

MINUTES OF THE PLANNING COMMISSION

Newberg Public Library

Newberg, Oregon

Thursday, 7:30 PM

September 19, 1991

Subject to P.C. Approval at 10/17/91 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
Barb Mingay, Recording Secretary

Citizens: 3 Citizens, Graphic and TCI representatives

II. APPROVAL OF MINUTES

Motion: Thomas-Roberts to approve the minutes of the August 15, 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 recommended that the hearing be reopened for public testimony due to new evidence and additional information.

Chair Veatch polled the Commission as to reopening the hearing.

Motion: Kriz-Thomas to reopen the hearing for additional testimony. Motion carried by voice vote.

Staff Report: Planning Director Egner presented the criteria for subdivision approval and modification of standards. He distributed revised findings and recommendations for the Commissioners to review. He identified the original proposal which included a cul-de-sac serving 8 lots off Mountainview Drive. Since the original application, the applicant has proposed that only 3 lots be developed in this area. He identified that this does not represent the full buildout of this property; however, this proposal represents much less traffic impact on Mountainview and Villa. He reviewed the technical recommendations provided by the Engineering Department relating to sewer line extension to Mountainview, access to a manhole, concern about the specific site boundaries and dimensions, and roof storm drainage. In addition, he noted that the Engineering Department felt the 30 ft. wide utility easement could be identified prior to Phase II platting. He noted that new information has been provided which relates to the location of the 20% break in slope on the site. He identified the location of the slope as noted in the August staff report. He identified that the applicant had Don Cooley, a registered land surveyor, survey the slope area of the site. He identified on another overhead a diagram based on a contour map and raw data, which accurately identified the contours on lots 6-8.

Mr. Egner reviewed the supplementary staff report, and identified the correct zoning on the property as R-1 (Low Density Residential) and M-2 (Light Industrial). He indicated that conclusionary findings addressed Phase I densities and future redevelopment of that portion of the project. He noted that there is a good potential for future commercial development or increased densities in the future and he commented that having some lower densities at that location now may preserve future opportunities for redevelopment. He expressed concern about allowing further partitioning of the 3 sites in the future. He suggested that an additional subdivision approval condition be placed on the parcel which would limit re-division of those sites. He noted that the 20% break in slope was identified by the survey done by Mr. Cooley, rather than the City's aerial maps. He indicated that the proposed drainageway easement followed the flood plain and the drainage easement would be determined at development. He expressed concern about the lateness of the supplemental staff report information and he noted the State requirements for material to be available 7 days prior to the hearing. He noted that the Commission could consider leaving the hearing open for 7 days to accept further comment. He noted that lots 6 and 7 of Phase II appear to be unbuildable; however, if Raine Drive is realigned, more buildable land would be available for these sites. He recommended approval of the subdivision, and reviewed the September 19 supplementary staff report Phase I, II and General conditions.

Commissioner Roberts asked what the resolution of the storm runoff on Mountainview Drive was. Planning Director Egner noted that with a private drive, no storm sewer system was generally provided. He noted that previously the storm water from the proposed cul-de-sac would have run off into the ditch. He commented that the Engineering staff did not address the issue of storm drainage from the proposed private drive, but that it would not have the same sort of impact because it would be running off onto adjacent land along the entire length of the sites.

Commissioner Kriz asked if the applicants have provided new a new plat relating to lots 6-8. Planning Director Egner noted that no additional information was received. Planning Director Egner noted that staff could resolve this issue or the applicant could be requested to provide an alternative; however, replatting may result in one less lot in that area.

Commissioner Prewitt asked about the runoff identified as going into the adjoining property owner's basement now. Planning Director Egner identified that under the current proposal, the private driveways would run off water in both directions over their entire length, and not collect and direct it specifically to the neighbor's property.

Proponent: Jeff Twenge, 501A Andrews, Newberg, applicant, requested that the Commission review a revised Phase I plat together with additional new data relating to Phase II. He then introduced John Erwin.

Proponent: John Erwin, 33923 Bond Road, Lebanon, OR, indicated he was the applicant's engineer. He asked Planning Director Egner whether the revised staff report contained all the revised conditions relating to Phase I and II. Planning Director Egner noted that redundant conditions previously stated have been eliminated from the current report conditions. Mr. Erwin reviewed the conditions, concurring on Phase I conditions 2 and 4, Phase II conditions 2, 3, 4, 6, 7, 8 and 10, and General Conditions 2 and 3. He questioned Phase I condition 1, relating to why the sewer must be extended through private property to Mountainview, when a sewer line in Villa Road or the one proposed in Hess Creek could provide future service for further developments in the area. In addition, he noted that an easement was shown off of Raine Drive to the manhole; however, that could be a cleanout which does not necessarily require an all weather driveway. He questioned Phase 3 condition 3 relating to paving the driveway from the property line to the house. Planning Director Egner responded that paving is consistent with air quality policies to prevent air quality particulates at the site.

Mr. Erwin took exception to Phase II, condition 1. He noted that fills are a common type of requirement on any type of road. He drew a diagram representing a typical street cross section on a grade. He identified the fill locations proposed. He also drew a diagram with a warped street section which is designed on a slope with an average 18 inch drop in 32 feet or an 18% slope. He felt that filling is a standard excavation practice and took

exception to this requirement. He questioned Phase II condition 5 relating to an open space/drainage easement and he asked whether it was different from the 30 foot sewer utility easement. Planning Director Egner noted that this was an easement for drainage runoff. After a brief discussion relating to the easement, Mr. Erwin concurred with this requirement. Mr. Erwin noted that the City has identified where the 20% break area starts but the City has not identified where the 20% break area stops. He identified that lots 6 and 7 have two areas which are above the floodway and below the 20% break in slope. He asked whether a driveway could cross the slope area to these areas, thus allowing construction on them. He requested that the utility easement identified in Phase II Condition 6 be located below the 177 ft. contour line, which is below the floodway, to enable full development of these lots. He disagreed with General Condition 1 requiring a six foot setback from the curb for sidewalks. In summary, he reviewed those items which the applicant concurred and disagreed with.

Proponent: Mr. Twenge noted that the neighbor who owns property adjacent to lots 6 and 7 already has construction on the same level as that proposed by the applicant on those lots.

Opponent: None.

Letters/Public Agencies: No additional letters or public comments were indicated.

Staff Recommendation: Planning Director Egner recommended approval of the subdivision based on the staff reports, testimony and September 19 conditions in the supplemental staff report; however, he noted that the applicant may desire that the hearing be held open for an additional 7 days. Jeff Twenge, the applicant, responded that he waived the 7 day period.

Hearing Closed.

Planning Director Egner was asked by Commissioner Thomas whether construction could occur on that area not in the floodway but below the 20% break in slope. Mr. Egner indicated that construction below the break in slope was restricted to preserve the open space designation of the comprehensive plan. He felt that construction in this area would be in direct conflict with the comprehensive plan goals. He identified that the Commission had previously discussed this issue and filling within general hazard areas in relation to public access at a hearing last year.

The applicants questioned the buildability of any site which had a 20% break in slope. Planning Director Egner noted that this site was specifically identified as being within the General Hazard zone.

Chair Veatch asked if the City had an engineering standard relating to the maximum percent of slope. Planning Director Egner did not know if the Engineering Department had such a standard.

Commissioner Roberts stated that this development appeared to be creating mini estates. He felt that Phase II parcels should not be allowed to extend beyond the creek into M-2 land. He did not feel Phase II was in the best interest of the community. He indicated that if the property owner on the Mountainview side had buildings on a lower elevation, the intent is to preserve open space now.

Commissioner Veatch asked what portion of the site was M-2. Planning Director Egner indicated that the M-2 portion was east of the creek.

Commissioner Kriz asked why the flood plain varies between 173 and 177 feet. Planning Director Egner indicated that the elevations increase toward the north of the site. Commissioner Kriz questioned the Engineering Department's requirement for extension of the sewer line. Planning Director Egner indicated that developers are required to extend service through their site to the next adjoining property. They are not being required to extend the sewer up through Hess Creek and it cannot even reach this site without intervening property owners concurrence. It is very likely that in the future the sewer will cross Hess Creek and go up through Alice Way.

Chair Veatch asked about the need for a gravel drive to service the manhole. Planning Director Egner noted that an all-weather drive was necessary to avoid crossing someone's landscaping.

Commissioner Russell questioned why the driveways must be paved. Planning Director Egner noted that this requirement is always placed on flag lots to prevent dust problems with adjoining property owners. He noted that the driveway could be 120 feet in length. Commissioner Russell did not feel that paving should be required and also did not see any reason for a 6 foot sidewalk setback. Planning Director Egner noted that setting the sidewalk back 6 feet makes the sidewalk more pedestrian friendly.

Commissioner Prewitt felt that a 3 foot setback would be adequate. Planning Director Egner noted that security is provided to pedestrians in residential areas when the sidewalks are setback. Chair Veatch identified the 10 foot easement area and he noted that the sidewalk was within that easement area. Commissioner Thomas asked where the 20 foot standard setback began. Planning Director Egner noted that it was measured from the property line. Commissioner Post preferred the wider park strip.

Commissioner Ring questioned buildability of the lots and whether a new subdivision plat should be submitted.

Commissioner Molzahn felt that the applicants had alternative development options which could be presented to the Planning Director.

Mr. Twenge indicated that the deep lots were developed to include protection of the open space and were suggested by City stadd.

Commissioner Russell asked why filling was restricted. Planning Director Egner identified that flexibility in designing the street system incorporating some fill might be possible through Engineering review.

Chair Veatch expressed concern that turning Phase I into only three lots might cause future development problems.

General discussion followed relating to commercial sites which would likely occur in the future, at this site or at the corner of Mountainview and College.

Applicants were asked to respond to the reason for the Phase I revision. The applicant indicated that this arrangement will allow immediate Phase I development in order to obtain capital to continue with phase II.

Planning Director Egner indicated that the subdivision criteria consider full development of the property.

Motion: Roberts-Thomas to deny the application.

Vote on Motion: Aye: Kriz, Post, Ring, Roberts, Thomas Nay: Molzahn, Prewitt, Russell, Veatch. Motion carried 5-4.

Staff indicated that there is a 30 day appeal period during which the applicant can appeal to the Council.

Recess - 5 min. after which Chair Veatch turned the meeting over to Vice-Chair Kriz and stepped down.