

Thursday, 7:30 P.M.

A Regular Meeting of the
Newberg Urban Area Management Commission

January 28, 1982

Council Chambers

Newberg, Oregon

Meeting was called to order by Chairman John Cach.

Roll Call:

Present:	Robin Hamblet	Eldon McIntosh
	John Cach	Mark Clement
	Sally Adamson	Margaret LeMaster

Absent: Dick Sadler

Staff Present:

Mary Dorman, Yamhill County Coordinator
Bill Campbell, Planning Director, Yamhill County
Clay Moorhead, Newberg City Planner
Barb Mingay, Recording Secretary

Also Present: Approximately 4 Citizens

Motion: Hamblet-LeMaster to nominate John Cach for Chairman and cast a unanimous ballot. Motion carried by those present.

Motion: Hamblet-Clement to nominate Ken Hunkins as Vice-Chairman and cast a unanimous ballot. Motion carried by those present.

Mr. Sadler now present.

Mr. Mahr, attorney for the applicant, waived the right to have the staff reports read orally.

Public Hearing:

Docket: PA-102-81
Request: An amendment to the Newberg Comprehensive Plan to change the Plan Map designation from Medium Density Residential to Commercial on a 1.97 acre parcel within the Newberg Urban Growth Boundary.
Location: Approximately 1½ miles southeast of the City of Newberg fronting the East side of the St. Paul Highway #219 and the South side of Wilsonville Road.
Tax Lot: 3221-2700
Applicant: Melvin W. Tautfest

No abstentions were requested and none given.

Staff Reports:

Mary Dorman, County Coordinator, gave the past history of this application and read portions of the county staff report.

A 5 minute recess was called due to fire alarm. Meeting reconvened.

Clay Moorhead, Newberg City Planner, presented the City of Newberg's Staff Report and indicated the property location on several maps.

Proponent: Terry Mahr, 115 N. Washington, Newberg, the attorney representing Mr. Tautfest, Frank Buck and Richard Ollis (current leasees) distributed

an outline of applicants evidence in support of the proposed change. Slides were presented to indicate property location and potential uses. He indicated the property was not conducive to residential uses as the area is congested, has frequent accidents, heavy traffic flow and is very noisy. Current uses of surrounding properties were also discussed. He further indicated that no other property in the area is feasible economically. He indicated the operation is a needed one in the area as no similar barkdust bulk sale and nursery supply business is available in Newberg. He indicated the applicant was willing to comply with any design review requirements the City would care to place on the property at the time of annexation and would place such stipulations in the deed records of the property. The applicant would also place a deed restriction on the property to waive the right to remonstrate against City extension of water, sewer or street improvements if desired by this commission. He indicated the distance to drive to the site for purchases is a minor consideration. The above conditions would be placed willingly on the deed records of the property by the applicant. He requested the applicant's conclusionary findings of fact be entered into the record and the commission base their decision on those findings. In addition, he submitted a petition signed by surrounding property owners indicating they have no objections to the proposed change.

No other proponent wished to speak.

Questions to proponent:

Mr. Hamblet asked Mr. Mahr what the disposition of the existing residence would be if the change were granted. Mr. Mahr indicated the house would remain the residence of the applicant with a possible future purchase of the property by the leasees who currently have a lease/option on the property.

Mr. McIntosh questioned Mr. Mahr if the property could be used for any other operation at a later date if this change were granted. Mr. Mahr stated that the property could be used for many commercial uses in the future if the change were granted but that would be unlikely.

Mr. Hamblet asked if the proposed nursery would have it's product grown on or off site. Mr. Richard Ollis, the leasee, indicated the majority of products would be shipped in from property he has across the river. He further indicated that no large amount of truck traffic would be required to bring in his products. Staff asked how the trucks would turn around after unloading barkdust without using the Highway 99W access road. Mr. Ollis indicated there was plenty of room to turn around on the property and the truck has been doing so. Mr. Mahr indicated that access was available to the site from Highway 219.

A general discussion of property classifications in the City and County went forth. Mary Dorman indicated what uses Highway-Commercial would allow. She further indicated this use is considered to be a "similar use" to other permitted uses found within the Highway-Commercial zoning district.

Mr. McIntosh questioned what would prevent other property owners in the area from applying for the same kind of change if this petition were granted. Mr. Moorhead indicated that the same kind of hearing process would have to be gone through and criteria used for approval of this petition would have to be used as a basis for future decisions.

Mr. McIntosh asked staff if this area should be reviewed for future commercial uses. Staff indicated that LCDC still required certain amounts of land allocated to each zone designation. If this land were all changed, other land would have to take its place through legislative land use hearings. Staff further responded that this specific site would probably not affect the plan one way or the other but consideration of future requests from other owners could amount to larger acreage change requests which would affect the plan balance.

Mr. Mahr indicated that the property, due to its unique location, would not set a precedent in land use change.

Mrs. LeMaster asked if there was any good distinction between Industrial and Commercial designations. Staff indicated that most of the commercial uses permitted under the Industrial zone are recreation related.

Mrs. LeMaster asked if the commission wouldn't be adding additional congestion to an already congested area. Mr. Mahr responded that business traffic wouldn't seem to be as heavy as that caused if a multi-family residence were located on the site as the business hours would restrict the traffic flow overload.

Additional discussion was undertaken regarding density requirements of various zone designations.

Mr. Tautfest was asked the well output and he indicated it was 15 gallons per minute, adequate for the proposed use.

Mr. Sadler asked Mr. Mahr if the suggested deed restrictions were enforceable in a circuit court. Mr. Mahr indicated he knows of no case which says they are enforceable but their use is common practice.

Mr. Clement asked what data was used to establish the need for a nursery. Mr. Mahr indicated that there appeared to be no existing business or one of a similar nature in operation in Newberg at this time and therefore, one would be feasible to be established.

No opponents wished to speak.

Public Agencies:

Oregon Department of Transportation-indicated approach road permits should be obtained from the Oregon State Highway Division.
Yamhill Co. Road Department-Commercial development next to major arterials is, in my opinion rarely an acceptable alternative.
If this development is approved its access should be restricted to Wilsonville Road and all advertising signs should be restricted to non-moving, non-reflective, and non-lighted types of signs of a size and location that will provide a minimum of distraction to the traveling public.

Staff Recommendations:

Clay Moorhead, Newberg City Planner commented that the general area is conducive to future industrial or commercial developments, has no major objections with the exception that precedent could be set, and indicated that deed restrictions may not be enforceable. Timing for this change is not very good. He concurs with the staff report findings as presented in the City of Newberg staff memorandum.

Mary Dorman, Yamhill Co. Coordinator, indicated the County had provided findings for approval and for denial, which she reviewed. County staff recommends denial based upon County findings for denial.

Hearing closed.

Staff indicated that a home occupancy by provisions through a Conditional Use Permit would not appear to apply to the site as the business proposed does not appear to be a home occupation. A Conditional Use Permit for a nursery would also not apply under AF-10 zoning unless the owner of the property is operating the business.

Mr. Sadler expressed concern that restrictions on the deed records would create future problems.

Mr. Hamblet indicated the pattern of growth in Newberg will indicate what the future use of the area may be.

Mr. McIntosh asked how tonight's decision will affect future hearings.

Staff indicated that additional public hearings would occur before Newberg City Council and Yamhill County Board of Commissioners after NUAMC concludes this hearing. Both of those agencies must either approve or deny the application.

Mr. Hamblet indicated his suggestion would be for the leasee's to buy the property and apply for a Conditional Use Permit to operate a nursery.

Mr. McIntosh concurred with several commissioners that spot zoning is inappropriate.

Motion: Hamblet-Sadler to deny the request based on County and City findings for denial. Roll Call: Aye-Hamblet, McIntosh, Cach, Sadler, Clement, Adamson. Nay: LeMaster. Motion Carried (6-1)

City Staff notified applicant of public hearing before Newberg City Council March 1, 1982 at 7:30 and of as yet unscheduled Board of Commissioners hearing in mid-March.

Next possible meeting date was set for April, 1982.

It was MSC to adjourn.