

PLANNING COMMISSION

Meeting Notes of December 4, 2019

Members present: Charles Mathews, Joel Metlen, Carrie Pellett, Jim Farrell, Lamont King, and Margot Kelly

Members absent: Gary Walvatne

Staff present: Jennifer Arnold, Planner; Lynn Schroder, Administrative Assistant; and Bill Monahan, City Attorney

The [meeting video](#) is available on the City's website. The meeting notes have a video time index. Each time index is provided in red text above the upcoming agenda item (i.e. (00:00:00)).

(00:00:30)

1. REGULAR MEETING - CALL TO ORDER

Vice Chair Mathews called the meeting to order at 6:30 pm in the Council Chambers in City Hall.

(00:00:46)

2. PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA

None.

(00:01:05)

3. APPROVAL OF MEETING NOTES FOR NOVEMBER 6 AND NOVEMBER 20, 2019

Commissioner Farrell requested clarification of the applicant's comments regarding the 2018 Annexation Staff report findings. Vice Chair moved consideration of approval of the November 6, 2019 meeting notes to the next Planning Commission meeting.

Commissioner Pellett requested a minor correction to the November 20, 2019 meeting notes. Commissioner Farrell **moved** to approve the November 20, 2019 meeting notes as corrected. Commissioner King **seconded**. **Ayes: Commissioners Metlen, Pellett, Farrell, King, Kelly, and Mathews. Nays: None. Abstentions: None. The motion passed 6-0-0.**

(00:07:50)

4. PUBLIC HEARING CONTINUANCE FOR SUB-19-01, WAP-19-02, AND WRG-19-01 - A 25-LOT SUBDIVISION WITH WATER RESOURCE AREA AND WILLAMETTE RIVER GREENWAY PERMITS AT 23190 BLAND CIRCLE

Vice Chair Mathews opened the continued hearing for SUB-19-01. City Attorney Bill Monahan addressed legal matters. Commissioner King stated that he visited the site. Commissioner Kelly noted that she could see the property from her house.

Jennifer Arnold referred to her staff presentation on November 6, 2019. She noted that the applicant submitted a Subdivision Intersection Capacity & Safety Evaluation prepared by Global Transportation Engineering for the continued hearing.

Phil Grillo, attorney for the applicant, corrected his misinterpretation of the 2018 Sloop Property Annexation staff report that he made at the 11/6/19 Planning Commission meeting. He apologized for the mistake. Mr. Grillo summarized the 11/27/19 Subdivision Intersection Capacity & Safety Evaluation. The traffic study concluded that the additional ADTs from the proposed development would not change the projected 2020 level-of-service at the Weatherhill/Salamo intersection.

Dana Beckwith of Global Transportation Design summarized that Weatherhill/Salamo intersection is currently operating at a level-of-service "C." The intersection would continue to operate at a level-of-service "C" under build-out conditions that include the proposed development. He stated that the intersection does not meet the intersection sight triangle standard because of the existing topography of Salamo Road. However, the intersection does meet the operational sight stopping distance standard for northbound and southbound vehicles. Stopping sight distance is the minimum acceptable standard. Based on the 11/27/19 traffic study, Beckwith stated that no capacity mitigations are necessary.

Commissioner King asked for an explanation of the level-of-service ratings. Beckwith explained that the level-of-service is a measure of congestion or how long a car would need to wait before proceeding. A level-of-service is rated "A" to "E"; "C" is considered good.

Commissioner Farrell was concerned about the cumulative impact from development on the level-of-service of the Weatherhill/Salamo intersection. Commissioner Kelly did not think a level-of-service "C" rating was adequate. She did not want construction traffic to access the development through Weatherhill Road. Commissioner Metlen asked about potential safety improvements to the intersection. Commissioner Pellett asked about the lot layout. Vice Chair Mathews summarized the findings of the traffic study. He asked Associate Planner Arnold to draft a memo from the Planning Commission to the Planning Director and the Public Works Director that highlights the concerns at the Weatherhill/Salamo Road intersection, as described in the applicant's traffic study.

(01:20:17)

Vice Chair Mathews closed the hearing. Commissioner Metlen stated that the traffic study submitted by the applicant demonstrates that there are adequate public facilities for the project. Commissioner Kelly requested a condition of approval that restricts construction traffic on Weatherhill Road to the extent possible. Additionally, she requested a condition that prohibited construction parking on the portion of Satter Street that adjoins the proposed development. Commissioner Mathews requested a condition that all roads in the proposed development that are too narrow to allow parking on both sides be posted no parking consistent with TVFR regulations.

Vice Chair Mathews recessed the meeting to allow staff to draft the conditions. Vice Chair Mathews reopened the meeting. He clarified that Commissioners discussed the condition to prohibit parking on Satter Street at the 11/6/19 hearing.

(01:50:22)

Commissioner Kelly **moved to approve** SUB-19-01, a 25-lot subdivision at 23190 Bland Circle, with the recommended conditions of approval. Commissioner Pellett **seconded** the motion. **Ayes: Commissioners Metlen, Pellett, Farrell, Kelly, and Mathews. Nays: King. Abstentions: None. The motion passed 5-1-0.**

(01:52:19)

5. PUBLIC HEARING FOR SUB-19-03 - A 15-LOT SUBDIVISION AT 23010 BLAND CIRCLE

Vice Chair Mathews opened the hearing for SUB-19-03. City Attorney Bill Monahan addressed legal matters. Responding to the questions on conflict of interest and ex parte contacts, Commissioner Metlen noted that he drove by the property. Commissioner Farrell responded that he had visited the site and spoke to the property owner but did not discuss the proposal. Commissioner King drove by the property. Commissioner Mathews drove by the property and noted that there is a stub road into the southern portion of the property from Fircrest Road. There were no challenges to Planning Commissioners hearing the proposal.

Staff Planner Arnold provided a staff report. Commissioner Metlen asked about the easement concern of the adjacent property owner. Arnold noted that the easement is private, and the private parties need to

solve the matter. She stated that the City is not a party to the matter. Arnold has informed the applicant that they will not be allowed to record a final plat map if the existing easement is not revoked.

Commissioner Kelly asked how wide Bland Circle would become with the applicant's dedication. Arnold replied that the road would be 28-feet wide with a 6-foot sidewalk. Commissioner Kelly asked how the existing trail from Satter Street would connect to the proposed subdivision. Arnold stated that the neighborhood to the east of the property would connect to the proposed development by extending an existing trail between two homes on Satter Street through Lots 6 and 7 to Eleanor Road. The goal of the trail connection is to provide pedestrian pathways to adjacent neighborhoods. Commissioner Kelly asked about the flag lots. Arnold replied that lots 6 and 7 are actual flag lots with a shared driveway. Lot 10 and 11 have a shared driveway but are not considered flag lots. The shared driveway is also a designated turn-around for emergency vehicles. Lot 12 and 15 are accessed from a long, shared driveway from Bland Circle on the south side of the water quality tract. Lots 3 and 4 would share a driveway because of setback from corner requirements.

Vice Chair Mathews asked if pedestrians would have the right-of-way when walking on the trail between lots 6 and 7. Arnold believed that pedestrians have the right-of-way in Oregon.

Vice Chair Mathews clarified that there are seven trees on the property that will be saved and six trees on adjacent properties that will be saved. He asked how the applicant can save trees that are not on the property. Arnold explained that the six offsite trees have drip lines on the property that would be protected during site development. The applicant is saving these trees by not impacting the drip line. Further, Arnold noted that the CDC requires that applicants save *up to 20%*; it does not require that 20% of onsite trees be saved. Metlen pointed out that the CDC requires that up to 20% of the *area* of trees be protected. Pellett requested that the City make a clarifying policy statement on how to interpret tree protection.

Mathews stated that the CDC allows the City to require a traffic impact study if it is needed. Additionally, he read the definition of a major and minor utility from the CDC. He stated that he believed that the detention pond on Tract A would qualify as a major utility and consequently require a conditional use approval. Arnold responded that guidance she has been given is that the detention pond in Tract A is a minor utility. She stated that an official Code Interpretation would be required to find otherwise.

Steve Miller of Emerio Design presented the application proposal. He read a letter from the property owner supporting the proposed development. He clarified that they are not proposing to preserve trees that are not on the property. By preserving seven trees onsite, the applicant is preserving 22% of the existing canopy, which exceeds the Code requirement. Additionally, they are protecting the drip lines of 6 offsite trees.

He explained that neighbors did not support the original site design with access from Fircrest Drive. He stated that the angles of the property create some challenging lots. Preserving the existing home on Lot 15 was a goal. Eleanor Court provides frontage for Lot 15. However, driveway access will continue from the existing driveway, around the south end of the water quality facility, to Bland Circle. The applicant proposes to use this driveway to access Lot 12 as well. The driveway access to these lots is constrained by topography. The applicant stated that the issue with the private easement is a civil matter between the property owners. The City requires that the private easement be revoke before the final plat is recorded. They are confident that the matter will be resolved. Frontage for Lot 11 is provided by the existing road stump from Fircrest Drive.

Last, he noted that the applicant relied on the City's guidance for the requirements for the water facility on Tract A.

Commissioner Metlen asked about the stub of Eleanor Road to the adjacent property. The applicant submitted a shadow plat of the property with their proposal. No comments were received regarding the potential route of Eleanor Road on the adjacent property.

Commissioner Farrell asked if the stump road will have signage noting that the road will continue. Arnold confirmed that the road will have a sign. Commissioner Farrell asked about traffic patterns from the development.

Vice Chair Mathews noted that the sightline deficiencies from proposed Eleanor Road to Bland Circle are a result of the design of Bland Circle.

The applicant discussed the site constraints of the driveway access for Lots 12 and 15. Commissioner Mathews noted that a fence along the driveway to Lots 12 and 15 would mitigate the headlight concerns of the adjacent property owner.

Vice Chair Mathews opened the hearing to public testimony. Dave Fogle, owner of an adjacent property to the east of the proposed Lots 6 and 7, testified that the existing trail is very steep. He thought that users would trespass on his property if the trail was extended to the new development.

Neil d'Autremont, property owner on Bland Circle, was concerned about speed on Bland Circle. He requested that the developer provide traffic calming improvements.

Robert Musalo of 2115 Fircrest testified about the private easement. He submitted a diagram showing the existing private easement. He stated that he has not agreed to revoke the private easement. He stated that the City could not approve development within the private easement that infringes on his property rights. He asked for a condition of approval that requires the applicant to remove all development within the easement and submit a new plat. He stated that the driveway for Lots 12 and 15 could be located by Lot 13. He asked that the Fircrest stub should be vacated.

Vice Chair Mathews asked the applicant to respond to the public testimony. Regarding the proposed trail extension, the applicant was neutral. Regarding the traffic calming improvements, Steve Miller responded that the speed on Bland Circle is a traffic enforcement issue. He noted that they would install lighting on Bland Circle and Eleanor Road. He reiterated that the private easement issue is a civil matter between the private parties. He noted that the matter would be resolved before the final plat is recorded. Robert Kerr, attorney for the Bland Circle LLC, testified that they would resolve the easement issue before final plat approval.

Commissioners discussed the proposed trail connection to the existing trail.

Vice Chair Mathews closed the public testimony and opened deliberation. Commissioner Kelly did not support the trail extension. Commissioner Farrell agreed. Commissioner Metlen supported the proposal. He did not support the trail extension. Metlen supported a condition of approval that required that the easement issue be resolved before final plat approval; however, no motion about the private easement was made.

(04:02:25)

Commissioner King **moved to approve** SUB-19-03, a 15-lot subdivision at 23000/23010 Bland Circle with the recommended conditions of approval excluding Condition 5 trail extension requirement. Commissioner Farrell **seconded** the motion. **Ayes: Commissioners Metlen, Pellett, Farrell, King, Kelly, and Mathews. Nays: None. Abstentions: None. The motion passed 6-0-0.**

(04:04:23)

6. ANNUAL REPORT TO CITY COUNCIL

Staff Planner presented a draft of the annual report to the City Council. Commissioners supported the annual report.

Commissioner Pellett requested a written policy statement on interim tree code interpretation.

Commissioner Mathews asked for support of a Chapter 80 hearing to determine how water detention facilities are classified.

(04:07:58)

Commissioner Pellett **moved to request** a Chapter 80 hearing to determine if water detention facilities should be classified as a minor utility. Commissioner Farrell **seconded** the motion. **Ayes: Commissioners Pellett, Farrell, King, Kelly, and Mathews. Nays: Metlen. Abstentions: None. The motion passed 5-1-0.**

7. ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None.

8. ITEMS OF INTEREST FROM STAFF

None.

(04:12:58)

9. ADJOURNMENT

There being no further business, Vice Chair Mathews adjourned the meeting at approximately 10:40 pm.