

**MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon**

Thursday, 7:00 PM

June 18, 1992

Subject to P.C. Approval at 7/16/92 P.C. Meeting

I. OPEN MEETING

Vice-Chair Kriz opened the meeting.

II. ROLL CALL

Planning Commission Members Present:

Jack Kriz
Michael McCauley
Mary Post
Carol Ring
Steve Roberts
Wally Russell (9:15 p.m.)
Elaine Smith
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

CAP Members Present: None

Citizens Present: 12

III. APPROVAL OF MINUTES

Motion: Worrall-Post to approve minutes of the May 21, 1992 minutes as distributed.
Motion carried unanimously.

Planning Director Egner read ORS 197 requirements for public hearings into the record.

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IV. PUBLIC HEARING, CONTINUED:

APPLICANT: Osmin Sanchez
REQUEST: Annexation of a 1.2± acre parcel of land
ZONING: AF-10 to R-2 Medium Density Residential
LOCATION: 1014 Charles
TAX LOT: 3219DC-3700 (part)
FILE NO: ANX-1-92
CRITERIA: Newberg Ordinance 2012; Newberg Zoning Ordinance Section 600

No objections to jurisdiction occurred; no abstentions or ex-parte contact were indicated.

Staff Report: Associate Planner King reviewed the site with a slide presentation. She noted that the site has an Open Space/Medium Density Residential plan designation and a portion of the parcel is currently in the City limits and contains a single family residence and outbuildings. She noted that Newberg School District continues to express concern regarding school capacity. She reviewed the annexation and zone change criteria and indicated that the application satisfies the criteria.

Staff Recommendation: Recommend that the City Council approve the application as identified in the Staff Report.

Proponent/Opponent: None

Letters/Public Agencies: Division of State Lands letter relating to fill requirements

Hearing Closed.

Commission Discussion:

Commissioner Roberts asked what the OS designation meant. Planning Director Egner indicated that OS on the map was a mapping error. The OS designation is only applicable in those areas where the slopes break at 20% along the drainageways.

Commissioner Roberts asked about availability of public services such as roads. Planning Director Egner reviewed the site on an overhead. He noted that several options were available to serve the site. He noted that the owner of this site also owns adjacent property through which the site can be accessed and that the site can be developed through a partition or subdivision process.

Commissioner Roberts was concerned about the development restraints of the site. Planning Director Egner indicated the site would allow typical infill development.

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Commissioner Kriz asked if the site abutted Charles. Associate Planner King indicated that the property did not directly access Charles.

Motion: Worrall-Post to recommend that the City Council approve the annexation of T.L. 3219DC-3700, a 1.2 $\pm$ acre parcel of land, a zone change from AF-10 to R-2 Medium Density Residential with a FH/GH Flood Hazard/General Hazard overlay, and withdrawal from the Newberg Rural Fire Protection District based on staff report findings.

Vote on Motion: Motion carried unanimously.

V. PUBLIC HEARING:

APPLICANT:	Marc Willcuts
REQUEST:	Annexation of a 6.85 $\pm$ acre parcel of land
ZONING:	AF-10 to R-3 High Density Residential
LOCATION:	Third and Everest
TAX LOT:	3220-1200
FILE NO:	ANX-3-92
CRITERIA:	Newberg Ordinance 2012; Newberg Zoning Ordinance Section 600

No objections to jurisdiction occurred; no abstentions or ex-parte contact were indicated.

Staff Report: Planning Director Egner reviewed annexation and zone change criteria. He presented slides of the site together with a site map. He reviewed existing uses of the site and surrounding areas. He noted that the proposed annexation meets the criteria. He commented that site improvements would occur upon development of the site. He noted that the school district has again expressed concern relating to school capacity. He noted that Engineering Department requirements for improvement of Everest Road would probably include a 50 ft. right of way with a 3/4 street improvement. He noted that as part of the annexation proposal the conditions relating to a non-remonstrance and street dedication be completed prior to Council action.

Staff Recommendation: Recommend that the City Council approve the application as identified in the Staff Report.

Proponent: Marc Willcuts, 125 Hawthorne Court, Dundee, Coldwell Banker, represented the applicants. He indicated they were in agreement with the staff recommendations and that any difficulties could be discussed with staff at a later date.

Opponent: None

Questions to Proponent: None

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Letters/Public Agencies: None

Hearing Closed.

Commission Discussion:

Commissioner Roberts asked if there were any comments from the Friends Cemetery to the south. Planning Director Egner indicated that no comments have been received.

Commissioner Post asked if there was a fence between the cemetery and the site. Planning Director Egner indicated there was landscaping and fencing over a portion of the area. He noted that these issues would be discussed during design development.

Commissioner McCauley indicated he has noted wildlife in the area.

Motion: Roberts-Post to recommend that the City Council approve the annexation of T.L. 3220-1200, a 6.85 acre parcel of land, a zone change from AF-10 to R-3 High Density Residential, and withdrawal from the Newberg Rural Fire Protection District based on testimony, staff report findings and the following conditions: 1) A non-remonstrance agreement must be signed for street and utility improvements to Everest Road and Third Street; and 2) A right-of-way dedication of 10 feet on Everest Road and 10 feet on Third Street must be made.

Vote on Motion: Motion carried unanimously.

VI. PUBLIC HEARING:

APPLICANT:	Al Pense/Windsor Prop. Limited
REQUEST:	Partition of a 36,275 sq. ft. parcel into three parcels of 11,875 sq. ft., 14,000 sq. ft. and 10,400 sq. ft. respectively and a modification to the 2.5:1 lot depth to width ratio
ZONING:	R-1 Low Density Residential
LOCATION:	W. Fifth St. west of Harrison
TAX LOT:	3219CA-102
FILE NO:	P-8-92
CRITERIA:	Newberg Subdivision Ordinance, Sections 12 and 66

No abstentions, objections to jurisdiction, or ex-parte contact were noted.

Staff Report: Associate Planner King reviewed subdivision criteria for approval of partitions and modifications to provisions. She reviewed the site using a slide presentation. She noted that utilities were available to the site. She commented that the site was used in the past for dumping of concrete and other debris. She noted that the

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The Engineering Department has requested a non-remonstrance for street improvements, dedication of right-of-way, a geotechnical report, the location of the 20% break in slope, and that the common driveway must be paved. She added that the application required a modification to the lot depth to width ratio in order to enable development based on the unusual topographical conditions of the site.

Staff Recommendation: Approval subject to the conditions listed in the staff report.

Planning Director Egner noted that Mr. & Mrs. Dwight Hageman have presented a letter expressing concern about the drainage on the site. He indicated that through discussions with the Engineering Department, it appeared that rain drains from the developments could be appropriately placed to prevent the problem. He recommended that an additional condition be added to the staff recommendation. Condition 9. would require that a drainage easement be placed over the boundary between parcels 2 and 3 to collect the storm water runoff away from the property owner to the west.

Proponent: Al Pense, 16395 SW Bell Road, Sherwood indicated he was the owner of the site. He indicated that Tom Burton of Burton Engineering was going to be present but was unable to attend at the last minute. He concurred with the staff report conditions including the condition relating to water runoff.

Questions to Proponent: Commissioner Roberts asked how much of parcel 2 was buildable. Mr. Pense indicated that parcel 2 would be buildable but did not know how much of the total parcel size was available for construction.

Planning Director Egner reviewed the site topographic map with Commissioner Roberts. He indicated that there was approximately 3,000 sq. ft. of buildable area for parcel 2 and for parcel 3.

Opponent: None

Letters/Public Agencies:

Mr. & Mrs. Dwight Hageman - expressing concern relating to drainage.

Division of State Lands - indicating that a fill permit may be required in order to fill in the wetland area.

Hearing Closed.

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Commission Discussion:

Commissioner Kriz asked if the geotechnical report indicated that the land was unstable, whether the land could still be partitioned. Planning Director Egner noted that the improvements needed for development would be revised based on the geotechnical report.

Commissioner Roberts was concerned about the limited construction site area of parcels 2 and 3. He did not feel that the site should be approved for development at this time.

Commissioner Ring asked about other areas around the community that had development sites similar to those proposed.

Planning Director Egner indicated that construction occurs in many areas similar in nature to this site; however, in Newberg these slope areas have been designated as Open Space and the intent of the City has been to preserve the land below the 20% break in slope. He did not agree with Mr. Roberts relating to the development limitations on 3,000 sq. ft.

Commissioner Roberts expressed concern about the unequalness of the three parcels based on net usable footage. Planning Director Egner noted that the accessway was included in parcel 1 and that the effective net acreage of parcel 1 was about 8,000. Mr. Egner added that the Open Space area would provide a very open development setting.

Commissioner Kriz asked what the setback requirements would be on Parcels 2 and 3. Planning Director Egner noted that perhaps the access easement could be reworked. Planning Director Egner noted that 20 feet to a garage and 5 feet to the side yard from the access way would be required for Parcel 2.

Commissioner Kriz indicated that parcels 2 and 3 would be attractive homesites.

Commissioner Roberts indicated that there was not enough effective buildable acreage to construct 3 homes on 7,500 sq. ft. lots if the buildable acres on the entire parcel were totaled and the non-buildable acres excluded.

Planning Director Egner indicated that shifting densities based on open space requirements could allow 4-5 units without partitioning. He added that staff could make some minor adjustments to the lot lines at the time of final plat application to make the sites a bit more functional.

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Motion: Post-Ring to approve the modification to the 2.5:1 lot depth to width ratio and preliminary approval of the partition based on testimony, staff report findings and conditions 1-9.

Vote on Motion: Aye: Kriz, McCauley, Post, Ring, Worrall; Nay: Roberts. Motion carried 5-1.

VII. PUBLIC HEARING:

APPLICANT: Pacific Empire Builders, Inc.
REQUEST: Approval of a 15 lot residential subdivision on a 158,558 s.f. parcel
ZONING: R-1 Low Density Residential
LOCATION: West of Melody Lane, East of Crater Lane
TAX LOT: 3218AB-500
FILE NO: S-3-92
CRITERIA: Newberg Subdivision Ordinance, Section 24

No objections to jurisdiction, abstentions or ex-parte contact were indicated.

Staff Report: Planning Director Egner reviewed the Subdivision criteria and discussed a slide presentation relating to the location of the site. He noted that the preliminary plan had a minor correction to the N. Main Street extension to enable connection with Mountainview Drive. He indicated that numerous street layouts have been discussed relating to this and adjacent subdivision proposals over the last 10 years. He commented that the cul-de-sac layout appears to be the most functional proposal and would have less impact on driveways accessing directly onto Main. He reviewed the staff report findings and referrals and satisfies the criteria. He indicated that the property has been zoned and identified in the Comprehensive Plan for residential use and that adequate time has been provided for provision of school facilities.

Staff Recommendation: Approve the subdivision based on compliance with the subdivision criteria and conditions 1-9.

Proponent: Tom Tye, Compass Engineering, indicated he prepared the preliminary plan and that he has reviewed the staff report and concurred with staff findings and conditions.

Opponent: Concejo Zirschky, 2120 N. Crater Lane indicated she resides adjacent to the property being developed on Crater Lane. She noted that over 100 cars now use the roadway. She felt the additional traffic impact would be severe and the project would cause surrounding property to have increased taxes.

Letters/Public Agencies: None

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Hearing Closed.

Commission Discussion:

Commissioner Worrall felt that Main Street would be the primary access to the school site to the north and not Crater Lane.

Mrs. Zirschky indicated that the 3 additional houses on Crater Lane would add up to 9 cars and much more traffic.

Commissioners Ring and McCauley felt the area would be developing.

Commissioner McCauley felt that additional traffic control signs should be placed on Crater Lane.

Commissioner Post indicated the property was already appropriately zoned for residential. She added that signs would not necessarily result in reduced traffic speed.

Commissioner Kriz expressed concern about the cul-de-sac as proposed. Planning Director Egner noted that if Melody extended through to Crater, lots 3-7 would end up being through lots with frontage on both Mountainview and Melody. He noted that the distance between Mountainview and Melody Lane intersections would be only 80 feet and Staff felt that was an unreasonably close intersection distance.

Commissioner Kriz felt that Melody Lane could be jogged to the south to extend the distance between the intersections. Planning Director Egner indicated that an access easement could also be required for public foot traffic from Melody to Crater.

The Commissioners discussed various foot access methods to reach the proposed Crater Lane school site.

Commissioner Kriz asked about the status of Main and Crater as collector streets. Planning Director Egner indicated that Crater would be the service street and Main would likely extend to the school site as well.

Planning Director Egner recommended that an additional condition be included as follows:
The utility easement shall be identified as a pedestrian easement improved with a 5-6' hard surface for pedestrian access.

The Commissioners concurred that the pedestrian easement should be included as condition 10 as noted by Planning Director Egner above.

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Motion: Worrall-Roberts to approve Prospect Park II Subdivision based on testimony, staff report findings and conditions 1-10.

Vote on Motion: Motion carried unanimously.

VIII. PUBLIC HEARING:

APPLICANT:	Marc Willcuts
OWNER:	Howard & Emma Melby
REQUEST:	Partition of a 24,370.9 sq ft. parcel into 1 parcel of 13,122.9 sq ft., and 2 parcels of 5,624 sq ft. and a modification to the lot width to depth ratio for parcel 1.
ZONING:	R-2 Medium Density Residential
LOCATION:	2102 N. Springbrook Road
TAX LOT:	3216BB-200
FILE NO.:	P-7-92
CRITERIA:	Newberg Subdivision Ordinance, Sections 12 and 66

No objections to jurisdiction or abstentions were indicated. Commissioner Ring indicated that she has been a concerned citizen relating to this corner for some years. No other ex-parte contact was indicated.

Staff Report: Planning Director Egner reviewed the partition criteria and modification provisions. He reviewed the site with a slide presentation. He briefly reviewed the history of the Crestview Drive/Mountainview Drive alignment. He noted that there was no plan to realign Crestview at this time. He identified the lot which exceeded the 2.5:1 ratio. He reviewed the staff report referrals, findings and conditions. He noted that the application meets modification and partition criteria.

Staff Recommendation: Approve the request subject to conditions 1-5.

Proponent: Marc Willcuts, 125 Hawthorne Court, Dundee represented the owners of the site. He concurred with the staff recommendation with the exception that if a 10 foot dedication on Crestview was required, the minimum lot size requirement may not be met for parcels 2 and 3. He requested consideration of this matter by the Planning Commission.

Planning Director Egner noted that it was possible that Crestview could be realigned in such a way that the dedication would not be needed. He indicated that if there were not enough square footage per lot, a variance might be required.

Opponent: None

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Questions to Proponent:

Commissioner Roberts asked if the corner lot were once a part of the original tax lot. Mr. Willcuts indicated that it had been part of the original parcel at one time; however, the present owners purchased this site as it currently exists.

Letters/Public Agencies: None

Hearing Closed.

Commission Discussion:

Commissioner Roberts expressed concern that previous developments allowed such non-conformities to occur.

Motion: Roberts-Post to approve the modification to the 2.5:1 lot depth to width ratio and preliminary approval of the partition based on testimony, staff report findings and conditions 1-5.

Vote on Motion: Motion carried unanimously.

IX. Addition to Agenda Relating to Home Occupation Criteria

Planning Director Egner presented a request from two individuals to allow them to use the basement of their home as two separate home occupations. He noted that there would not be much impact from the business. He indicated that the occupations might better comply with conditional use permit criteria.

Commissioner Roberts expressed concern that each of individual home occupations could have an outside employee.

Planning Director Egner requested guidance from the Commission.

Commissioners McCauley and Roberts felt it should be a conditional use.

Commissioner Kriz felt the Zoning Ordinance language implied there should be one home occupancy per household.

Commissioner Worrall felt the use was appropriate for a home occupation.

Planning Director Egner polled the Commissioners relating to the issue.

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Commissioners indicated in a 5-2 show of hands that the interested parties should apply for a conditional use permit.

A 5 minute recess was called after which Chair Russell reopened the meeting.

Motion: Kriz-Post to adjourn at 10:30 pm.

Amendment to Motion: Worrall-Post to add "or sooner".

Amendment to Motion carried.

Vote on Motion: Motion carried.

X. PUBLIC HEARING:

REQUEST: Discuss and adopt ordinances relating to the following issues to comply with DLCD's response to the City of Newberg Periodic Review Order:

- A. Manufactured Housing**
- B. Residential Facilities**
- C. Farmworker Housing**
- D. Public Facilities Planning**
- E. Siting Streets In Resource Areas**

Staff Report A: Associate Planner King reviewed the staff report relating to siting manufactured homes on individual lots. She indicated that City staff is recommending elimination of the MI overlay and allow manufactured housing on any lot in the R-1 zone, in the R-2 zone based on current requirements, and in the R-3 zone as a conditional use. She also indicated that there were some proposed design standards which would apply to all single family structures within the City. She indicated that the staff report reflects policy language changes required to implement these changes. She noted that development standards for all new single-family homes, modular homes and manufactured homes must include design features to provide visual relief along the front of the home. She noted that a revision to the placement of manufactured homes within 100 feet (not 200) was more appropriate given the design of stick built homes versus manufactured housing exterior appearance. She noted that there were some additional design features which could be included in the minimum standards for all single-family homes.

Chair Russell asked whether the Commission preferred option 1 or 2.

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Commissioner Roberts asked what impacts these options would have on development of a historic district. Planning Director Egner indicated that the proposed revision to the historic ordinance would not be addressing districts.

Commissioner Roberts indicated that something should be included in the ordinance restricting mirror housing which is substantially identical.

An audience member asked what would occur with a subdivision with covenants and restrictions against manufactured housing. He was concerned about the impacts on anyone who has a lot in an area with CCR's restricting manufactured housing.

Associate Planner King indicated that the CCR's would restrict them, and that the cost of housing in areas considered to be very exclusive residential areas was also restrictive.

Chair Russell commented that DLCD has suggested the market should be the guide. He commented that using "affordable" as criteria for determining whether manufactured housing should be located everywhere was not necessarily appropriate.

The Commission discussed restrictive CCR's in developments. Planning Director Egner indicated that he did not know of court cases which had overturned CCR's in favor of those opposing them.

Planning Director Egner indicated that currently there were only approximately 90 sites available for manufactured housing infill in Newberg.

Commissioners discussed the potential opposition citizens may have to manufactured housing in existing residential areas within the City.

Planning Director Egner discussed the history of manufactured housing requirements in Newberg. He noted that communities all over Oregon have been instructed to provide opportunities for affordable housing.

Commissioner Worrall indicated that the City is attempting to comply with State legislative requirements.

Commissioner Post indicated that changes to the law after specific sites were purchased didn't appear to give the individual homeowner the right to object. It appeared that the game plan has changed.

Chair Russell reviewed the options the State has given the City to deal with the manufactured housing needs analysis.

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Planning Director Egner indicated that the City needs to provide 24% of all housing as manufactured housing. He then reviewed a map which provided two options for additional manufactured housing infill through the MI zone.

Commissioner Roberts felt the option areas would be a better choice.

Commissioner Worrall felt there were two choices; 1) - to impact existing neighborhoods or 2) to allow MI development only in newly annexed areas within the UGB.

Commissioner Roberts felt the two options were: 1) allowing unrestricted infill in any R-1 zone or 2) limiting the available MI acreage to the R-1 area west of College as indicated on Mr. Egner's map.

Planning Director Egner requested that the Commissioners select either expansion of the MI zone or allow manufactured housing in all R-1 areas.

Chair Russell polled the commission with the following result

Option 1 - Unlimited option - all R-1 - 2 Commissioners supported this option.
Option 2 - Expand the M-I - 5 Commissioners supported this option.

Commissioner Roberts felt that both optional expansion areas identified on the planning map should be included in an expanded MI zone.

Commissioner Roberts felt there should be more public input.

A member of the audience asked what 32% manufactured housing need relates to.

Associate Planner King indicated that the State has presented a formula which is partially based on income levels. Need is identified as the income range at which residents may purchase a manufactured home, and above which residents will likely purchase stick built homes.

Planning Director Egner indicated that this approach has been an accepted process and, unless we come up with another scheme, the City needs to work with it.

Planning Director Egner was asked if making additional property available for MI was feasible at this time. Planning Director Egner felt that based on market factors it was not likely that 32% of housing sites would be occupied by manufactured housing; however, this gives the opportunity for manufactured housing.

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Planning Director Egner indicated he would present a new staff report next meeting relating to the map he has presented and expansion of the MI.

Staff was directed to present revised material at the next meeting.

Motion: Roberts-Post to direct staff to bring back a formal proposal for an extended MI together with design standards. Motion carried: Nay - Kriz.

Chair Russell questioned how extensive a notice had been done. Planning Director Egner indicated that standard notice has been provided.

Staff Report B: Associate Planner King reviewed the State definitions relating to residential facilities. She indicated that consideration has been given to revision of the term "family" together with revision of the location of group care homes. Option 1 would not limit the number of unrelated people who can live in a dwelling unit provided they do not exceed the standards of the Uniform Housing Code. Option 2 would limit the number of unrelated people to 5 or fewer. This option exempts those individuals excluded from this requirement based on the Federal Fair Housing Act.

Planning Director Egner reviewed the Uniform Housing Code requirements for number of occupants per habitable room. He felt that the definition which addresses unrelated people may be subject to lawsuit.

Commissioner Roberts felt that the definition should be replaced by a definition for "housekeeping unit" and should be based on a limitation of 200 sq. ft. of structure per occupant based on external structure measurements. He felt that basing the room occupant load as suggested in Option 2 was not enforceable.

Commissioner Post felt the Uniform Housing Code would be enforceable and would prevent out of proportion construction.

Planning Director Egner indicated that State licensing procedures governed group care home. He noted that single family residences could be converted to meet the requirements but it would be fairly difficult and expensive. He noted that additional licensing procedures covered convalescent care facilities, assisted living facilities and nursing facilities. Planning Director Egner noted that the group care home definition did not include group care facilities which are a much broader group. He noted that group care facilities could be sited through the conditional use permit process.

Commissioner Worrall suggested that the Commission select a definition of family before adjournment.

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Commissioner Kriz asked if the term could be changed to read "housekeeping unit".

Staff was requested to come back to the next meeting with revisions.

The meeting was adjourned at 10:40 pm.