



PLANNING COMMISSION

Meeting Notes of June 21, 2017

Members present: Jim Farrell, Lamont King, Charles Mathews, Joel Metlen, Carrie Pellett, Bill Relyea and Gary Walvatne

Members absent:

Staff present: Jennifer Arnold, Associate Planner; John Williams, Community Development Director; Megan Thornton, Assistant City Attorney; and Tim Ramis, City Attorney

PREHEARING MEETING

Chair Walvatne called the work session to order in the Rosemont Room at City Hall. Ms. Arnold provided a list of the proposed Conditions of Approval for the 6-lot subdivision. Councilor Martin explained the purpose of the “Items of Interest from the Planning Commission” agenda item. He noted it is a time for the PC to discuss what did or didn’t work in their hearing and use that information for improving the process.

(00:00:00)

REGULAR MEETING - CALL TO ORDER

Chair Walvatne called the meeting to order in the Council Chambers at City Hall.

(00:00:02)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

None

(00:00:17)

DELIBERATIONS – CONTINUED FROM JUNE 7, 2017: 6-LOT SUBDIVISION AT 4096 CORNWALL STREET SUB-17-01/WRG-17-01 (STAFF: JENNIFER ARNOLD)

NOTE: THE PUBLIC HEARING IS CLOSED. NO ORAL OR WRITTEN TESTIMONY FROM THE PUBLIC WILL BE ACCEPTED

Chair Walvatne opened the deliberations. Each commission member was afforded the opportunity to discuss the project and review how it does or does not meet the code. Vice Chair Mathews’ opinion is that the project fails to comply with CDC 11.030: where the city owned property for the retention pond is not consistent with the permitted uses in the R-10 zone; CDC 85.200 (A)(1): the extension of Landis Street to Cornwall Street was not consistent with the developer being responsible for internal street improvements and there being “adequate facilities” available; and CDC 85.200 (A)(3): did not meet the requirements for sidewalks and landscape strips on neighborhood streets. He also felt a Traffic Impact Analysis would have been helpful determining the adequacy of adjacent streets 85.170 (C)(1). Commissioner King concurred with Vice Chair Mathews concerns. He asked Mr. Ramis if a Traffic Impact Analysis is also not required when street connections are made resulting in more traffic than just the new development would generate. Mr. Ramis confirmed staff correctly applied the code. Commissioner King felt the information regarding resources available for additional traffic would have been useful. Commissioner King stated there was a lot of information about wetlands. He concluded that although there is a water issue, wetlands were not an issue with this project.

Commissioner Relyea shares the other commissioner's concerns and is also cautious about the City entering into a shared use of the detention pond without knowing fully what the conditions are. He felt it could have a different site condition once they break ground and the application doesn't show how the developer would address any unsafe conditions to other properties due to the development.

Commissioner Metlen thanked the applicant and staff for all the information provided so the commission could make an informed decision. He is also concerned about CDC 85.200 and the condition of Cornwall Street being adequate for the increased traffic. He also stated that water retention for the site, although shown on the plans, is dependent on the city putting in the facility and zoning for it. Commissioner Metlen also expressed his concern over the possible violation of 99.035 regarding neighborhood meetings but felt there was not enough testimony to determine if there was an actual violation.

Commissioner Pellett stated that she likes the development and that she appreciates the work that has gone in to it. Her concern also is the issue of adequate public facilities and the condition of Cornwall Street. She has confidence in the geology report and feels that the applicant has done their due diligence regarding the stormwater. Commissioner Pellett also shares Commissioner Metlen's concern over the neighborhood meeting but agrees there is not enough information to determine if there was a violation.

Commissioner Farrell thanked staff for their work on this project and noted the Planning Commission has worked with Icon Construction in the past and can hopefully work together again. His first concern was adjoining property owners being required to furnish infrastructure for another property although their own property is not being developed. Commissioner Farrell's other main concern is CDC 92.010 (B): Extension of Streets to Subdivisions, and (C) Local and Minor Collector Streets. These both identify improvements that would be required for Cornwall Street and that information is not included in the application.

Chair Walvatne thanked everyone for their involvement. His concerns are CDC 85.200 (A)(3): Adequate Facilities, Local Streets, and that Cornwall Street does not meet the standards and is not on any city list for improvements. Another concern is CDC 32 Water Resource Area Protection, where the unnamed tributary flows down into a significant wetland. CDC 32.030: Prohibited Uses, in Table 32-1, stormwater treatment and detention are not allowed in the water resource. The plan shows the detention pond designed on the stream. Further, in CDC 32.060 (D): Approval Criteria, WRA Width, it appears that this water resource area would be 65 feet on either side. The challenge is that the City is offering their property for the detention facility rather than on the applicant's site. The catch is that to put in the detention facility, the City would have to bring an application forward to the Planning Commission and have it in place by the time the development is occupied. Approval would also be needed by the Department of State Lands and the US Army Corp of Engineers. Chair Walvatne also noted that CDC 85.200 (E)(7)(C): Structural Fill requires structural fill on steep lots shall be designed by a registered engineer and certified by that engineer that the fill was constructed as designed.

Vice Chair Charles Mathews **moved** to deny SUB-17-01/WRG-17-01 for reasons stated by the commissioners.

Commissioner Jim Farrell **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Vice Chair Charles Mathews, Commissioner Lamont King, Commissioner Bill Relyea and Chair Gary Walvatne

Nays: None

Abstentions: None

The motion passed 7-0-0

(00:37:30)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Vice Chair Mathews noted that for future projects, if city property is to be part of a project, the zoning of that property needs to be considered. He also stated that the Traffic Impact Analysis should include information beyond what the actual project would produce. Because this project would connect two streets, the impact is greater than what just the subdivision would generate.

Commissioner Farrell would like City Council to give the PC the option to re-evaluate the code in relation to new development when infrastructure isn't in place.

Commissioner Relyea questioned using the "fee in lieu" process and if eliminating that would remedy some of the infrastructure problems. Commissioner King provided another view and explained how "fee in lieu" worked on Mapleton Drive where sidewalks and improvements were not wanted. In that case, the contractor still had to provide money for improvements elsewhere in the city.

Chair Walvatne expressed concern that the regional detention pond on city property ignored Chapter 32 of the CDC yet the applicant was steered in that direction. He felt the City Engineer's logic behind that decision should have been included in the staff report. Chair Walvatne asked about a joint meeting with the Historic Review Board to better understand and apply the code as it pertains to projects in the Willamette area.

Commissioner Pellett followed up on a letter the commissioners received regarding architectural standards. Mr. Williams explained that the city does have design review standards and that the author of the letter or anyone else can attend a meeting to discuss their concerns.

(00:54:34)

ITEMS OF INTEREST FROM STAFF

Mr. Williams reminded the commissioners of a previous work session regarding geotechnical and surface water treatment text code amendments. A final draft is just about complete and ready to bring back at a future meeting. Chair Walvatne noted that there would not be a meeting on July 5 so that would not be an option.

(00:55:50)

ADJOURNMENT

There being no further business, Chair Walvatne adjourned the meeting.