

PLANNING COMMISSION MINUTES  
Newberg Public Library - Newberg, Oregon  
FEBRUARY 9, 1995  
Thursday, 7:00 PM

*Attest:*

Approved at March 9, 1995 Meeting

*Darla Baldoni*  
Recording Secretary

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jim Harney  
Matson Haug  
Rick Mills  
Jim Morrison  
Mary Post  
Roger Worrall  
Jack Kriz, Chair

Staff Present:

John Knight, Planning Manager  
Barbara Mingay, Planning Technician  
Darla Baldoni, Recording Secretary  
Greg Scoles, Community Development Director

Citizens Present:

# 15 citizens were present.

II. OPEN MEETING

Chair, Jack Kriz opened the meeting at 7:00 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration card to speak at the meeting.

III. APPROVAL OF MINUTES

Chair Kriz opened the review of the January 12, 1995 meeting minutes.

**Motion:** Commissioners Mills/Haug to approve the minutes of the January 12, 1995 Planning Commission Meeting.

**Vote on Motion:** The motion carried (6-0 ), Post absent for vote.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person) - none

OPEN FOR PUBLIC HEARING.

Chair Kriz entered ORS 197.763 relating to the Public Hearing process into the record, and opened the Public Hearing.

John Knight, Planning Manager covered the public hearing process, as stated on the back of the agenda.

**V. PUBLIC HEARING (#1)**

**APPLICANT:** David Nielsen  
**REQUEST:** Subdivision of a 413,820 square foot parcel into 40 lots with a minimum lot size of 7,500 square foot and an average lot size of 7,550 square foot. to be known as Natalie Heights  
**ZONING:** R-1 Low Density Residential  
**LOCATION:** North of Anne's Addition, west of 3617 North Terrace Drive  
**TAX LOT:** 3207AC-100 (parcels 1 and 2)  
**FILE NO:** S-8-94

**Commissioner Post** arrived at 7:07 p.m.

**Abstentions/ex-parte contact:**

**Commissioner Mills** stepped down from this public hearing.

**Commissioner Haug** visited the site and spoke with the Parenteauss' who live close by. Their discussion revolved around rain drainage on the site. They also stated that the street narrows down and there appears to be a tighter cluster of homes on the map than in the subdivision they live in.

**Commissioners Post and Worrall** stated that they each had visited the site.

**Commissioners Morrison and Harney** had each visited the site and walked around, and noted that it was a little muddy, and Anne's Addition was a little lower.

**Objections to Jurisdiction:** none

**Staff Report:** John Knight covered the general information on the request, and noted a drainage issue. He discussed the map that had been distributed to commissioners and stated that he reviewed the projected plan to solve the drainage problem with the City Engineer, and he was satisfied that the plan would take care of the problem. They would transition the sidewalks between the two subdivisions at Natalie Drive.

**Commissioner Haug** asked staff if they had conferred with the Parks Department regarding the 15 feet. John Knight stated that he spoke with Don Clements, and the applicant is willing to provide 15 feet.

**Commissioner Harney** asked where the drainage would go with a road there.

**John Knight** responded that it wouldn't be a road, only access for emergency vehicles.

**Commissioner Haug** asked for the best recommendation regarding the grade for Tract "A".

**John Knight** stated that he was comfortable with the grade for the citizens and the Park District.

**Commissioner Harney** asked if staff had spoken with the person that lives in the corner house.

**John Knight** responded that the City did not contact them personally, but notice was sent to them.

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**Commissioner Haug** asked if there were other tracts in the City like Tract "A", and how they compared.

**John Knight** stated that there is one in Annes Addition that is 15 foot and has a short pedestrian link, and that 15 foot is the standard for a utilities easement.

**Preliminary Staff Recommendation:** Staff recommended approval as stated in the staff report.

**Proponent:** **David Nielsen, 2925 Eric Court NW, Salem, Oregon 97304.** He is the applicant requesting approval of the subdivision, and has discussed the street extensions with John Knight. He is not in favor of too many streets because they will filter through Annes Addition.

**Proponent: Roger Grahn, 9035 SW Sagert, Tualatin, Oregon 97062.** He was involved with the design of this project and part of their intent was to keep children from going through yards. He also spoke with a neighbor who was concerned about the grade. With respect to the water, he spoke with all neighbors on the north side of Hilltop, and they have made a conscious effort to reduce the flow. He also felt there were concerns regarding site distance over the hill, and the amount of traffic.

**Proponent: Richard (Dick) Brown, 7340 SW Hunziker, Suite 205, Tigard, Oregon 97223.** He wanted to speak against the extension of the streets partially due to cost, and to people identifying the UGB as the line in the sand, the end of where we are going.

**Opponent:** none

**Questions to Proponent:**

**Commissioner Worrall** asked Mr. Dick Brown about his financial interest in the property, and stated that this piece of property was recently annexed. He also asked if Mr. Brown didn't feel that it is reasonable to provide planning for the future and that Mr. Brown was able to build because of previous annexations.

**Mr. Dick Brown** responded that he felt the City Limits were extended because there was ground within the UGB and that is the reason for the extension.

**Commissioner Morrison** asked if there was any attempt by staff to do a specific plan on the west side of the Highway for the next 20 years.

**John Knight** responded that it is developed for the park or school and if it develops it will be by the County. Currently there is no master plan for those properties.

**Commissioner Worrall** asked Mr. Nielsen if he was in agreement with the conditions in the staff report.

**Mr. Nielsen** responded yes with the exception of the street extensions. They are willing to give one street extension and one right-of-way, but didn't feel that they should all funnel through there. The right-of-way helps to get the utilities up to the north of his site, and utilities cannot be used on the other side.

**John Knight** responded that from his discussion with Mr. Nielsen and the City Engineer, the first preference was to extend Morris Street and extend the other cul-de-sac as pedestrian access and utilities. The City Engineer also felt they would be interested in retaining that for the utilities.

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**Commissioner Haug** asked about a separated sidewalk.

**John Knight** stated that it needs to match the other subdivisions, but the commission, at their discretion, could suggest an alternative.

**Dick Brown** mentioned that lot #25 is difficult to build on due to the slope, and he believes the corner setback is 15 feet. This was confirmed. He asked if there could be some trade off on that lot to 10 feet and change the garage setback.

**John Knight** stated that if this was of interest to the applicant, then he would have to complete a variance. The lot should be changed rather than the house.

**Johann May, 312 N. Edwards, Newberg, Oregon 97132.** He inquired if an impact study had been done, and what about water and sewer, traffic, overcrowding of schools, etc., and what effect this development will have on Newberg and the specific area.

**John Knight** responded that all new developments must meet the Infrastructure Master Plan and pay system development charges. Staff believes that this development is in compliance with the master plan. He also stated that he was available to discuss this with anyone who is interested, they may stop by the office or call him.

**Pat Haight, 114 E. Hancock, Newberg, Oregon 97132.** She addressed a question to proponent regarding putting a light there.

**David Nielsen** referred the question to **John Knight**, who stated that Foothills will have a light. The Fenway Park developer across the street is required to put in that signal. This issue has already been addressed.

**A patron** (name not announced) asked the proponent, if the plan doesn't take care of the drainage problem, where does the responsibility fall.

**David Nielsen** felt that engineering would take care of this, and that the development would more than likely make it better.

**Dick Brown** stated that it would be next to impossible to determine that there would be extra water with the street there. The water should be less.

**A patron** (name not announced) asked if the drainage plan was reviewed by an engineer.

**John Knight** stated that the applicant submitted a drainage plan from their engineer, and the City Engineer has also reviewed it.

**Public Agency reports:**

**John Knight** stated that he received a memo from our City Engineering Division regarding traffic. Engineering estimated that it will double the amount of traffic on Morris and Jones Streets. In comparison to other streets with similar levels like Coffey Lane to Gemini, and other streets that have those levels, we have not received any complaints on traffic.

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**Letters:** Norma Godick, 5095 Cultus, Salem, OR 97306. She stated her concern that access be provided north of the site to possibly develop her site in the future.

**Proponent/Opponent Rebuttal:**

**Roger Grahn, 9035 SW Sagert, Tualatin, Oregon 97062.** Stated that Valeri Park was basically the same type of subdivision, and believed the makeup of the neighborhood will be the same. They did a study on that subdivision regarding impact, and compared age, children, cars, etc., and that it is amazing how few children subdivisions actually have.

**Dick Brown,** stated that the traffic may be doubled until Natalie Street goes out to Terrace.

**Commissioner Morrison** stated that after reviewing the Comprehensive Plan in reference to bikeways, wooded areas, and open space, he felt people in the community wanted to preserve those areas.

**Roger Grahn** replied that in developing Valeri Park they had saved what filbert trees they could and in his experience all of the property owners requested those trees be taken out later. Also, the right-of-way is being reduced, not the street width, it remains the same.

**Staff Recommendation:** John Knight, stated that staff recommendation is to approve the project with the findings and conditions in Resolution 95-3. Staff supports the proposal from the applicant to extend one street for vehicle circulation, and the other one for pedestrian circulation. If the Commission is in support of that, they would need to modify the conditions on page 8. Also, if there is any attempt to preserve non-agricultural trees, it should also be included in the conditions.

**Commissioner Worrall** suggested that the Commission strike Jones Street (as listed on page 8 conditions), extend Morris Street to stub out the extension of Jones Street for pedestrian right-of-way, and utilities at a 15 foot minimum.

**Commissioner Morrison** was concerned about what might be developed north of the site.

**John Knight** stated that it could be developed in the County.

**Commissioner Harney** felt that it should be left the way it is.

**Commissioner Haug** felt by having the compromise, the land becomes more attractive and valuable. The pedestrian walkway is an enhancement.

**Chair Kriz** felt that the Commission needs to extend both streets to support that area and eventually they will connect onto North Valley.

**Commissioner Post** suggested that at least Morris Street needs to be stubbed off, and the sidewalks should also match. **Commissioners Morrison and Harney** agreed.

**Chair Kriz** asked what the width requirement was for the sidewalk and could it include the depth.

**John Knight** responded that you need five feet on each side, either in easement or right-of-way.

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**Commissioner Haug** asked if there was room for trees.

**John Knight** responded there is not enough room for large trees. The standards are 50 feet as the applicant has proposed.

**Commissioner Worrall** stated that requiring the strip in between, the sidewalk and the street will widen the right-of-way from 50 to 60 feet.

**John Knight** agreed.

**Commissioner Worrall** asked if the Commission adopts a wider street plan, it would mean some modification to the lot sizes, perhaps generate some unbuildable lots or fall below the 7,500 square foot minimum.

**John Knight** stated that staff would have to look at it, but a few lots may be lost.

**Chair Kriz** suggested maybe smaller sidewalks.

**John Knight** stated that the standards would need to be checked.

**Commissioner Haug** suggested that the Commission keep Morris and Jones Streets the same as Anne's Addition. Maybe Natalie and the cul-de-sac in the center doesn't need the added width. Maybe the developer would be willing to add a few trees.

**Barb Mingay** noted that an area along the curb is 4.5 feet, and the portion of the curb at the top would be part of it. With a park strip in between the curb and sidewalk the width would be 5 feet.

**Motion:** **Worrall/Post** to amend condition #3 (page 8). To transition a 60 foot right-of-way through Jones Street to Morris Street extension up to the North boundary of the property and the rest of the plan to remain as proposed.

**Vote on Motion:** The motion carried (4-2), and one commissioner abstained (Mills).

**Motion:** **Harney/Haug** to postpone the hearing and wait to see what it would look like to do a 60 foot right-of-way throughout, and include this as part of the motion. The staff will request the information (drawing from the applicant).

**John Knight** stated that the Commission may or may not re-open the public comment portion.

**Amendment to the Motion:** **Commissioner Harney/Haug** to add that we may or may not re-open the public comment portion.

**Vote on Motion:** The motion carried (6-0), and one commissioner abstained (Mills).

Hearing Closed and will be continued at the March 9, 1995, Planning Commission Meeting.

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**PUBLIC HEARING (#2)**

**APPLICANT:** Jeff and Deona Twenge  
**REQUEST:** Annexation/Zone Change of a 16,000 square foot parcel within the Urban Growth Boundary.  
**ZONING:** VLDR-1 Very Low Density Residential/1 Acre Minimum to R-2 Medium Density Residential

**PLAN**

**DESIGNATION:** MDR

**LOCATION:** West of Springbrook Road, South of 99W, North of East Second Street

**TAX LOT:** 3221-1101

**FILE NO:** ANX-10-94

**Abstentions/ex-parte contact:**

Commissioner Harney went out and looked at the site.

Commissioner Haug drives by there frequently.

Commissioner Mills went out to the site and noticed a drainage ditch and a shed.

John Knight stated that the shed is not on the property.

**Objections:** none

**Staff Report:** Barb Mingay, Planning Technician, stated that this is a single lot proposed to be developed potentially as three building sites, as lots or a triplex. She also noted that the applicant Jeff Twenge was out of town and Mr. Twenge gave permission for G. Mark Jordon to read a letter for him.

**Proponent:** G. Mark Jordon, 213 Sunset Drive, Newberg, Oregon 97132. He read a letter from Jeff Twenge (the applicant) and submitted it into the record.

**Opponent:** none

**Questions to Proponent:** none

**Public Agency reports:** none

Commissioner Haug asked if there were any large trees.

Barb Mingay referred them to the topography map that shows little to no vegetation.

Commissioner Morrison asked about affordable housing costs.

G. Mark Jordan referred them to the applicant.

**Letters:** none

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**Proponent/Opponent Rebuttal:** none

**Staff Recommendation:** Staff recommends approval.

**Hearing Closed.**

**Commission Deliberation:**

**Chair Kriz** wanted clarification that this is purely an annexation, and staff replied yes. He also asked John Knight to talk about the Urban Growth Boundary (UGB).

**John Knight** noted that the City encourages and supports annexations so that we can have planning control, taking it out of control of the County and put it into the City. This is an important piece of property to bring into the City in regards to our transportation plan.

**Commissioner Haug** added that is it significantly surrounded by city limits.

**Commissioner Mills** stated that this is an annexation in the UGB and can't see that it will affect the growth significantly and he supports it.

**Motion:** Commissioners Mills/Post to adopt Resolution 95-4.

**Vote on Motion:** The motion carried (5-2).

**Barb Mingay** stated that this will go to the March 6, 1995, City Council Meeting for their consideration, and will be noticed in the paper and to property owners.

**Commissioner Haug** stated that he wants to go on the record for his no vote. He wants to state that for team work, that we try to come to a consensus for discussion purposes before coming to a vote.

**Public Hearing #3: G-10-94 Development Code**

**Abstentions/Ex-Parte Contact:**

**Commissioner Worrall** stepped down from the public hearing.

**John Knight** stated that this is the fourth public hearing, and the recommendation is to continue to a fifth hearing. There is an addendum in this packet for the item. He covered processing permits of the quasi-judicial process. In ORS, new statutes state that subdivisions and design review will go through a new process. John prepared some proposed options as outlined on page 3 of the handout. He noted that new additions are outlined in bold, and covered appeal types on page 15, the non-conforming section that was reformatted starting on page 20, and stated that the area staff primarily has problems with are non-conforming use of buildings.

**John Knight** gave examples of conforming and non-conforming uses. He noted that primarily the code is a processing change and a little housekeeping.



**Open for Public testimony:**

**Jean Harris, 3305 Vittoria Way #41, Newberg, Oregon 97132.** We formed a task force of five members, with our first task being to get information. Our task is to provide or encourage a Comprehensive Plan for housing in Newberg. We would like some material to provide a study of citizen interest, and provide suggestions.

**Commissioner Haug** suggested that we give copies of all our books to this volunteer group, and John Knight suggested that one of them stop by our office to get this information.

**Norm Witherbee, 301 Hilltop Drive, Newberg, Oregon 97132.** He stated that he has an understanding of changes proposed, and requested that we not put barriers to the public in the change of this process, for we need to encourage public input. Sometimes written testimony could be a supplement, but continue having a group session, i.e. oral argument from a group. Public input is what government is all about.

**Roger Grahn, 9035 SW Sagert, Tualatin, Oregon 97062.** He stated that there were definitions that seemed unclear (i.e. general welfare, lot requirements, application based on criteria verses opinions).

**John Knight** responded that the interpretation consistently is that we never exceed the definition on the Comprehensive Plan of lot density. He also suggested that we take a look at the criteria on subdivisions and design review because they will now be looked at as limited land use options.

**Commissioner Morrison** stated that the Planning Commission hasn't had a lot of time to digest this, and is concerned about having citizen involvement in all phases. He also suggested a work session be held to review and discuss this document.

**Commissioner Haug** stated that we as a volunteer staff don't have time to re-write standards, but maybe a work session limited to where the weaknesses are would be appropriate.

**John Knight** wanted to clarify that there is a provision in the Subdivision Ordinance on page 34, regarding modification of provisions, and the adjustment procedure on page 68.

Discussion continued on the need of a work session and to continue this to another public hearing.

**Motion:** **Commissioner Haug/Harney** to keep the subdivision approval process in the hands of the Planning Commission, as it currently exists.

**Discussion on the Motion:**

**Commissioner Mills** said that this may be in violation of the statutes.

**Greg Scoles, Community Development Director** said the only flaw is how we do it today. It should stay with the Planning Commission, but not necessarily the same process as we do it now in terms of process.

**Commissioner Haug and Harney withdrew the motion just stated.**

**John Knight** asked that the Planning Commission continue this hearing and allow staff to bring more information and consult with legal council before the Planning Commission makes any decisions.

**Motion:** Commissioner Harney/Haug to continue this item to the public comment section.

**Vote on Motion:** The motion carried (6-0), with Commissioner Worrall abstaining.

**VI. OLD BUSINESS** (none)

**VII. NEW BUSINESS**

It was noted that future study sessions will be on the Specific Plan, Fees/Funding, Transportation Plan, Legal Issues, Utility Issues, and Greenway/Natural Resources Plan.

**Commissioner Haug** submitted to the record: Information on greenways.

**John Knight** asked commissioners to choose an item to cover at the next Planning Commission Meeting Work Session. The topic Utilities was chosen.

Commissioners suggested that slides/photographs be provided as part of the staff presentation for each new project.

**Chair Kriz** asked for information on trees that are recommended for the City.

**Barb Mingay** responded that the City received a proposed list from a consultant, but it has not been adopted by the City. They are available as an informational handout at the current time, and the Commission may want to add it as a hearing in the future.

**VIII. STAFF AND COMMISSION REPORTS**

1. Update from Open Space Committee

Commissioner Worrall reported back that things went well at the City Council meeting. The Open Space Committee is postponing the meeting due to mapping, the next meeting is scheduled for March 1, 1995.

2. Update on Council Items

The Rosen annexation went forward to City Council and was approved. A subdivision application is expected by approximately April.

The Urban Reserve area was continued due to an issue relating to percentage of resource lands. This was re-noticed for the March 6, 1995, City Council Meeting.

3. Other reports, letters, or correspondence  
(none)

4. Next Planning Commission Meeting March 9, 1995 (tentative roll call)

The agenda is expected to include a study session, and hearings on two subdivisions, and the Development Code. The study session will begin at 6:00 p.m. at the Library.

**VIII. ADJOURNMENT**

The meeting was adjourned at approximately 11:10 p.m.