

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

Thursday, 7:30 PM

August 22, 1991

Subject to P.C. Approval at 9/19/91 P.C. Meeting

I. OPEN MEETING

Present:

Jack Kriz
Rob Molzahn
Mary Post
Sandra Prewitt
Carol Ring
Steve Roberts
Wally Russell
Donald Thomas
Roger Veatch

Staff Present:

Dennis Egner, Planning Director
Mike Unger, Associate Planner
Barb Mingay, Recording Secretary

Citizens: 21 Citizens, Graphic representative

II. APPROVAL OF MINUTES

Motion: Kriz-Ring to approve the minutes of the July 18, 1991 Planning Commission. Motion carried unanimously.

III. PUBLIC HEARING, Cont'd.

APPLICANT: Mike Raine/Jeff Twenge
REQUEST: Approval of a 24 lot residential subdivision on a 7.9 acre parcel
LOCATION: SE corner of Villa Rd. and Mountainview Dr.
TAX LOT: 3217-1801 and 3217-1804
FILE NO: S-3-91
CRITERIA: Newberg Subdivision Ordinance, Section 24 and Section 66

Chair Veatch reviewed testimony requirements and asked for abstentions, objections to jurisdiction and ex-parte contact. None were indicated.

Staff Report: Planning Director Egner summarized the request, identified the site on a map, noted the zoning designations, and reviewed the Subdivision and modification criteria. He reviewed the General Hazard requirements and identified the 20% break in slope as identified by the City Engineering Department. He then reviewed the plat proposed by the applicants; he noted that the proposed cul-de-sac length exceeded the 400 ft. standard, but would meet City requirements if Raine Drive looped back to Villa Road. He reviewed surrounding land uses during a slide presentation. He noted that sewer and water services are available to the site. He noted Engineering Department concerns which included need for a non-remonstrance for public improvements, relocation of the Phase I cul-de-sac, and revisions to the cul-de-sac grade in Phase II.

Proponent: Jeff Twenge, 501A Andrews, Newberg, apologized to the Commissioners for the delay in the hearing process. He requested that City Staff present their recommendation prior to closing the hearing to testimony to enable him to comment on the record.

At the request of the applicant, Planning Director Egner reviewed the staff report conclusionary findings. He noted that the current proposal is not developed as densely as it could have been under an planned unit development. He indicated that all the subdivision and modification criteria had been met.

Mr. Twenge then introduced Jon Erwin.

Proponent: Jon Erwin, 22912 Bond Road, Lebanon, OR reviewed the staff report recommendation. He noted that Phase I conditions 1 and 2 had already been noted on the plat. He presented a drawing which identified the 40 ft. intersection relocation as requested by City Engineering staff. He indicated that this requirement would result in the loss of one building site. He added that the original proposal by the applicant is 220 feet from Villa Road, has good site distance and he didn't foresee a traffic problem. He indicated that the original proposal would create a block length that is at least two-thirds the distance of a standard city block. He noted that grading to provide drainage of Curtis Lane to Mountainview Drive was requested by the Engineering Department; however, the applicants had originally intended to put in a catch basin. He questioned the condition 1 requirement which would limit fill through the street section. He noted that there may be a need to have some fill and he questioned why fill could not occur. He felt that the applicant's proposed street design was satisfactory as presented. He reviewed Phase II conditions 2-6 and indicated that they had already been noted on the plat. He reviewed condition 7 and commented that the applicants took exception with the staff determination of the 20% break in slope. He noted that the request is to build along the 177 foot contour line and that following staff's slope determination would cause the applicants to lose building lots. He noted that a 6 inch water main was indicated on the plat because the applicant was told by staff that if Raine Drive was extended, a 6 inch line would be adequate. Under the General Conditions section of the staff recommendation, he requested that the subdivision sidewalks be approved closer to the curb. He could not locate

a subdivision standard which required a six foot setback as noted in General condition 1. He concurred with General conditions 2 and 3.

Opponent: Bob Thorne, 1800 E. Mountainview, indicated he was not necessarily opposed to the project, but he indicated his concern about the proposed Raine Drive drainage. He noted that this would cause excessive amounts of water to flood his basement. He noted that runoff currently floods his garden. He added that he would also like a security fence provided for his property.

Opponent: Tim Wright, 2018 N. Villa indicated that the applicant had not contacted him about Mr. Wright's plans for his property as it relates to the project site. He added that he would also like a security fence since his property is used for grazing purposes and he did not want complaints about the use.

Opponent: John Germaine, 2005 Oak Drive, trustee for Newberg Christian Church across Villa Road from the project site, expressed his concern about the street improvements required for the project on Villa. He asked staff when the improvements would be required.

Planning Director Egner noted that the Public Works Department was working on a street improvement plan; however, Villa Road improvements would likely occur through a local improvement district.

Mr. Germaine asked whether Villa Road improvements would be required at the conclusion of Phase II of the proposed project.

Planning Director Egner indicated that the street improvement plan would need to be in place and the improvement would occur through a local improvement district. He noted that the City uses a non-remonstrance statement from the applicant for street improvements as the tool to complete improvements.

Mr. Wright noted that Villa Road is very busy between 3:30 and 4:00 PM every day.

Letters/Public Agencies:

No letters were received other than those noted in the staff report. The Division of State Lands was sent a referral on the project and DSL did not respond.

Proponent Rebuttal: John Erwin noted Mr. Thorne's concern relating to the Mountainview drainage. He commented that the drainage plan was modified based on the recommendations by City staff, not the applicant. He added that the City staff apparently was expecting the road to go through Mr. Thorne's property sometime in the future.

Chair Veatch asked Mr. Erwin if there was a better way to drain Curtis Way. Mr. Erwin noted that drainage to Mountainview was the best option; however, downstream drainage appeared to be the cause of the existing drainage problem on Mr. Thorne's property. He commented that detailed calculations would be done in the design phase.

Commissioner Molzahn asked if it was more costly to put in an eight inch line.

Mr. Twenge noted that the additional expense would be minimal. He noted that City staff had originally recommended the six inch line; however an eight inch line was acceptable.

Hearing Closed.

Staff Recommendation: Planning Director Egner recommend approval, with modifications, based on the staff report, testimony and conditions.

Planning Director Egner was asked what the existing storm drainage system on Mountainview was like now. He indicated that it was an open ditch. He noted that there is some concern about the location of the ditch and whether it was in the right-of-way or on Mr. Thorne's property. He noted that the Engineering Department will determine the exact location of the drainageway.

Planning Director Egner was asked the meaning of "filling is not allowed through the street section." He indicated that filling would be allowed within the roadway but not on the downslope side of the right-of-way.

Commissioner Thomas asked how the Commission could act on this request until the topography is determined for sites 6 and 7.

Planning Director Egner noted that the City's aerial photos are good resources but an actual survey of the site may be required to determine the exact location of the 20% slope. He noted that the City has determined by the aerial photos that the site could be buildable if the cul-de-sac were moved.

Chair Veatch felt a decision could be made and that the adjustment of the lots could be left to the developer.

Commissioner Molzahn asked that the sidewalk requirements be clarified.

Planning Director Egner noted that there are several options in the sidewalk standards, and that the condition for a six foot separation between sidewalks and curbs would provide greater separation of pedestrians from the proposed 28 foot street.

In response to questions from Commissioner Ring and Chair Veatch, Planning Director Egner noted that the developer could work together with Mr. Thorne and the Engineering Department to resolve the storm drainage issue. He added that the easement along lots 6, 7 and 8 adjacent to Curtis was identified on the plat. He indicated that on the aerial map, the drainage along Mountainview at Mr. Thorne's property is private.

Commissioners Ring and Prewitt expressed concern about the vision clearance at the corner of Villa Road and Mountainview. Commissioner Prewitt felt that relocating the cul-de-sac forty feet east as proposed by City staff would be appropriate.

Planning Director Egner was questioned about the School District comments. He noted that Wes Smith was expressing concern but not stating that building should not occur. He added that the School District was reserving further comments until a facilities study was completed.

Commissioner Prewitt noted that the schools were overfull now and she was concerned about the added impact of more housing.

Chair Veatch noted that the courts have found that City's could not stop development simply because schools were full.

Chairman Kriz asked if a one-foot reserve strip at the end of Pantera Way would be required.

Commissioner Molzahn noted that the applicant appeared to agree with most of the conditions.

Commissioners discussed the relocation of the cul-de-sac and the traffic on Mountainview at this location. Chair Veatch noted that a standard city block length in Newberg was 200 feet.

Commissioner Thomas noted that Phase I condition 4 could be revised to require an agreement between the developer, adjoining property owner and the City relating to Curtis Lane drainage. Use of fill for road construction was then discussed.

Commissioners extensively discussed the open space/drainage/utility easement defined by the 20 percent break in slope. Chair Veatch noted that the easement would be over 200 feet wide. Planning Director Egner noted that the 20 percent slope line defines the area that can't be built upon and that the location of utilities through the drainageway has not yet been determined. Mr. Egner suggested that the broad easement could be noted as a temporary utility easement until such time that the location of actual sewer lines is established.

Commissioner Thomas asked what construction could occur in a naturally terraced area. Planning Director Egner noted that there is a terrace below the 20 percent break on this site.

He further identified that the preliminary contour map provided by the applicant was based on the City contour maps and that no actual site survey was provided by the applicant.

Chair Veatch reviewed the Subdivision Ordinance criteria relating to construction within the 20 percent slope area. He noted that daylight basement construction could occur provided an engineering study was done.

Planning Director Egner indicated that such construction could occur by cutting into the slope for the daylight basement at the 20 percent line, not beyond it.

Chair Veatch then reviewed the conditions noted in the Staff report. He noted that Phase I condition 4 could be amended to require the applicant, adjoining property owner and the City to agree on the required improvements for the Raine Drive storm drain. He noted the applicant's opposition to Phase II condition 7 relating to slope determination. He added that the condition should include a notation indicating the easement should be identified as whatever is required by an engineering study. He commented that the intent of General Condition 1 was to provide a wider visual clearance. He noted that General Conditions should include a requirement for retention of a reserve plug at the end of Pantera Way to prevent inappropriate development on the adjacent property.

Commissioners extensively discussed the issue of the utility easement and the need for it to be located within the 20 percent break in slope area. Concern was expressed that the applicants had not done a contour survey of the site to determine the exact area of the 20 percent break in slope.

Motion: Kriz-Post to continue the hearing until such time as the applicant has a contour survey done on the lots in question.

Vote on Motion: Aye-Kriz, Post, Prewitt, Ring, Roberts, Russell, Thomas; Nay-Molzahn Veatch. Motion carried (7-2).

Chair Veatch stepped down and Vice-Chair Kriz assumed the Chair.

IV. PUBLIC HEARING

Applicant:	Veatch/Rentfro
Request:	Approval of a 12 lot residential subdivision on a 2.25 acre parcel
Location:	East Of Mission Drive, West of Main Street
Tax Lot:	part of 3218DB-600
File No:	S-4-91
Criteria:	Newberg Subdivision Ordinance, Sections 24 and 66

Vice-Chair Kriz asked for abstentions, objections to jurisdiction and ex-parte contact. As an applicant in the hearing, Chair Veatch abstained. No other abstentions or ex-parte contact were indicated. No one objected to the Commission's jurisdiction.

Staff Report: Associate Planner Unger presented the staff report, identified the site on a map and reviewed the subdivision and adjustment criteria. He reviewed the proposed plat and presented a slide show of the site. He noted the zoning and surrounding land uses. He indicated that utilities are available to the site. He reviewed the School District, Engineering and Fire Department concerns. He noted that the application met all the subdivision and adjustment criteria.

Proponent: Roger Veatch, 29550 NE David Lane, applicant, indicated he had worked closely with the City Staff to identify the conditions of approval. He requested that two additional conditions be included for approval: 1) that a one foot street plug be required at the end of Mission Drive and 2) to require CCR's which would restrict the subdivision lots to single family only and to retain the tree, habitat and character of the area. He noted that single family construction would be more compatible with the surrounding properties.

Proponent: Joe Young, 1816 Carol, noted that he was speaking on behalf of C. Wilhelmson, an abutting property owner. He indicated that Mr. Wilhelmson is not interested in developing his property at this time and would not be extending a road through the Wilhelmson site. He indicated that Mr. Wilhelmson had no objection to the subdivision. He commented that Mr. Wilhelmson does not plan to discontinue keeping horses on his property and he voiced Mr. Wilhelmson's concern about complaints from the neighbors and a need for adequate fencing to protect his property.

Proponent: Marc Willcuts, 300 Donald Lane, indicated that a single family subdivision would be more appropriate at this location than apartments.

Joe Young responded to a question about the impact of the subdivision on Mr. Wilhelmson's property. He indicated that the subdivision would not affect Mr. Wilhelmson's property.

Opponent: None

Letters/Public Agencies: None other than as noted in the Staff Report.

Hearing Closed.

Staff Recommendation: Associate Planner Unger recommended that the Commission approve the request based on staff report findings, conditions and testimony. He also recommended that the Commission include as a condition the requirement for a one foot reserve strip at the end of Mission Drive.

Commissioners briefly discussed the subdivision development. Commissioner Prewitt expressed her preference for single family development at this location.

Planning Director Egner noted that it was not necessary to include CCR's as a condition of approval. He added that the developer could place CCR's on the property if he chose to.

Motion: Russell-Molzahn to approve the preliminary plat for a 12 lot residential subdivision on part of Tax Lot 3218DB-600 based on the Staff Report, Conclusionary Findings, testimony, and the following conditions:

1. The private street must be built to City street construction standards.
2. A maintenance agreement for the private road must be approved and recorded.
3. The private road must be a minimum twenty feet wide paved surface with formed curbs.
4. The 6 inch water main on Mission Drive may be extended into the property and dead-ended providing the line will produce 1,500 gpm at the proposed fire hydrant site. If not, the water main must be looped with the Main Street water system.
5. The storm sewer system must be designed to drain into the drainageway along the north of the property.
6. A fire hydrant shall be located at the north east corner of the intersection of the private street and public street.
7. Utilities and streets must be designed by a licensed engineer.
8. A one-foot reserve strip at the end of Mission Drive shall be dedicated to the City.

Vote on Motion: Aye-Kriz, Molzahn, Post, Prewitt, Ring, Roberts, Russell, Thomas; Abstain-Veatch. Motion carried (8-0, 1 abstain)

Planning Director Egner noted appeal requirements. The meeting was then recessed for 5 minutes, after which Chair Veatch resumed the Chair.

V. RURAL GROWTH POLICY STUDY - G-12-91

Planning Director Egner briefly reviewed state and local activity relating to rural growth. He noted that both the Planning Commission and City Council had concurred about not appealing the Bartlett County zone change on Springbrook Road; however, some abutting property

owners to the project have appealed the County Planning Commission's decision. He added that due to filing deadline constraints, City staff is filing a LUBA appeal relating to the Dayton Avenue zone change; however, he indicated that the City Council may chose to withdraw the appeal. He noted that LCDC has directed DLCD staff to develop alternative language relating to a rural growth policy and they are hoping to adopt a rule by November. He indicated that the City Council has directed the Planning Commission to discuss expansion of the Urban Growth Boundary. He then introduced Mike Brandt, Yamhill County Planning Director.

Mr. Brandt commented that he had been invited by both Chairman Veatch and Planning Director Egnor to speak to the Commission regarding the rural lands issue. He reviewed the history of exception areas around the County and he noted that many of the exceptions occur around the Newberg area. He commented that many of these sites carry a Rural Residential land designation. He added that during the last several years many of the land owners have come in for zone changes so that their properties would be compatible with the Comprehensive Plan designation they have carried since 1974 when the County's Comprehensive Plan was approved. He indicated that the City should either include the properties of concern within the City's UGB or that a mutual agreement be reached by the City and the County as to their appropriate designation.

Planning Director Egnor asked if there was a section in the County Comprehensive Plan relating to housing need as it relates to exceptions lands and whether the Plan specified the number of acres needed.

Mr. Brandt indicated that there are housing need policies in the County Plan; however those areas Plan designated or zoned for Rural Residential prior to state approval of the Plan were retained and need for them was justified to the year 2000.

Planning Director Egnor commented that it appeared the County used market availability and not need as criteria for a zone change request. He noted that if need is based on market desirability, then there may be no substantiation of the need issue if the request were challenged in court.

Chair Veatch noted that if 1 to 2 ½ acre parcels were not provided in the Newberg area, they should be made available somewhere else in the County.

Mr. Brandt noted that Commissioner Goecks has suggested a meeting between the City Manager Duane Cole, County Commissioners, Planning Director Dennis Egnor and Mr. Brandt to develop a joint policy relating to the rural lands issue.

Commissioner Roberts expressed concern about whether Newberg really should grow or whether a limit should be set on growth. He felt that the growth issue should be decided before a meeting with the County occurs.

Planning Director Egnor noted that the City Council has specifically directed Staff to review the area north of the current UGB to Bell Road for Urban Growth Boundary expansion. He noted that an urban reserve area policy would create a 50 year planning time frame.

Commissioner Veatch indicated that cities will continue to grow and stopping growth by putting up a fence around the perimeter would not work.

Considerable discussion followed regarding the sense of community that may be lost if the City expands.

Planning Director Egner noted that the existing approved Urban Growth Boundary has been designed to accommodate population growth to 27,000 and the City is already committed to that boundary. He noted that the City Council would not be likely to consider a reduction in the current land pattern that exists now.

Chair Veatch suggested that during the proposed joint meeting with City and County officials, draft proposals could be developed to be presented to each of the Commissions for review and approval. He asked staff to identify preliminary options for the September Planning Commission meeting.

Planning Director Egner indicated that some of the shadow plat criteria presented in the Staff Report could be incorporated into the document. Commissioner comments relating to the shadow platting criteria were requested to be forwarded to the Planning Office prior to the next meeting.

Planning Director Brandt was thanked for attending and presenting the County's view of the issues.

Commissioner Russell asked about the LCDC hearings procedures relating to the rule changes. Staff informed the Commission that LCDC hearings were open to the public and that an agenda was available at the Planning Office.

VI. PUBLIC HEARING

Request: An Amendment to the Comprehensive Plan and Subdivision Ordinance to revise the street width standards
File No: G-1-91
Criteria: Newberg Subdivision Ordinance, Section 37; Newberg Zoning Ordinance Section 800

Staff Report: Planning Director Egner noted that a Subdivision Ordinance, Zoning Ordinance and Comprehensive Plan revision was recommended to revise street width, block length and street frontage standards. He reviewed Staff Report findings and the proposed ordinance.

Proponents/Opponents: None

Commissioners discussed various street widths and their locations.

Letters in Support: Roscoe Knight, 1801 Hoskins
Powell Industrial Builders, 1419 E. North
Marc Willcuts, 300 Donald

Letters in Opposition: None

Public Agencies: None

Hearing Closed.

Staff Recommendation: Planning Director Egner recommended that the Commissioners recommend approval of the ordinance based on the Staff Report and Conclusionary Findings.

The Commissioners discussed existing and proposed street width standards. Concern was noted about compatibility with existing sidewalks and streets where the new standards meet the old. It was noted that the ordinance should include sidewalk standards.

Motion: Molzahn-Post to recommend that the City Council adopt the proposed ordinance amending the Subdivision, Zoning Ordinance and Comprehensive Plan in regard to local street width, private streets, block lengths, and frontage on a public street, based on the Staff Report and Conclusionary Findings. Motion carried unanimously.

VII. PUBLIC HEARING

Request: An amendment to the Newberg Zoning Ordinance to allow R.V. parks in the C-2 zone as a conditional use.
File No: G-7-91
Criteria: Section 800 of the Newberg Zoning Ordinance

Staff Report: Associate Planner Unger reviewed the criteria to amend the Zoning Ordinance, Comprehensive Plan policies, presented draft criteria which could be used to review CUP applications for RV parks, and reviewed the proposed ordinance.

Proponents/Opponents: None

Letters/Public Agencies: None

Hearing Closed.

Staff Recommendation: Associate Planner Unger recommended approval of the proposed ordinance.

Commissioner Russell noted that the front entry area of many RV parks was open and attractive and he felt that consideration should be given to revising the front yard fencing requirement in the proposed ordinance.

Commissioners discussed paving standards within parks. It was also noted that a description of RV should be included within the ordinance. Planning Director Egner noted that ORS has a description which could be included in the proposed ordinance.

The Commissioners concurred that perimeter treatment development standards should be revised to provide screening along all areas other than at entries and along street frontages with landscaping features.

Motion: Thomas-Kriz to recommend that the City Council adopt the amendment to the Zoning Ordinance to allow RV parks as a conditional use and establish development standards with the revision to the perimeter treatment screening, based on the Staff Report and Conclusionary Findings.

Vote on Motion: Motion carried unanimously.

VIII. PUBLIC HEARING

Request: An amendment to the Newberg Zoning Ordinance to allow manufactured housing in the R-3 zone
File No: G-16-91
Criteria: Newberg Zoning Ordinance, Section 800

Commissioners Kriz and Veatch indicated they were acquainted with individuals interested in approval of this project. No other abstentions, objections to jurisdiction and ex-parte contact were indicated.

Staff Report: Planning Director Egner commented that he had discussed the feasibility of converting R-3 to R-2 zoning relating to this use with Dick Brown of Park West Properties, Inc. He added that the possibility of allowing MI infill in the R-3 zone was also discussed. He noted that the R-3 zone currently allows single family housing.

Proponents/Opponents: None

Letters in Favor: Dick Brown of Park West Properties, Inc. requesting that the City Council allow mobile home parks in the HDR zone.
Mrs. T.R. Norwood requesting that the Council allow MI infill in the HDR zone.

Letters in Opposition/Public Agencies: None

Hearing Closed.

Staff Recommendation: Planning Director Egner noted that the City Manager had expressed concern that revision to the ordinances should await finalization of Periodic Review by the State. He noted that this concern could possibly delay a Council hearing on the proposed RV park ordinance. He recommended that no action be taken on the request at this time.

The Commission briefly discussed the similarities between single family and manufactured housing infill.

Motion: Roberts-Thomas to recommend that the City Council adopt the proposed ordinance as revised to include manufactured home parks and manufactured housing infill in the R-3 zone. Motion carried unanimously.

IX. OLD BUSINESS

A. Council Update

Planning Director Egner identified the recent Council action regarding County Planning activities.

B. Building Permits/Planning Permits

Planning Director Egner reviewed the monthly permit information sheets from the Building and Planning Departments. He noted that Anderson Construction has received grading and underground utility permits for the site located at the SE corner of Springbrook Road and Highway 99W.

X. NEW BUSINESS

A. Tree Grant

Planning Director Egner reviewed the grant application.

B. Urban Renewal Grant

Planning Director Egner noted that the grant application was to develop an urban renewal/tax increment financing district which would provide street improvements for the Halbrook industrial subdivision.

C. Request for Time Extension - CUP-1-91

Motion: Post-Russell to grant a six month extension to March 27, 1992 for completion of requirements on CUP-1-91. Motion carried unanimously.

XI. ADJOURN

There being no further business, the meeting was adjourned.