



PLANNING COMMISSION

Meeting Notes of November 15, 2017

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

Members absent: Bill Relyea

Staff present: John Boyd, Planning Manager; Jennifer Arnold, Associate Planner; Megan Thornton, Assistant City Attorney and Peter Watts, City Attorney

PREHEARING MEETING

Chair Walvatne called the work session to order in the Rosemont Room at City Hall.

Councilor Martin talked about meeting notes/minutes. Several commissioners stated they use the video for the record.

Mr. Boyd introduced Peter Watts, the City Attorney for tonight's meeting.

Vice Chair Mathews noted he will bring up the discussion of major and minor utilities and if there is a LUBA or district court authority of our definition. He wants this to be part of the record tonight. He confirmed with Mr. Watts that it is okay to let staff know certain questions he will be asking during the meeting. Mr. Watts acknowledged that was fine as long as the applicant is told and is given the opportunity to respond.

Ms. Arnold stated no testimony has been received on the subdivision being heard.

Mr. Boyd reminded the commissioners that they would be setting a date to talk about the annual report to council tonight.

(00:00:18)

REGULAR MEETING - CALL TO ORDER

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

(00:00:26)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

Alice Richmond spoke.

(00:03:35)

PUBLIC HEARING: 12-LOT SUBDIVISION AT 3015/3001 PARKER ROAD, SUB-17-03 (STAFF: JENNIFER ARNOLD)

Chair Walvatne reminded everyone that this is a quasi-judicial hearing and that the decision must be grounded in the relevant code. If the application meets the code, the commission must approve it. He then provided an outline of how the meeting will proceed. After the preliminary legal matters, staff will make a presentation, followed by the applicant, then public testimony. The applicant will have 20 minutes for their presentation and 10 minutes for rebuttal. Anyone wishing to speak must complete a sign in testimony form and turn it in to staff. The commission may ask questions of staff, the applicant or anyone who testifies.

Mr. Watts provided the preliminary legal matters.

The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner.

Zach Pelz of AKS Engineering and Forestry presented for the applicant.

Brigitte Howley, Dorothy Metcalf, Alice Richmond, Chaitali Chattopadhyay, Bill Koran, Carol Koran and Ed Brockman spoke.

Chair Walvatne closed the hearing and the commission entered deliberations.

Vice Chair Charles Mathews **moved** to accept the proposal for SUB-17-03 with the conditions set forth by the planning department and with the correction noted by staff.

Commissioner Lamont King **seconded** the motion.

Ayes: Commissioner Joel Metlen, Vice Chair Charles Mathews, Commissioner Lamont King and Chair Gary Walvatne

Nays: Commissioner Carrie Pellett and Commissioner Jim Farrell

Abstentions: None

The motion passed 4-2-0

(02:57:07)

ANNUAL REPORT TO COUNCIL DISCUSSION

Mr. Boyd provided the 2016 annual report for review. The format for 2017 is the same. Staff will prepare a list of activities for 2017 and the commissioners can work on goals for 2018 at the next meeting on December 6.

(02:59:02)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Vice Chair Mathews stated he voted “yes” instead of “no” on the subdivision application tonight because the applicant was able to have a complete application before the October 18, 2017, meeting when he believed the Planning Commission made it clear that detention ponds should be treated as a major utility and subject to a conditional use permit. He further stated that if the commissioners are ready to make a decision about treating a detention pond in a residential zone as a major utility that they need to do so to avoid disenfranchising the Planning Commission, City Council and the community. His concern is that if it is considered a minor utility the Planning Commission or City Council will not see it come before them again. Vice Chair Mathews would like to see consensus from the commissioners so they can give instruction to the planning department to inform applicants at pre-application meetings and when applications are submitted that a conditional use permit is needed.

Mr. Watts advised the commissioners to bring this back as an agenda item for further discussion and to allow time for proper notice since it will impact every application going forward.

Vice Chair Mathews shared that this has been an ongoing discussion since June. He believes it’s time to determine if it is a major or minor utility and will abide by the consensus of the commission. He is not looking to change the code, but to interpret the existing code.

Commissioner Farrell agrees with Vice Chair Mathews but wants it posted as an agenda item.

Councilor Martin explained that interpreting the code is the same as writing the code. That even if it is just for clarification, the process needs to be followed. His understanding of what Vice Chair Mathews is trying to accomplish is having detention ponds reviewed in the land use process. He suggested modifying the code.

Chair Walvatne related the recent frustration with stormwater information not being included in staff reports. Knowing public works oversees that part and makes decisions but there is no staff presentation so commissioners have no way of knowing how those decisions were made. He understands and agrees with Vice Chair Mathews that if you read the definitions you can make the interpretation about the detention ponds being a major utility, but concluded that public works would not make the same interpretation.

Councilor Martin reminded the commissioners that when an applicant brings a project forth, the city must provide a clear and objective standard. Making a major or minor utility determination at that time would be subjective.

Mr. Boyd suggested that some of these issues could be addressed in design review criteria. The commissioners agreed to put this item on the next agenda for further discussion.

(03:26:56)

ITEMS OF INTEREST FROM STAFF

None

(03:26:57)

ADJOURNMENT

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