

**NEWBERG PLANNING COMMISSION MINUTES**  
**June 25, 2015, 7:00 PM**  
**PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

Chair Gary Bliss called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present: Gary Bliss, Chair Jason Dale  
Allyn Edwards Cathy Stuhr  
Art Smith

Members Absent: Luis Saavedra/student  
Philip Smith  
Matthew Fortner

Staff Present: Steve Olson, Associate Planner  
Doug Rux, Community Development Director  
Bobbie Morgan, Planning Secretary  
Jason Wuertz, Engineering  
Jacque Betz, City Manager

**PUBLIC COMMENTS:**

None

**CONSENT CALENDAR:**

None

**QUASI-JUDICIAL HEARING:**

**APPLICANT: Leonard Johnson (contact – Mart Storm)**

**Request:** Highlands at Hess Creek Phases 4 & 5 – subdivision tentative plan approval.

**Location:** South end of Kennedy Drive and Corrine Drive

**Tax Lot:** 3220-1400

**File Number:** SUB3-15-001

**Criteria:** Newberg Development Code Section 15.235.060(A)

Chair Gary Bliss opened the hearing at 7:05 p.m. and read the quasi-judicial hearing process. He asked if there were any abstentions, bias, or ex parte contacts to declare. There were none.

**Staff Report:** AP Steve Olson presented the staff report. This application was for a 27 lot subdivision for single family homes. It was located at the south end of Kennedy Drive and Corrine Drive and was zoned R-2. He showed pictures of the site, including the stream corridor and surrounding properties. Access to the site would be from Kennedy and Corrine Drives and the whole neighborhood was accessed from 1<sup>st</sup> Street and Highway 219. Some safety improvements were planned for Highway 219 and 2<sup>nd</sup> and a traffic signal at Highway 219 and Everest. The improvements would be completed by ODOT and the City as part of the TSP. For utilities, there was a water line that would be extended through Kennedy and a storm water detention pond constructed in an earlier phase would be used for this development. There would also be street improvements made during Phase 4. There was a 40 foot wide tract to provide access and a sanitary sewer easement to the south. The stream corridor was a zoning overlay. He reviewed the criteria for a subdivision. The issues to be addressed for the stream corridor tract were the plan had to show who would own the property, how it would

have access, and clarify it was a tract. The 40 foot wide tract with an access easement to the south would provide access to the CPRD property. Newberg did not allow private streets, so the two options were to either extend the public street to the south or to extend a driveway. Per Code, driveways could only serve three lots and they did not know how the property would be developed in the future. One criteria of the subdivision was it could not adversely affect the development of adjoining land. The access easement did put a constraint on it. The only way it would not put a constraint was putting in a street stub. The condition of approval was to replace the tract with a public right-of-way and a street stub. The intent of the CF zone was for parks and open space, but there were a variety of uses that could potentially be on the site. The subdivision complied with Code standards. In R-2 the minimum lot sizes were 3,000 square feet, and the applicant was proposing around 5,000 square feet. The lots had to have 25 feet of frontage and be 30 feet wide at the front building line, and almost all the lots were 50 feet wide. The water and sanitary sewer line needed to be extended to the south, which would be a condition of approval. Condition 1b regarding the stormwater extension needed to be removed as the property to the south's elevation dropped off to the south and there were other stormwater options for the area. The last condition was that improvements had to be completed prior to final plat approval. Staff recommended approval with conditions.

## **Public Testimony**

### **Proponents:**

Mart Storm, applicant, stated this was the final application for a subdivision started in 2006. The usable lots were in the 5,000 square foot range which was consistent with the other lots in the area. It was completing a project that would be consistent with everything that was already there. The historic storm water flow off the park always went to the south and it would not accomplish anything to stub a storm drain into it. The stormwater facility was sized and designed to facilitate the historic flow to the subdivision, but not to the south. There were two manholes adjacent to the park on the sewer system that the park had access to through an easement and he hoped he would not have to stub a third sewer stub to it if a street was put on the east side. Regarding access to the park, his attorney had proposed a compromise. He further explained the 15 foot utility easement and available manholes adjacent to the park. He thought they would extend Corrine to the park property, but he could put in on Kennedy as well. He had negotiated the ownership of the stream corridor with CPRD as he wanted to keep it for potential density transfers until the subdivision was done so he could transfer density if needed. He had an agreement with CPRD that he would give the stream corridor back to them as a charitable contribution when he was done. It would ultimately be attached to the park.

Matt Willcuts had no comments.

### **Opponents:**

Joe Darbey was representing the Darbey Family Trust, property owner to the west of this development. He had been in discussion with Mr. Storm on protecting an easement for sewer that was done in 2007. He would like to see on a map where the easement was located.

Don Clements, Superintendent of Chehalem Park and Recreation District, explained the reason they wanted access to the CPRD property was it was labeled as surplus property and could potentially be sold. If they did decide to sell the property, they would come back to the Planning Commission for a zone change. The only concern they had was to make sure they had access to the property for future development. There was intent to put a neighborhood park there, but they were trying to keep the options open.

AP Steve Olson presented a 10 page letter that came in from Andrew Stamp, the attorney representing the applicant.

PC Allyn Edwards asked the applicant if it was possible to save Lot 95 if there was a single lane in and a single lane out of the subdivision. Mr. Storm thought it would work for park access, but not for a subdivision access. The subdivision street width needed to be 54 feet to be a public street.

PC Art Smith said the greatest likelihood was the CPRD property would be a park. Mr. Storm said it was zoned to be a park and he thought at least a portion would be a park. The question came down to did they build a 100 feet of public street now or something that would better fit a park or build nothing.

Chair Gary Bliss recessed the meeting for a five minute break to read the letter submitted by the applicant's attorney.

After reconvening the meeting, Chair Gary Bliss asked if testimony needed to be submitted a week before the meeting.

AP Steve Olson said that was part of the Planning Commission's rules but they could vote to accept the testimony. He then commented on the letter. One point that was brought up was Phase 1 and 2 divided two-thirds of the property and the applicant did show a concept plan for a third phase with a loop road. There was no approval of the future street plan. Only the streets in Phase 1 and 2 were approved and there was no binding future street plan based on those phases. Based on Mr. Darbey's earlier testimony, he asked the applicant to clarify how the southwest corner access and maintenance would work. The letter referenced Dolan vs. the City of Tigard and the need for findings on the conditions. These were points not raised before, and the findings would need to be modified. He suggested continuing the hearing for staff to modify the findings.

CD Doug Rux said another new piece of testimony was provided by Mr. Clements about the potential surplus of property and that the intent was to build a neighborhood park. The findings would need to reflect that information as well.

PC Cathy Stuhr stated the letter indicated Mr. Storm was not in favor of building the road. Mr. Storm responded that he was fine with dedicating the right-of-way, but not constructing the street. A park needed less access than a public street. They did not want to build a full public street if all that was going to be on the property was a park.

PC Art Smith thought the decision the Commission had to make was based on their best knowledge of what was now and there was a lot of speculation on what might be.

Chair Gary Bliss asked Mr. Clements about his discussions with the applicant. Mr. Clements said he had not been contacted by the applicant.

PC Allyn Edwards said the objective was to determine if this was a good land use for the applicant, and he thought the issues had been addressed. He thought the letter submitted by the attorney was irrelevant.

AP Steve Olson asked for clarification on the Darbey easement. CD Doug Rux explained the situation further, and that the issue was placing a private and public easement on top of each other.

Mr. Storm explained public utility easements and private access easements overlapped regularly. The private access allowed the Darbey's access to the other side of the stream, which was a 25 foot easement.

**Motion:** Commissioner Jason Dale moved to continue the hearing for SUB3-15-001 to August 13, 2015, at 7:00 p.m. Seconded by Commissioner Art Smith and passed 4-0-1 (with PC Allyn Edwards abstaining).

#### **ITEMS FROM STAFF:**

None

**ITEMS FROM COMMISSIONERS:**

Chair Gary Bliss commented on a winery who was thinking of pairing marijuana with wine. CD Doug Rux had not heard anything about that.

PC Cathy Stuhr suggested a future discussion on phased subdivisions and cumulative traffic impacts.

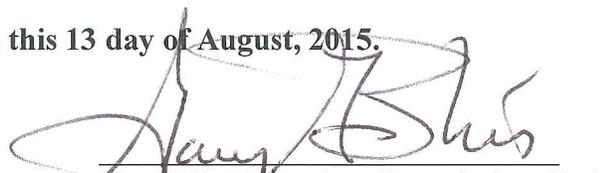
PC Allyn Edwards asked that staff try to make sure any easements be researched on applications. CD Doug Rux said staff was continuing to work on it.

Chair Gary Bliss asked AP Steve Olson that a new map with all of these issues be submitted by the applicant.

Chair Gary Bliss adjourned the meeting at 8:36 p.m.

**Approved by the Newberg Planning Commission this 13 day of August, 2015.**

  
Bobbie Morgan, Planning Secretary

  
Gary Bliss, Planning Commission Chair