



PLANNING COMMISSION

Meeting Notes of June 5, 2019

Members present: Gary Walvatne, Charles Mathews, Joel Metlen, Carrie Pellett, Jim Farrell, and Lamont King
Members absent: Margot Kelly
Staff present: Darren Wyss, Associate Planner and Bill Monahan City Attorney
Guests: Bill Relyea, City Council Liaison

(00:0:12)

REGULAR MEETING - CALL TO ORDER

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

(00:00:23)

APPROVAL OF MEETING NOTES: APRIL 17, 2019

Commissioner Charles Mathews **moved** to approve the (April 17, 2019) meeting notes as presented. Commissioner Jim Farrell **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Charles Mathews, Commissioner Lamont King and Chair Gary Walvatne
Nays: None. Abstentions: None. The motion passed 6-0-0.

(00:03:37)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

None

(00:03:58)

PUBLIC HEARING: CLASS II VARIANCE FOR A DRIVEWAY WITH A GRADE IN EXCESS OF THE ALLOWED 15% AT 1875 CARRIAGE WAY VAR-19-01 (STAFF: DARREN WYSS)

Chair Walvatne explained this is a quasi-judicial decision and unlike in legislative hearings, where personal opinion may come into play, quasi-judicial hearings 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. Chair Walvatne opened the public hearing.
Mr. Monahan provided the preliminary legal matters.

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

Ivan Cam, presented as the applicant and owner.

Wendy Larlee testified as the President of the Sunburst II Subdivision Homeowners Association (HOA). She clarified the Sunburst II Subdivision HOA is the owner of property adjacent to the Ivan Cam property. She expressed concerns regarding the cutting of a tree on the Sunburst Subdivision II property. She identified trees from the applicant's exhibits and noted they are on the property line and should be protected.

Chair Walvatne asked about the tree survey and noted the application material should include a survey of significant trees or heritage trees that clearly identifies the property line. He also was concerned about construction impacting the root structure of remaining trees. Staff Wyss noted that at the time of building permit, the applicant will be required to submit detailed plans of the driveway in addition to the home plans. These plans will include a survey of the trees and those that are to be removed. He concluded this permit review will also be reviewed and approved by the City Arborist.

Wendy & Gary Mariani noted their property is abutting the site to the north. They expressed concerns regarding the tree line adjacent to the driveway and the retaining wall. Their concerns focused on needed setbacks required to protect tree roots and asked if this setback would impact the width of the driveway.

Commissioner Farrell asked about a white oak on the subject property. Wendy Mariani noted there are two large oaks. One is designated for removal on the applicant's plan. A second is located on the neighboring property. She concluded these two white oaks were identified as significant oaks in a prior tree survey.

Marla Ellis is an adjacent property owner and is concerned about safety for her children during the construction phase. She noted her children use the private access to walk along the shared drive. Marla Ellis noted the easement is located on her property and the location of that easement to contain the private drive should be clearly identified. She concluded the driveway easement was granted with the understanding it would be a safe joint easement.

Mr. Monahan explained that the easement language could be contained on the plat or recorded as a separate document. He noted that all documents are recorded with the County Surveyor or County Clerk. He suggested she could obtain the language or map from one or both of those resources. He concluded with a statement that once an easement is granted, the easement cannot be extinguished without the joint permission by all parties.

Ivan Cam under rebuttal noted the trees would be reviewed and adequately identified prior to any tree cutting before final building permit approval. He noted the 20% variance request is needed to meet city engineering requirements. Regarding the easements, he verified the existence of the access easement at the time he purchased the property.

(01:15:11)

Vice Chair Walvatne closed the hearing and entered deliberations.

Commissioner Mathews **moved** to approve Class II Variance in File VAR-19-01 based upon the record of the hearing and the submitted conditions of approval. Commissioner Lamont King **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Charles Mathews, Commissioner Lamont King, and Chair Gary Walvatne. Nays: None. Abstentions: None. The motion passed 6-0-0

(01:30:07)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Commissioner Pellett discussed expectations from the Planning Commission for land use actions. Chair Walvante reviewed the action by the CCI related to the land use process. City Council has received that report and has not yet taken action. He continued by noting one change suggested in the CCI Report to the planning process would be a staff report from Engineering Department. He also supported the City Engineer being present at Planning Commission meetings. The lack of input from Public Works creates an information gap in the land use action review process. He concluded the CCI process once approved by council may require review by a work group prior to any code review by the Planning Commission.

Staff Wyss responded to questions of the Planning Commission by asking the Commission to provide questions as they review information. This step will allow staff time to discuss issues with Engineering and obtain a response for distribution to the Planning Commission.

(01:38:07)

ITEMS OF INTEREST FROM STAFF

Mr. Wyss discussed upcoming meeting on June 19, 2019 will have a workshop for the Sanitary Sewer Master Plan update. He also provided an updated log of proposed code changes and noted this handout was requested to be delivered by Planning Manager Boyd.

(01:39:22)

ADJOURNMENT

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