

MINUTES OF THE PLANNING COMMISSION

**Newberg Public Library
Thursday, 7:00 PM**

**Newberg, Oregon
May 13, 1993**

Subject to P.C. Approval at 6/10/93 P.C. Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Jack Kriz
Mary Post
Carol Ring
Steve Roberts
Wally Russell
Don Thomas
Robert Weaver
Roger Worrall

Staff Present:

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

Citizens Present: 24

II. OPEN PLANNING COMMISSION MEETING

Chair Russell opened the meeting. He then asked if there were any additions or deletions to the agenda. The following additions to agenda were noted: Commissioner Roberts requested an opportunity to respond to Ms. Rak's letter after the conclusion of hearing V. Planning Director Egner asked that the Prospect Park II subdivision preliminary approval extension request be added to New Business. Chair Russell recommended that the Open Space/General Hazard Work Session listed under Old Business be continued to next month. The commission concurred.

III. APPROVAL OF MINUTES

Motion: Worrall-Roberts to approve the minutes of the April 8, 1993 Planning Commission meeting. Motion carried unanimously.

IV. PUBLIC HEARING:

APPLICANT: NSP Development
REQUEST: Subdivision of a 4.85± acre parcel into 32 lots with an average size of 5,300 sq. ft.
LOCATION: Approximately 550 ft. west of Everest Road between Second and Third
TAX LOT: 3220-1800 and part of -1700
FILE NO: S-1-93
ZONE: R-2 Medium Density Residential
CRITERIA: Newberg Subdivision Ordinance, Section 24

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Mr. Egner read ORS 197 relating to public hearings into the record and reviewed the public hearing procedure.

Staff Report: Mr. Egner reviewed the application, noting that the applicants have reduced the request from 32 lots to 16 lots and a single large undeveloped tract. He reviewed the subdivision criteria and identified the site

Planning Commission Minutes
May 13, 1993
Page 2

on an overhead. He presented a slide show identifying the site and surrounding sites. He noted that the project meets the subdivision criteria. He reviewed the history of the site development. He reviewed the staff report referrals, findings and preliminary recommendation. He indicated that the preliminary staff recommendation was to approve the use with conditions identified in the staff report.

Questions to staff:

Commissioner Worrall asked why no driveways were allowed on Second Street. Mr. Egner indicated that this condition was extended from the Phase I application and would allow for a more smoothly flowing neighborhood.

Proponent: Mart Storm, 441 SE Maple, Dundee, representing NSP Development, reviewed the staff report conditions. He concurred with all conditions with the exception of the requirement that the Council approve the LID before the subdivision can begin. He felt that now was not the time to request an LID and that further review of the Second Street/Highway 219 access should take place before full development of Second Street should occur. He feels that immediate implementation of an LID without that information is premature. He agreed to sign the non-remonstrance and agreed to complying with the LID requirement at a later date. He requested that conditions 1 and 2 be revised to reflect this request.

Opponent: None

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended approval of the request subject to all conditions identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Staff was asked about the LID deferral request from the applicant. Mr. Egner indicated that the Development Team had reviewed the proposal. He noted that a previous proposal by the applicant for a zone change to allow high density units on this site had been denied by Council. He indicated that if that development had occurred, it would have triggered the need for the LID. Currently, without the higher density development, there are no standards which set a level of development which would trigger the need for the street improvements. He indicated that the Development Team felt that this subdivision should trigger the need for the street improvements.

Commissioner Thomas asked if Second Street was going to be closed as noted in the Transportation Plan. Mr. Egner noted that it is not currently listed in the capital improvements program.

Chair Russell asked if the developer was really being required to develop the streets and if the LID would likely not be approved. Mr. Egner indicated that it was likely that the development of the subdivision would hinge on whether the Council approved the LID or not.

Mr. Egner noted that the applicant is likely to present a revised plan with lots fronting on Second Street only if this proposal is denied, thus limiting infrastructure expense to the applicant if the LID fails.

Commissioner Roberts asked for clarification about the LID requirement. Mr. Egner indicated that the Development Team felt that now was an opportune time to obtain improvements and that enough traffic would be generated to indicate a need for the improvements. Commissioner Roberts inquired as to why the LID

Planning Commission Minutes
May 13, 1993
Page 3

shouldn't wait for implementation until the most easterly portion of the site was ready for development, thus allowing development of the entire length of Second and Third Streets. Mr. Egner encouraged the Planning Commission to reopen the hearing for further questioning of Mr. Storm, the applicant.

By consensus the hearing was reopened.

Proponent: Mart Storm indicated that the initial application had been for 50 ft. lots along the frontage of Second Street with a Second Street improvement only. He noted that City staff suggested a north-south street grid with improvements on the north-south streets. He indicated that the Second Street in its current state should be adequately able to serve the proposed sites. He indicated that they had no objection to an LID but were concerned that if the Council didn't approve the LID, they would then be forced to improve both the east-west and north-south running streets. He didn't disagree with the need for an LID; however, he felt that implementation of the LID should not hold the subdivision approval hostage. Mr. Storm indicated they were willing to ask for LID approval, but if it were denied, they weren't economically able to pay for the improvements without the assistance of an LID.

Opponent: None

Hearing Closed.

Planning Commissioners discussed revision of the conditions as follows: Condition 1 and 2 to be revised to read "The applicant must request an LID from the City Council for Second and Third Street improvements prior to final plat approval."

Commissioner Kriz asked what staff felt were the chances of an LID not being approved. Mr. Egner responded that there might not be an adequate amount of property owners in the area who would desire to be included in an LID. He noted that it becomes somewhat of a political decision at the Council level as to whether or not they want to create an LID. Mr. Egner noted that street improvements would likely cost \$80-95 dollars per foot.

Commissioner Worrall concurred that it appears City staff was attempting to hold the subdivider hostage over the LID issue and that it is a wrong thing to do.

Motion: Roberts-Thomas that the Planning Commission grant preliminary plat approval for Emery Orchards Phase II, Yamhill County Tax Lots 3220-1700 and -1800, based on testimony, staff report findings and conditions 1 - 9 with conditions 1 and 2 modified that the applicant shall request an LID (for both Second and Third Streets) from the City Council prior to final plat approval. Motion carried unanimously by those present.

Staff noted that the decision was final and there was a 30 day appeal period.

V. PUBLIC HEARING:

APPLICANT: Joe & Tobi Young
REQUEST: Subdivision of a 141,500 sq. ft. parcel into 10 lots
LOCATION: West of N. Main and Markris Way
TAX LOT: 3218CA-200, -202
FILE NO: S-2-93
ZONE: R-1/GH Low Density Residential/General Hazard
CRITERIA: Newberg Subdivision Ordinance, Section 24

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the site on an overhead and reviewed the subdivision criteria. She presented a slide show identifying the site and surrounding sites. She noted that the project meets the subdivision criteria.

Planning Commission Minutes
May 13, 1993
Page 4

She reviewed the staff report findings, referrals and conditions. She indicated that the preliminary staff recommendation was to approve the subdivision with conditions identified in the staff report.

Question to Staff: Commissioner Weaver requested clarification of condition 8 relating to improvement of Nicholas Place. Mr. Egner indicated that the Development Team requested full improvement of Nicholas Place.

Commissioner Thomas asked why full improvement of Nicholas Place was being required. Mr. Egner indicated that development of Nicholas Place reduced the length of the dead-end cul-de-sac to allow it to comply with subdivision standards, to allow a better emergency apparatus turn-around, and to allow access to the property to the south.

Commissioner Thomas felt that the City seems to be holding the applicant hostage for any improvements. Mr. Egner noted that in this instance the applicant also owns the property to the south. The initial plan did not indicate this road improvement but in subsequent meetings the Development Team felt the improvement should be completed.

Commissioner Worrall asked for clarification of "Tract A". Ms. King identified its location on a map.

Proponent: Joe Young, 901 N. Main, Newberg, developer of the property, indicated that the staff recommendation was acceptable with the exception of conditions 7-10. He noted that he would like the restriction relating to crossing Nicholas Place with sewer lines removed from condition 7. In regards to condition 8, he indicated that dedication of the right-of-way and signing of a non-remonstrance should be adequate. He reviewed the lot line adjustment which created tax lot -203. He requested that condition 9 be revised to allow a 50 foot street with the sidewalk along the curb. This would allow for an adequate street and alleviate some maintenance problems. He noted that he anticipated merging the area identified as Tract A with property he currently owns to the south. He concurs with the balance of the staff report findings.

Commissioner Kriz asked why individual sewerage pumps were being used instead of a pump station for the entire subdivision. Mr. Young indicated that he had initially proposed a 25 lot manufactured home subdivision and that in the initial discussion process, he planned to install a pump station somewhere in the northwest area of the property. He commented that the Development Team suggested to him that he would be installing the pump station at his expense and that, later on, if the pump station was needed for surrounding development, perhaps the City would be able to reimburse his costs. He found that condition to be uneconomical and revised his proposal to what is currently before the Planning Commission.

Opponent: Sid Friedman, 31909 NE Corral Creek Rd, Newberg, indicated he had some specific concerns about this development as well as how the City is implementing its general hazard zone. He expressed concern about the runoff into the stream, the possible presence of hazardous fill, and the possible effects on downstream properties. He requested that bio-filtration swales or catch basins be installed to protect the creek and comply with the City's comprehensive plan goals for general hazard protection. He asked where the sewerage would go if there were a pump failure. He reviewed the Comprehensive Plan statements relating to open space. He indicated that this is one of a series of developments which are occurring in general hazard areas and the Comprehensive Plan policies relating to GH are not being addressed. He noted that the Comprehensive Plan also encourages the retention of existing wooded areas and areas of this type exist on the property. He encourage the Commission to consider these issues.

Opponent: Sam Hultz, 1203 N. Main, indicated he was not opposed to the subdivision but was concerned about the removal of the trees which act as a buffer between his country home and a city development.

Commissioner Worrall asked about the location of the trees on the property. Mr. Hultz indicate there was about a 30 ft. strip of fir trees partially fronting the northern property boundary of the subdivision.

Planning Commission Minutes
May 13, 1993
Page 5

Commissioner Weaver asked Mr. Young his plans for the retention of the trees. Mr. Young indicated that he anticipated retaining as many trees as possible; however, he did anticipate that some of the trees would be removed.

Commissioner Worrall asked Mr. Young how the runoff from the street would be handled. Mr. Young noted that the cul-de-sac would drain off into the gully. He noted that there is an existing large drain which currently provides runoff to the creek.

Commissioner Worrall asked what the economic impact would be of installing a catch basin to prevent the direct runoff of the water and any contaminants. Mr. Egner noted that there were certain types of catch basins which would trap foreign material; however, they were generally not required.

Commissioner Kriz noted that even though most subdivisions don't require this type of catch basin, the runoff generally flows into a contained drainage system. Mr. Egner noted that the typical subdivision had contained surface drainage; however select subdivisions in the community have had such catch basins installed.

Proponent Rebuttal: Mr. Young asked where the contained drainage eventually wound up. Mr. Egner noted that it eventually went into the drainageways.

Opponent Rebuttal: Mr. Friedman indicated that the staff has noted the possible presence of hazardous fill on the site and that should be considered when reviewing the subdivision conditions.

Public Agencies: None

Letters: Marian Rak, 104 Markris Way, Newberg - Letter in opposition.

Staff Recommendation: Staff recommended approval of the request subject to conditions identified in the staff report with the following revisions: She did not feel a revision was required of condition 7 since the condition indicated that "if possible, the lines should not cross Nicholas Place." Condition 9 should be modified to allow for a 50 ft. right of way with a 1 foot easement on either side. Condition 10 should be revised to require that a lot line adjustment be required to combine the area identified as "Tract A" with the property to the south and to delete the reference to Tract A. Condition 11 should be deleted.

Hearing Closed.

Commissioner Discussion:

Commissioner Kriz asked the logic of individual pump stations as opposed to a community wide pump. Mr. Egner indicated that individual pumps would be owned by individual owners. He indicated that a homeowners association could operate a community pump station but there is no desire on the City's part to develop or take over small community pump stations. Mr. Kriz requested clarification of the location of the UGB. It was identified on a map. Mr. Kriz asked if the Comprehensive Plan addressed tree protection. Mr. Egner indicated there was only a general policy in the Comprehensive Plan relating to tree protection.

Commissioner Worrall asked how the Comprehensive Plan Map delineation of OS in the area of this project compared with the Zoning Map delineation of GH. Mr. Egner indicated that the Comprehensive Plan Map presented only a generalized area identified as OS. Mr. Worrall felt that the majority of this subdivision appeared to be located within the GH area and, therefore, subject to more careful consideration relating to discharge and drainage design. Mr. Egner indicated that the subdivision would be reviewed through design review. Mr. Worrall felt that these sites should have special consideration relating to environmental protection.

Commissioner Roberts felt this is too much development on this particular site and that perhaps development should wait until a more comprehensive development over a larger area could occur.

Planning Commission Minutes
May 13, 1993
Page 6

Commissioner Ring felt that the development was appropriate to the site.

Commissioner Weaver felt that the developer should not be discouraged and that the builder should be cognizant of the lay of the land, the buffering for the neighbors, the drainage concerns, etc.

Commissioner Ring indicated she was also not insensitive to the environmental concerns. She asked how the sidewalk was proposed by the developer. Ms. King indicated that the Comprehensive Plan indicates that there should be a buffer between pedestrian and vehicular traffic. Ms. Ring asked why there didn't appear to be consistency in the sidewalk designs throughout the City.

Mr. Egner indicated that there has been consistency in the last several years regarding park strip widths and locations.

Commissioner Worrall reiterated that the Comprehensive Goals relating to open space and drainageway protection should be consistently reviewed in future subdivisions. He requested that a condition be added to design review to require that environmental impacts be reviewed when designing the drainageway.

Commissioner Roberts felt it would be difficult to approve the development without imposing a condition relating to remediation of the runoff.

Commissioner Kriz asked if the Development Team had considered stubbing a street to the north. Mr. Egner noted that there are two houses blocking a clean extension to the north.

Commissioner Worrall also felt there were economic concerns relating to development of this site that should be considered on a broader scale; however, each development must be considered as it is presented to the Commission.

Commissioner Russell indicated that concerns regarding remediation in this area could be discussed by a Planning Commission subcommittee for possible revision of the Comprehensive Plan to better address these concerns.

Mr. Egner was asked about the need for analysis of the fill material before the City accepts the right-of-way. Mr. Egner noted that the City wants verification that there were not hazardous materials used to fill the area.

Mr. Egner indicated that if an environmental hazard turns up, the applicant would likely be required to remove the hazard throughout the property.

The Commissioners reviewed the staff report conditions and the following conditions were revised, deleted, or added by Commission consensus:

1. Condition 8 was deleted.
2. Condition 9 was modified to allow a 50 ft. right-of-way with a 1 ft. easement on either side of the right-of-way.
3. Condition 10 was revised to add "...or complete a lot line adjustment to merge this site with the property to the south."
4. Condition 11 was deleted.
5. New condition: The storm sewer shall be designed to mitigate pollution of the general hazard area.

Motion: Worrall-Kriz that the Planning Commission grant preliminary plat approval for Young Estates Subdivision, Yamhill County Tax Lots 3218CA-200 and -202, based on testimony, staff report findings and amended conditions 1 - 10. **Vote on Motion:** Aye--Kriz, Post, Ring, Thomas, Weaver, Worrall, Russell; Nay--Roberts. Motion carried (7-1).

Planning Commission Minutes
May 13, 1993
Page 7

Staff noted that the decision was final and there was a 30 day appeal period.

A 5 minute recess was called after which the meeting was reconvened.

Commissioner Roberts then commented on the letter received from Ms. Rak. He indicated that impact of construction on land values was not normally one of the Planning Commission's criteria for decision-making. He suggested that Ms. Rak and others express their concerns to the legislature. The Planning Commission may not consider tax increases as a criteria for decision making.

At the request of representatives of Colonial Dames of America the hearing order was reversed for Agenda items VI and VII.

REVISED HEARING ORDER:

VII. PUBLIC HEARING:

APPLICANT: Colonial Dames of America for Hoover-Minthorne House
REQUEST: Approval of a 6 foot cyclone fence on the north property line of a historical site
LOCATION: 115 S. River
TAX LOT: 3220BB-6800
FILE NO: H-2-93 (also DR-19-93)
ZONE: C-3 Central Business District
CRITERIA: Newberg Zoning Ordinance, Section 422

Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King presented the staff report and noted that the hearing was before the Planning Commission because it was not considered a minor modification to the historic site. She reviewed the alteration criteria for historic sites and reviewed the site with a slide show. She indicated that the staff report should be amended to indicate that a wooden fence had not been considered and that cost was not a consideration when choosing the cyclone fence. She indicated that the chain link fence was essentially intended to blend into the existing laurel hedge. She indicated that historic alteration criteria I could be met since the fence could be taken down without impairing the historical integrity of the site. The initial staff recommendation was to deny the request.

Commissioner Weaver noted that staff indicated the laurel hedge was not historic. He felt that other historically significant trees on the site should be protected.

Proponent: Ms. Leslie Daggett, 1230 Oak Drive, McMinnville, representative of Co-director of Colonial Dames, noted that the laurel hedge appears to have been in place since 1950. The site has been bothered by transients, drug dealers and drug paraphernalia. She indicated that this type of fence would keep this element out as much as possible. She indicated that the pickets on the existing fence have been destroyed in the past by vandals. She indicated that the laurel hedge has just been trimmed and will quickly grow through the proposed fence. She commented that it was their desire to retain the laurel hedge.

Proponent: Ms. Jette, 114 S. Center, Museum curator, indicated that overnight campers have frequently used the site by accessing the rear of the site and were destroying the existing fence. She indicated that the fence would be installed on the south side of the laurel hedge and would be quickly screened by the laurel. She expressed continued concern regarding the vandalism on the site.

Opponent: None

Opponent/Proponent Rebuttal: None

Planning Commission Minutes
May 13, 1993
Page 8

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended denial of the request based on findings identified in the staff report.

Hearing Closed.

Commissioner Discussion:

Commissioner Post asked if any changes could be done on the exterior of the house without jeopardizing the historic designation of the house.

Ms. Jette indicated that she had contacted the Historic Preservation League of Oregon, who indicated that so long as there was no visible sign of a change to the exterior of the house, it was permissible.

Mr. Egner indicated that it would be prudent for the applicants to go through the State Historic Preservation Office (SHPO) to obtain their approval.

Commissioner Weaver felt the fence should be approved.

Motion: Post-Kriz that the Planning Commission approve the request to erect a six foot high coated chain link fence at the Hoover-Minthorne House, based on testimony and staff report findings for approval, and with the further recommendation that SHPO be contacted for their approval. Motion carried unanimously.

Staff noted that the decision was final and there was a 10 day appeal period.

REVISED HEARING ORDER:

VI. PUBLIC HEARING:

APPLICANT: Richard Egnell & Margaret Donovan

REQUEST: Subdivision of a 138,015 sq. ft. parcel into 13 lots.

LOCATION: West of Ninth St.

TAX LOT: 3219DC-740; -3700

FILE NO: S-3-93

ZONE: R-2/GH Medium Density Residential/General Hazard

CRITERIA: Newberg Subdivision Ordinance, Sections 24 and Planning Commission Chair Russell opened the hearing and asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Ms. King reviewed the site on an overhead and with a plat. She noted that the applicant has requested that lot 2 not be considered a part of the subdivision and that a partition application will be processed to separate lot 2 from the balance of the property. She noted that a modification is required for the lot depth to width ratio on several of the lots. She presented a slide show identifying the site and the surrounding area. She noted that the project meets the subdivision and modification criteria. She reviewed the staff report referrals, findings and conditions. She indicated that the preliminary staff recommendation was to approve the use with conditions identified in the staff report.

Proponent: Richard Engnell, 39395 N. Pendle Hill Rd., Newberg, the applicant, indicated he concurred with the recommendations; however, he requested that the Section IV. Facts be revised to note that the applicants may also retain the existing garage structure. He requested that the right-of-way be reduced to 50 ft. with a 1 ft. easement on either side of the right-of-way. He also indicated it was the applicant's desire to save as many trees on the site as possible.

Opponent: Alice Sprague, 1012 Charles, indicated that a lot line adjustment has occurred in the past which has been recorded at the County and that the fence indicated as crossing lot 12 is actually on the property boundary.

Opponent: Israel Allen, 1318 S. College, expressed concern about the storm drain runoff. He was opposed to the runoff running through the park.

Opponent: Sid Friedman, 31909 NE Corral Creek Rd., again pointed out that he was concerned about the creek runoff and the impacts on the open space. He also noted that the subdivision application ignored use of the tools in the Comprehensive Plan intended to protect the open space.

Opponent/Proponent Rebuttal: None

Public Agencies: None

Letters: None

Staff Recommendation: Staff recommended approval of the request subject to conditions identified in the staff report with the following revisions:

1. Revise 3 to reduce the right-of-way to 50 ft. with 1 ft. easement.
2. Revised 4 to indicate the location of the property line and the fence identified on lot 12 must be clarified.
3. Revise 11 to indicate that lot 2 may be excluded from the plat subject to partition approval with conditions similar to the subdivision where applicable.
4. Revise 12 to indicate that storm sewer runoff should be designed to mitigate impacts.
5. Revise 13 to indicate that existing trees should be preserved to the extent possible.

Hearing Closed.

Commissioner Discussion:

Motion: Kriz-Post that the Planning Commission grant preliminary plat approval for Chehalem Bluff Subdivision, Yamhill County Tax Lots 3219DC-740 and -3700, based on testimony, staff report findings and conditions 1 - 13 as revised. **Vote on Motion:** Aye--Kriz, Post, Ring, Roberts, Thomas, Weaver, Russell; Nay--Worrall. Motion carried (7-1).

Staff noted that the decision was final and there was a 30 day appeal period.

VIII. OLD BUSINESS

- **Open Space/General Hazard Work Session** - Continued to next meeting by consensus.
- **Other** - none

IX. NEW BUSINESS

- **Request for extension of subdivision preliminary approval** - Prospect Park II

Mr. Egner noted that the applicants are working on the project and have requested a six month extension.

Motion: Roberts-Thomas to approve the request for a six month extension. Motion carried by voice vote.

- **Other**

- **Transportation Plan**

Commissioners discussed the May 24 transportation plan meeting. Commissioner Ring extended the opportunity to view the area of the transportation plan routes from her parents house on Old Parrett Mtn. Rd.

- **Comprehensive Plan Goals**

Commissioner Kriz asked how Comprehensive Plan Goals should be applied. Mr. Egner indicated that if the Comprehensive Plan indicates "shall", it would be mandatorily required to occur.

- **Tree Ordinance**

Commissioner Roberts indicated that the tree ordinance should be returned to the Planning Commission for review. Commissioner Worrall indicated that there is information from the OS subcommittee relating to other cities tree ordinances.

- **Subdivision Conditions**

Commissioners asked questions regarding their authority and the limitations they had relating to applying conditions on subdivisions. Mr. Egner indicated that ordinances from other cities could be reviewed.

- **Meetings**

Mr. Egner indicated that the specific development plan meeting would be May 20 at the Library.

X. COMMUNICATIONS FROM THE FLOOR

Ken Lite, 300 Mountainview Court, indicated he has witnessed continued degradation of the open space and he requested that the open space be placed back on the agenda and dealt with before any more of it is lost. He read a statement from the Comprehensive Plan relating to open space protection. He expressed concern about degrading the resource until it is gone.

XI. ADJOURN

There being no further business, the meeting was adjourned at approximately 11:15 p.m.