

NEWBERG PLANNING COMMISSION MINUTES
March 14, 2019
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Vice Chair PC Dale called meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Jason Dale
John Wuitschick
Zach Pelz
Sharon Capri
Jeffrey Musall
Robert Ficker

Members Absent: Allyn Edwards, excused
Capri Wheaton

Staff Present: Doug Rux, Community Development Director
Cheryl Caines, Senior Planner
Keith Leonard, Associate Planner
Kaaren Hofmann, City Engineer

PUBLIC COMMENTS: None

CONSENT CALENDAR

1. Approval of the February 14, 2019 Planning Commission meeting minutes.

MOTION: PC Pelz/PC Wuitschuck moved to approve the February 14, 2019 PC Meeting Minutes. Motion carried (6 Yes/0 No).

QUASI-JUDICIAL PUBLIC HEARING (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. **Mather Stream Corridor Variance (continued):** - Consider a stream corridor variance application to construct a single-family residence in the stream corridor overlay at 1904 N Birch Lane.
APPLICANTS: Richard and Nancy Mather (owners)
FILE NO.: MISC318-0003 ORDER: 2019-03
CRITERIA: Newberg Development Code Sections: 15.342.100(B) and 15.342.140(B).

CALL TO ORDER:

Vice Chair Dale called the hearing to order at 7:02 p.m.

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

PC Pelz excused himself from the hearing as his employer participated in the preparation of the application.

STAFF REPORT:

Staff report presentation given by Senior Planner Caines. This was a request for a stream corridor variance to construct a single family residence in a portion of the stream corridor overlay at 1904 N Birch Lane. The zoning of the property was R-1 and it was approximately one third of an acre. The adjacent uses around the site were single family residences. A stream corridor report was prepared by AKS Engineering and she summarized the report. The consultant concluded that no alternative layouts were available and the impacts to the corridor had been minimized. She then reviewed the site plan and approval criteria. The applicant's consultant stated the impacts were minimized as there would be approximately 1,807 square feet of permanent impact from the placement of the home but 3,486 square feet of the marginal and degraded stream corridor would be enhanced and there would be improved wildlife function and water quality. At the last hearing, staff recommended denial of the application. However the applicant had submitted additional information and after further review, staff was now recommending approval. The applicant's consultant had concluded that there were no available alternatives. The house was being placed in the southern portion of the site, which was the flatter area, to minimize grading and fill on the site. The 22 foot average buffer that was being proposed between the house and the stream would include native trees and shrubs and wildlife habitat and water quality would be improved. There would be erosion control measures taken during construction and the permanent placement of the home would not impact the turbidity of the stream. There was a condition that the applicant provide more information about the fill with the building permit submittal. There would be five trees removed from the corridor, but this was the minimum necessary to complete the project. There would be two driveways and staff could not determine if there was a 40 foot separation between them. This was something the applicant would submit with the building permit and any driveways would have to meet Public Works' design standards. Staff recommended approval with conditions.

PUBLIC TESTIMONY

Applicant:

Cale Leonard, attorney representing the applicant, said there were three concerns the Planning Commission had previously which were fill, stream turbidity, and placing the house in a different location outside of the stream corridor. The applicant had submitted evidence which addressed the stream turbidity and how there was no other option for the location of the house. He had spoken to geotechnical engineers who stated they would not do a geotechnical report until the variance was approved. The issues that were still not addressed were in the conditions. They would not know the details of the fill until the site was prepared and all of the other plans were completed. They would be working with architects regarding the driveways. This land had no good value currently as it was highly degraded and this application planned to fix that by putting in native plants and trees and encouraging wildlife. He thought the upgrades to the property versus the encroachment of the stream corridor met the spirit of the purpose and fit the requirements of the variance.

Proponents: None

Opponents and Undecided: None

CLOSE OF PUBLIC TESTIMONY:

Vice Chair PC Dale closed the public testimony portion of the hearing at 7:21 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

SP Caines said staff recommended approval.

PLANNING COMMISSION DELIBERATION AND ACTION:

MOTION: PC Capri/PC Ficker moved to approve FILE NO: MISC318-0003 Order 2019-003. Motion carried (5 Yes/0 No/1 Recused).

throughout the private street network. They wanted to route residents to the walkways that went in between the units and try to reduce the potential of walking in areas where vehicles were backing up. The changes allowed the site plan to have a better pedestrian circulation. If the changes were not approved, it might cause the applicant to change product types or lot sizes. He thought it was a well thought out design.

Jesse Nemec, developer with JT Smith Companies, clarified the modifications to the conditions were reflective of the plan that they brought to the Commission initially. They never intended to have sidewalks on both sides of the private streets on all locations. The pedestrian pathways went to the front doors of the homes and it was not necessary to have sidewalks on both sides of the homes.

Proponents: None

Opponents and Undecided: None

CLOSE OF PUBLIC TESTIMONY:

Vice Chair Dale closed the public testimony portion of the hearing at 7:42 p.m.

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Leonard said staff recommended approval of the application.

PC Wuitschick asked about the sidewalk locations. City Engineer Hofmann responded there would be a sidewalk adjacent to all of the front doors of the homes. There would be two locations where there would not be sidewalks on the private streets because they functioned as alleys or driveways.

PLANNING COMMISSION DELIBERATION AND ACTION:

PC Pelz said these were only modifications to the sidewalks; they were not reopening the application for approval. He appreciated the applicant's effort to make these changes and thought this was the right approach. It also provided an opportunity for additional parking. He clarified there would be ADA curb ramps on the private streets as well.

Vice Chair Dale agreed they were not deliberating on the entire project, but only on the sidewalks. He thought it was good to get this right before the streets were put in.

MOTION: PC Ficker/PC Musal moved to approve FILE NO: MISC319-0001 Order 2019-004. Motion carried (6 Yes/0 No).

ITEMS FROM STAFF

1. Update on Council items given by CDD Rux including approving a three lot partition on Bell Road, accepting the Yamhill County Transit Area Plan, initiating a Comprehensive Plan and Development Code amendment and modifications to the Public Works Design and Construction Standards, discussing affordable housing priorities, evaluating a construction excise tax, duplexes and triplexes in R-1 zones, and reviewing the Water Management Conservation Plan.
2. Anticipated schedule of Planning Commission activities were discussed by CDD Rux.

There was discussion on upcoming agenda items including 5G technology and the health issues associated with 5G.

3. Next Planning Commission meeting: April 11, 2019

ITEMS FROM COMMISSIONERS

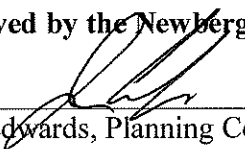
PC Pelz suggested the Commission discuss standards for private streets. CDD Rux responded if they created stricter standards, it took away from the flexibility and creativity of projects.

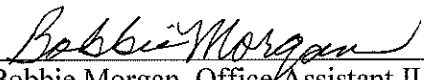
PC Pelz liked the flexibility as long as the City Engineer was able to say when sidewalks were required and when they were not.

ADJOURNMENT

Vice Chair Dale adjourned meeting at 8:11 p.m.

Approved by the Newberg Planning Commission this April 11, 2019.


Chair Edwards, Planning Commission Chair


Bobbie Morgan, Office Assistant II