



Special Planning Commission Meeting

January 11, 2018

CALL TO ORDER: Randy Cranston called the Sublimity Planning Commission meeting to order at 7:00 PM. Other members present: Wayne Stedronsky, Dolores Morris, Ron Etzel, and Joe Wolf. Staff present: COG Planner Lisa Brosnan; Alan Frost, Public Works Director; Myrna Harding, Finance Director; Katie Scott, City Recorder; Steve Ward, City Engineer, and Rebekah Dohrman, Land Use Attorney. The Pledge of allegiance was said. There were 19 people in the audience.

PUBLIC HEARING: SUBDIVISION 2017-01/VARIANCE 2017-02 – Subdivision of approximately 12.35-acre site to create 37 lots and Variance to Section 2.203.03(H)(a) to allow for a 500-foot long cul-de-sac, instead of the maximum allowed length of 400 feet.

Randy Cranston opened the public hearing and read the required items into the record. Randy asked for exparte or conflict of interest, none declared. Lisa Brosnan read the additional items into the record and presented the staff report. She noted that Oak Grove Ave has been renamed to Pinto St.

David Karr, AKS Engineering, presented questions regarding the following conditions: #52, there is a requirement to upsize off-site sanitary from an 8-inch to a 10-inch line and he would like clarification on SDC credibility of this work. He said that there is a culvert that crosses Church street that they will be upsizing to deal with drainage issues on the North side of Church Street. Will this work be SDC credible as well? Condition #18 regarding duplexes, a proposal was made to offset duplexes required in this subdivision, to Lot 92 of the previous Hassler subdivision. David stated that it is the developers wish to transfer density to Lot 92 as it was done in previous phases.

Randy stated that this is not Phase 4 of the previous subdivision, this is a standalone subdivision. Jim Reimann, developer, stated that this subdivision was proposed based upon it being Phase 4 of the Hassler Subdivision. The goal was to annex it to the CC&R's, make it a part of the Home Owners Association (HOA), complete the wall, and have the 37 lots become a part of the original Hassler Farm. Jim notes that the duplexes will devalue the subdivision, and that density transfer is the right way to go.

Rebekah, attorney, noted that there is a Land Use Board of Appeals Decision where LUBA remanded the City's density transfer back to them because they did not have density transfer authorization within their code. Sublimity does not have the authority to transfer density within its Development Code.

Randy opened the hearing to comments from the public.

Those in favor: None

In opposition:

Sandy Smith, 417 SE Belgian St, noted that she bought her house because it is a single-family home subdivision with an HOA. She said that this subdivision does affect the previous subdivision. Traffic will increase, especially on Belgian Street, and duplexes will take up street parking. Duplexes will also decrease the value of the previous subdivision, and they cannot have

an HOA. Randy noted that it is a requirement from LCDC that housing be provided within the city for all income types.

Julie Arabzadeh, 356 SE Belgian St, agrees with Sandy's statements. This subdivision backs up to the previous development and traffic will increase. The value of the current homes will also be decreased.

Valerie Young, 408 SE Belgian St, said that she was never told there would be a new subdivision. She was told that there would be access off Church Street, but it was denied by the State, County, and City to put an entrance there. She is concerned about the roads standing up to more heavy-duty cement and gravel trucks, and whether the HOA will have to pay for the roads if damage is done to them. She has heard that the water is not in excess in the Hassler subdivision. Is it guaranteed that there is enough water to support the increase in families? Alan said that the water and capability to pump water and storage is available. The size of the water lines were set up to accommodate future growth. There was a discussion of a mass casualty accident affecting access to the streets. She is opposed to the layout of the subdivision.

Julie Holden, 392 SE Arbor St. Noted that new people looking at houses in the development are not being informed of this new subdivision. Julie said that the water in her house goes to a dribble if the shower and sprinklers are on at the same time. Alan noted that this is likely an issue from the meter to the home, a flow and pressure test was done to ensure adequate pressure. Julie suggested that it be tested when homeowners are at home.

Betty Hauptert, 853 SE Church St, is concerned about the traffic. There are many elderly people that walk along this street with their pets. She is also concerned about all the mud on the streets from all the trucks. The hydrant by her home was being used to fill trucks with water, which blew out her irrigation system twice. She was informed she would be reimbursed by the company, which has not happened yet. Discussion of the usage of the hydrant followed.

General Testimony: There was a discussion of minimum water pressure requirements. There is a minimum of twenty pounds. Steve Ward, city engineer, informed that it is impossible for the water pressure to be less than twenty pounds, and suggested that a valve may be open. Alan will follow up on this with the individuals.

Randy closed the Public Hearing.

Comment from the applicant: Jim Reimann said that the R2 site development (Lot 92) is currently on hold as Santé Corporation is in negotiation to purchase the property.

Ron Etzel asked if there could be access to Church St via a walkway between Lot 1 and Lot 37. Lisa said that installation of a walkway can be a requirement.

Wayne questioned why the county did not allow a street onto Church St. The curvature of Church St provides an unsafe turn onto Church St from the subdivision and the sight requirements cannot be met at this time. Discussion of streets followed.

Staff Comments: Randy agrees that a walkway should go in between Lots 1 and 37 if the variance is granted. He would like to see Mustang Lp and Appaloosa St continued. He noted that duplexes have not decreased the value of the last few subdivisions, there are requirements that make them fit nicely within the neighborhood. The City has adequate water in volume, storage, and pressure. The timeframe on the buildout is unknown currently. There is no access onto Church street, without a fence people may attempt to access backyards.

Ron asked about the narrowness of the lots. The Development Code requires a minimum of 10,000 square feet, with a depth no greater than 3.5 times the width with 60 feet of frontage. Will need to address the Code if we don't like the layout. Ron suggested that as a condition of approval of the variance be to duplicate the fence already present up to the Eastern boundary of Phase 4. Discussion of extending existing streets and Urban Growth Boundary followed.

Dolores has a concern with placing duplexes on Lot 92.

Ron questioned as to why the new parks policy to require 7% land dedication does not qualify for this application. Rebekah answered that there is a Goal Post Rule in Oregon that states that all the codes and ordinances that are in effect when an application is submitted are the ones that apply to that application. Any new Land Use Regulation that becomes effective after that application has been submitted, does not count towards that application.

Discussion of a fence requirement as a condition of approval followed. Steve Ward added that another condition of approval be added to include a deed restriction be put on the lots that back up to Church St that will prevent access to those lots. Also, if the walkway is placed, the storm drain will be placed in the walkway. Steve commented on a resident's concern about the possibility of an accident on Pinto St. There are two entrance accesses to the subdivision, the other being at Appaloosa St. Steve commented on SDC's; there is a certain amount available for the upgrade of the sewer, but it is not 100% eligible. The storm drain is not SDC eligible.

Lisa commented that condition #37 addresses the restriction to Church St.

A discussion of SDC's followed.

Wayne asked where the cul-de-sac would go if the variance is not approved. Pinto St can move 100 feet to the North to meet the 400 feet cul-de-sac requirement.

Dolores asked if there are any topography issues with the land. The drainage from the east must be directed to the lines, other than that the ground is flat.

Has the subdivision been checked with the Fire Department? Yes, and they have made their comments.

Discussion of conditions of approval followed. Removal of condition #32 for stop signs, provision of an access way to Church St from the cul-de-sac between lots #1 and #37 to match Phase 1, to provide fencing that would prevent access to Church St from lots that are adjacent to Church St, and to locate the storm drainage within the walkway.

MOTION: Joe Wolf moved to approve the subdivision and variance as noted in the staff report to include conditions 1-58, with 55 including fencing on the lots of SE Church St and including a deed restriction on those lots; a walkway with storm drainage to be located between lots 1 and 37 to match similar to Phase 1; to allow staff to work with developers in how said walkway is constructed; to remove condition of approval #32; and to provide fencing. Seconded by Ron Etzel. 5 ayes, unanimously approved.

Planning Commission Meeting Minutes: October 30, 2017

MOTION: Ron Etzel made a motion to approve the Planning Commission meeting minutes of October 30, 2017. Dolores Morris seconded. 5 ayes, motion carries.

ADJOURNMENT: Joe Wolf moved to adjourn the meeting. Seconded by Wayne Stedronsky. Meeting was adjourned at 10:00 PM