PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, November 10, 1999 AT 7 P.M.

Approved at the January 13, 2000, Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Bob Andrews	Stephen Ashby	Steve Hannum, Chair
Warren Parrish	Lon Wall	Rob Molzahn

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Heidi Hess, Recording Secretary

II. OPEN MEETING

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

III. CONSENT CALENDAR

1. Approval of October 14, 1999 Planning Commission Minutes.

Motion #1:	**Parrish/Andrews** voted to approve the consent calendar items, approving the minutes of the October 14, 1999, Planning Commission Meetings.

Vote on Motion #1:	The Motion carried (6 Yes/1 Absent [**Haug**]).

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

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** D & D Properties
REQUEST: Approval of a 10-lot subdivision to be known as Lilly Estates
LOCATION: In the 600 block of Wynooski east of Seventh Street
TAX LOT: 3220CA-400 and -401
FILE NO.: S-19-99 **RESOLUTION NO.:** 99-123
CRITERIA: Newberg Development Code 10.34.030

OPEN FOR PUBLIC HEARING:

Chair Hannum cited ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact:

Commissioner Ashby indicated that he had driven past the site, saw what was there, but has nothing to report.

Commissioner Andrews said that he had driven by the Wynooski side of the property today. However, no issues were raised.

Objections:
There were no objections.

Staff Report and Preliminary Staff Recommendation:

Ms. Mingay presented the staff report. It is the recommendation of the staff to adopt the Resolution 99-123 approving the 10-lot subdivision to be known as Lilly Estates.

Ms. Mingay referred to the map exhibits with conditioned approval recommended by the staff. Staff's primary concern has to do with the storm drainage and how it will be dealt with. A storm drain easement must be obtained to connect the storm drain and Hess Creek. These concerns have been incorporated in the Staff Report.

Proponent:
Mr. Len Schelsky of Westlake Consultants, 15115 S.W. Sequoia Parkway #150, Tigard, Oregon 97224, approached the Commission, representing the applicant/land owners who were also present. He indicated that various options for the off-site storm drainage are being pursued. All utilities are in place and the existing house will be moved to lot 10 which is shown on the plan. The existing barn will be moved also. The set-back requirements will be met.

Mr. Mike Fingerut of 712 Wynooski spoke as the owner of the property that the creek runs through, behind the Lilly's home. He indicated that a portion of his property is contiguous to the Lilly's property. He suspects that his property may be effected and is present to hear and ask any questions that may arise. Mr. Fingerut is neither a proponent or opponent.

Commissioner Wall asked Mr. Fingerut if he had any objections to the issue. Mr. Fingerut answered, saying that he has is putting his faith in the Staff and the applicant that the issues of density, zoning, and traffic impact have been taken into consideration.

Mr. Schelsky responded to Commissioner Wall's question by assuring him that the owner has looked at traffic impacts, as well as other aspects that may effect the neighbors, including the storm drainage situation.

Commissioner Wall was cautious to make sure that Mr. Fingerut had been well-informed and there were no further issues to be considered prior to the vote of preliminary approval. Mr. Fingerut indicated that the first time he heard of the situation was last night. Not knowing how the easement would effect his land due to the construction that would take place, it was his desire to be informed, so he could continue to use and enjoy his property. Mr. Fingerut reiterated that he is not an opponent and did not wish to be characterized as such. Commissioner Wall continued, saying that he wanted to make certain that concerns of the property owners were addressed, if there were any.

Ms. Mingay clarified that the approval process this evening is a *preliminary* plat approval process only. The process would be going no further than the Planning Commission at this point, unless it is appealed. Once preliminary plat approval is received, the applicant has approximately one year to complete a final plat and get it recorded at the county. Some mechanism to deal with the storm water is required. However, using the adjoining property as a drainage way is not the only option available to the applicant. The issue of obtaining an easement can be a negotiation issue with the applicant and the adjoining property owner, or the applicant may come up with another mechanism by which the issue may be dealt with. How much emphasis the Commission should place on the issue of drainage may not need to be a concern at this point.

Commissioner Deliberation:

Chair Hannum stated the fact that the stream creates water flow and the natural absorption of the ground would decrease with the building of the homes in the subdivision.

Commissioner Parrish asked Mr. Schelsky to clarify some of the options that he and the applicant are exploring to alleviate the potential drainage problems. Mr. Schelsky indicated that Mr. Fingerut would be consulted after the initial approval process occurred and they would discuss the possibility of either accessing the existing easement or creating another easement adjacent to the property.

Ms. Mingay indicated that this is not an untypical activity. That is why the staff report has a condition that an easement must be obtained in order to be able proceed with the final plat coordination. An easement must be obtained and the storm sewer must be properly accommodated in order to proceed.

Commissioner Ashby addressed his concern about the grade of the property. Mr. Schelsky agreed that some fill could be applied, if needed.

Commissioner Parrish referred to his packet regarding tree removal. Mr. Schelsky said that an additional map was submitted that showed trees. On the west there were fruit trees that would be removed. To the east there were also some trees that would be removed. A portion of the trees would be spared on the perimeter of the property. Referring to the map, there were firs and oaks on the south property line, some of which would be saved. Trees to the north would be removed, due to the fact that they are fruit trees. Commissioner Parrish asked what type of trees would be used as replacement. Ms. Mingay replied that the requirement was that the street trees be installed. Removal of corridor trees would not be approved nor would it be allowed.

Commissioner Parrish inquired about the foot bridge as indicated on the map. He wanted to know if the foot bridge was still used. Ms. Mingay indicated that this was on the plat from the early 1900's and was not in current usage. There is a portion of this area that has actually been vacated.

Commissioner Ashby questioned the staff with regards to the sidewalk and what this would look like in comparison to the adjacent properties. Ms. Mingay indicated that the sidewalk would be connected, as long as it met the adjacent property. The intent is to connect to the existing sidewalk.

Commissioner Parrish asked for verification that the interior yard setback is five foot for R2 zoning. Ms. Mingay clarified that a five foot setback is correct for both R1 and R2.

Chair Hannum posed the question to Mr. Schelsky as to how storm water would be piped and routed, assuming a creek easement could be obtained. Mr. Schelsky indicated that there are a few different options, as indicated in the staff report under Item 2, Engineering Data - providing plans for storm drain pipe or line channel. This will be worked out with the land owner and the staff to see that it is done in a way that is acceptable to both. Chair Hannum indicated a concern about oils and sediments being filtered out. Mr. Schelsky indicated that it would be handled in the way that would work the best for all concerned - land owner and City Staff.

Chair Hannum encouraged Mr. Schelsky to vacate the foot bridge easement, based on past vacation experiences with land owners.

Commissioner Andrews questioned Staff on V1-12 concerning water supply improvement specifications. With some of the issues that have come before the Commission concerning sewage and water supply by adding this subdivision in that particular arterial, will this create stress on the existing system's quality or supply? Will it result in the reduction of water supply and/or water pressure to the adjacent properties? Ms. Mingay said that no information had been received which indicated concern over sewer or water impact or availability.

Commissioner Andrews asked if the specifications were consistent with the allowance of emergency equipment access? Ms. Mingay indicated that the specifications were consistent with other City requirements. Commissioner Andrews asked if there is any evidence of oil storage on the property? No DEQ reports were required, per Ms. Mingay. The question was then posed to the applicant. The land owner (Mr. Lilly) indicated that they have always heated with natural gas, as did his grandfather and wood prior to that. There has been no petroleum storage in the history of the property.

Mr. Fingerut asked if a part of the approval was moving the Lilly's home onto another lot. Ms. Mingay indicated that it was. Mr. Fingerut addressed the Commission, as a final note, regarding his concern about liability with the issue of children accessing the creek, as new families move in and neighbors increase. He wondered if there were any plans for fencing. Ms. Mingay said that fencing was not a requirement. Mr. Fingerut indicated that there was an existing barbed-wire fence - the fence pre-existed the stream corridor.

Commissioner Wall asked Mr. Fingerut when he was notified of the property action. Mr. Fingerut indicated that he was aware of the plan for the development when surveying was done, etc. However, he knew nothing of the details until last night until Mr. Lilly (the applicant) came by and kindly brought him up to date on the easement matter. Westlake Consultants sent a letter on October 20, 1999, to the Fingeruts. Commissioner Wall expressed his concern again regarding the interest of the Fingeruts at this late date. Mr. Fingerut reiterated that he only had a few questions; those questions were answered and he is, therefore, satisfied.

Commissioner Parrish questioned why the easement/drainage situation had not been resolved prior to the hearing. Ms. Mingay indicated that this was standard procedure - that there was not a requirement that the applicant have an easement in place in the preliminary application process. All other areas of consideration were carefully looked at. The easement is not a specific determining factor in allowing the subdivision to continue.

The issue is that the storm water be distributed to an adequate storm water collection system and dealt with in an appropriate, approved manner. It is the applicant's choice how he deals with the drainage matter, as long as it is done in an acceptable manner meeting the engineering code.

Staff Recommendation:

Ms. Mingay indicated that final staff recommendation was to approve Resolution 99-123, which is to accept the plat layout as know as "Lilly Estates", subject to the conditions of approval.

Hearing was closed.

Motion #2 :	**Ashby/Molzahn** - motion for approval of the application with the conditions of drainage being met.

Commissioner Wall voiced his concern that the preliminary process, prior to the public hearing process, seems a bit lenient.

Commissioner Parrish stated that he did not like the fact that the easement situation was just brought up within the last 24 hours. He indicated that he would be voting for the project, however, he wants the applicant to know that in the future a 24 hour notice is not acceptable.

Commissioner Andrews clarified that the conditions were a part of the application. The condition that adequate water drainage be provided must be met or the development would not go forward.

Commissioner Ashby said that he would support the application but preferred that the issues (particularly that of the drainage) be addressed prior to the approval process.

Vote on Motion #2 :	The motion carried (6 Yes/1 Absent [**Haug**]).

Additional Comment:

Mr. Schelsky addressed the Commission one last time, indicating that neighborhood meetings are a good idea, prior to these matters. This procedure is neighborly, as well as informative, and in past experiences, has proven to be successful.

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley noted the recent City Council approval of vacation of streets adjacent to the George Fox University Campus. Those streets are Sheridan between College & River, Center between Sheridan & Sherman, and River between Sheridan & Sherman.

It was also mentioned that the University will be building a new building; "The Ed Stevens Center," which is set for completion in 2001.

A proposal for fee changes will be taken up with the City Council at the next meeting. Permit fees are not currently covering the costs of the permits, so adjustments are being made, particularly in the building permit and mechanical permit fees. Previously, all building permit fees were waived for historic structure remodels. City Hall is an example of a large remodel of a historic building that is sure to be a costly project due to the fact that it will require much time with many inspections, etc. The permit fee waiver will be eliminated. However, as a continued incentive, the City will retain the waiver of the fee to have the Planning Commission review historic remodels.

2. Other reports, letters, or correspondence

   a. Legislative Update

Mr. Brierley indicated that several legislative bills were included in the packet. One of the bills changed the process for periodic review. Under the prior legislation, cities were required to undergo periodic review every 4-7 years. Under the new bill, cities of our size will be subject to periodic review every 5-15 years. This will allow some additional flexibility.

Commissioner Andrews inquired as to the City's impact on Senate Bill 12 relating to landslides or rapidly moving soil.

Mr. Brierley indicated that rapidly moving landslides are to be pointed out on maps that are being completed now. Overall, Newberg is fairly flat.

   b. Project Update

Projects are in various stages of approval for the Commission's review, as outlined in the current packet.

c. Planning Commission Vacancies

Two terms are expiring - Wall and Ashby. Mr. Brierley expressed that Wall will re-apply, Ashby will not. The deadline is this Friday, November 12, 1999.

d. Other

City Hall - Parking:
Mr. Brierley said that the Traffic Safety Commission met last night and took action on the Planning Commission's recommendation, approving parking around City Hall. Mr. Brierley referred to the portion of the handout that referred to parking, pointing out the parking time allotments which varied from two hours to 15 minutes. Plenty of short-term parking next to City Hall, as per the recommendation of the Commission, was adopted. Weekend parking hours would differ from weekday hours, to accommodate the church across the street.

Vote on Baker Rock Asphalt Plant:
Mr. Brierley mentioned that the County Commissioners re-approved the zone change after the remand from LUBA. The levy to purchase the property failed at the November 2, 1999 election. There was some discussion concerning the longevity of Baker Rock. It is assumed that the company would be around for quite some time, since they do own the property.

Riverfront Development Grant:
Chair Hannum inquired as to the grant about planning for the development the Riverfront area. Mr. Brierley indicated that grants are currently being pursued.

3. Next Planning Commission Meeting: December 9, 1999

There are no items on the agenda for the next regularly scheduled meeting - December 9, 1999. Some options are to (1) cancel the meeting, (2) hold annual goal-setting meeting, (3) hold a social event (i.e. dinner out at a local restaurant). There was some concern about goal-setting occurring prior to the new position being filled. It was decided that a social event would be held on the night of December 9, 1999.

VII. ITEMS FROM COMMISSIONERS

A report was given by **Chair Hannum**. He met with Mayor Cox with regards to the role of the Commission. Mayor Cox was receptive to the issue, however he was not agreeable with the idea that the Commission be given the authority to review all subdivisions of 12 lots or larger. It was the Mayor's concern that the Commission may legislate. Legislation must be separated from enforcement.

For the record, **Commissioner Parrish** noted that other Planning Commissions within the state, have much broader powers with regards to subdivisions.

Commissioner Wall said that it was his feeling that this may be the very reason why it was difficult to obtain applicants for vacant Commission positions. It was the opinion of Commissioner Wall, that the line has swung too far in one direction, that the Planning Commission has limited authority.

Commissioner Parrish indicated his wish for staff to follow-up on whether it was a recommendation or a condition that a security light be installed at the Leathers Gas Station. He asked that the staff look into this and report back.

Commissioner Andrews indicated that he did attend one of the basic training courses in Wilsonville. It was a good experience, in order to put some things into perspective. Yes, there are differences in the functions of Planning Commissioners within surrounding communities. Commissioner Andrews thanked the Staff for information on the training courses and was glad that he was able to be in attendance.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 8:35 p.m.

Passed by the Planning Commission of the City of Newberg this 13 day of January, 2000.

AYES: 6 NO: Ø ABSTAIN: (list names) Ø ABSENT: 1 (parrish)

ATTEST:

Norma I. Alley — Planning Commission Recording Secretary Signature

Norma I. Alley — Print Name

1-13-00 — Date

INFORMATION RECEIVED INTO THE RECORD
AT THE NOVEMBER 10, 1999 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 #

No information was received into the record at the November 10, 1999 meeting.

LABELS FROM THE 11/10/99
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

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