



## PLANNING COMMISSION AGENDA

April 14, 2005

7 p.m. Regular Meeting  
Newberg Public Safety Building  
401 E. Third Street

*SUBJECT TO APPROVAL AT THE MAY 12, 2005 PLANNING COMMISSION MEETING*

### I. ROLL CALL

Present: Dwayne Brittell                      Nick Tri                      Daniel Foster  
            Devorah Overbay                  Matson Haug                  Louis Larson

Absent: Chair Smith

Staff Present: Barton Brierley, Planning and Building Director  
                 Steve Olson, Planning Technician  
                 David Beam, Economic Development Coordinator/Planner  
                 Norma Alley, Deputy City Recorder

### II. OPEN MEETING

Chair Brittell opened the meeting at 7:05 p.m.

### III. CONSENT CALENDAR

1. Approval of March 17, 2005 Planning Commission Meeting Minutes

**Motion #1: Haug/Larson** to approve the March 17, 2005 minutes. Motion Carried.

### IV. COMMUNICATIONS FROM THE FLOOR

None.

- V. **QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

1. **APPLICANT:** Rick Harris  
**REQUEST:** Subdivision preliminary plat modification  
**LOCATION:** 116 E Illinios  
**TAX LOT:** 3218DC-00300  
**FILE NO.:** S-49-04  
**CRITERIA:** NDC § 151.242  
**RESOLUTION NO.:** 2005-191

Vice-Chair Brittell stated a conflict of interest and stepped down from the Planning Commission.

**Motion #2: Larson/Overbay** to approve Matson Haug to act as Planning Chair and run the Public Hearing. Motion Carried.

Chair Haug opened the public hearing and called for abstentions.

**Commissioner Foster** stated a potential conflict of interest as he had investigated the property previously, but had no current interest or dealings with the property.

**Steve Olson, Assistant Planner**, presented the staff report(See record for report).

**Commissioner Overbay** asked for clarification on going from twenty-five feet to twenty-two feet for the easement, the east and west easement, and why it is not considered a private street.

**Mr. Olson** replied it is not a private street because it is not serving more than two lots.

**Mr. Brierley, Planning and Building Director**, said the reason why the easement was smaller in one location because if kept at twenty-five feet it would go through a chimney of a house.

**Commissioner Overbay** asked where is the tree.

**Mr. Olson** said it is on the southwest corner of the existing house.

**Commissioner Haug** asked if there were going to be four separate curb cuts for each home.

**Mr. Olson** said that is correct: there will be four curb cuts.

**Commissioner Haug** asked what are the landscaping requirements?

**Mr. Olson** said there is a street tree requirement across lot one and two and landscaping the front 15 feet. They will be required to provide staff a street tree plan for review before putting anything in.

**Commissioner Larson** asked where are the two required parking spaces for lot one.

**Mr. Olson** said somewhere in the front yard of that lot.

**Commissioner Larson** expressed concern for an oak tree on the corner of lot 400.

**Commissioner Larson** asked what is the width of the deviation of the property line of lot three.

**Mr. Olson** said it is ten feet. The width requirement in the code is fifty feet at the front buildingline.

**Commissioner Larson** asked is that house also going to have to have off street parking?

**Mr. Olson** said yes every house will have to have off street parking.

#### **Public Testimony:**

#### **Proponent:**

**Mr. Rick Harris, 142 Southwest Hawthorne Court, Dundee**, said he was interested in a good looking subdivision, because he will be living in the existing house. He said he will do the right things and sometimes it costs more money, but he wants to do that to take care of the people around him.

**Commissioner Foster** asked what are your plans for the size of the homes.

**Mr. Harris** said 12-14,000 square feet homes.

**Commissioner Overbay** asked what are your thoughts on landscaping the easement.

**Mr. Harris** said I have not picked any plans and have talked about shrubs that would create a barrier between the two driveways. I don't think it is the right thing to cover it with asphalt.

**Commissioner Tri** said he is concerned about the oak tree in the neighbor's yard. It has been important to the neighborhood and would like to see it preserved.

**Mr. Harris** said we would like to see it preserved.

**Chair Haug** asked would you be uncomfortable with a condition of approval for the three-foot landscaping be maintained between driveways in place of asphalt.

**Mr. Harris** said not at all.

**Opponent:**

**Mr. Dwayne Brittell, representing Mike and Renee Atkinson (Lot 702), 602 North Main, Newberg (relatives),** said after reviewing this resolution he found it did not meet the standards of the ordinance. With the drive that is shown we have a multi-family development. He stated his concern for the size of the easement, the fence is three feet into their property, the drawing in the staff report has a four foot discrepancy, and there is mis-delineation. He asked for a condition to remove the existing fence.

**Mr. Olson** said they are not meant to run east and west. They are just labeled east and west because they are on that side of the property, which run across the front of the property for cable, gas. They are not running into any other properties.

**Mr. Brittell** said the access to the lots do not allow for vision conditions and becomes dangerous. He wished for the easement to allow for a single driveway. He feels this is a poor planned subdivision because of the ill ordinance.

**Chair Haug** said how would you give a solution.

**Mr. Brittell** said a twenty-four foot drive would be more of what you would see if it were a private road.

**Commissioner Larson** said the situation is prejudice of Mr. Brittell. I am very uncomfortable at this point to have a commissioner present opinions to the Commission.

**Chair Haug** said when a planning commissioner excuses themselves they usually leave the room and they don't indicate how they feel one way or the other. The presentation is biased.

**Mr. Brierley** said on this very issue I asked the commissioner and reviewed the rules. It was Mr. Mahr's reading that Mr. Brittell is not legally excluded from providing testimony as a citizen. Whether that is appropriate or not has been discussed with Mr. Brittell and it was his choice as to what he wanted to do. I recommended he not testify.

**Commissioner Overbay** asked is the request for the fence to be taken down and not replaced.

**Mr. Brittell** said with a single family development the code does not require it, but it would be appreciated.

**Rebuttal:**

**Mr. Harris** commented that the fence itself is a preexisting condition when I bought the property. I have not paid much attention to it, and it isn't something I did to that fence. There is quite a bit of work I have done on that property to beautify it. I have met the requirements of the City ordinance. I hear some concern that the ordinance does not address his concerns, but I have followed the rules.

#### **Final Staff Report:**

**Mr. Olson** recommends approval of Resolution No. 2005-191.

#### **Council Deliberation:**

**Commissioner Larson** reiterated his concern for the tree and the lack of an arborist report. I do not believe it is in the interest of the City to have a tree eliminated. The representation tonight is inadequate. Second, the requirement for the two off street parking spaces is not concurrent with the ordinance for the lot with the existing home. I would have hoped that we would have had a detailed architectural drawing. Again, I feel we do not have adequate information to make a judgment. Lot two meets requirement for frontage, but it narrows down. I would like to have an idea of the type of home that will go on the lot that would promote the general interest of the community. This is again lacking in the staff report and is difficult to make a decision. I have noticed that trees have been removed already on the property. Also, I was alarmed with the public notice sign made out of used plywood, beaten down, hand lettered, and leaning up against the fence. I would hate to think this is the representation of the quality of the building. I am disappointed that staff and the applicant thought that was adequate. The next issue is the private street, which has been presented as two driveways. At the point in time when someone new buys the house, the landscaping will disappear and it is difficult to see anything else. I see this as a private street. He reiterated he does not have complete information to make a good decision.

**Commissioner Foster** said he is concerned that if the applicant is meeting the requirements of our Code then it is not fair to take into consideration how future property owners will care for it. He asked if it is possible to have a joint maintenance agreement for the property owners to maintain the landscape buffer be recorded.

**Mr. Brierley** replied yes.

**Commissioner Overbay** asked if it appears as though all ordinances are being met are we obligated to approve.

**Chair Haug** said you are obligated to look at the conditions and findings presented.

**Commissioner Tri** said he has to concur with Mr. Foster, this is an acceptable plan.

**Chair Haug** said the fence along the property line is going to be an eyesore. I am concerned for the impact of the neighbors. There should be some sort of plan that would fit well to the character of the neighborhood. If we want to save the big oak tree, we would require a plan modification for an arborist saying it is preservable. I suggest we request additional information from the applicant on issues addressed by Commissioner Larson. It is important to maintain property values in neighborhoods. It would be nice to give all the driveways an opportunity to have space for their vehicles and boats. There needs to be a condition that the driveways and landscaping needs to be maintained. We need an attempt to save that tree. This is going to create a big asphalt parking spot for two cars and this should have a visual attraction.

**Commissioner Foster** asked is a landscape plan required?

**Mr. Brierley** answered no. The street tree plan is what is specifically required.

**Chair Haug** said I am convinced the public notice sign is inadequate. I think the public notification should be more adequate and more readable, professionally done. I am concerned with the curb cuts that landscaping will

get ran over and who would be responsible to maintain them. This does not satisfy with how it will fit in the neighborhood. We should make a site visit and find out if this is going to fit into the neighborhood. Show us more detail how you can maintain a two driveway street for a length of time. It only takes one vehicle to congest this area up and create fighting to who gets the parking spot. I do not think this has to be designed this way. Can we start fresh with a new public hearing due to the public noticing and the testimony of a commissioner. I am uncomfortable with a commissioner testifying.

**Mr. Brierley** said we can not resubmit the application to start a fresh. As far as a month you can hold another public testimony and re-notify.

**Motion #3: Larson/Tri** to continue the Public Hearing keeping the public testimony open and the following:

1. Arborist plan reviewing final street/driveway design in relation to the large oak tree on tax lot 401, showing the tree can be saved.
2. For lot 1, a plan to show how the parking standard can be satisfied and fit into the neighborhood aesthetically.
3. Address how a home could fit on lot 2, considering the narrowing of the lot, and fit into the neighborhood.
4. A brand new public notice should be done reflecting what the actual application is (six new single family homes).
5. A more detailed plan on how the landscaping between the double driveway and the one foot boundary adjacent to lots 400, 700, and 702 can be maintained so the neighborhood can maintain its character and livability.

**Motion #4: Foster/Tri** to amend Motion #3 to eliminate requirements 2 (parking), 3 (house plan), and 5 (landscaping) and leaving requirements 1 (tree) and 4 (notice).

**Commissioner Tri** said the other three items are important but should not be handled by the Commission as a whole. The first two are the most predominant issues.

**Commissioner Foster** said I agree. The easement should be discussed by the neighbors and a joint agreement can be made later on. The parking should be addressed by the staff. I think we are getting too refined.

**Commissioner Overbay** said I think it is important those questions get addressed in this juncture. I believe it is important we look at the details, but not get bogged down by them.

**Chair Haug** said the issue is maintaining the property values and maintaining the livability of the neighborhood, which is our responsibility at this level. There is too much congestion possibility, and I would like to see this addressed.

**Commissioner Foster** said you are not allowed to park on easements.

**Mr. Brierley** said while generally parking is allowed on an easement, in this case, the driveway is required for a fire lane and no parking signs will be put up.

**Vote on Motion #4:** (2 Yes/3 No [Haug, Larson, Overbay]/1 Abstain [Brittell]/1 Absent [Smith]). Motion failed.

**Vote on Motion #3:** (4 Yes/1 No [Foster]/1 Abstain [Brittell]/1 Absent [Smith]). Motion carried.

Mr. Brierley said this hearing will be carried over to the meeting on May 12, 2005.

Chair Haug stepped down and Mr. Brittell assumed the Chair position.

Chair Brittell called a five minute break.

## VI. CIVIC CORRIDOR STREETSCAPE PRESENTATION

John Bridges, Attorney at Law & Chairman of Downtown Redevelopment Committee, 515 East First Street, gave the presentation (see packet for power point presentation). He reviewed options, researched by the Downtown Development Committee, of how to landscape and design Newberg's Downtown Civic Corridor.

## VII. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley said April 4 Council accepted public testimony and will deliberate on April 18, 2005 on the Transportation System Plan.

2. Other reports, letters, or correspondence

Mr. Brierley said he followed up on a truck parked on College and he looked in the ordinance and could not find a clear definition, but he did find that it was not allowed. He wrote a letter to the property owner to re-landscape the area.

3. Next Planning Commission Meeting: May 12, 2005.

Mr. Brierley said the next meeting will have some discussion on conditions for industrial areas in a workshop next month.

## VIII. ITEMS FROM COMMISSIONERS

Commissioner Overbay asked if the Commission could recommend businesses provide some access through the parking lot for pedestrians.

Mr. Brierley said we do not have anything for existing lots, but there are regulations in place for new lots.

Discussion was held on how to address existing issues in large parking lots (Fred Meyer).

Discussion was held on procedure for declaring a conflict of interest, abstaining from votes, and testifying if abstaining.

## IX. ADJOURN

Chair Brittell adjourned the meeting at 10:31 p.m.

Approved by the Planning Commission this 12th day of May, 2005.

AYES:

6

NO:

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ABSENT:

(List Name(s))

ABSTAIN:

(List Name(s))



Planning Recording Secretary

DAVID KING

Print Name