



PLANNING COMMISSION

Minutes of Wednesday, November 5, 2014

Members present: Chair Christine Steel, Vice Chair Russell Axelrod, Lorie Griffith, Nancy King, Jesse Knight and Ryerson Schwark

Members absent: None

Staff present: John Boyd, Planning Manager; Peter Spir, Associate Planner; Khoi Le, City Engineer; and Megan Thornton, Assistant City Attorney

PREHEARING WORK SESSION

Chair Steel convened the session at 6:07 p.m. in the Rosemont Room of City Hall. Staff prepared the Commissioners for the hearing by pointing out a word change in recommended Condition 4. Vice Chair Axelrod indicated he would question the level of completeness of engineering plans for the requested PUD/SUB. Staff clarified the November 19 agenda and the process of filling Planning Commission vacancies. Chair Steel and Commissioner Griffith reported on public input at Arch Bridge/Bolton Town Center planning meetings. Commissioners and staff discussed providing the public with more information to address concerns/questions about it. Chair Steel adjourned the session at approximately 6:28 p.m.

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

PUBLIC COMMENT – Related to land use items not on the agenda

Alice Richmond, 3939 Parker Rd. congratulated Vice Chair Axelrod on being elected to the City Council.

PUBLIC HEARING

PUD-14-02/SUB-14-02, 6-lot planned unit development (PUD) and subdivision at 2900 Haskins Road. The case file is available online at <http://westlinnoregon.gov/planning/2900-haskins-road-6-lot-planned-unit-development-subdivision>.

Chair Steel opened the hearing. Ms. Thornton outlined the applicable procedure and criteria. Commissioner Griffith, Vice Chair Axelrod and Chair Steel each reported making a site visit. Vice Chair Axelrod declared an *ex parte* contact with a neighbor. Commissioner Griffith related she had seen Madrone trees on the site that she was not sure were being preserved, but that should be considered. No one present challenged the ability of the Planning Commission or any individual Commissioner to hear the matter.

Staff Report

Mr. Spir had distributed the November 5, 2014 staff report. He referred to the aerial view and site plan, highlighting surrounding development, significant and other attractive trees on the site, the proposed open space tract, and proposed accesses. He discussed the approval criteria for a subdivision and PUD, advising that all of the proposed lots met the R10 zone's dimensional

standards and setbacks. The applicant proposed six lots when they could have been allowed to have seven lots per zone and density requirements. Although the average size of the proposed lots was larger than the zone minimum of 10,000 s.f. one lot was 9,628 s.f. It could be permitted in a PUD as it allowed a larger lot for the existing house and creation of the open space tract. The significant trees were protected.

Questions of Staff

Mr. Le clarified Engineering Department comments related to Haskins Road on page 10 of the staff report meant that in the event that section of pavement was determined to be inadequate the applicant would have to improve it.

Applicant

Rick Givens, 18680 Sun Blaze Dr., Oregon City (97045) and Bruce Goldson, P.O. Box 1345, Lake Oswego, represented the applicant. Mr. Givens testified that the applicant proposed six lots because concerns had been raised about seven lots during a previous process. Six lots were allowed by the zoning and enabled them to create an open space tract. The open space could become part of Douglas Park. The applicant had redesigned their plan and modified some lot sizes after the neighborhood meeting to address neighbors' concerns about preservation of trees on the perimeter. Project homes would be compatible with the size and scale of those in the surrounding neighborhood. He noted the staff report and the applicant's narrative discussed how the application met the code.

Questions of Applicant

Vice Chair Axelrod discussed that the lack of specificity regarding how stormwater was to be managed meant there was no assurance that runoff would not affect adjacent homes. Mr. Givens indicated the applicant had the related drawings and was prepared to submit them. He and Mr. Goldson generally described the plan, which included rain gardens on individual lots; connected Lots 1, 2, and 3 to a storm sewer in Haskins Road; and, as a last resort, would direct overflow to the open space to be infiltrated. Staff advised the application was complete for the purpose of Commission review. The Engineering Department would look at the details of how stormwater was managed when they reviewed the construction plans (see Staff Response 17 on page 17 of the staff report).

Vice Chair Axelrod discussed an area of steep slope on the back of Lot 6 where the open space tract abutted the park, indicating that this review was an opportunity to negotiate with the applicant to restore the area, correct the fencing, and plant a few trees to help connect it to the park. Mr. Givens clarified there were already lots of trees there; the applicant's intent was for it to be natural area; and, they were waiting to hear what the Parks and Recreation department wanted there. Staff advised that the applicant had volunteered to create the open space - it was not required. Additional conditions would need to be proportional and have nexus to the development's impacts. The City could choose to accept the dedication or not. The programming and use of the open space was not approval criteria. They noted the recommended conditions called for it to be an open space tract, regardless of ownership.

Mr. Givens outlined the applicant's options as 1) dedicate the open space area to the City so it could expand the park (the neighbors preferred that); 2) the homeowners association could own and maintain the tract; and, 3) the applicant could expand Lot 6 and put a conservation easement on the slope.

Vice Chair Axelrod observed that there were other trees besides the trees identified as significant that were worth saving. He asked if any of those other trees were going to be removed. Mr. Givens explained that some of them which were within building envelopes and street would potentially be removed.

Public Testimony

Alice Richmond, 3939 Parker Rd., asked the Commission to approve the application as it was a clean proposal with six lots in a rectangle; because Parks and Recreation would love to be able to attach the open space to the park and they had their own requirements which made their parks beautiful, with appropriate uses; and because there would be six more tax-paying properties that would benefit the City.

Brian Kleiner, 2585 Remington Dr., complimented the developer for listening to and addressing concerns raised at the neighborhood meeting. He indicated he supported the project and making the open space part of the park.

Deliberations

The applicant waived opportunity for rebuttal. Chair Steel closed the public hearing and opened deliberations. Commissioner Knight complimented the applicant for working with the neighbors, saving trees to the best of their ability, and dedicating the open space.

Commissioner Schwark **moved to modify Condition 4 by replacing the word 'tenure' with 'ownership.'** Commissioner Griffith **seconded** and the motion **passed 6:0.**

Chair Steel **moved to approve PUD-14-02/SUB-14-02.** Commissioner Schwark **seconded** and the motion **passed 6:0.**

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None.

ITEMS OF INTEREST FROM STAFF

Mr. Boyd clarified that a hearing for a zone change in the Historic District was tentatively scheduled for November 19, 2014.

ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at approximately 7:33 p.m.

APPROVED:



Chair



Date