcuts zone change on Haworth was denied.

B. Building Permits/Planning Permits

Commissioners reviewed the monthly Building and Planning reports.

VI. New Business:

Commissioner Roberts suggested that discussion of an educational development facility surcharge be placed on the Planning Commission agenda. He noted that the County would also have to adopt such a program. Planning Director Egner suggested that the school district should initiate this type of discussion. Commissioner Roberts indicated he would take the matter up with the school board.

Planning Director Egner indicated that Sara King has been employed by the City as Associate Planner.

Planning Commission Minutes
October 17, 1991
Page 11

The Commission was unable to contact the Director of Public Works and the hearing was then resumed.

Vote on Motion: Aye--Molzahn, Prewitt, Ring, Russell, Thomas; Nay--Kriz, Roberts, Veatch. Motion carried (5-3).

VII. RURAL GROWTH POLICY STUDY - G-12-91

Planning Director Egner requested that the Commission discuss possible study areas as urban reserve areas. He reviewed historical population growth for the City of Newberg. He noted that the Comprehensive Plan indicates a population of 27,000 by the 2010. Planning Director Egner stated that by projecting both PSU's 1.4% population calculation and Newberg's existing 3.7% growth rate, a population range for the year 2050 could be 26,615 to 80,103 people. Inclusion of all study areas in the City would accommodate approximately 80,000 people.

Commissioners discussed the impacts on population based on future traffic patterns, jobs, and other economic factors.

Chair Veatch asked how many acres are currently within the Urban Growth Boundary. Planning Director Egner indicated that approximately 1,140 acres of the 3,952 acres in the Urban Growth Boundary are vacant and buildable.

Commissioner Thomas indicated that the available UGB land will be consumed by the year 2010 and that the UGB needs to be expanded so that the City has some development control.

Commissioner Roberts expressed concern that the traffic pattern would not carry a population of 80,000 by the year 2040.

The Commissioners extensively discussed the population explosion anticipated in the Newberg area.

A map identifying various areas that could be included as Urban Reserve Areas or as UGB expansion areas was discussed.

Planning Director Egner reviewed the staff packet material and the evaluation criteria which could be used to judge each specific area. He indicated that discussions relating to types of uses for the areas could occur during hearings relating to Comprehensive Plan Amendments.

Planning Commission Minutes
October 17, 1991
Page 12

Chair Veatch requested a copy of McMinnville's future roads map. Planning Director Egner noted that Public Works Director Teitzel is in the process of hiring a transportation consultant to do a transportation plan for Newberg. He noted that several components are included in the proposal, including a City wide plan as well as more site specific items.

Commissioner Roberts indicated that some Planning Commission consensus should be formed as to which direction the City should look for the expansion of the UGB.

The Commission generally discussed possible study areas as identified on a map presented by the Planning Director. The Commissioners were assigned the task of marking areas of possible study and turning their maps in to the Planning Office prior to next month's meeting.

Commissioners briefly discussed the population of surrounding communities.

VIII. ADJOURN

There being no further business, the meeting was adjourned.