

## PLANNING COMMISSION MINUTES

May 12, 2005

6 p.m. Special Training Session

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

Approved at the May 26, 2005 Planning Commission meeting

### 6 p.m. SPECIAL TRAINING SESSION

**"Conducting Land Use Hearings" by Barton Brierley, AICP**  
(Dinner Served for Planning Commissioners)

Barton Brierley gave a presentation on conducting land use hearings. Topics included legislative hearings, quasi-judicial hearings, types of criteria, and accepting testimony from the audience.

### 7 p.m. REGULAR MEETING

#### I. ROLL CALL

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

Absent: Dwayne Brittell, *resignation submitted*

Staff Present: Barton Brierley, Planning and Building Director  
                  Steve Olson, Planning Technician  
                  Elaine Taylor, Associate Planner

#### II. OPEN MEETING

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

**III. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of April 14, 2005 Planning Commission Meeting Minutes
2. Commissioner Foster mentioned three corrections which were noted.

**Motion #1:** To approve the April 14, 2005 minutes. Motion Carried.

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

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 Illinois  
**TAX LOT:** 3218DC-00300  
**FILE NO.:** S-49-04  
**CRITERIA:** NDC § 151.242

**RESOLUTION NO.:** 2005-191

**Barton Brierley** brought up the fact that a commissioner who previously was not present should not deliberate on an issue that continues into next meeting unless he has read the minutes and is familiar with the evidence.

**Chair Smith** responded that he missed the previous meeting, but had read the minutes and was familiar with the evidence.

**Commissioner Haug** mentioned that he drove by the property and noted where the driveways would be present.

**Barton Brierley** summarized the applicant's case from the April 14, 2005 planning commission meeting. The applicant originally planned for five lots, which was approved. He then filed a modification to create six lots in the Twin Cedars Subdivision. A neighbor requested a hearing, which is why this hearing is being held.

At the previous meeting, the commission requested five items. 1) An arborist report for the oak tree, 2) How the parking standard will work for Lot #1, 3) How to fit a home on lot #2 in light of it being narrow, 4) a new notice sign, 5) A landscaping maintenance plan for the area between driveways.

**Barton Brierley** recommended that the Twin Cedars Estates resolution be approved.

**John Bridges** spoke for the applicant. He did begin with hoping for some additional amount of time to speak since the applicant chose not to speak. Bridges discussed three issues. 1) A fence was pictured in a color handout. The fence has since been removed. 2) The strip of land between driveways is on lot 5 should be maintained by the owner of lot 5. 3) The oak tree did receive an arborist inspection (Chris Nash). His oral report to Bridges includes poor pruning for the sake of the power lines, poor health and decay are obvious to the arborist, as well as ~50% of the root structure being under the applicant's property. It is likely that construction will damage to the roots.

The applicant, according to Bridges, has even considered flipping the property plans for the sake of the tree, but that presents the difficulty of working around a cedar tree and a maple tree on an adjoining lot. Other plans could involve more variances. Bridges noted that the largest limb hangs towards the applicant's historic house, and could cause damage if it were to fall. The owner of the tree is under some obligation to keep the tree pruned for safety sake; it isn't just on the applicants' responsibility to take care of it.

**John Bridges** distributed another handout showing how lots #1 and #2 will have a combined driveway for one less curb cut on Illinois St.

Preliminary questions:

**Commissioner Haug** asked if Mr. Bridges brought any others plans that could avoid the extenuating problems. Bridges shared that the applicant is within code and therefore hasn't come up with other plans.

**Commissioner Haug** also asked if any of the neighbors have been contacted.

**John Bridges** said the applicant had tried several times to contact the neighbor, but was unsuccessful.

**Chair Smith** asked if there are any opponents in the audience. No one responded as such.

**Barton Brierley** did mention that he had received a letter from the residents of 612 N. Main, Richard and Susan Wright (copy included). The letter was written in protest of the subdivision.

**Chair Smith** asked the applicant if he was going to do the building/house construction himself or sub it out. Rick Harris responded he will do it himself.

**Barton Brierley** recommended the acceptance of the resolution.

**Commissioner Haug** deliberated on the requests on P25 of the previous staff report. Commissioner Haug pointed out that there were several criteria, including "adequate emergency access" and "preserving natural vegetation" that are applicable to this subdivision.

**Barton Brierley** replied that those criteria relate to the adjustment for the width of the easement. That is the only standard not met. The easement width is as specified except for where the easement runs by the chimney of the existing house. The applicant has applied for an adjustment on the easement issue to accommodate the chimney. Otherwise, the applicant has met all the standards for a six-lot subdivision.

**Commissioner Haug** questioned the emergency vehicle access criteria. He wants it noted that he disagrees with the staff report in reference to the criteria that apply.

**Commissioner Larson** envisions a lot of cars, a lot of driveways, and not a lot of enhanced value for the neighborhood.

**Commissioner Haug** did mention an aesthetic criteria for certain R-2 and R-3 dwellings of some kind, and wondered if it applied to this subdivision.

**Barton Brierley** clarified his understanding of the criteria. It first has to do with the number of units, but wouldn't apply to this subdivision of only six dwellings.

**Chair Smith** called for a roll call vote on the resolution.

**Motion #2: Haug/Tri to approve resolution 2005-191. Motion Carried 6-0.**

**Barton Brierley** noted that an appeal of this resolution can be taken up with the City Council in the next fourteen days.

## **VI. AD HOC COMMITTEE ON NEWBERG'S FUTURE REPORT**

**Sam Farmer**, Chairman, reported on the progress of the Ad Hoc Committee. See handout. Sam Farmer recaps the purpose of the committee was to involve citizens to dream about the purposeful growth of Newberg.

**Cathy Stuhr**, Vice-chairman, reported on the facts and figures that the committee has gathered on the current population and housing figures for Newberg (included in a handout). Forecasted figures were based on a medium growth rate that seemed reasonable by the committee and the consultant. Because of the projected growth and the accompanying need for land and dwellings, the committee has had to consider saturation of land used, and the density of people on that land. To meet such growth plans, there would be a very high density within the UGB that would not be desirable. With an obvious need, therefore, for more land, the big question for the committee was to consider in which direction(s) does Newberg need to grow. These issues were brought before the public. The public responded that they prefer low density, small shopping centers, and a more developed industrial area on south Springbrook.

**Sam Farmer**, spoke further on the density issue. In R-1, the committee recommends some flexibility so that development can meet planned densities. In R-2, the committee recommends changing the density from 8.8 to 9.0 units per acre, and encouraging development to meet this density. R-3 would be encouraged to be developed at 16.5 units per acre. Sam also showed at the Power Point map the general directions that growth will be proposed. All these recommendations will be solidified by the July 21, 2005 before the joint meeting of City Council and the Planning Commission.

**Commissioner Foster** asked if the committee has considered going across the Willamette River and developing land in Marion County.

**Sam Farmer** responded that the infrastructure would be very expensive when crossing the river to service the area.

**Chair Smith** also asked if 50 acres for a high school was a bit exaggerated.

**Sam Farmer** responded that the committee has met with Paula Radich two times and these are the latest figures for the school's projected needs.

**Commissioner Haug** asked how much land near Parrett Mountain can be incorporated and developed.

**Sam Farmer** responded the major issue to consider is an elevation of ~310 feet because of the pressure from the newest water reservoir.

**Commissioner Haug** asked if the industrial growth has kept up with residential growth, and therefore, if the committee has planned for enough industrial growth.

**Sam Farmer** responded that this is a big concern that will be ironed out by the July 21, 2005 meeting.

**Chair Smith** was concerned who ultimately needs to see that the raising of the density figures gets done.

**Sam Farmer** responded that the ad hoc committee is only making general recommendations. They are recommending some flexibility in lot sizes so that development can meet the planned densities.

**Commissioner Haug** was concerned that a higher density recommendation might lead to a lower well-being of the community. Letting the developers have their way doesn't seem that livability will be maintained.

**Sam Farmer** responded that the City of Newberg can only expand its boundaries by complying with state rules involving density. John Bridges made a major point about lot-size averaging.

**Chair Smith** emphasized there is a balance between livability and density that delicately needs observed and monitored as the possible recommendations are applied.

**John Bridges** responded with a carrot approach and market driven implementation could work.

**Sam Farmer** mentioned that a 30-page report about Portland's growth indicates that the thinking in Portland is that Newberg is the next direction of Portland Metro's growth.

**Chair Smith** appreciates that the Ad Hoc Committee has brought up the need for industrial development in the SE part of town.

#### **VII. ITEMS FROM STAFF**

1. Next Planning Commission Meeting: May 26, 2005 **7:00 pm**  
There will be a special worksheet on industrial zoning.
2. Meeting May 24, 2005 concerning the Mountainview-Crestview connector.
3. City Council has worked on the TSP, and will continue on May 16, 2005.
4. Commissioner Brittell resigned from the commission

#### **VIII. ITEMS FROM COMMISSIONERS**

**Commissioner Overbay** asked about the zoning change at Brutscher.

**Barton Brierley** responded that the city council has recommended meeting with the property owner.

#### **IX. ADJOURN**

**Chair Smith** adjourned the meeting at 9:16 p.m.

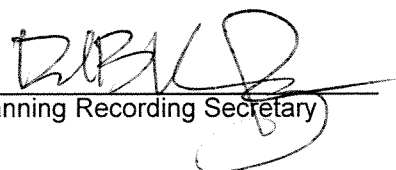
**Approved by the Planning Commission this 26th day of May, 2005.**

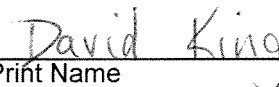
**AYES:**

**NO:**

**ABSENT:**  
(List Name(s))

**ABSTAIN:**  
(List Name(s))

  
\_\_\_\_\_  
Planning Recording Secretary

  
\_\_\_\_\_  
Print Name