



# Planning Commission Meeting

---

**April 29, 2019**

**CALL TO ORDER:** Randy Cranston called the Sublimity Planning Commission meeting to order at 6:00 PM. Other members present: Ron Etzel, Joe Wolf, Dolores Morris and Shelby Walker. Staff present: Katie Scott, City Recorder; Myrna Harding; Finance/Office Manager; Alan Frost, Public Works Director; Lisa Brosnan, City Planner, Steve Ward, City Engineer; Rebekah Dohrman, Legal Counsel. The Pledge of allegiance was said. There was 24 people in the audience.

## **Public Hearing EXT 2019-01: A one-year extension of Subdivision approval (SUB 17-02, May 30, 2018)**

Randy Cranston opened the public hearing and asked for any conflicts of interest or bias. Joe Wolf, Ron Etzel, Dolores Morris, and Randy Cranston participated in the original subdivision public hearing on Monday, February 5<sup>th</sup>, 2018. Ron Etzel, Dolores Morris, and Randy Cranston attended the appeal hearing to the City Council on Monday, May 30<sup>th</sup>, 2018. Ron Etzel and Randy Cranston testified at the appeal hearing, they stated that they do not feel this will affect their decision-making abilities during this hearing.

Lisa Brosnan, City Planner with Mid-Willamette Valley Council of Governments read the required items into the record and presented the prepared staff report.

Lisa noted that the subdivision is approximately 80% complete, and they may be 100% complete by the May 30<sup>th</sup> deadline, per Steve Ward, City Engineer. There is one condition of approval, that the final plat be recorded on or before May 30, 2020.

Applicant: Mark Grenz, MultiTech Engineering. The applicant has been working with Marion County. Marion County's policy is to not sign a final plat until all the public improvements within the right of way have been completed and approved. They are still waiting on the Franchise utility plan with PPL as well as a sidewalk easement from the County. They are approximately 80% complete with a 6.5-million-dollar investment from the applicant. The final plat may not be reordered by the end of May, but the construction will be significantly finished by this time.

Randy Cranston questioned Mark as to what an adequate length of time to complete a subdivision would be. Mark noted that 12 months is not an adequate amount of time, but 24 months would be more feasible in regard to a subdivision of this size.

Randy opened the public hearing to comments from the public:

- Toni Silbernagel (Neutral): Encouraged the Planning Commission to be thoughtful in protecting the quality of life of the community and keeping up good communication with those affected by the work being done.
- Jane Billings (Neutral): Read the letter that she submitted to the Planning Commission. She stated that it would be nice to have the work completed as soon as possible. She questioned what the consequences would be if the extension were not granted. How will this affect the citizens? She has heard that if this gets denied the applicant will have to pay for the park land. She is concerned about the trash being left at the development site, the construction signs being left in the street, the vehicles blocking stop as well as parking. Will Berry Street be repaved, along with other streets that are being damaged by the large trucks? She also commented that the curve on Berry Street is dangerous.

- Wayne Stedronsky (Neutral): Will the large construction trucks compensate the City for damage to the streets? What happens if the extension is denied?
- Eldon Banegas (In favor) He lives in the middle house of the three houses currently next to the site that are most impacted by the development. He is in favor of the extension, as he sees the amount of work that is being done at the site. Marion County went to bat for him so that their property was not encroached on. Everything that has been done has been to their benefit and any concerns have been addressed quickly. He would encourage that the extension be given.
- Judy Banegas (In favor): Agrees with Eldon's comments.
- Gary Rychard, (Neutral) He lives in Sublimity and is also the Safety and Security director of the school district. If this is going to be extended, there needs to be more communication and coordination between the flaggers and the school district. There have been many delays with pick-up and drop off of the school busses.
- Diane Kaser (Neutral): Have there been any delays because of any inspections outside of the County review? Have there been other issues that haven't been addressed thus far? If the extension is approved, how much longer do they have? Randy answered that the Development Code only allows for the granting of a 12-month extension.
- Gary Rychard: Asked if the extension can be approved with modification to the amount of time granted. Rebekah Dohrman, City's legal counsel, stated that the Development Code states that modification can be made to other aspects of the extension rather than the length of time. Lisa Brosnan, City Planner, stated that the extension was for one year of time, and that is what the applicant has asked for, but the code states that the extension may be allowed for not more than one year at a time.
- Rich Fry, Developer, stated that the plan is to pave Berry and Starr St this week; this should remove the need for flaggers. They are currently waiting for water services to be moved off an existing water line to another existing water line, so the old one can be abandoned. They did not get approval for work on the interior of the subdivision until January 15<sup>th</sup>. They have not had any inspections denied. There has been an issue with an old brittle water line that has been fixed multiple times. Within a week to two weeks, they should be completely out of Starr and Berry Streets. The interior should be finished within 30 to 60 days. They do not have any reason to drag this on. Ron Etzel asked about the clustered mailboxes, in prior development there have been surprises as to where the mailboxes are placed in accordance with people purchasing lots. Has there been determinations as to where the mailboxes will be placed? The mailboxes will be placed before the houses are built or sold.
- Bart Lulay (In Favor) He has been amazed at the professionalism and speed that the crew has been working. The work has been excellent.

Randy Closed the public portion of the hearing at 6:55 PM.

Randy opened the public portion of the hearing at 6:56 PM for the applicant's rebuttal.

- Mark Grenz, Applicant Engineer. One of the reasons for the parking issue on Berry Street is that they were prepping the inner subdivision, this should be resolved this week. Delays from Marion County were addressed as soon as possible by the applicant/engineer. The applicant will ensure that there are no delays for the schools. There is a large number of people working to quickly finish the subdivision. Randy asked if they have an estimated date to have the work completed? Mark stated that once they get the sidewalk easement and pp&e for the poles, they will be able to start and finish within 3-4 weeks, plus an additional 3-4 weeks to have the plat recorded. The plat cannot be recorded until all the public improvements are finalized and should be recorded sometime mid-July. Randy questioned construction signs on the road, employees parking on the street. The workers parking on the road will be taken care of once the streets are paved within the subdivision. Randy asked about the agreement with Marion County and whether it is being dealt with. Mark said yes, one of the requirements is to restore the pavement back to the original state before the construction began. Marion County is also requesting that additional work be done on Starr and Berry Streets. Randy asked about problems with the school district, has the school contacted anyone? Mark stated that there has not been good communication between the school and the construction workers. The applicant will talk with the contractor about this first thing in the morning. Dolores asked if the dirt will

remain in the subdivision or be transported out, and why they would repave the road before the dirt is gone. The dirt is much lighter than a truck full of rock. Randy questioned the sharpness of the corner on Starr and Berry St. During the initial public hearing it was discussed that the intersection will become more of a t-shape to slow down traffic. The vision of the engineer is that this will eventually become an intersection with a stop sign.

Randy closed the public portion of the hearing at 7:12 PM.

Joe Wolf stated that the level of effort is impressive on this subdivision.

Ron stated that in a previous conversation that an extension would be a do-over. Lisa stated that in a previous subdivision that was very similar to this one, it was not a do-over, it was based upon work completed.

Randy asked what would happen if the extension was denied. Rebekah noted that it could be appealed to the City Council, if appealed again, it can then be appealed to the Land Use Board of Appeals (LUBA). If LUBA denied the extension, then it would be considered a do-over. This would be highly unlikely.

Randy noted that the level of effort has been substantial. He asked staff if it would be reasonable to extend to six months rather than 12 months. Rebekah noted that it would be recommended to extend the full 12 months, as there may be issues encountered.

Alan noted that the few minor issues that were not approved, were addressed right away. Public Works is on site constantly and everything that they have inspected has passed.

Steve Ward noted that there have been issues with the water lines, and it has taken a lot of time and effort to fix them. He stated that he will not approve any plans until they are completely finished. He also noted that Mark is not the only engineer that is having issues with the County, and that this is the fastest he has seen a subdivision come together.

**MOTION:** Joe Wolf made a motion to adopt the findings contained in the staff report and approve the request for the Extension 19-01, subject to the conditions of approval set forth in the staff report. Seconded by Ron Etzel. 5 ayes, motion carries.

Randy called for a recess at 7:27 PM

Randy called the meeting back to session at 7:37 PM.

**PUBLIC HEARING SUB 2018-01/SDR 2019-01:** Subdivision and Site Development Review of approximately 3.68-acre site to create nine lots in the R-2 zone. Eight lots are intended for single-family dwellings and one lot is proposed to contain 14 multi-family units.

Randy opened the public hearing and asked for any conflicts of interest or bias. Randy Stated that he has driven by the subdivision and spoken to staff. Dolores stated that she drove by the site. Lisa Brosnan read the required items into the record and presented the prepared staff report.

Randy opened the public hearing for comments from the public.

- Applicant: Zach Pelz, AKS Engineering. He does not have anything additional to add to the staff report.

Ron Etzel questioned the placement of mailboxes. Zach states that the cluster mailboxes are already placed for the subdivision.

There was a discussion of mailboxes and the fire departments need for 20 feet of right of way.

Dolores asked if these will be individually owned? The application stated that a single owner will own lot 9, and the 8 lots that abut Arbor St will be sold as single-family detached homes.

Randy stated that this design does not allow for lot 9 to be divided in the future.

Ron asked if they anticipate doing any cutting across Arbor Street? Michael Poissant, AKS Engineer, answered that the street is brand new and he does not believe the City will allow for cutting. Steve Ward stated that there will be no cutting of the street.

Ron questioned where the parking spaces will be? All the required resident and visitor parking is accommodated via garages and driveways.

- Rick Pies (opposed) stated that he was not informed by his realtor what was going to be going into this lot, he was later told that condos would be going in. He feels he was misrepresented when purchasing his home. Randy stated that this lot was already zoned multifamily. The Planning Commission did not know what would be proposed for this lot until this application was received.
- Darrell Waters (In favor) questioned the street name on the site map. It should be Arabian, not Pinto. He stated that what is going in could be worse than what is being proposed.
- Arlie Janzen (neutral) new resident of Marian Estates. She stated that she is impacted by the subdivision and is interested in the information.

Applicant Rebuttal: Zach Pelz: Location of storm water drainage is to the North of the subdivision. Ron questioned what the landscaping may be down the southern side. There won't be much as there is a sidewalk along this area.

Randy closed the public portion of the hearing at 8:28 PM.

Randy stated that this design gives the City affordable housing.

Joe Wolf stated that he did not see a condition for fire hydrants being placed before building. Fire hydrants will be placed before building. All issues with the fire station will be addressed before the final plat.

Ron asked if lots 1-8 will be sold before building? More than likely they will be built by a builder and then sold.

There was a discussion of the 7% dedication of park land.

**MOTION:** Joe Wolf made a motion to adopt the findings contained in the staff report and approve the request for a subdivision (SUB 18-01) and Site Development Review (SDR 19-01), subject to the conditions of approval set forth in the staff report. Seconded by Ron Etzel. 5 ayes, motion carries.

**ADJOURNMENT:** Meeting adjourned at 8:43 PM.