

YAMHILL COUNTY PLANNING COMMISSION

Thursday, March 3, 2005 @7:00 p.m.
Yamhill County Courthouse, Room 32
535 E 5th St.
McMinnville, Oregon 97128

Vice Chair Sid Friedman called the meeting to order at 7:00 p.m.

Roll Call: Dean Brown, Bernie Diefenderfer, Sid Friedman, Daryl Garrettson, Alan Halstead, Gary Johnson, Brad Myers. Absent: Marjorie Ehry, Chair Robert Smiley. Staff: Ken Friday, Rick Sanai.

Review of the **minutes** from the Planning Commission Hearing of February 3, 2005. Alan Halstead moved to approve the minutes as presented. Seconded by Daryl Garrettson. Approved unanimously.

Vice Chair Friedman reviewed the procedure for the evenings hearings and opened the public hearing.

QUASI-JUDICIAL PUBLIC HEARING:

DOCKET NO.: C-02-05
REQUEST: Conditional use approval to allow a road across EF-20 property to be used as an emergency access road and as temporary access during construction on adjacent land.
APPLICANT: Michael Gougler
TAX LOT: 3215-1003
LOCATION: The parcel is located approximately ½ of a mile north of the intersection of Schaad Road and Corral Creek Road, on the west side of Corral Creek Road.
ZONE: EF-20 Exclusive Farm use
REVIEW CRITERIA: Sections 402.04(N), 402.07(A), 908 and 1202.02 of the Yamhill County Zoning Ordinance. The Transportation Planning Rule, OAR 660-12-0065.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: None.

Rick Sanai read the “**raise it or waive it**” statement into record.

Staff Report: Ken Friday gave a brief review of the staff report. He apologized for not having a large map of the sites, due to a miscommunication in the office. **Questions of Staff:** Sid Friedman: In the Newberg Staff Report, the approval of the subdivision was conditioned upon using the road as a temporary emergency access road. What will be the effect if this request is denied? Ken: I don’t know and haven’t talked to Newberg specifically about that. Sid: Newberg has indicated future plans to use that as a regular access to the subdivision. Would that need subsequent land-use approval from the county? Ken: Yes, it would need an exception. Sid: As of the writing of the Staff Report, there were no comments back from Public Works or ODOT. Is that still the case? Ken: Yes, the only additional public agency report I received was from the Fire Official with no conflicts, and from Barton Brierley, the City Planning Director of Newberg with no conflicts. Sid: Concerning the Transportation Systems Plan hearing notes from Newberg; was that submitted as an attachment to the Schaad comments? Ken: Yes. Bernie Diefenderfer: Is this parcel of land that they want to put the emergency road on, inside the Newberg UGB? Ken: No.

Proponent's Case: Mike Gougler, 5241 Windsor Terrace, West Linn, OR: Mike gave a brief history of the property. The farm access road is about the same location as the requested emergency access road. The city requested they provide an easement for the 24-inch waterline coming from the new reservoir. They purposely placed the easement because it needed to have an all-weather, 20 ft. wide access, which Mike designed. After the water line was installed, they were approached by NW Natural for an easement for their gas line, which they agreed to.

Related to the specifics under the Conditions of Approval, when it was requested that property located within the city and the UGB be developed, they went on the traffic study information and designed a subdivision in a manner which allowed and provided for safe access on one road. The traffic engineers agreed that 2 points of entry were not needed. The Fire Marshall also agreed, but made the request that if it were possible, he would like to have the emergency access road at the north end. Because there was an existing farm road, it was agreed to make the application through Yamhill County Planning. The emergency access road is to be gated. Mike discussed the design location of the road with the County Roads Dept. Mr. Gille was in agreement with the location. The question earlier was, what would happen if this road is denied. The answer is, we don't get it. We would use the subdivision as it was designed. The fact is, it is a safer arrangement to have the road, and Mike went on to describe the reasons why. **Questions:** Daryl Garrettson: Why did you design the subdivision with only one access off of Fernwood? Mike: There is a problem there with both a vertical and horizontal curve. The speed limit will be reduced to 25 MPH. Daryl: This is a 274 lot subdivision? Mike: When it's built out, there will be 285 - 290 houses. Bernie: How many construction trips a day per house do you anticipate? Mike: About 10 a day per house. Dean Brown: Why doesn't that access, over a period of time, raise the level of traffic to an urban level? Mike: It raises the level of use, but we have ways of discouraging the residents from using the road. As to the level of use, there will be an increase of 100 vehicles a day, which we are very concerned about.

Joe Schiewe, Traffic Engineer, 4386 SW Macadam Avenue, Suite 102, Portland, OR 97013: It's his opinion that the Corral Creek/99W intersection will be used either way to enter the site, and the construction traffic will not change on Corral Creek Road, whether they have this access or not. Mike: 6 - 8 years ago, he explained his concern to Mr. Friday about the intersection. He met with Mr. Gille, and as a developer, offered to use whatever resources they could gather to improve that intersection. They also had been to ODOT. There is no argument that something should be done with the road. Dean Brown: Making this a construction access will surely change the level of service on Corral Creek by encouraging construction traffic. Bernie: I'm assuming that a subdivision of this magnitude is going to be sold out in phases. Can you give me an illustration of where the phases are located in relationship to Fernwood? Joe described each phase in detail. Sid: If the road is approved for emergency access, it will be gated. Is it currently gated? Mike: It currently has a berm. Ken: When do you expect to have the gate installed? Mike: We won't open that road to emergency use until people actually live in the development. Probably in about 6 months. Joe went ahead to clarify that he believes there will be more traffic without this connection on Corral Creek between Fernwood and 99W. Instead of turning into the site at this access point, they would continue on, up and over Corral Creek. The issue here is that they want to remove construction traffic from public areas for safety reasons. We're willing to work with the county and their concerns, but we want the construction site to be as safe as possible. He stated that he had dealt with many counties, and 300 cars per day on a county road is not unusual at all. **Questions:** None.

Questions of Proponents: None.

Opponent's Case: Grace Schaad, 31525 NE Schaad Road, Newberg, OR 97132: Grace explained that Schaad Road is a gravel road about a mile long, between Corral Creek and Parrett Mountain. This road has already been constructed and used as a construction road. In fact, it was at one point posted with a 4 x 8 sheet of plywood, with a green sign on it saying, Truck Entrance. It's her opinion, that the road was constructed without permits to connect to the county road. It was only after a formal land-use complaint was filed, that Mr. Gougler submitted the request for a conditional-

use permit. She spoke with Mr. Gille in late 2004 concerning the illegal nature of this road. She is in opposition to this application and stated that if this road is allowed, it will be used by residents. In the Newberg Transportation System Plan there is no mention of this road being gated as an emergency access only. She added that if this request is approved, there must be language that there will be 2 gates; one at the city limits edge and the other at Corral Creek, and that they must be in place before the completion of the project. The gates need to be positioned in a way that they cannot be circumvented. Additionally, she asked consideration on who would monitor this gating and what would be the period of time for the gates to remain in place. Will it be up to the county residents to monitor this compliance and will the gates remain locked and in place until Corral Creek Road is annexed into the city of Newberg? There is no need to use Corral Creek Road for construction vehicle access to the development. Corral Creek Road is narrow, winding, and well traveled by residents of Parrett Mountain, despite what Mr. Gougler has said. The intersection of Corral Creek and 99W is uncontrolled and dangerous. What of the wear and tear to Corral Creek Road? When Grace spoke to one of the commissioners about this, she suggested that perhaps the developer could be required to repair any damage to the road. There is access to the development using city streets. As a county resident, she finds it offensive the illusion that there are no children, school buses or pedestrians on Corral Creek Road. It is dangerous to use this road. **Questions:** Daryl: Assuming that the road was properly gated, do you have a problem with the road being used for emergency vehicle access? Grace: No, as long as the gating was done now. The road is already being used. Daryl: Where is the berm located in relation to Corral Creek Road and the city limits? Grace: It is on the Corral Creek side of that little road. I would guess that it might be one car length in from the road. Daryl: If the berm was located closer to Corral Creek, can they still go in the field to go around it? Grace: Yes. Daryl: Is there a ditch to collect the water? Grace: No. Gary Johnson: What is the distance, roughly in yards, from where you say one gate should be and a second gate? Grace: Maybe a quarter of a mile, at least.

Questions of Opponent: None.

Public Agency Report: Ken Friday reported the Yamhill County Sanitarian stated no records of on-site sewage disposal. The Fire Official and Newberg Planning Dept. found no conflicts of interest. Barton Brierly asked for a pedestrian/bicycle access. Ken recalled a conversation with Alan Fox of ODOT, about a different land-use issue and Alan stated he had no concerns with this project. **Questions:** Bernie: Ken, have you spoken to Public Works about the condition of Fernwood Road? Ken: No.

Rebuttal: Mike Gougler stated that the road was used for construction access, however, the road was there and helped in avoiding the curve at the intersection of Fernwood and Corral Creek. This road remained a construction road from the time that the farmers used it and still use it. He proposed that it be gated on the city side, as well as the Corral Creek side. He asked that the gating procedures be designed with help of the Fire Marshall and Fire Chief, who have both been invited out to the site. Mike went on to describe what the gates will look like. Mike stated that he did not mean to imply that there are no uses on Corral Creek Road. **Questions:** Bernie: What is the construction of the road? Mike: It will be a rock road, not asphalt. Joe went on and addressed the condition of Fernwood Road.

Staff Recommendation: Ken Friday commented that Grace Schaad was correct when she stated that the county had not monitored this or taken action until she made a complaint. He stated that the Planning Department responds to complaints. He also noted that Mr. Gougler was very quick in responding to the complaint by putting gravel up on the road. In the future, it would be on the residents of the county to submit complaints if there are violations of this. He strongly recommends approval of the road for emergency vehicle access, but has some concerns about use of this road, even for temporary use for construction traffic. However, he is swayed by the testimony by the traffic engineer and he recommends approval of the temporary use of this emergency vehicle road for construction traffic with the follow conditions: 1) The temporary use of the emergency vehicle road for construction traffic shall be allowed until December

31st, 2006. 2) Both ends of the emergency access road shall be gated prior to December 31st, 2006. He has struggled with whether or not it should be gated now, or at least on the weekends.

Vice Chair Friedman closed the public hearing.

Deliberation:

Bernie Diefenderfer: I concur with staff, but I am concerned with the gating situation.

Brad Myers: After hearing the testimony, I believe that the emergency access seems to be a reasonable request.

Alan Halstead: The emergency access is totally appropriate. I cannot justify the use of that road as construction access.

Gary Johnson: I agree on the emergency use and the gating at both ends. The gate needs to go up immediately.

Daryl Garrettson: Newberg approves a 300 lot subdivision with one access road and then puts the burden for the second road on the county through rural lands. What are they doing with their development standards. They want us to impose a condition to encourage pedestrians to go out on a county road with no shoulders. I can approve it for emergency access, but not for construction access.

Dean Brown: I don't think it comes close to meeting the administrative rule conditions. Emergency access is fine, but construction access isn't even close.

Sid Friedman: I agree with Dean. The emergency access fits the administrative rules, but not the construction access. It should be limited to meet rural needs.

Brad Myers suggested separating the 2 issues into 2 different votes.

MOTION: Alan Halstead moved to approve the conditional-use permit as an emergency access use only, with gates at both ends of the access, to be erected immediately. Seconded by Brad Myers. Approved unanimously.

MOTION: Daryl Garrettson moved to deny the portion of the conditional-use permit C-02-05 requesting permission to utilize the road for construction purposes. Seconded by Dean Brown. Approved unanimously.

Ken Friday explained the appeal process.

New Business: Ken gave an update on Measure 37 claims, stating that notices will be sent out to those who are adjacent property owners.

Also, Commissioner Stern wrote a letter stating that she won't be attending the meetings, but would like to host a dinner prior to a future planning commission meeting.

Adjourn: The meeting adjourned at 8:40 P.M.