

Newberg Public Library - Newberg, Oregon

MARCH 9, 1995

Thursday, 7:00 PM

Approved at April 13, 1995 Meeting

Attest:

Darla Baldoni
Recording Secretary

UTILITIES STUDY SESSION - 6:00 P.M.

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

Other staff present: Chuck Liebert, Utilities Division Manager, and Larry Anderson, Engineering Division Manager, were both present for the Study Session on Utilities. Terry Mahr, City Attorney, was present to discuss the Development Code (G-10-94).

Citizens Present:

29 citizens were present.

II. OPEN MEETING

Chair 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 reviewed the February 9, 1995 meeting minutes.

Commissioner Post asked a question about how something was quoted in the minutes. John Knight responded that the minutes are not verbatim, rather the general conversation for recording purposes.

Commissioner Haug noted that in the minutes his name is misspelled from page seven on (this has been corrected in the file/master set).

Motion: Commissioner Harney/Morrison to approve the minutes with correction as stated above of the February 9, 1995, Planning Commission Meeting.

Vote on Motion: Motion carried (7-0).

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

none

V. PUBLIC HEARING

PUBLIC HEARING (#1) This item was continued from the February 9, 1995 Planning Commission Meeting.

APPLICANT: David Nielsen

REQUEST: Subdivision of a 9.5 acre parcel into 40 lots with a minimum lot size of 7,000 square feet to be known as Natalie Heights. A request for modification of provisions to reduce the minimum lot size is also included.

ZONING: R-1 Low Density Residential

LOCATION: N. of Anne's Addition, West of 3617 N. Terrace Drive

TAX LOT: 3207AC-100 (parcels 1 and 2)

FILE NO: S-8-94 / Resolution 95-3

CRITERIA: Newberg Subdivision Ordinance 2294

OPEN FOR PUBLIC HEARING.

Chair Kriz entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Commissioner Mills stepped down from this hearing.

John Knight, Planning Division Manager, noted that you may only speak to the criteria as stated and reiterated that the public hearing portion was closed. The Planning Commission may reopen the hearing, however, the Commission is now in the deliberation portion.

MOTION: **Commissioners Morrison/Harney** moved to open for public hearing.

VOTE ON MOTION: (5-1) Yes: 5 No: 1 - Worrall Abstain: 1 - Mills

Abstentions/ex-parte contact: none

Objections: none

Staff Report: The report covered the extension of Morris and Jones streets to the North, increasing the right-of-way from 50 to 60 feet, but the streets remain the same (curb to curb). The applicant requested to reduce lot size from 7,500 square feet to 7,000 square feet to maintain the same number of lots. If the Commission proceeds with modification of provisions they may set a precedence for the future. The applicant also included an easement for utilities and pedestrian access that was not on the original proposal.

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

Proponent: **David Nielsen, 2925 Eric Court, Salem, Oregon 97304.** He felt that they had reached an agreement with the City on what is being proposed.

Proponent: **John De Young, 2459 S.E. TV Hwy #367, Hillsboro, Oregon 97123 (engineering consultant on this project).** He modified the right-of-ways to 60 feet, which is a 20% increase in the area needed for the right-of-way. Therefore, this is why we are asking for the reduction in lot size from 7,500 square feet to 7,000 square feet.

Proponent: **Richard ("Dick") Brown, 7340 S.W. Hunziker, Suite 205, Tigard, Oregon 97223.** He stated that they would like to maintain 40 lots, with either option.

Proponent: Joe Young, P.O. Box 729, 901 N. Main Street, Newberg, Oregon 97132. He stated that he was in favor of this project as a welcome part to the City.

Opponent: none

Questions to Proponent:

Commissioner Harney asked staff if the sewer and water would go off Anne's Addition.

John Knight responded that it originally will go down Main Street and it will ultimately go down College Street.

Commissioner Worrall asked Mr. De Young if the 50 or 60 foot right-of-way and the reduction in the lot size, is a request of either one or the other.

Mr. De Young responded that the original request was a 50 foot right-of-way with 7,500 square foot lots. This request would be to accommodate the City with a 60 foot right-of-way and request reduction of the lot size to 7,000 square feet. He also noted that this included street trees.

Public Agency reports: none

Letters: A letter was submitted by Richard K. Brown, Investor with Dave Nielsen, applicant. The letter stated the proposed changes as a solution to objections provided at the February 9, 1995 Planning Commission Meeting.

Proponent/Opponent Rebuttal: not applicable.

Staff Recommendation: Staff recommended approval of the revised plan with the Modification of Provisions and a reduction in the lot size from 7,500 square feet to 7,000 square feet as stated in resolution 95-3 (Option #2). The resolution, conditions, and findings are based on the revised plan with the modification to the lot size.

Hearing Closed.

Commission Deliberation:

Commissioner Haug commented that he felt the applicant has tried to meet the conditions requested by the Planning Commission.

Commissioner Worrall stated that he felt the Commission should follow the ruling document, the Comprehensive Plan, and felt that once the Commission starts approving variances they would then be changing what has been followed for 20 years. He also stated concern that if the Commission suggests that the developer lose lots (an economic loss), that it may open the City to a possible lawsuit or appeal.

There was general discussion on the reduction of lot size to the minimum of 7,000 square foot from 7,500 square foot lots, and if that were approved, it may set a precedent for the future. Commissioners referred to the Comprehensive Plan and discussed the 50 and 60 foot right-of-ways. They also discussed the options of one or both streets going through, traffic impact in that area, preserving the trees, and 60 foot right-of-ways with separated sidewalks.

John Knight stated for clarification that the Comprehensive Plan lists 4.4 units per acre, and the Zoning Ordinance states the lot size.

MOTION: Commissioners Morrison/Harney to approve the subdivision to put Jones and Morris Streets through, go with 60 foot right-of-ways, and 7,500 square foot lots.

VOTE ON MOTION: (5-1) Yes: 5 No: 1 (Worrall) Abstain: 1 (Mills)

MOTION TO AMEND MOTION: Commissioner Haug/Post to add that staff work with the developer to allow Jones Street to swerve to preserve the natural resource to the North.

VOTE ON MOTION: (5-1) Yes: 5 No: 1 (Worrall) Abstain: 1 (Mills)

PUBLIC HEARING (#2)

APPLICANT: Iryl Crisman

REQUEST: Subdivision of a 3.75 acre site into 10 lots with a minimum lot size of 7,500 square feet and an average lots size of 16,340 square feet to be known as Crisman's Acres. A modification of provisions to the lot size requirements is also requested to allow an existing duplex on a 7,575 square foot parcel within the subdivision. Overall density is approximately 3.4 units per acre; 4.4 units per acre is the maximum allowed in the zone.

ZONING: R-1 Low Density Residential

LOCATION: 600 Dayton Avenue

TAX LOTS: 3219AC-5200, -5800, -5900, and -5990

FILE NO: S-1-95 / Resolution 95-6

CRITERIA: Newberg Ordinance 2294

Abstentions/ex-parte contact:

Commissioner Mills drove out and looked around, didn't notice any difference from the plat plan.

Commissioner Haug drove by and noticed two automobiles on the grass off the street.

Commissioner Post stated that she went there a long time ago.

Objections: none

Staff Report: Barb Mingay, Planning Technician, presented a slide show, showing the property from all sides. She covered the highlights as outlined in the staff report.

Preliminary Staff Recommendation: In the absence of testimony presented at the Public Hearing, staff recommended approval of Resolution 95-6.

Commissioner Mills asked staff about the utility easement on the southern boundary, and where the paved road ended.

Barb Mingay replied that this is for storm drainage. The street proposed will be private and narrows down with no sidewalks.

Commissioner Morrison asked about a turnaround for Fire Department trucks.

Barb Mingay responded that in the middle, the driveway area is like a hammerhead and would provide a turnaround which was determined to be adequate by the Fire Department.

Commissioner Worrall asked about maintenance of the street as a private road.

Barb Mingay noted that it should be a maintenance agreement to go with the land, so it would be picked up with the title report for any new owner.

Chair Kriz asked for the criteria on a private street.

John Knight responded that we don't have standards on private streets. He went on to state that we do have a standard (administrative policy) of a 25 foot easement for streets.

Proponent: **Iryl Crisman, 600 Dayton Avenue, Newberg, Oregon 97132.** With the modification as stated, it would allow for a maintainable duplex lot and allowable parking to keep vehicles off Dayton Avenue.

Proponent: **Thomas Shaw (Architect), 6223 N. Michigan Avenue, Portland, Oregon 97217.** He stated that the duplex lot is close to Dayton Avenue and would not impact the subdivision.

Opponent: none

Questions to Proponent:

Commissioner Worrall asked Mr. Shaw if they had looked at the impact of the buildable lot sizes if they went to the City standards for the streets.

Mr. Shaw answered no.

Commissioner Mills asked how wide the driveway is now.

Iryl Crisman answered that it is 12 feet, and is proposed to go to 20 foot.

Commissioner Haug questioned if the mature trees would be preserved.

Iryl Crisman responded that they will try to preserve the trees except for the two near the front due to the driveway.

Commissioner Morrison asked if they had considered maintaining the open space area.

Iryl Crisman responded that it is a canyon, and you really can't get down in there.

Public Agency reports: none

Letters: none

Proponent/Opponent Rebuttal:

Commissioner Mills asked staff if plans "should" be made to preserve existing trees.

John Knight responded that it is not mandatory, trees should be sited.

Commissioner Mills asked about requirements for subdivisions on streets.

John Knight responded that only a 25 foot right-of-way needs to be provided.

Iryl Crisman stated his concern about statements made regarding problems on private streets and the reference made to Jaquith Park. He is not aware of any problems with the streets.

Staff Recommendation: Staff recommends adoption of Resolution 95-6 as stated.

Hearing Closed.

Commission Deliberation:

Commissioners discussed issues based around the private street. The turnaround met the requirements for the Fire Department. Commissioners expressed concern about mailboxes and garbage cans having to be taken out to the main street to the curb. Parking on the street, and the maintenance of the private road by the property owner was also discussed.

John Knight noted that there are other private streets in the City, and the right-of-way for a public street is 50 feet, with a 32 feet paved width.

Motion: **Post/Haug** to approve Resolution 95-6 as written.

Vote on Motion: The motion carried (6-1). Yes: 6 No: 1 (Kriz)

Barb Mingay stated the appeal process.

Chair Kriz called for a 5 minute break at 8:45 p.m.

Chair Kriz reconvened the meeting at 8:52 p.m.

PUBLIC HEARING (#3)

APPLICANT: Pacific Empire Builders, Inc.

REQUEST: Subdivision of a 7.18 acre parcel into 31 lots with a minimum lot size of 7,500 square feet and an average lot size of 7,691 square feet. Overall density is 4.3 units per acre; 4.4 units per acre is the maximum density for the zone.

ZONING: R-1 Low Density Residential

LOCATION: South of Crestview Dr. East of Libra St.

TAX LOT: 3216BA-3100

FILE NO: S-2-95 / Resolution 95-7

CRITERIA: Newberg Ordinance 2294

Commissioner Harney stepped down for personal reasons.

Abstentions/ex-parte contact:

Commissioner Mills drove by and didn't note anything special.

Commissioner Haug drove by and noted trees in the southeast corner.

Objections: none

Staff Report: Barb Mingay presented slides on the location. John Knight showed an overhead of the

proposed site and adjacent properties. He noted that an adjacent area off of Leo Lane has had occasional drainage problems in heavy rains. He also spoke with a neighbor from the end lot of Leo Lane and they didn't feel that they had any drainage problems.

Preliminary Staff Recommendation: In the absence of testimony presented at the Public Hearing, staff recommended approval of Resolution 95-7, which would allow for development of a 31 lot subdivision.

Commissioner Mills asked about the street front along Crestview .

John Knight stated it should transition nicely from an 8 foot planter strip to a 6 foot planter strip.

Commissioner Worrall asked if Crestview is a City street at that point.

John Knight noted that it is a County street.

Commissioner Worrall asked if the City will be taking over the maintenance on the street put in by Oxberg Lake residents.

John Knight responded that the City would most likely take over the portion of the street where the development is.

Proponent: Curtis Walker, Pacific Empire Builders, 29500 N.E. Benjamin Road, Newberg, Oregon 97132. He felt that the six foot brick wall and entry way will make it an attractive subdivision. They plan to develop in one phase with plans to build in the \$150,000 to \$250,000 price range.

Proponent: Jerry Green (representative of the applicant), 780 Commercial Street S.E., Suite 302, Salem, Oregon 97301. He covered the details of the proposed subdivision. He noted that the drainage all would drain to the south, and noted their solution to take all the drainage off the site and put it into pipe (into the street and then into the pipe). The soils report indicated that there were not any wetlands. He also noted in the plan that Crestview will have a six foot park strip, a wider entrance that is tree lined, street trees on the exterior, and preservation of most of the existing trees.

Proponent: Jeff Osborne, 3202 Crestview Drive, Newberg, Oregon 97132. He felt that this would be a nice development.

Proponent: Jean Harris, 3305 Vittoria Way, #21, Newberg, Oregon 97132. Her only concern is the transportation on Vittoria, otherwise she is in favor of the development.

Staff noted that Springbrook is indicated as a Minor Arterial Street.

Proponent: Raymond Johnson, 4201 Birdhaven Loop, Newberg, Oregon 97132. The proposal looks good to him, but he has a concern about the drainage to the south and to the east. Another concern is on traffic, and he hopes that it will be coordinated with the County, from Libra out to Springbrook.

John Knight responded that the City has no intention of taking on the maintenance of Crestview at this time.

Proponent: Dan Peak, 4402 Birdhaven Loop, Newberg, Oregon 97132. On clarification of the six foot wall in Oxberg Lake, and in the Transportation Plan, it stated an eight foot wall for sound reduction, and he isn't certain if it extends beyond Oxberg. He commented that he was surprised at how fast this development came about after approval of the Transportation Plan.

Opponent: Janet Irish, 1807 Leo Lane, Newberg, Oregon 97132. She is concerned about the drainage and if the 12 foot drain is adequate to handle the drainage. She suggested that the drain be checked that it actually goes south, and that a gentleman from the Sewer Department said it curved around.

Questions to the proponent:

Commissioner Mills asked Ms. Irish if she was satisfied with the idea of putting in a larger pipe.

Ms. Irish talked with the developer about that, and felt it would help the drainage.

Johann May, 312 N. Edwards, Newberg, Oregon 97132. He is very concerned about the traffic plan, and all the truck traffic that will take place on Crestview.

John Knight responded that it is likely that Crestview will be relocated.

Patron (name not announced) would like to encourage the City to work with the County to do something with Crestview.

Public Agency reports: none

Letters: A letter and pictures were submitted for the record from Robert and Janet Irish, 1807 Leo Lane, Newberg, Oregon 97132. The letter addressed the concern that the 12 inch culvert may not support additional drainage/runoff from the development of this site.

Proponent/Opponent Rebuttal: none

Staff Recommendation: To approve the subdivision as proposed.

Hearing Closed.

Commission Deliberation:

Commissioners discussed that the proposed plan of the development would improve the drainage in that area. Also, they asked about the traffic on Vittoria.

John Knight responded that the current traffic does not exceed standards and will improve when the northern collector is built in the future.

Chair Kriz also stated that the Transportation Plan does plan to have Crestview go out to 99W.

Motion: **Commissioners Worrall/Post** to adopt Resolution 95-7.

Vote on Motion: (5-1) Yes: 5 No: 1 - Mills Abstain: 1 - Harney

Chair Kriz asked about dust abatement on Crestview.

John Knight responded that it is a County road and it would be their responsibility, or the developer's if he wanted to do that. It is not in the best interest of the City for maintenance purposes.

Barb Mingay stated the appeal process, a 30 day appeal.

Chair Kriz announced a change in the order of the agenda, to move New business item #1 ahead of Public Hearing #4.

VII. NEW BUSINESS

1. **APPLICANT:** NSP Development
REQUEST: Extension of time for submission of a final plat for Phases II-IV of The Meadows Subdivision
FILES: S-2-92 and S-1-94 / Resolution 95-8.
TAX LOTS: 3207DB-4200, 3207-3100 and 3220DB-4300
LOCATION: West of The Meadows, Phase I, off of N. College and Edgewood

Staff Recommendation: Recommended to adopt Resolution 95-8, which approves a one-year extension of the preliminary plat approval for Phases II-IV, The Meadows Subdivisions.

Motion: **Commissioner Harney/Post** to extend for one year.

Motion re-stated: **Commissioners Harney/Post** to restate the motion to approve resolution 95-8 as stated.

Vote on Motion: (7-0) The motion carried unanimously.

PUBLIC HEARING (#4)

REQUEST: Development Code: Revisions to the Development Code
FILE NO: G-10-94 / Resolution 95-5

This hearing was continued from the February 9, 1995 Planning Commission Meeting.

Commissioner Worrall stepped down from this hearing.

Chair Kriz re-opened the hearing.

Staff Recommendation: John Knight referred commissioners to the Permit Processing Matrix enclosed, and stated that the four types as listed are being proposed. He went on to discuss the various types. Staff recommended to continue this item to the April 13, 1995, Planning Commission Meeting, leaving the Public Comment portion open.

Terry Mahr, City Attorney, distributed to commissioners and staff, a handout on the "Newberg Development Code" on limited land use. He also noted that the Legal Department has gone through the Development Code once and is waiting for the Commission's response. He felt it would take one month to look over.

He noted an example of how Portland had put their laws in affect and then went back and looked at how they could handle the types. He reviewed the four types of process and how they were implemented. He then referred everyone to the handout regarding land use and limited land use decisions.

He commented on concerns of the commission, particularly on subdivisions. Under land use, a notice would go to neighbors within 100 feet of the site, and they would have a 14 day period to comment. They

would also be notified of the decision unless there is no comment, then notice is not required. If the decision is changed, then there is another period for comment.

Hearing Closed.

Commission Deliberation:

Commissioners made comments and discussed concerns on keeping some aesthetics for the City, defining and following the Comprehensive Plan, streamlining the process with types one and two being administratively handled, and expressed concerns about on subdivisions being a staff decision.

Chair Kriz supported subdivisions being handled at the Planning Commission level, but not by a public hearing.

John Knight commented that we need to first get legislative things and standards taken care of. He recommended that the Commission get the permit processing in place, then start on other issues like the Transportation Plan, tree ordinances, open spaces, etc. He also stated that the majority of the changes to the Development Code are on processing, non-conforming use, and fencing.

Commissioner Post asked for clarification of the Historic Preservation process, noted in the new code. John Knight stated that he will correct this.

Motion: **Commissioners Post/Harney** recommended that the City Council approve the Development Code document draft, dated October 27, 1994, with the following amendments:

1. Inclusion of changes in "Addendum to the Newberg Development Code Draft: October 27, 1994, Addendum date: February 2, 1995," excluding the limited land use process for subdivisions. (see part 2 of motion).
2. Inclusion of changes in Planning Commission Memo dated February 22, 1995, adding a new Type II-A process for limited land use decisions on subdivisions so they will be reviewed by Planning Commission rather than staff.
3. Amend the Historic Landmark Designation, Type III process, so that the Planning Commission has final authority on designation of a Historic Landmark.

Amendment to Motion: **Commissioner Haug/Harney** to amend motion to make service stations conditional use permits (currently permitted use).

Vote on Amended Motion: The motion carried (6-0) Yes: 6 No: 0 Abstain: 1 - Worrall

Final Vote on Motion: The motion carried (5-1) Yes: 5 No: 1 - Morrison Abstain: 1 - Worrall

Commissioner Haug brought up the point that the Commission needs to look at gas stations as a conditional use permit.

VI. OLD BUSINESS (none)

VII. NEW BUSINESS Covered previous to public hearing #4.

VIII. STAFF AND COMMISSION REPORTS

1. Open Space: the next meeting is scheduled for March 15, 1995.
2. Update on Council. The Twenge annexation was continued to the next City Council meeting, so that the applicant could dedicate the necessary right-of-way along Hancock Street.

Urban Reserve Area (URA) was tentatively approved by the City Council with the request that it be returned with the findings for final approval. All lands indicated as resource lands will be excluded from the approved URA. This would reduce the area from 25 years to about 10 years land supply.

3. Other reports: none

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:55 p.m.

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