



PLANNING COMMISSION MINUTES

June 9, 2005

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE JULY 14, 2005 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Daniel Foster Louis Larson Chair Smith
Matson Haug Devorah Overbay Nick Tri

Staff Present: Barton Brierley, Planning and Building Director
Steve Olson, Planning Technician
David King, Recording Secretary

II. OPENING:

Chairman Smith began with a quote from an ancient Roman, Publius Sirus,
“It is a bad plan that admits to no modification.” Meeting began at 7:00 PM

III. CONSENT CALENDAR

Approval of the December 4, 2003 minutes.

Motion #1: Haug/Tri to approve December 4, 2003 Minutes. (Only two current members were present at the 12/04/03 meeting. Motion carried by them—Haug and Smith.

IV. COMMUNICATION FROM THE FLOOR

Chairman Smith asked for the people who would like to speak about items not on the agenda. No one commented.

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony – five minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10:00 PM except by majority vote of the Planning Commission.

1. **Applicant:** Jim Zahler
Request: Calley Creek Subdivision
Location: 1203 North Main Street
Tax Lot: 3218CA-101
File No.: S-52-05/ADJ-115-05/V-51-05 **Resolution No.:** R2005 –192
Criteria: NDC § 151.242/151.236/151.163

Chairman Smith read the criteria required by law that apply for a public hearing.

2. Call for abstentions, bias, ex-parte contact, and objections to jurisdiction.

Commissioner Larson had reviewed the file previously and viewed the property.

Commissioner Haug asked Commissioner Larson for a brief description of the property.

Chair Smith believed that Commissioner Larson would not need to abstain since he had no verbal contact with the developer.

Commissioner Foster recuse himself for having been the listing broker on the property, and is currently involved with the project.

3. Staff Report:

A. Project Summary and Recommendation by Staff

Subdivision of Calley Creek (File # S-52-05/ADJ-155-05/V-51-05 - see 61 page handout given at the meeting)

Planning Technician Steve Olson presented the facts and figures of the subdivision using a transparency map and aerial view via an overhead projector. The issue to discuss is the stream corridor that is on the property. The developer would like to use the existing culvert to build lots west of the stream corridor.

The developer is asking for approval of a preliminary seven-lot plat. The eastern property line will move 25 feet to the east, as agreed to with the neighboring land owner. A public street (tentatively called Emma Lane) will access the seven lots, but instead of the normal 54 – 65 foot right a way, the developer is asking for a 45-foot right a way.

This would require public improvement for new public street and sewer/water connections.

Public comment came in the form of a letter concerned with noise, dust, and vibration. This first neighbor asked for a better and higher fence for the homes adjacent to Emma Lane built on Levi Way.

The other neighbor asked that access would only be via Emma Lane off of Main Street. This neighbor would like no access, or even a connection made, with Creekside Lane.

Application criteria:

Steve Olson reported that the applicant's east boundary line move is acceptable. This doesn't create any new lots, and it doesn't create any sub-standard conditions. Both lots meet the minimum lot size, even with change. Both lots do exceed the depth to width ratio (2.5:1). The lot line adjustment does not make either of them worse. The planning staff recommends that the lots be approved.

Variances being asked for and the criteria that applies:

Steve Olson reported that the street right-of-way width standard is from 54 to 65 feet. The developer is asking for a 32-foot wide paved two-lane road, which is normal. The south side would have a five foot sidewalk right next to the curb (with no room for trees), and a curb on the north side with a 1.5 feet of planter strip. With curbs measuring .5 foot each, the total for this public street is 39.5 feet.

Variations possible would first involve putting the sidewalk on the north side of the proposed street for the pedestrians coming from Creekside Lane.

Steve Olson said that it is a major plus for this application that the new street will connect to Creekside Lane, keeping this new public street from being a cul-de-sac like many of the streets north and south of the proposed Calley Creek subdivision. Making the street any wider would impinge upon property set backs. The right of way is narrower, but the street width will be standard. One new sidewalk is more than currently exists.

Other subdivisions nearby have smaller than normal right a ways. It is an area where other variances have been allowed on street width.

Steve Olson also reported that a paved street (compared to the gravel road presently there) would possibly make it quieter. Of course, a better road might bring more traffic.

As far as the request for a fence on the north side of the proposed street, there is no requirement in city code that obligates the developer to build a new fence. One lingering issue is what to do with the planter strip on the north side.

Commissioner Haug asked if a variance is being asked for, then perhaps there is criteria for improving the property value with a new fence.

Steve Olson asked if Barton Brierley knew an answer. Mr. Brierley said one would have to tie it to existing criteria.

Commissioner Haug asked how long the easement across the creek has been a road way. Steve Olson considered it an existing condition there for at least a year and half.

Commissioner Haug, concerned for consistency among neighborhoods, also asked how the look and feel of the new houses would fit with the existing houses on Levi Way and Creekside Lane.

Steve Olson answered that there will be no change for the cars on the road, but there would be for pedestrians on the sidewalks.

Commissioner Haug asked how far the homes on the south side of Levi Way were set off from the proposed new road.

Steve Olson answered that he saw the small back yards as only having ~ 12 feet of backyard space between houses and property line.

Commissioner Haug asked if there is no room for a planter strip on the north side.

Steve Olson repeated that there is a 1.5 feet of planter strip planned, where the Levi Way home owners would have to maintain.

Subdivision Criteria:

There is no remainder in the development; all the land will be developed. The concerns for noise and dust from the neighbors are not directly addressed in the code. Construction time is restricted from 7:00 AM to 6:00 PM.

Developing the subdivision without connecting the new road to Creekside Lane would negatively affect the development.

Stream Corridor:

A Type II process is not needed since the applicant is not making any changes to the stream corridor because they will use the existing road over the stream.

Density Transfer is possible after figuring 4.4 units/acre for R-1 zoning, which would compute to 7.78 units for 1.7 acres. The developer is building the maximum number of practical units possible. The applicant is meeting the requirement of lot size without being 20% below the allowed limit (7,500 sq. ft). The smallest lot is 6,320 square feet, and the largest lot size is 12,547 sq. ft.

Commissioner Haug asked if the culvert would flood over in a heavy rain. Steve Olson did not know.

All the lots meet the minimum width and depth requirements, and most meet the lot frontage. Lot #5 needs to rearrange its eastern boundary with lot #4 before final approval.

Steve Olson skipped some of the more technical criteria. The name meets the criteria of being unique.

The existing out building will be demolished. The applicant has been asked to show all the trees on the revised site plan.

There was no traffic study required for this seven-lot subdivision.

Storm drainage will flow to an outfall in the stream corridor, a common solution used in these cases. Utilities are available.

Commissioner Haug asked how water and sewer will reach lots #6, 7.

Steve Olson said These lots will need to use sewage pumps to get the sewer to the connection on Creekside Lane. The water comes pressurized, so water should not be a problem for the topography.

The applicant will develop the public street and have to show drainage plans before final approval.

Another condition are the road legs by lots #6, 7 will have to be enlarged (from 12 feet to 20 feet) for the fire truck turnaround.

Current trees will have to be shown on a plan, showing which ones will remain. There will also have to be a street tree plan, even though the trees will be on private property. Any work done in the stream corridor will require a permit from DSL.

Commissioner Haug asked how much of the corridor can be impacted before damages would require some mitigation. Olson responded that the developer might need to get a DSL permit just for working next to the corridor. Any other work might require a Type II process permit.

Barton Brierley added that if a sewer line has to cross the stream, then that is a Type I process with its own requirements.

Chair Smith asked if there were any questions and then thanked Steven Olson for the thorough report.

4. Public Testimony: (Only one proponent spoke; no opponents present)

Rob Molzahn spoke on behalf of the applicant/owner Jim Zehler. He recognized that odd shaped lots have their difficulties in making them useful.

A. The applicant is asking for a variance on the street simply because there is no more room to work with. They want to put in a 40 foot public street.

B. There are three lots smaller than average.

C. There are difficulties with neighborhoods developing at different times leaving odd property shapes. They would like the ability to develop this odd-shaped lot as per plan.

Mr. Molzahn did add that the small planter strip on the north side of the road could be filled with a row of arborvitae to match the height of the fence.

Mr. Molzahn did not know how long the culvert had been in place, and he wasn't totally sure if heavy rains could flood over the culvert. He did view it in the winter and believe that the culvert's large size would prevent flooding.

Commissioner Haug asked if a 30-foot paved road would work. Mr. Molzahn replied that it could work with no parking on one side in order to have a sidewalk on both sides. The fact that there will be only seven new dwellings will probably not increase traffic too much.

Commissioner Haug asked if he would be comfortable putting in a row of arborvitae.

Mr. Molzahn did not want to answer for the developer, but did surmise that if requested, it would be a reasonable request. He also added that a 30-foot road (with no parking on one side) would allow a north side sidewalk without a planter strip.

Chair Smith questioned the trade-off value of no parking on one side of a street for another sidewalk. He thought it better to have a north side sidewalk would be better for the pedestrians from Creekside.

Commissioner Haug wondered if it isn't a little unrealistic in a very dense neighborhood to put up no parking signs.

Barton Brierley added that he didn't think it would be the onus of the Levi Way homeowners to maintain planter strips behind the fence.

Chair Smith asked for staff recommendations.

Steve Olson said staff recommends approval of the subdivision with the conditions.

Motion #2: Tri/Haug to approve staff recommendation on resolution R2005-192.

Commissioner Haug recalled previous decisions about smaller roadways being acceptable to get away from private drives.

Commissioner Larson asked about the driveway to lot #5. Staff reported that lot #5 will have to come off of Emma Lane.

Commissioner Haug asked staff to comment on the 30-foot wide road proposal, especially the negative consequences. Staff responded that there have been no approvals of streets less than 32 feet. In this case, there was some discussion of a 28 foot wide road with no parking on one side.

Commissioner Haug asked if a 30-foot street with parking on both sides would be too congested.

Barton Brierley responded that anything less than 32 feet brings up safety concerns.

Chair Smith called for deliberation

Commissioner Tri proposed a 30-foot wide road with no parking on the north side, and having a sidewalk on both sides.

Commissioner Larson pointed out that where he lives there are some no parking signs in his residential area but they are not respected.

Commissioner Haug referred to item E on page 23, and stressed that a new development will be detrimental to current property in the immediate vicinity. He would like this requirement to allow the developer to put in a new fence.

Chair Smith summarized that non-compliance to no parking signs mitigates against a 30 foot road with two sidewalks.

Commissioner Haug asked if the planter strip would be widened so that the plants will have room to grow and be healthy.

Chair Smith proposed some sort of requirement to be asked of the developer to submit a plan on how to use this 1.5 foot strip visually and effectively.

Motion #3: Haug/Tri to modify the motion to include a reduction in the size of the south side sidewalk to four feet and eliminate the ½ foot separation between the sidewalk and the the property line, so there would be 3 feet of planter strip space on the north side. Motion carried.

Motion #4: Haug/Overbay to modify the motion to require landscaping or fencing to buffer the adjacent Creekside subdivision to minimize impact to the subdivision. Motion carried.

Chair Smith summarized that the motion has now been amended twice, and asked if there were any other questions.

Commissioner Overbay was concerned that trees not be removed during the development, and that the traffic will increase.

Chair Smith checked with staff that if the easement size changes, then the developer has to make a separate application. As far as the trees, the city engineers have to check off on the developer's plans concerning the trees.

Commissioner Haug wanted to ensure that the stream was protected during development. He wondered if this needs to be a specific condition.

Motion #5: Haug/Tri to amend the motion to require staff to ensure the protection of the stream. Motion carried.

Commissioner Overbay asked what requirement the developer would be required to have concerning the trees. Staff reported that a street tree plan has to be submitted and that street trees will be present but on private property.

Commissioner Haug suggested that more trees be planted if trees have to be removed for the development.

Commissioner Larson believed that some tree plan would be nice but is not practical at this point.

Commissioner Tri pointed out that p. 32 (second item under #2) covers the criteria for the developer that requires trees on the private lots before the homes are occupied.

Chair Smith summarized that the Haug motion for trees being protected was never seconded, so the motion died.

Vote on Motion #2: (5 Yes/0 No/1 abstain [Foster]) Motion carried.

Chair Smith asked if there are any questions. Mr. Camp did want to speak on the issue.

Barton Brierley mentioned that any appeal can be submitted to the city in the next fourteen days.

Timothy Camp, who lives on Levi Way, brought a laptop picture presentation of the details of his backyard.

Chair Smith proposed a five minute recess to allow for Commissioner Foster to return to the meeting and for the commissioners to view the laptop presentation.

Timothy Camp wanted to know the final decision for the north side of Emma Lane. Commissioner Haug responded that there will be a 2.5 foot wide planter strip with some plants (arbor vitae). It is also the responsibility of the Levi Way home owners to maintain the fence.

VI. ITEMS FROM STAFF:

- A. New City Councilor has been appointed.
- B. At the next City Council meeting on June 20, 2005, they are going to hear of a proposal to put an overlay on the property by the city flag pole by Hwy. 99W and River Street.
- C. Barton Brierley spoke to the management of Fred Meyer and brought up the walkway on the backside of Fred Meyer. The store plans on doing something soon.
- D. The planter strip on College—the code did not address parking on a planter strip. Barton Brierley did talk to the resident. The city council is concerned about the issue as well. The council has asked the planning staff to do a study on the subject and what can be done.
- E. There is still a vacancy on the Planning Commission.
- F. The next meeting is scheduled for July 14, 2005.

VII. ITEMS FROM COMMISSIONERS:

None.

VIII ADJOURN:

Chair Smith adjourned the meeting at 9:06 p.m.

Approved by the Planning Commission this 14th day of July, 2005.

AYES: 6 NO: 0 ABSENT: 1 ABSTAIN: 0
(List Name(s)) (List Name(s))

Haug



Planning Recording Secretary

DAVID B. KING, JR 14 JULY 05
Print Name Date