

MINUTES OF THE PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:00 PM

December 17, 1992

Subject to P.C. Approval at 1/21/93 P.C. Meeting

I. OPEN MEETING

Chair Russell opened the meeting.

II. ROLL CALL

Planning Commission Members Present:

Jack Kriz
Michael McCauley
Mary Post
Steve Roberts
Wally Russell
Elaine Smith
Donald Thomas
Roger Worrall

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner

CAP Members Present: Ken Lite and Sid Friedman

Citizens Present: 5

III. APPROVAL OF MINUTES

Motion: A motion was made and seconded to approve minutes of the November 19, 1992 minutes. Motion carried unanimously.

Chair Russell requested that the Commissioners review and approve the agenda as distributed or make appropriate revisions. Commissioner Roberts noted that he had an issue to discuss following the public hearing. Chair Russell then reviewed the testimony process for public hearings.

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IV. PUBLIC HEARING

Applicant: NSP Development

Request: Annexation of an 8.51 acre parcel, withdrawal from the Newberg Rural Fire Protection District, zone change from County to City R-2 zoning and Subdivision of an 370,696 sq. ft. parcel into 16 5,000 sq. ft. lots and a 6.5 ± acre parcel.

Location: 2nd Street between Elliott and Everest

Tax Lot: 3220-1800 and 3220-1700

File No: ANX-4/Z-3/S-5-92

Zone: County AF10 to R-2 Medium Density Residential

Chair Russell stated that he worked in the same office as Marc Willcuts, who had recently sold the subject property. He abstained from the hearing and Vice Chair Kriz continued the hearing by asking for any additional abstentions, objection to jurisdiction or ex-parte contact. Commissioner Roberts indicated he had visited the site. No objections to jurisdiction or questions relating to ex-parte contact were raised.

Questions from the Commissioners:

A question was raised as to the size of tax lot -1800. Mr. Egner stated that the remaining tract would result in a 2.68 acre parcel.

Staff Report: Associate Planner King identified the location of the site on a map and with slides. She reviewed the criteria for annexation and subdivision approval and noted the options available to the Planning Commission for approval or denial of the application. She reviewed the staff report findings and conditions.

Questions from the Commissioners: After presentation of the staff report, Commissioner Roberts noted that the house to the west of the site was built adjacent to the property line and that the eaves encroached upon the property. Mr. Egner stated that the use existed as a non-conforming use, and that it should not present a problem for the subdivision. He noted that it would be an issue to be resolved among the property owners.

Proponent: Mart Storm, 441 SE Maple, Dundee, spoke in favor of the application. He indicated that drainage issues could be resolved with the Engineering Dept.

Opponent: None

Hearing Closed.

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Commissioner Deliberation:

In response to a question by Vice-Chair Kriz, Mr. Egner indicated that within the 50 ft. rights-of-way, street width would be 28 ft.

Commissioner McCauley noted that the School District had concerns with the school capacity. Vice-Chair asked whether the Planning Commission should seek Council direction in regard to School District concerns. Mr. Egner noted that the Planning Commission could only consider school capacity if the criteria were revised.

Commissioners Thomas and Roberts indicated concern about the loss of multi-family land and its conversion to single family use.

Motion: Roberts-Post to recommend that the City Council approve the annexation and zone change as requested. **Vote on Motion:** Motion carried unanimously.

Motion: Roberts-Post to approve the subdivision request based on the staff report findings and criteria, subject to the conditions listed in the staff report. **Vote on Motion:** Motion carried unanimously.

Mr. Egner indicated that the annexation/zone change would be heard at the January 4, 1993 City Council meeting. He noted that the subdivision approval by the Planning Commission was subject to the Council decision on the annexation/zone change.

Commissioner Roberts stated that he was concerned about the loss of multi-family land for single-family use. He requested that the staff prepare a resolution initiating a plan amendment/zone change to HDR High Density Residential for the remainder of the site just approved for annexation.

Following discussion, Mr. Egner stated that he would prepare a study that addressed a variety of candidate sites for possible zone changes, and also will present data relating to whether a need exists for additional multi-family land. This material will be provided at the January Planning Commission meeting.

Vice-Chair continued chairing the meeting and Chair Russell was excused from the meeting.

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V. Old Business - Workshop on General Hazard Area amendments

Staff Report: Mr. Egner reviewed the existing ordinance and the history of the general hazard designation. He stated that it had evolved through the acknowledgement process when the Comprehensive Plan was acknowledged by LCDC. He noted that policies did an adequate job of separating general hazard from open space requirements, but that certain changes would help clarify this issue. He stated that the zone should be retitled to a general hazard/open space zone, and that general hazard policies should describe hazardous slope conditions rather than the 20% slopes that are currently described. He said that if the intent is to maintain this area in open space, open space policies should define the 20% slope.

Vice-Chair Kriz noted that Ken Lite and Sid Friedman, individuals involved in the citizen advisory process, were in the audience to address the general hazard issue. He also noted that Tim Journey, an interested citizen, was in the audience. He asked for comments from audience members.

Audience Comments:

Tim Journey, 1405 N. Hoskins, stated that he had recently purchased property along Villa Road. He stated that the general hazard zone prevents him from terracing the lower portion of his property as it abuts Hess Creek. He stated that most of the area was not in its natural state, and that the City should allow this area to be managed, rather than overgrown with blackberries. He stated that he wanted to fill a portion of the area and plant a garden and lawn.

Ken Lite, 300 Mountainview Court, then addressed the issue. He stated that he currently lives on what would be considered a wetland under State guidelines. He stated that he has concerns about hydrologic changes and their effect on erosion. He said that Prospect Park has changed the hydrology of a branch of Chehalem Creek which is in his backyard. He indicated that the City should be very strict about any change to the hydraulics, and noted a need to separate general hazard and open space areas. In response to a question from the Commission, Mr. Lite stated he is a hydraulics engineer with the Division of Water Resources. In further questioning, he stated he did not have a concern regarding some construction in the drainageways.

Sid Friedman, 31909 NE Corral Creek Rd., then addressed the issue. He stated that it is important that the Planning Commission work to protect the drainageways and that the Commission needed to provide stewardship and manage the stream banks. He noted that as a landscaper, he is often asked to plant lawns adjacent to stream banks, and that he has concerns regarding lawns in those areas. He expressed concern that chemical fertilizers and pesticides are often used on lawns and these materials could then

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enter the stream. Mr. Friedman noted that open space protection cannot adequately occur without a complete inventory of open spaces.

Tim Journey then addressed the issue of construction within drainageways. He stated that guidelines needed to be clear relating to the types of structures that could be built in drainageways.

Commissioner Roberts then discussed the open space issue. He stated that open space is being under-valued by the community and that protection needed to be provided.

Following additional discussion, Commissioner Worrall stated that a task force should be formed to study this issue. He asked if Tim Journey, Ken Lite and Sid Friedman would be willing to serve on such a task force. The three audience members agreed.

Commissioner McCauley also volunteered to work with the task force.

Commissioners Worrall and McCauley, Tim Journey, Ken Lite and Sid Friedman agreed to meet privately prior to the January Planning Commission meeting. They stated that they would report back on progress at that meeting.

VI. NEW BUSINESS

The Commission discussed the issue of school capacity. Concern was expressed regarding City criteria and lack of clear comments from the School District. Mr. Egnor stated that he would contact the City of West Linn, which has studied this issue extensively, and obtain a copy of their criteria.

VII. ADJOURN

There being no further business, the meeting was adjourned at 10:00 pm.