

PLANNING COMMISSION MINUTES

February 13, 2013

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

I. CALL MEETING TO ORDER

Chair Cathy Stuhr opened the meeting at 7:00 PM

II. ROLL CALL

Members Present:	Cathy Stuhr, Chair	Art Smith, Vice Chair	Thomas Barnes
	Gary Bliss	Jason Dale	Allyn Edwards
	Philip Smith	Antonio Saavedra, Student PC	

Members Absent: Mayor Bob Andrews, Ex-Officio

Staff Present: Barton Brierley, Building & Planning Director
Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

III. CONSENT CALENDAR

Approval of the January 10, 2013, Planning Commission Meeting Minutes.

MOTION: Philip Smith/Allyn Edwards to approve the Consent Calendar including the planning commission minutes for January 10, 2013. Motion carried (7Yes/0 No).

IV. PUBLIC COMMENTS

No items were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARINGS

1. **APPLICANT:** Newberg Communities LLC
REQUEST: Highlands at Hess Creek Phase 3 Subdivision Preliminary Plan Approval (16 lots and one tract)
LOCATION: West end of Kennedy Drive
TAX LOT: 3220-1400
FILE NO.: SUB3-12-004 **ORDER NO.:** 2013-01
CRITERIA: NDC 15.235.060(A)

Chair Stuhr opened the quasi-judicial hearing and read ORS 197.763 and called for any abstentions, bias, ex-parte contact or objections to jurisdiction. Commissioner Bliss visited the site this week and had an ex-parte contact with the developer as he was walking the site. They introduced themselves and Commissioner Bliss questioned the location of the sewer riser in respect to the plan only. Chair Stuhr drives by the intersection of Hwy 219 and Second Street and questioned the traffic at that intersection only as a thought as she reviewed the application.

Mr. Barton Brierley, Building & Planning Director, presented the staff report accompanied by a PowerPoint presentation reviewing the subdivision process and showing the preliminary plan meets the development code requirements with conditions (see official meeting packet for full report).

Commissioner Bliss finds the application is inadequate as the stream overlay covers a ridge-line. The creek drainage is to the east in the back of four lots. In looking at the code, the overlay does not indicate the stream corridor needs to be in a separate tract. He questioned staff as to provisions for protection. Mr. Brierley also looked carefully at the stream corridor and noted the same issue brought forward by Commissioner Bliss. Ten years ago, the cemetery wanted a flatter area and placed fill material in the stream corridor area. Mr. Brierley contacted the county code enforcement officer who stated because it is outside city limits, the city ordinances protecting the stream corridor do not apply. Because it was defined by the city as part of the comprehensive plan, it is still designated as a stream corridor and the applicant could ask for a review to re-designate it, if he so chooses.

Commissioner Bliss stated there is a drainage way and the existing conditions cover the property to the west, suggesting there is surface water draining down that depression. What determines the location of the overlay? Mr. Brierley replied a 20% slope is the edge of the stream corridor. The corridor did indicate stream channels with more gentle slopes with no break and so in those cases, the comprehensive plan says to go 50 feet from the edge of the wetland from the stream corridor.

Chair Stuhr asked for clarification on improvements to HWY 219 and if they are budgeted and scheduled for construction. Mr. Brierley explained there is a bond to make those improvements. ODOT has identified a number of improvements in phase one of the bypass, including this one and Springbrook Road, which are scheduled to happen by year 2016.

Antonio Saavedra suggested the trees to be relocated be donated to the school.

Chair Stuhr opened the public testimony starting with proponents.

TIME – 7:41 PM

Mart Storm is the applicant and clarified some of the questions brought forward by the commission. He referred to the preliminary plat and addressed the turn-a-round issue stating it will be built to specification and will be restricted. It can be relocated with a temporary easement if necessary. Clean water specifications will be applied as listed in the conditions, requiring a swale.

Commissioner Bliss asked where the drainage swale will be located. Mr. Storm replied the rear lot-line would be moved to 100 feet deep, making the lots shallower. Commissioner Bliss stated shallowing would protect the swale for off-site drainage to flow freely and also protect the stream corridor.

Undecided:

Pat Darby represents the Darby Family Trust that owns the property to the south of the cemetery and to the east of the development. Prior to the start of the development they entered into an agreement with the developer to provide an access to their property to lay a sewer line to provide a sewer easement to the city. Part of the agreement stated they would eventually have an access road built to their property. He asked if the access is shown on the plot plan and will it be built during this phase of the development. Mr. Storm believes the Darby's have an easement that was given in exchange for the sewer easement. If there is no easement, he will see that one is put in place. Mr. Brierley stated the sewer easement and an access easement exists. He sees nothing in this phase but it will need to be addressed in the future.

Chair Stuhr closed public testimony at 8:00 PM.

During deliberation, the planning commission came to a consensus regarding amendments to the conditions. Delete the word “for” in the second sentence under Exhibit B, Item A(iv), amend Exhibit B, Item A(b)(i) to provide a plan for temporary turn-a-round meeting fire standards and waste management standards, either utilizing the private driveway or a turn-a-round at the south end of the Kennedy Drive extension. If it utilizes the Kennedy Drive extension, it shall be a hard surface with a 10-year design life with a public access easement to be extinguished when no longer necessary. Add 2(f) under Final Plat Requirements, stating lots 9 – 12 shall be shallowed in depth or a public drainage easement shall be provided along the rear of the lots to accommodate surface drainage from the north and west, the width to be determined by drainage calculations by a civil engineer.

MOTION: Thomas Barnes/Gary Bliss to approve the Newberg Communities LLC, Order 2013-01 approving the requested subdivision preliminary plat with the attached conditions as amended. Motion carried (7 Yes/ 0 No).

Chair Stuhr recessed for a five-minute break at 8:23 PM.

2. **APPLICANT:** Del Boca Vista, LLC
 REQUEST: Homes at Creekside PUD Preliminary Plan Approval (5 lots for single family homes)
 LOCATION: 1507 N. Main Street
 TAX LOT: 3218AC-1700 & 1704
 FILE NO.: PUD-13-001 **ORDER NO.:** 2013-02
 CRITERIA: NDC 15.240.030(C), 15.240.020

Chair Stuhr opened the quasi-judicial hearing, asked if those in attendance heard the previous reading of ORS 197.763 and called for any abstentions, bias, ex-parte contact or objections to jurisdiction. Commissioner Philip Smith walks by this property as it is located close to his home. He has had no contact with the owner in any capacity. Commissioner Art Smith also walks by the property and has had no contact with the owner. Commissioner Bliss visited the site with no contact and Chair Stuhr drives by occasionally and has had no contact with the owner.

Mr. Steve Olson, Associate Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Commissioner Bliss asked why the planning commission has seen no drainage plans for the development. Mr. Brierley stated they are looking at the general level of development and not that amount of detail. Commissioner Bliss disagreed. The city has the obligation in seeing how treatment will be taken care of. He is not asking for the specific design criteria, but the physical location and parameters.

Chair Stuhr asked why the city engineer provided no comments. Mr. Olson stated engineering suggested the drainage verbiage included with the applicant’s plan. Engineering provided no written comments. Chair Stuhr stated engineering has heard from the planning commission over the last year, asking that comments need to be received from that department. If they have no comments at all, that still will need to be stated. Mr. Brierley said the city is using the Clean Water design standards. Chair Stuhr asked for clarification regarding the statement on page 55 of the meeting packet regarding homes on lots two and three coming close to meeting requirements. Mr. Olson replied reorienting the roofs will make them meet the requirements. Commissioner

Philip Smith stated the sentence should say lots two and three came close to meeting the requirement. It needs to be made clear.

Chair Stuhr opened public testimony.

Marc Willcuts, the applicant, concurs with staff recommendations. One suggestion in regard to access, he can eliminate the access easement as he is concerned with the garage setbacks. He understands house designs will need to be changed in order to meet the criteria.

Chair Stuhr closed the public testimony at 9:16 PM.

Commissioner Bliss is not against the development but wants staff to do a comprehensive review. He abstained from voting.

MOTION: **Thomas Barnes/Art Smith** to approve planning commission Order 2013-02, approving the requested planned unit development with the conditions, as amended. Motion carried (6 Yes/ 0 No/ 1 Abstain [Bliss]).

VII. ITEMS FROM STAFF:

TIME – 9:26 PM

1. Update on Council items.

Mr. Barton Brierley reported the Design Star presentation will take place at the next city council meeting at 6:00 PM. The city and county commissioners have not yet approved the south industrial UGB amendment.

2. Other reports, letters, or correspondence.

Commissioner Thomas Barnes is moving to McMinnville, Oregon and will no longer be able to serve on the Newberg Planning Commission. Mr. Brierley stated appreciation for Commissioner Barnes' service and presented him with a gift.

3. The next Planning Commission Meeting is scheduled for Thursday, March 14, 2013.

VIII. ITEMS FROM COMMISSIONERS

Antonio Saavedra stated he had spoken with Mr. Olson to propose stop signs at several intersections in Newberg. He almost had an accident due to the lack of a stop sign and has also spoken to a family whose child was killed at one of the intersections. Chair Stuhr suggested Mr. Saavedra attend a traffic safety commission meeting as well a joint meeting between the planning commission and traffic safety commission when it takes place.

A training session will be held on February 26, 2013, 7:00 – 9:00 PM, regarding the new chairperson's handbook, open to any member who would like to attend. Mr. Brierley will send out an email with details.

Commissioner Bliss will not be in attendance at the planning commission meeting on March 14, 2013.

Chair Stuhr stated the engineering department needs to have a better and common understanding of the planning commission issues. Perhaps a joint meeting will be helpful.

The consensus of the planning commission is there needs to be more information included in the packet from the engineering department. Although they trust staff, the planning commissioners are entrusted by the public to make wise decisions. Times and needs change and more information needs to be provided. They agreed a workshop should to be held between the planning commission and engineering to help clarify exactly what information is needed.

IX. ADJOURN

Chair Stuhr adjourned the meeting at 9:45 PM

Approved by the Planning Commission on this 14th day of March, 2013.

AYES: 5 NO: X

Planning Recording Secretary

ABSENT: 1 (Bliss) ABSTAIN: X

Planning Commission Chair