



PLANNING COMMISSION

Meeting Notes of November 7, 2018

- Members present: Jim Farrell, Lamont King, Charles Mathews, Joel Metlen, Carrie Pellett, Bill Relyea and Gary Walvatne
- Members absent:
- Staff present: John Boyd, Planning Manager; Darren Wyss, Associate Planner and Tim Ramis, City Attorney
- Guests: Councilor Bob Martin

**PREHEARING MEETING**

Chair Walvatne called the work session to order in the Rosemont Room at City Hall. Mr. Wyss provided a memo and explained the reason for cancelling the 8<sup>th</sup> Avenue Rezone public hearing. It will be rescheduled for a later date. Mr. Wyss also handed out a memo with updated conditions of approval for the subdivision hearing.

There was extensive discussion about street widths, the Transportation System Plan, enforcement of conditions of approval and TVF&R’s letters, all of which will be brought up at the work session with the Transportation Advisory Board and TVF&R on December 5.

(00:00:39)

**REGULAR MEETING - CALL TO ORDER**

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

(00:01:00)

**APPROVAL OF MEETING NOTES: OCTOBER 3, AND OCTOBER 17, 2018**

The use of the word “adjacent” was questioned in the October 17 meeting notes (SUB-18-02). Staff will revisit the notes, verify that the motion is consistent with the condition of approval and modify only if needed. No modification was needed.

Commissioner Jim Farrell **moved** to approve the meeting notes of October 3, and October 17, 2018 with the above stated condition.

Vice Chair Charles Mathews **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**

(00:05:29)

**PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA**

None.

(00:06:08)

**PUBLIC HEARING: 8<sup>TH</sup> AVENUE REZONE, PLN-18-02 (STAFF: DARREN WYSS)**

**\*\*AGENDA ITEM CANCELLED 11/7/18\*\***

Mr. Wyss explained that ODOT had requested a Transportation Planning Rule Analysis. Without adequate time to complete the analysis and have ODOT review it, staff determined it would be best to cancel the public hearing, get the analysis done and come back at a later date.

(00:08:00)

**PUBLIC HEARING: 10-LOT SUBDIVISION AT 3350 RIVERSIDE COURT, SUB-18-01 (STAFF: DARREN WYSS)**

Chair Walvatne opened the public hearing. He explained this is a quasi-judicial decision and unlike in legislative hearings, where personal opinion may come into play, quasi-judicial rulings must be grounded in the relevant code, and if the application meets the code, the Commission must approve it.

Chair Walvatne then outlined the procedure for the hearing. After the preliminary legal matters, staff will make a presentation, followed by the applicant, then any citizens who wish to address the issue will be given the opportunity. Finally there will be time for rebuttal by the applicant. The applicant will have 20 minutes initially, plus ten minutes for rebuttal. Any members of the audience that wish to speak must complete a "Sign In/Testimony Form" and turn it into staff in order to testify. Commission members may ask questions of the applicant, staff, or anyone else who testifies.

Mr. Ramis provided the preliminary legal matters.

Commissioner King noted he tried to do a site visit but was unable to access the property, and that he knows the applicant, Greg Sams. He believes he can make an unbiased decision.

Commissioner Farrell also noted he tried to do a site visit. During that time he met a neighbor who talked about saving some trees; and Mr. Varitz returned home and let Commissioner Farrell on to the property to look around. He believes he can make an unbiased decision.

There were no challenges from the audience.

The hearing commenced with a staff report presented by Darren Wyss, Associate Planner.

Rick Givens, Planning Consultant and Bruce Goldson, Theta Engineering presented for the applicant.

Jay Haladay testified and requested information relating to maintenance responsibility for the stormwater facility and its location in relation to the existing sanitary sewer easement, the potential for high river levels entering the stormwater facility through the overflow pipe, and sanitary sewer manholes taking in water during winter months. Judith Holt testified and requested clarification on the timeline of connecting Ferndell Street to Robin View Court. Steven Whitesides and Damon Rust testified their questions were answered and had no opposition. Daniel Andre and Betty Ann Stallcup testified and requested information on whether the fence between their properties and the subject property would be retained or removed.

Chair Walvatne closed the hearing and the commission entered deliberations. The Commissioners discussed adding one new condition of approval.

Vice Chair Charles Mathews **moved** to add condition of approval 5 “Where Ferndell Drive is 28 feet wide, no parking signage consistent with TVF&R recommendations shall be placed on one side of the street. Where Ferndell Drive is less than 28 feet wide, no parking signage consistent with TVF&R recommendations shall be placed on both sides of the street”.

Commissioner Joel Metlen **seconded** the motion.

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

**Nays: Commissioner Carrie Pellett and Commissioner Bill Relyea**

**Abstentions: None**

**The motion passed 5-2-0**

Commissioner Lamont King **moved** to approve the application with four existing conditions of approval as modified by the staff memo and including the addition of condition of approval 5.

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**

(01:35:32)

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Commissioner Relyea wanted to revisit the letter from TVF&R regarding parking. He recommends the city craft code that is consistent with the expectations of fire access and egress for public safety.

Vice Chair Mathews believes the current code enables the PC to make decisions (like the hearing tonight) and continue to do so.

Chair Walvatne noted the December 5 work session will be with the Transportation Advisory Board and TVF&R. There will be the opportunity to discuss parking at that time.

Mr. Boyd stated TVF&R participates in pre-application conferences and provides a boilerplate letter that applies to private property.

Commissioner Metlen believes TVF&R’s letter addresses minimum requirements based on the state fire code.

Mr. Ramis related the code needs to meet clear and objective standards rather than using terms like “adequacy for fire trucks” or “safety”. He explained that is because when considering “needed housing” (which is everything in our plan) state statute requires clear and objective standards.

Commissioner Farrell suggested there be a way for PC members to have access to a site prior to a hearing. Commissioner King agrees, a site visit provides valuable information. Mr. Boyd noted that when an application is submitted, the owner agrees to the planning commissioners making a site visit. This case with a locked gate was unusual and a call to the owner would have been okay. Chair Walvatne wondered if ID badges or a wallet card could be provided to members. Mr. Boyd will follow up.

Commissioner Farrell and Chair Walvatne mentioned safety issues with the cycle track on Rosemont near the new Icon development; how the road narrows and the different elevations of the bike lane and sidewalk. Mr. Boyd noted this would also be a great discussion with the Transportation Advisory Board and that pictures would be helpful.

Vice Chair Mathews reflected on past decisions and noted more consideration be given to surrounding infrastructure.

Chair Walvatne shared the Tidings will be running the annual Thankfulness piece if the commissioners are interested. A photo also needs to be submitted.

(01:57:13)

**ITEMS OF INTEREST FROM STAFF**

Mr. Boyd reminded the commissioners they will need to complete the annual report to Council. A blank form and the 2017 submittal has been provided. Also a sheet with links for TVF&R was provided.

(01:59:12)

**ADJOURNMENT**

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