

Letters: None.

Staff Recommendation: **Mr. Barton Brierley** provided the staff report. Mr. Brierley discussed definitions and some objections to the use of private streets. Mr. Brierley said that it appears that staff, the City Council and the Planning Commission seem to agree that new private streets should be prohibited. Mr. Brierley discussed private streets, private drives and possible policies. Attachments B & C were intended as interim policies until new rules are adopted by Council.

1. Should private streets be allowed? It is staff's recommendation that they not be allowed.
2. Defining "private street". Example: two houses sharing a common street is not necessarily a private street, but twenty houses sharing a common drive could still be defined as a private street. Mr. Brierley explained the options:

Commissioner Haug asked what was the criteria, such as width, curbs, and sidewalks that described a private street.

Mr. Brierley referred to Attachment C, which indicated that a private drive has a shorter access way. A public street is 32 ft. wide with curbs and sidewalks and a 54-65 feet right-of-way (variable). A private street could be less than that standard. A private street does not necessarily have to provide sidewalks (may not be required same as curbs). A private drive depends upon the length and how many dwelling units it would serve.

Commissioner Ashby referenced the Development Code definitions and criteria.

Chair Miller said the Commission is to provide a clear definition. Discussion was held concerning problems with defining the description. Mr. Brierley reviewed the process he would like to take to arrive at more definitive definition and a provide for a clearer sense of direction for its use.

Mr. Brierley reviewed what is a private street under option / a private drive can serve up to 6 dwelling units. A duplex is 2 dwelling units. Mr. Brierley provided various scenarios of situations where private drives would be utilized. To clarify, Mr. Brierley said that private drives would not be allowed if more than two lots accessing a private drive do not have frontage on the private street. Discussion was held concerning dwelling units, lots and compliance with fire department standards. Another option would be that every lot would have frontage on a public street.

Mr. Brierley said that he would like to have the Commission consider issues dealing with narrow street frontages but which are also deep lots. Mr. Brierley discussed existing private streets. As a recommendation, he suggested that there be a relief valve for the slender lots. Option 1 is the current one that the City is operating under.

Hearing Closed.

Commission Deliberation:

Commissioner Hannum discussed multi-family standards' dealing with access.

Commissioner Ashby expressed concerns about ordinance enforcement on private streets. Mr. Brierley said that he talked with Police Chief Tardiff concerning enforcement of handicap parking in commercial areas. Discussion was held concerning manufactured home parks and restricted parking.

Chair Miller noted concerns about terminology and definitions.

Commissioner Haug reviewed land use configurations (livable situations).

Commissioner Fowler said she has concerns involving the differences between private streets and private drives and whether or not exceptions could be made to address the problems. The exceptions should also be to City Code.

Commissioner Hannum said that private streets and drives that have a large number of residences are buying into a long term problem as to maintenance and ordinance enforcement. He would like to move

toward private drives for access for a couple of lots/properties.

Commissioner Ashby asked if there was a problem with property owners giving back the street to the City for maintenance or other purposes. Mr. Brierley said that it happens and that it is more frequent when the streets are generally to City Code.

Commissioner Ashby said he has objections to private streets because of ordinance enforcement, but if they can be resolved by ordinance to enforce them, then it removes a main objection that he had.

Commissioner Wall said that if they meet all City standards (they rarely will), or if they do not meet the standards, the City is not required to bring those streets under City maintenance and provide City services. Mr. Wall said that most developers want private streets simply because they do not meet the standards. The real issue is whether or not the community is giving exclusivity (social engineering) to its residents. The concern is that the private streets do not meet City Code and the City is required to make them comply. Discussion was held concerning the Council possibly enacting specific ordinances. Mr Wall said he is in favor of private drives with maximum of two lots (with frontage) and erring on the side of being more restrictive. He does not support private streets. Commissioner Wall discussed the City of Vernonia's problems with phantom streets that intersect certain long lots. Discussion was held concerning unusual length lots (utilizing in-fill) and road or access mechanism that will gain access to a public street.

Commissioner Haug said he would recommend the elimination of private streets and allow private drives as stated on page 23. He said that we need to make sure that driveway use is an integral use of the word as defined. He thinks that variances should be certain situations with in-fill (long narrow lots with no public or private streets in place). The City needs some sort of private or situation variance (not as an administrative review but allow for public review). Discussion was held requiring access to new developments. Commissioner Haug expressed concerns about the development along Dayton Avenue (Crisman Estates). We need to make sure the safety factor is in place. If the City wants to have enforcement standards, let them do them so independently as long they are enforced by the ordinance process which would allow flexibility for enforcement of private streets.

Chair Miller noted to the Commission that the definition of driveway (Attachment B) is different than what the Code states. Discussion was held concerning the application of the existing code involving private streets and drives. Commissioner Wall expressed concerns about setting precedence.

Mr. Brierley said no City policy over-rides a Code. The Code does not prohibit private streets.

Commissioner Hannum said that a driveway ends at the driveway and does not connect to another lot.

Chair Miller suggested that the Commission not look at the March 3, 1997 memorandum in order to provide for the Commission's decision.

Commissioner Hannum suggested that private streets should not be allowed. However, it is the City's policy not to have private streets, except where necessary and that they meet certain criteria and characteristics. Discussion was held concerning the definition of private drives and private streets (service drives).

Commissioner Fowler said that the Commission should determine what standards would require variances on a case by case basis.

Ms. Barbara Mingay defined service drive and driveway: that which is to obtain access to three lots (one in front and two behind) as opposed to a service drive or private street. Ms. Mingay said a variance decision does not come to the Planning Commission. Discussion was held concerning conditional uses.

Commissioner Wall said he is not in favor of private streets.

Commissioner Haug said that private streets should be allowed in certain circumstances.

Motion #2:	Haug/Fowler that privates streets not be allowed in the City as defined in the City's Development Code (page 23) and direct staff to formulate the appropriate final language.
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Vote on Motion #2:	The motion carried (6 Yes/1 Absent [Parrish]).
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Motion #3:	Hannum/Wall to remove the definition of "driveway" on page 13 in the Code and leave "driveway access".
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Ms. Mingay said that the area for which the permit is provided for the private property driveway is for ingress and egress purposes. **Mr. Brierley** said that the two are very confusing. The application process provides that they need a permit to go across the road right-of-way to get to the private property.

Vote on Motion #3:	The motion carried (6 Yes/1 Absent [Parrish]).
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Discussion was held concerning further recommendations and clarifications concerning the language adopted by the Commission.

Commissioner Haug noted access issues dealing with a number of lots (driveway approaches and service drives) with clear definitions of private streets. Discussion was held concerning keeping the definition and diagram in place and redefine driveway and how the word "driveway" is used throughout the Code. He suggested that the Commission keep the definitions in place, but close loopholes which would provide for alternative meanings.

Chair Miller restated the prior decision of the Commission concerning definitions.

Motion #4:	Haug/Ashby moved that for the purpose of definition, service driveway is part of a private street or a private drive depending upon how many lots the parking space services.
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Commissioner Haug discussed the use of private streets and service driveways. Discussion was held concerning service drives.

Commissioners Ashby and Haug withdrew their motion/second.

Motion #5:	Haug/Ashby to amend the following sentence (page 24) relating to service drives noted in the Development Code. To provide: A service drive is either a private street or a private drive as defined in this Code.
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Vote on Motion #5:	The motion carried (6 Yes/1 Absent [Parrish]).
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Motion #6:	Haug/Fowler to direct staff to review the Comprehensive Plan and Development Code and bring forward any resolutions of conflicts in the use of the words.
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Discussion was held concerning simplifying the changes that need to be done.

Vote on Motion #6:	The motion carried (6 Yes/1 Absent [Parrish]).
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Chair Miller confirmed with the Commission and staff their intentions as indicated in Attachment D.

Mr. Brierley discussed service drives and the lots they serviced.

Motion #7:	Haug/Ashby moved to adopt the definition on Attachment D (page V-1/P6).
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Commissioner Fowler expressed concerns about private drives and private streets. Commissioner Haug said that due to existing private streets and drives, the definitions must be present to cover ordinance enforcement. Discussion was held involving revising the definition to allow for existing private drives/streets.

Commissioner Wall said we need additional language which would cover existing streets but reflect that private streets are not allowed.

Ms. Mingay referenced the language presented in the revisions that "New private streets, as defined in Section 10.06 of this Code, shall not be created."

Commissioner Wall expressed concerns about frontage and access. Ms. Mingay stated that ODOT has expressed problems dealing with properties that front State highways. Instead of allowing for one point of access, there could possibly be three additional accesses.

Motion #8:	Haug/Wall only adopt the modified definition for private drive and delete the word "less" to "fewer lots" and not make the change to private street definitions.
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Vote on Motion #8:	The motion carried (5 Yes/1 No [Hannum]/1Absent [Parrish]).
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Discussion was held concerning curbs, sidewalks and street widths.

Commissioner Wall said that the City has the ability to regulate driveway approaches which involve curbs and sidewalks.

Commissioner Fowler said that the Fire Department has approved the changes.

Commissioner Haug said that he would add private streets (as defined in Section 10.06 shall not be created) and that private drives shall be referenced on page 187.

Commissioner Haug said he would suggest that the Commission adopt the changes as proposed by staff. Commissioner Hannum said that the public street standards and conditional use issues need to have further clarification in this meaning. Discussion was held concerning not allowing private ingress and egress to 3 or 4 more pieces of property.

Commissioner Haug said that private streets should be built to public street standards. Ms. Mingay said that on a frequent basis, it appears that there is not sufficient space and there are problems in dealing with ingress and egress.

Commissioner Wall said there are times he does not feel that in-fill situations should always be allowed. Discussion was held concerning minimum density issues.

Commissioner Hannum said he has dealt with variances and conditional uses in other planning commission issues. Commissioner Hannum said that there should be starting points to allow for some variances to the modifications.

Commissioner Fowler expressed concerns over conditional use and street width standards.

Motion #9:	Haug/Ashby moved to adopt the changes as proposed by staff and striking the word "private drive" from paragraph 3 as proposed by staff (page 216 of the Development Code).
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Vote on Motion #9:	The motion carried (5 Yes/1 No [Hannum]/1Absent [Parrish]).
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Ms. Mingay clarified the changes to amend page 76 (conditional use permit with certain uses). 10.30.050 (13) add item 14 to be included.

Motion #10:	Haug/Hannum add Section 14 of Section 10.30.050 (Conditional Uses Permitted in Any Zoning Districts). Which reads as follows: Modification to public street standards for the purpose of ingress and egress to three or more lots.
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Motion #11: Amendment to Motion #10:	Haug/Wall amend motion to allow for ingress and egress of 3 - 6 units. (Minimum 3 lots with maximum of 6 lots).
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Vote on Motion #11: Amendment to Motion #10:	The motion carried (6 Yes/1 Absent [Parrish]).
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Vote on Motion #10 as Amended:	The Motion carried (6 Yes/1 Absent [Parrish]).
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Commissioner Fowler said she would recommend a minimum of three and not more than six dwelling units.

Vote on Motion #12:	Fowler/Hannum to adopt staff's recommendation for changes 10.50.145 .
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Vote on Motion #12:	The motion carried (6 Yes/1 Absent [Parrish]).
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Motion #13:	Wall/Fowler that additional density shall not be allowed in existing private rights of way that do not meet private drive standards.
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Commissioner Wall said that the motion does not affect the prior motions approved. They would have option to subdivide property, allow the private drive, and still would be an allowable use (existing private street with 2 or more dwelling units).

Commissioners Wall and Fowler withdrew their motion/second.

Motion #14:	Wall/Fowler that additional density shall not be allowed on existing private rights of way that do not meet the definition of a private drive.
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Ms. Mingay expressed concerns involving existing private street developments and how it would not allow the building lots that are already approved. Commissioner Wall stated that was not the intent.

Vote on Motion #14:	The motion carried (6 Yes/1 Absent [Parrish]).
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Motion #15:	Haug/Wall that the Planning Commission's decision on the March 2, 1997 memo from Duane R. Cole, City Manager, is null and void based on the decisions made by the Planning Commission dealing with private streets.
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Ms Mingay suggested that the outline be followed on interim standards which are adopted by the Commission and to be presented to the City Council for adoption. Clarification was made as to the actions of the Commission in considering standards.

Commissioners Haug/Wall withdrew their motion.

Motion #16:	Haug/Wall that the Planning Commission consider these interpretations on Attachment B superseded by the decisions and recommend that staff follow their decision until formal adoption by the City Council.
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Vote on Motion #16:	The motion carried (6 Yes/1 absent [Parrish]).
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VI. DISCUSSION ITEMS

1. Type II Subdivision Review; Resolution 98-103

Motion #17:	Fowler/ to table the Type II Subdivision review (Resolution No. 98-103) to the January 14, 1999 meeting.
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Vote on Motion #17:	The motion failed for a lack of second.
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Motion #18:	Wall/Fowler table the Type II Subdivision review (Resolution No. 98-103) to the December 10, 1998 meeting.
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Vote on Motion #18:	The motion carried (6 Yes/1 absent [Parrish]).
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VII. ITEMS FROM STAFF

1. Update on Council items

None.

Mr Brierley presented the letter from Sid Friedman (Friends of Yamhill County).

Commissioner Haug said that he is uncomfortable with manufactured home park and multi residential standards in place (maximum livability and long term value).

Commissioner Wall expressed concerns about issues dealing with residential needs analysis and he would be opposed to bringing them up for discussion in one piece, but if there are specific issues he would not have any objection.

Commissioner Ashby discussed density, housing and the population projections being available before addressing the residential needs analysis. He objects to a piecemeal approach without really understanding and realizing the impact. He has not seen any objectionable verifiable evidence.

Commissioner Haug addressed point system standards (maximum livability, preserving residential values and not addressing density issues). He was suggesting a stronger approach in determining financial impacts or process them too fast.

Commissioner Fowler said that without the proper facts to make determinations, they cannot make a

final decision (such as population projections). The Commission could address the process after the first of the year.

Commissioner Wall said the statements concerning affordable housing is an issue. The reason that the Commission postponed the matter is that the Commission was not making progress. There are legitimate concerns which should be brought up (specific issues).

Commissioner Haug said there were several issues the Commission approved which should be forwarded to the Council and would suggest that those issues be submitted to the Council as soon as possible.

Commissioner Ashby discussed issues on affordability. He would like to see what the City's policy is in mitigating the increased costs as part of the whole residential needs issue.

Commissioner Haug said he felt that the decisions concerning the financial impact and the fine tuning of issues heard and decided by the Planning Commission should be forwarded to the Council for final deliberation and approval.

Motion #19:	Haug/Wall stated that the Commission has completed a number of items on the Newberg Residential needs analysis. The motion is to direct staff to extract those completed decisions and place them into a form or report so they can have final review by the Commission to be submitted to the City Council for their consideration at the January 14, 1999 meeting.
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Ms. Mingay discussed Comprehensive Plan amendments and the process of how changes would be made.

Vote on Motion #19:	The motion carried (5 Yes/1No (Ashby) and 1 Absent [Parrish]).
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2. Other reports, letters, or correspondence
None.
3. Next Planning Commission Meeting: November 12, 1998. Please note: only one Planning Commission Meeting will be held during the months of November and December on the second Thursday of the month.

Mr. Brierley said that there are pending permits for apartment complexes and conditional uses in the City of Newberg.

Commissioner Haug asked about the point system evaluation to get feeling on how to rank developments. Ms. Mingay said that she would cover this as a distribution, due to the point system as an exercise and not as part of an ordinance. Discussion was held concerning possible ex parte contact. Ms. Mingay said she would review issues dealing with distributing the information to the Commission with the City Attorney.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Wall said he had 4 or 5 people tell him that a Planning Commission member was going door to door support candidates for an elected position. Discussion was held concerning the impropriety of actions of officials during elections.

IX. ADJOURNMENT

The meeting was adjourned at approximately 10:25 p.m.

Passed by the Planning Commission of the City of Newberg this 12th day of November, 1998.

AYES:

NO:

ABSTAIN:
(list names)

ABSENT: 1 (Ashby)

ATTEST:

Peggy R. Hall
Planning Commission Recording Secretary Signature

Peggy R. Hall 11-12-98
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 21, 1998 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

PROJECT FILE #

GR-2-95: Letter from Sid Friedman, Friends of Yamhill County concerning residential needs analysis.

PROJECT FILE #

Memo from Matson Haug to City staff concerning “public hearings for large industrial facilities”, such as asphalt plants, etc.”

LABELS FROM THE 10/21/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

name

Be sure to add file number by