

PLANNING COMMISSION MINUTES

January 25, 2007

7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

TO BE APPROVED AT THE FEBRUARY 8, 2007 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Chair Overbay Phil Smith Cathy Stuhr
Nick Tri Lon Wall

Student
Representative: Benjamin Shelton

Mayor: Mr. Bob Andrews

Absent: Daniel Foster Matson Haug
(These are excused absences)

Staff Present: Barton Brierley, Planning and Building Director
Jessica Nunley, Planning Technician
David King, Recording Secretary

II. OPENING:

Chair Overbay opened the meeting at 7:02 PM by asking for roll call.

III. CONSENT CALENDAR:

The Commission approved the consent calendar.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Overbay invited the three citizens present to bring forth any new topics for the agenda. Nothing was put forth to be added to the agenda. She also reminded the citizens to fill out the public comment registration card.

V. QUASI-JUDICIAL PUBLIC HEARINGS:

Chair Overbay asked for any commissioners who needed to abstain or declare any previous involvement with this development. No issues were mentioned.

- APPLICANT:** Newberg Communities
REQUEST: Preliminary plan approval for a 60-lot phased subdivision – Highlands at Hess Creek
LOCATION: South of west Third Street, west of Sportsman Airpark
TAX LOT: 3220-1400
FILE NO.: SUB3-06-006 **RESOLUTION:** 2007-231

CRITERIA: NDC § 151.242.2, § 151.471, § 151.476, § 151.449.4, § 151.449.5

Staff Report:

Jessica Nunley presented the staff report by utilizing various slide pictures of the entire area. The site is currently zoned R-2, like the property to the north of it. Approval of the subdivision will require a land swap with CPRD. Secondly, Orchards Lair to the north needs to be developed, so as to allow utility access for Highlands at Hess Creek.

Protecting the stream corridor along the southern part of the property will require the developer to apply for a density transfer. This allows the developer to have lots under the 5,000 sq. ft. lot minimum once the density transfer is complete.

Staff recommends the subdivision with a requirement for a variance for depth to width ratio. Developers need to provide emergency access to the Friends' Cemetery, and off street improvements to Hwy. 219, which will be shared with the developer of Orchards Lair.

Public Comment:

Mike Hanks, 10225 SW Redding, Beaverton, OR, (see outline note sheet handed out). He wanted the commissioners to know of the agreement with Orchards Lair to work cooperatively with Orchards Lair.

Commissioner Stuhr asked how a stream corridor is protected, not just during construction, but afterwards as part of private property. Mr. Hanks replied that the plan is for walking trails to connect the residential areas and the parks while keeping children away from the cemetery. The developers are willing to work with CPRD to maintain the stream corridor.

Barton Brierley added that the property owners adjacent to stream corridors must abide by the stream corridor rules. **Commissioner Stuhr** asked how such owners are made aware of such guidelines. Mr. Brierley said that such guidelines could be added into the CCRs, though they are currently in the city development code.

Mr. Hanks added that he would be willing to add such guidelines into the CCRs.

Barton Brierley added to the final staff summary some extra details on the Hwy. 219 intersection modifications. With the use of an area map, various possibilities were shown visually. On going traffic studies are being paid for by the two developers to find the best solution to present.

Commissioner Stuhr pointed out that if there was an emergency at the airport, vehicular traffic would still bottleneck trying to get out of the proposed neighborhood.

Commissioner Smith asked if there would be future connection to Wyooski Rd. **Barton Brierley** didn't think the stream and valley would make such a project viable.

Commissioner Stuhr wanted to know more about the connection to the airport. Mr. Hanks thought that the road would be large enough to support golf cart traffic, but not planes.

Closed Public Testimony

Commissioner Wall wanted to promote putting stream corridor guidelines put into CCRs

Commissioner Smith believes it could work, but owners typically educate one another.

Motion #1: Tri/Smith moved to approve the Resolution 2007-231. (5 Yes/0 No. Foster, Haug absent)

VI. ITEMS FROM STAFF:

The next meeting is scheduled for February 8, 2007.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Smith mentioned that there is a density meeting that he could report back to the commissioners after he attends. It will be added to the next agenda. Mr. Smith also received an email about the new office building at 215 Meridian. **Mr. Brierley** responded that it is part of a C-3 zoning, where a Type 2 decision allowed the building to be constructed without coming before the Planning Commission. This type of zoning is not required to provide parking. The concerned citizen who e-mailed Mr. Smith was interested to know about the parking, which is limited already in the area.

Commissioner Wall wanted to know what the policy is for late correspondences. **Mr. Brierley** said that late correspondences are only accepted by a vote of the commissioners. When they are accepted, they are then read into the record. There needs to be a balance between too much, too late and the commissioners not having time to digest it, with the opportunity of citizen to interject new information into the greater conversation.

Commissioner Smith proposes that a one page letter that can be read into the record could be accepted, and Mr. Wall followed up with reminding that the chair needs to ask the councilors to vote.

Mayor Andrews suggested a postponed decision on this issue so that Planning Commission could get a copy of the City Council's guidelines for late correspondences.

Barton Brierley pointed out that state statutes does allow an extension of the record so that something can be submitted.

End of Side A, Tape 1

Commissioner Wall shared his view of stream corridor guidelines. He once had a neighbor who was felling trees into a stream corridor. Ignorance of the law is no excuse, but he wondered if there are any arguments for not putting stream corridor guidelines into the CCRs. **Mr. Brierley** added that the city can not enforce CCRs.

Commissioner Stuhr wondered when in the process would a property owner be informed of the stream corridor guidelines. **Mr. Brierley** said that it would be up to the realtor to inform the owners, which may or may not happen. To help owners avoid buying a property with plans that would not comply with the stream corridor guidelines, some how it must be insisted that potential owners be *fully* informed.

Commissioner Shelton likes the idea of the information being made part of the title deed more than CCRs.

Commissioner Wall wants the Planning Commission to at least attempt to find a way for the land owners to know the applicable guidelines that apply to their property.

VIII. ADJOURN:

Chair Overbay adjourned the meeting at 7:57 p.m.

Approved by the Planning Commission this 8th day of February, 2007.

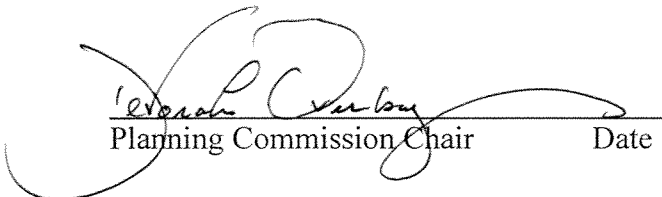
AYES: 7 **NO:** 0

ABSENT: ○
(List Name(s))

ABSTAIN: ○
(List Names(s))



Planning Recording Secretary



Planning Commission Chair Date