

NEWBERG PLANNING COMMISSION MINUTES
June 28, 2018
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Philip Smith called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Philip Smith, Chair
Jason Dale
Robert Ficker
John Wuitschick
Allyn Edwards
Gary Bliss

Members Absent: Ron Wolfe, excused

Staff Present: Doug Rux, Community Development Director
Keith Leonard, Associate Planner
Keshia Owens, Assistant Planner
Kristen Svicarovich, Engineering Associate

PUBLIC COMMENTS: None

QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

1. **Subdivision: King's Landing:** Consider a subdivision variance application to create 76 single-family residential lots at 25020, 25240, and 25300 North Valley Road. The variances, if approved, would increase the maximum number of single-family dwelling lots allowed on a cul-de-sac ending street.
APPLICANT: Del Boca Vista, LLC
LOCATION: 25020, 25240, and 25300 North Valley Road
TAX LOTS: R3207-00600, R3207-00700, R3207-00800
FILE NO.: SUB317-0003/VAR18-0003 ORDER NO: 2018-05

CALL TO ORDER:

Chair Smith called the hearing to order at 7:03 p.m. and read the quasi-judicial hearing requirements.

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION:

PC Wuitschick had asked a question, but was told he was not supposed to ask that question and the conversation ended.

STAFF REPORT:

Associate Planner Leonard entered the staff report into the record. This was a request for a subdivision and variances to create 76 single family residential lots on North Valley Road. He described the subject site, which was 15.4 acres and included a stream corridor. There was an existing single family home on the property and he explained the adjacent land uses and accesses to the site. All of the utilities were available. The zoning was R-1 and CF, Community Facilities. There was pedestrian circulation and connectivity planned for the subdivision. The topography sloped downward towards the stream corridor and then sloped back up to North Valley Road. The existing street patterns, steep slopes, stream corridor, and wetlands were existing conditions and provided the reasons for the variances. The variances were for an increased block perimeter, block length, cul-de-sac length, and number of homes served by a cul-de-sac. Granting these variances would not materially injure other properties in the area. The average lot size was 5,078 square feet. There were larger lots

encumbered by the stream corridor and wetlands. There was a sanitary system with a drain field associated with the existing home that would be removed. There were two stormwater tracks and the frontage widths were all at least 35 feet except one that was about 34 feet that abutted Gracie's Landing. The applicant owned Gracie's Landing and would be applying for a lot line adjustment to meet the 35 foot minimum. The City was asking for a deposit of \$11,125 which was a proportional cost for improvements to the Foothills Drive/OR 219 intersection and Yamhill County was requesting \$29,888 for a proportional cost for improvements to the North Valley/Chehalem Drive intersection. The City was also requesting 30 feet of additional right-of-way from the center line of North Valley Road. A six foot bike lane, ADA ramps, planter strips, a ten foot utility easement, street lights, and street trees would be placed on North Valley Road. The potable water would require a Public Improvement Permit and the water line would be looped with existing water lines and have the capability for future extensions. Wastewater would also require a Public Improvement Permit and the existing sanitary sewer would be properly decommissioned for the existing home. The stormwater would also include a Public Improvement Permit and a final stormwater report and other plans had to meet and comply with DEQ and City requirements. The City would not accept any wetlands within stormwater tracks. All utilities had to be underground and permits acquired. He discussed the required landscaping, lighting, and public walkways. The property owners of the lots would be responsible for the maintenance of the walkways as there would be no HOA. No impervious surfaces would be allowed in the stream corridor or wetlands. An email had been received from ODOT stating ODOT did not have any objections to the proposed development and another email had been received from the County and he would let the applicant speak to that email. He recommended approval of the application.

Chair Smith asked about the locations of the pedestrian walkways. Community Development Director Rux clarified the locations of the walkways and easements.

PC Bliss asked how large the pathway easements were. AP Leonard responded they were 15 feet, and the hard surface would be 10 feet. There was no requirement for them to be lit.

PC Edwards asked about the traffic signal on Foothills Drive and College and the fee the applicant was paying for it. EA Svicarovich stated the fee that was being proposed would pay for the development's proportional impact to the signal. The Transportation System Plan identified the project within the likely funded category and the timing for the project was in the six to ten year range. Currently the project was not on the CIP list or ODOT's STIP list. It was more of a long range project.

Chair Smith asked if there were other developments that would affect this intersection and bring more SDC funds towards the project. EA Svicarovich clarified SDCs were not earmarked for specific projects; however the Transportation Impact Fee would be directly tied to the project.

CDD Rux explained the other developments that were possible in this area.

PUBLIC COMMENTS:

Applicant:

Jessica Cain and Dan Danicic of Del Boca Vista were the applicants. Mr. Danicic handed out a document called "response to staff" and the Planning Commission paused to read the document.

Ms. Cain said the document that had been passed out included the items that they were in agreement with City staff as well as some recommended changes.

Mr. Danicic said one of the changes they proposed was to the condition to not include any wetlands in the stormwater tracks. He discussed the wetland locations and the irregular lot lines due to the topography of the land. A few of the tracks included some wetlands, but they did not think this would affect the City's operation and maintenance of the stormwater facilities as they were not part of the treatment. He showed where the wetlands and stormwater facilities were located on the map. They were requesting removal of that condition. Another condition they suggested changing was in regard to the Foothills and College signalization. He did not think they should be required to pay a Traffic Impact Fee as there was no policy language enacted to charge this fee. He thought the Transportation SDC was designed to collect proportional share impacts from every new development. The Impact Fee was a double charge on their development and he requested that it be removed.

Ms. Cain discussed the recommended change to the maintenance of the public walkways adjoining stormwater tracts A and B. They thought the City should have the responsibility to maintain those. The remainder of the pathways would be maintained by the property owners or a restriction would be put in the CC&Rs to require contribution for the maintenance in lieu of an HOA. Regarding the County requirements, the projects were in the County's jurisdiction and not the City's. The County's letter included items that might be required, and the County was in favor of the changes proposed by the applicant. They would still have to provide to the City all of the approvals for the proposed improvements and proof of payment of the assessments that the County deemed appropriate.

Chair Smith clarified the locations of the walkways adjacent to stormwater tracts A and B.

PC Bliss was not in favor of the maintenance of the walkways being done by the property owners. Ms. Cain responded it was like sidewalks, which property owners were responsible for maintaining.

PC Bliss asked about lighting. Ms. Cain replied there was no requirement for lighting. There would be a maintenance issue with lighting as well. They had followed the natural resource pathways that currently existed so they would not impact those resources.

PC Bliss asked if there would be restrictions on fencing or vegetation along the pathways. Ms. Cain responded there were no restrictions currently. PC Bliss was concerned about places for people to hide or for nefarious acts that were not conducive to livability of the neighborhood.

PC Bliss asked about the ADA requirements for the sidewalks. Mr. Danicic said there were specific criteria for ADA accessible sidewalks, but ADA also acknowledged that there were sometimes natural impediments and situations where they could not meet the ADA requirements. They did not want to be held to a more onerous standard than ADA.

PC Bliss stated that there was nothing that would limit them in designing their lot lines so that there could be a straight pedestrian walkway instead of a dog leg easement. Ms. Cain answered it was possible, but there were a lot of constraints with the stream corridor.

Chair Smith agreed with PC Bliss's comments on the safety of the walkways. He discussed areas where lighting could be added for safety. Ms. Cain discussed the difficulties of working within the stream corridor.

PC Bliss asked how they could be assured the lots adjacent to the wetlands would not decimate or encroach on the wetlands. Ms. Cain responded there would be fencing required as well as a conservation easement that the City had the ability to enforce. Mr. Danicic commented that the fencing would be chain link.

PC Dale asked about the length of the walkways. CDD Rux stated that the City required lighting for paths longer than 250 feet and the proposed walkways did not meet that length requirement. They had worked for a long time with the applicant on this application and staff suggested aligning the pedestrian walkways with the existing crossings. He explained how the code said public walkways connecting one right-of-way to another right-of-way would be designed to provide a short and as straight of a route as practical. Making the paths work was difficult with the current constraints on the property, the crossings that were already there, and the permits that were involved.

Mr. Danicic asked for approval with the changes they recommended to the conditions.

Proponents: None

Opponents and Undecided: None

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 8:04 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Leonard said staff recommended approval of the application.

CDD Rux added staff recommended approval of the changes to Condition 1D, replacing the word “street” with “East Barbaras Way,” to Condition 2C, deleting the condition on the wastewater system, and to Condition 4B, deleting the reference to the minimum of 50 feet.

EA Svcarovich clarified Condition 4B. Staff was comfortable with removing the reference to the minimum of 50 feet; however staff was not comfortable with deleting the second statement regarding the 4.5 foot planter strip. There was no reason to remove the planter strips from the south side of Barbaras Way. Staff recommended amending Condition 4C to allow the applicant to propose a six foot curb tight sidewalk from lot 21 to 26 to minimize stream corridor impacts. Other than that area, there was no reason to remove the 4.5 foot planter strip which would allow for trees along the street.

PLANNING COMMISSION DELIBERATION:

Chair Smith discussed the request for deletion of Condition 3C regarding the wetlands in the stormwater tracts.

PC Dale thought since there were no regulations for this, it was a reasonable request. PC Bliss agreed.

Chair Smith discussed the request for deleting Condition 4H regarding the Traffic Impact Fee for the Foothills Drive and College signalization.

PC Wuitschick concurred with the applicant that the Traffic Impact Fee was a double assessment. Chair Smith agreed.

PC Dale stated in the absence of a rule stating they had to assess the Fee, he also agreed.

Chair Smith discussed the public walkways adjacent to the stormwater tracts as being the City’s responsibility for maintenance and the others would be the responsibility of the property owners.

PC Edwards thought it was a reasonable request for the City to maintain the two tracts.

PC Dale agreed it was a fair compromise.

Chair Smith reopened the public testimony at 8:17 p.m.

Mr. Danicic clarified the entire walkway in the Dutchman Ridge project would be on Tract A and the private lot to the north would have an easement and the property owner would be responsible for it. Only the walkway adjacent to the stormwater tracts would be the City’s responsibility.

PC Bliss asked if the maintenance access would be the same as the pedestrian access. Mr. Danicic responded no, there would be a separate maintenance access.

Chair Smith closed the public testimony at 8:18 p.m.

Chair Smith discussed the role of the County and how the City should only require the applicant to do what the County required.

PC Edwards asked if staff had talked to the County to confirm they were in agreement with the applicant’s amendments. EA Svcarovich spoke with the County and concurred that the language proposed was the way the County would like to proceed.

Chair Smith summarized that the Commission was in agreement to delete Conditions 3C and 4H, that the City would maintain the walkways adjacent to the stormwater tracts, and agreed with the language proposed regarding the County’s requirements.

CDD Rux said there was language stating the maintenance of the walkways located in the easements would be the responsibility of the Homeowners Association. The applicant indicated there would be no HOA and that verbiage needed to be deleted.

The Commission took a five minute break.

Chair Smith asked if there was any further discussion on this application.

PC Wuitschick said they had not addressed the ADA issue. He thought it would be remiss of the Commission to say that the ADA standards be followed "whenever possible." Also the language did not address the curbing.

Chair Smith thought ADA accessible included curb cut-outs at the right place.

PC Bliss thought lighting was a necessity for the walkways, and the lighting should illuminate the walkways with no intrusion on any adjoining lots. The maintenance of the public walkways should be done by a Homeowners Association. He suggested the conditions be revised to state the maintenance of the walkways would be the responsibility of a HOA into perpetuity.

Chair Smith clarified the finding for this revision was that even though they were not 250 feet long, the walkways that had a curve in them presented a public safety concern and needed to be lit. In order to make sure the walkways were maintained, a HOA was required.

There was discussion regarding the maintenance of the walkways.

EA Svcarovich discussed the maintenance of the lights on the walkways. Chair Smith did not think pedestrian lighting should be difficult to maintain. CDD Rux explained the different types of lighting that could be used. The City did not have a standard for pedestrian lighting, and if they were going to require lighting, they would need to use the design and construction standards.

PC Dale stated the City had no clear standard or code to direct the Commission on this issue and the walkways met the standards and codes they did have. They were under 250 feet and were as straight as practical due to the topography. He did not think they should require the lighting.

ACTION BY PLANNING COMMISSION:

PC Bliss understood the City did not have standards for the lighting and they could not establish standards without going through a process.

Chair Smith said there could be a finding that curved paths shorter than 250 feet presented safety issues that must be addressed. They could require the applicant to put in lighting at the applicant's discretion and turn it over to the City for the City to maintain. He thought long term if it was not lit, it would be a detriment to the neighborhood.

PC Edwards asked if there was going to be a Homeowners Association to maintain the walkways or was it going to be done by the property owners or through the CC&Rs.

MOTION: PC Dale/PC Ficker moved to approve Order 2018-05 with the recommended changes by Del Boca Vista to Conditions 1D, 2C, 4B by deleting the section after G, deleting 4O as a duplicate of 4C, accept the changes to 3C, 4H, 4V, 4W, and 4X.

AMENDMENTS TO THE MOTION: PC Dale/PC Ficker moved to amend the motion by striking the words "Homeowners Association into perpetuity" and changing the word for the ADA sidewalks from "accessible" to "compliant."

The motion passed (5 Yes/ 1 No [PC Bliss]).

2. **Vacation Rental at 409 North College Street:** Consider a conditional use application to use an existing single-family home as a short-term vacation rental at 409 North College Street.

APPLICANT: Lifestyle Properties, LLC C/O Megan Carda

LOCATION: 409 North College Street

TAX LOTS: R3218DD 11300

FILE NO.: CUP18-0003

ORDER NO: 2018-06

CALL TO ORDER:

Chair Smith called the hearing to order at 9:03 p.m. and read the quasi-judicial hearing requirements.

CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION: None

STAFF REPORT:

Assistant Planner Owens gave the staff report. This was a request for a Conditional Use Permit for a vacation rental at 409 N College Street. This was an existing four bedroom single family dwelling and was zoned R-2, medium density residential. She described the subject site and reviewed the applicable criteria. This location was close to downtown, it was similar to a regular residential use, and six off street parking spaces were provided. The maximum occupancy would be eight guests and the proper information would be posted next to the front door. Staff recommended approval.

PUBLIC COMMENTS: None

CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING:

Chair Smith closed the public testimony portion of the hearing at 9:11 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Owens said staff recommended approval.

PC Dale asked about the size of the house. AP Owens said it was 3,714 square feet. She clarified there was a shared driveway with the neighboring house.

ACTION BY PLANNING COMMISSION:

MOTION: PC Edwards/PC Ficker moved to approve Order 2018-06. The motion carried (6 Yes/ 0 No).

VII. ITEMS FROM STAFF

CDD Rux gave updates on the Wastewater Master Plan. The Accessory Dwelling Unit code changes would go to Council on July 2 and the Development Agreement amendment for Springbrook Properties would go to Council on July 16.

Chair Smith stated the next Planning Commission meeting would be on July 12, 2018.

VIII. ITEMS FROM COMMISSIONERS

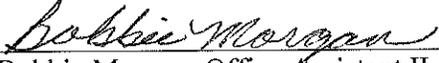
PC Edwards asked for staff to look at developing lighting standards for pathways.

IX. ADJOURNMENT

Chair Smith adjourned the meeting at 9:17 p.m.

Approved by the Newberg Planning Commission this July 12, 2018.


PC Philip Smith, Planning Commission Chair


Bobbie Morgan, Office Assistant II