

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:30 PM

November 21, 1991

Subject to P.C. Approval at 12/19/91 P.C. Meeting

6:00 PM Video Presentation - Architect Peter Calthorpe speaking at the Governor's Conference on Livability

7:30 PM

I. OPEN MEETING

Present:

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

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens: 10 Citizens and TCI representatives

II. APPROVAL OF MINUTES

Motion: Roberts-Thomas to approve the minutes of the October 17, 1991 Planning Commission. Motion carried unanimously.

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III. PUBLIC HEARING:

Applicant: George Koertzen
Request: Subdivision of a 42,480 sq. ft. parcel into 5 lots with a private street
Location: Henry Road east of N. College
Tax Lot: 3207DD-400
File No: S-6-91
Zone: R-1 Single Family Residential
Criteria: Newberg Subdivision Ordinance, Section 24

Chair Veatch noted that staff has requested continuation of this hearing to the December Planning Commission meeting.

Motion: Roberts-Post to continue the hearing to December 19. Motion carried by unanimous voice vote.

IV. PUBLIC HEARING:

Applicant: Parkwest Properties, Inc.
Request: Approval of a 22 lot residential subdivision on a 4.93 acre site
Location: North of Columbia, South of Prospect, East of Main, adjacent to Ridgeview Mobile Home Park
Tax Lot: 3218AB-400
File No: S-7-91
Zone: R-1 Single Family Residential
Criteria: Newberg Subdivision Ordinance, Section 24

Chair Veatch asked for abstentions, objections to jurisdiction and ex-parte contact. None were noted. He then reviewed the ORS hearing and appeal procedure.

Staff Report: Planning Director Egner reviewed the Subdivision and Zoning Ordinance criteria. He noted that the application is for a 22 lot residential subdivision. He described the site on an overhead and through a slide presentation. He indicated that the density would satisfy the density requirements of an R-1 zone. He reviewed street development in the area. He indicated that the applicant has been negotiating with the property owner to the southwest relating to the development of the adjacent property. He noted that "Tract A" of the proposed subdivision would be required to be dedicated to the City as a reserve strip to be used as access to the southwesterly site. He reviewed referrals from City staff and findings. He indicated that the subdivision criteria have been satisfied. He noted that service is available to the site and that the proposed change would fully develop the site.

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Proponent: Dick Brown, 7340 SW Hunziker, Suite 205, Tigard OR indicated he was project applicant. He noted that the site is 4.93 acres in size. He indicated that he would like to be reimbursed for the cost of one-half of the street improvement adjacent to Tract A when adjacent property develops.

Proponent: Mike Herring, broker for Pro West, 309 Pinehurst Drive indicated he was in favor of the project.

Opponent: None

Questions to proponent: Commissioner Thomas asked Mr. Brown if the recommended lot adjustments to accommodate 7500 sq. ft. lots would be acceptable. Mr. Brown indicated he did not have any problem with the proposed adjustments to lots 1-8. Mr. Brown indicated he would prefer not to create an easement for lot 21 over lot 22; however, he indicated his willingness to do whatever is required to obtain the correct lot dimensions.

John DeYoung with Technical Engineering in Portland noted that the site has limited flexibility. He indicated that some adjustments are possible since no boundary surveys have been completed. He indicated that a condition requiring that all lots be developed at 7500 sq. ft. could be placed as part of the approval process.

Planning Director Egner presented a drawing depicting the easement access for lot 21 over lot 22.

Letters/Public Agencies: None

Proponent Rebuttal: None

Staff Recommendation: Planning Director Egner recommended that the Commission approve the subdivision subject to staff report findings and conditions, and to include the recommendation that the City attempt to reimburse the applicant for the half-street improvement along Crestview adjacent to Tract A.

Hearing Closed.

Commissioner Russell asked whether the applicant accepted all the conditions of the staff report.

Mr. Brown concurred with the conditions of the staff report based on his previous comments.

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Chair Veatch recommended that Condition 12 be revised to drop the word "easement" from sentence 3. The Commissioners unanimously agreed.

Motion: Roberts-Russell to grant preliminary plat approval of Valeri Park based on staff report findings and revised conditions. Motion carried unanimously.

Planning Director Egner reviewed the appeal procedure.

V. CODE INTERPRETATION

A. Fuel storage as an accessory use

Planning Director Egner reviewed a request presented by School Bus Services, Inc. relating to replacing the fuel storage tanks at the bus barns on S. Blaine. He noted that the bus barns are considered by staff as a non-conforming use at this location. He added that replacement of gas storage tanks would constitute a continuation/expansion of the non-conforming use and that based on the non-conforming use section of the Zoning Ordinance, existing non-conforming uses such as the bus barn use should be discontinued. He distributed a letter from Wes Smith in support of the proposed new tank at the existing bus barn site.

Ron Coleman, General Manager of School Bus Services Inc. in Gresham indicated that the School District turned over school bus operation through a bid process to School Bus Services. As part of the bid, the school district leased the existing bus barns to School Bus Services. Because of EPA requirements, the School District chose to no longer use the in-ground fuel tanks. Mr. Coleman indicated that the proposal was to replace the in-ground tanks with above-ground tanks. He noted that he had contacted the Fire Department and Engineering Department relating to their requirements for installation and approval. He then consulted the Planning Department relating to requirements for such a tank. He indicated that the busses are currently using cardlock facilities in the Newberg area. He noted that this is more expensive than bulk delivery and more time consuming, costing the School District an additional \$5,000-\$7,000 per year. He noted that bus servicing at cardlock stations ties up the station for lengthy amounts of time. He stated that siting fuel tanks on-site would benefit the community, the school district and the taxpayers. He noted this was an extension of existing practices.

Commissioner Roberts asked if the service contract was contingent on using the bus barns. Mr. Coleman indicated that the barns were part of the contract. He noted that the bid to operate included using the cardlock for fuel.

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Chair Veatch asked if the drivers fueled their own buses. Mr. Coleman indicated that the drivers are required to meet all DEQ, EPA and Fire Marshall standards for fuel servicing. Chair Veatch asked what would happen in the event of a spill. Mr. Coleman indicated that there would be a hard surface area adjacent to the tank with safety equipment such as a bucket with protective absorbent sponges available in close proximity to the tank. Chair Veatch asked about the location of the creek in the vicinity of the barns. Mr. Coleman indicated that the tanks would be located at the west of the site in a fully self-contained location on the site.

Commissioner Kriz asked if the School District was satisfied with the service provided by School Bus Services. Mr. Coleman indicated that the original startup problems appear to have been resolved and it appears that the contract will continue. He noted that any savings in fuel and drivers time would be returned to the School District.

Commissioner Ring asked about recent emergencies at the site. Mr. Coleman indicated that recently a driver became light-headed and 911 was contacted to assist.

Mr. Coleman indicated that the site would be security protected.

Chair Veatch asked whether the new tank could be relocated to the new site if another site were found for the bus barns. Mr. Coleman indicated that the tank could be moved to the new site as it was portable.

Planning Director Egner presented an overhead indicating the area zoning and comprehensive plan designations.

Commissioner Roberts indicated that the fuel tank issue should not be used as the method of moving the bus barn. He noted that if the City feels the bus barns should move, the City should ask the School District to move the bus barn.

Planning Director Egner noted that the request is an extension of a non-conforming use and asked the Commission for direction.

Chair Veatch felt that since the tank is portable, allowing it to be placed at this location should not prevent any relocation of the bus barns at a later date.

Planning Director Egner indicated that the Commission should make a motion relating to the request.

Motion: Thomas-Post to recognize that the installation of a portable fuel tank at the existing bus barn facility is an accessory use to the school. Motion carried unanimously.

B. Day care in the C-3 zone

Planning Director Egner reviewed the history of the request, and requested that the Commission consider whether this would be a similar use to others listed in the zone. He noted that day care facilities are under the jurisdiction of state guidelines.

Commissioners generally discussed the zones in which day care facilities could be sited. It was noted that all residential zones allowed day care facilities. Commissioners expressed concern that no apparent controls could be placed on such facilities when they were permitted outright in the zone.

Planning Director Egner indicated that day care as a conditional use in any zone could be the subject of a future hearing.

Motion: Kriz-Molzahn that day care facilities are considered a similar use to other C-3 uses and that staff present revisions to day care uses in all zones within 6 months. Motion carried by voice vote.

A 5 minute recess was called after which the meeting was reconvened.

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

Planning Director Egner reviewed the prioritization of areas and population growth statistics which were presented at the October meeting. He noted that there appeared to be a range of growth with an estimated low of 27,000 people and a high of 80,000 people by the year 2040. He reviewed the methods which were used to obtain the low and high population estimates. He indicated that the review and prioritization of the study areas would enable the City to develop a presentation to the County relating to growth limitations and future growth areas. He indicated that one of the predominant comments at the Future Focus Forum was to that Newberg should retain its small town atmosphere.

Associate Planner Sara King discussed the methods of weighing criteria to select areas. She presented an initial analysis of the areas surrounding Newberg. She distributed a matrix which identified buildable and unbuildable acres in the various study areas. She presented a flip chart highlighting non-buildable, wetland and other topographic features. She noted that a population of nearly 100,000 could be supported based on the buildable lands within the existing City limits, urban growth boundary and proposed study areas.

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She indicated that the SCS soil survey map was reviewed to determine non-buildable areas. She also noted that consideration should also be given to retention of view and mountaintop areas. She identified current areas of more dense rural development (2.5 acre or smaller rural residential). She reviewed the existing infrastructure in the study areas and the difficulties in serving various areas with water and sewer facilities. Public infrastructure in the Hess Creek area was noted as being the easiest to install. Service to the east to the Werth property will be necessary in the near future. She noted that service to the northeast would be easier to establish once service to the Werth property is established. Existing public facilities were also highlighted. She then presented a map depicting the city limits and urban growth boundary.

Planning Director Egner noted that the UGB is the line that exists in the City and County comprehensive plans which defines where urban growth will occur in the future. There is an agreement that the city will eventually annex the area within the urban growth boundary in order to provide City service to the area. He noted that outside the UGB around the City of Newberg much of the land is zoned low density and very low density residential with exceptions from the statewide agricultural and resource goals. He reviewed the City Council and staff concerns relating to the areas just outside the UGB and he noted that many are developed at county rather than city densities.

Commissioner Thomas noted that the UGB is to be established for potential annexation within the next 20 years.

Planning Director Egner noted that this area is subject to review every 5 years through periodic review. He indicated that LCDRC is considering an administrative rule for Urban Reserve Areas to be adopted by cities. He pointed out Dundee's urban growth boundary on a map.

Associate Planner King commented that discussions with the Engineering Department relating to long range servicing indicate that eventually Dundee might be purchasing water from Newberg to serve properties to the South side of Dundee. She added that it was possible that sanitary service may be a joint operation of both communities.

Commissioner Roberts felt strongly that there should be a separation between the communities of Newberg and Dundee. He felt that the only way to accomplish that is to set a physical and psychological break between the communities. He felt that the area between Newberg and Dundee should be put into a greenbelt of 10 acre minimum farms and that this area should not be developed any further.

Commissioner Post indicated that at the Vision Forum concern was expressed about retaining a separate identity between Newberg and Dundee.

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Planning Director Egner asked if 2.5 acre sites could be considered a reasonable break between Newberg and Dundee. Commissioner Veatch questioned what size sites would be considered large enough to act as buffers. Commissioner Roberts felt 5 acres should be the minimum and that no more development should occur in the area. Planning Director Egner asked if there was a consensus that there should be a visual break between Newberg and Dundee. Commissioners generally concurred that there should be a visual break. Commissioner Thomas indicated that the vineyards give a good visual break and identity to the community. Associate Planner King asked if one of the criteria should be to save existing agricultural areas.

Planning Director Egner was asked what the Newberg sewer treatment plant capacity was now. He responded that the facility was designed for expansion to accommodate a population of more than 27,000. He noted that cutting off options now would limit expansion to the systems later. He indicated that the water capacity is not sufficient to allow for 27,000. He noted that Chehalem and Parrott mountains are designated as having critical ground water levels in the state. Planning Director Egner indicated that service could be extended to the northeast by sequencing the service and installing pump stations. He indicated that the first expansion priority would likely be in the Hess Creek area, then near Springbrook Creek, and finally to Chehalem Creek and its upper reaches. He noted that he would present a map indicating possible sequencing of development to the Commissioners at their December meeting.

VII. OLD BUSINESS

A. Council Update

Planning Director Egner indicated that a joint Planning Commission/City Council meeting would be scheduled in January. He also noted that review of the Citizen Advisory process will be reviewed next month.

B. Building Permits/Planning Permits

Planning Director Egner reviewed the monthly permit information sheets from the Building and Planning Departments. He also discussed the graphic handout which identified Planning Department land use applications for the last two years.

VIII. NEW BUSINESS

None.

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IX. ADJOURN

There being no further business, the meeting was adjourned.