

**COLUMBIA CITY PLANNING COMMISSION
REGULAR SESSION & PUBLIC DECISION**
COLUMBIA CITY COMMUNITY HALL – 1850 SECOND STREET
JUNE 21, 2016 - 6:30 P.M.

PLANNING

COMMISSIONERS:

Kelly Niles, Chair
Barbara Gordon, Vice-Chair
Coralee Aho
Dennis Capik
Dana Marble
Shelly Sandford (*recused*)
Mark Worrall*

*Denotes Commissioner absent

STAFF:

Stacey Goldstein, City Planner
Helen Johnson, Planning Administrative Assistant
Steven Petersen, City Attorney

OTHERS:

Nell Harrison, Bob & Shelly Sandford, Mary Anne Anderson, Frank & Kathie Hupp, Al Petersen, John Petersen, Lynn Vellenga, Jennifer Pugsley, Jane Garcia, Larry Kanzler, Charles Garman, Bob & Val Blackmore and Martha Leachman.

MEETING TO ORDER:

Kelly called the meeting to order at 6:36 p.m.

PLEDGE OF ALLEGIANCE:

Kelly did not lead the pledge of allegiance as there was no flag in the Community Hall.

APPROVAL OF MINUTES:

None presented.

CITIZEN INPUT AND REQUESTS:

None.

PUBLIC DECISION:

Stacey explained the application before the Planning Commission is a 13 lot subdivision and site development review involving 3 properties zoned R-3 high, density residential, generally located on 1.3 acres of vacant land west of Second Street and north of River Club Estates. The property does contain one out building proposed for removal.

Stacey stated the application is a limited land use decision and follows ORS 197.195. It is a bit unique in that staff reviews the land use application, creates a pending decision and is then presented to the

Planning Commission. This is considered a meeting, but not a public hearing. She explained to the audience that with this kind of process you would not be able to make any verbal comments or oral testimony at this evenings meeting. There was a 14 day period to receive written comments. Stacey stated when and how notices had been done. She also explained the application had been placed on hold by the applicant in order to address access easement concerns. Because the application had been put on hold and extended for a bit of time, the City decided to re-notice the matter.

In order to ensure adequate notice and to follow the public comment periods in code, Stacey explained the record would be held open for an additional public comment period until 5:00 p.m. on June 29, 2016. Tonight's decision will be pending any additional comments provided prior to that date and time. If no additional comment have been received or are not specific enough or don't affect the pending decision, then a final notice of decision will be issued on July 1, 2016. Stacey also explained the process if additional new information was received. If needed the Planning Commission would be given a revised decision and it would be discussed at the July 19, 2016 Planning Commission meeting.

Stacey noted during the initial notice of the application four (4) letters were submitted. Letters from Shelly Sandford, the Rule's, the Crawford's and the attorney representing the home owners association for River Club Estates. These written comments raised concerns regarding the access easement part of the application. Staff asked the applicant to go back and address those issues, because she would not able to make a positive recommendation of the application to the Planning Commission.

The applicant did go back and do an additional review of the access easement that will be discussed further this evening.

In an effort to speed up this evenings proceedings Stacey asked the Planning Commission if she needed to cite every section of the code or would reference to the staff report be acceptable. All Commissioners approved except Dana, he abstained as he is new to the Commission.

Stacey also asked if the letters received would need to be individually read into the record, State law doesn't require that, but if an audience member would like them read she would be more than happy to do so. Al Petersen, representing the applicant, agreed to waive the individual reading of the letters as the amount of time would be lengthy to do so. No other comments were raised.

For the record Stacey stated Planning Commissioner, Shelly Sandford, has recused herself and is in the audience this evening.

Stacey reviewed the applicable criteria as outlined in the staff report. She also provided a general overview of the property layout and description.

In reviewing the key areas of the staff report, Stacey stated the original staff report, dated March 8, 2016, could not support an approval because there were questions about who controlled the access easement. Stacey explained the applicant put the application on hold and extended the 120 day clock for decision, which is important with this type of application, in order to address the questions. Stacey stated staff now finds the applicant has resolved the access issue. She also mentioned the City Attorney was asked to review the legal opinions received from River Club Estates home owners association and the applicant. The City Attorney agreed with the findings submitted by Columbia Harbour and their attorney along with the City Planner. The applicant has the ability to be able to take a portion of the easement and dedicate it to the City as a public street.

Stacey and the Commissioners reviewed the tentative plat for the subdivision. They discussed the request for two curb cuts on lots 31 and 32 of River Club Estates allowing vehicle access. Stacey referred to Development Code chapter 7.92.040 blocks and lots and read subsection C which talks about

through lots. Stacey wanted to get input from the Planning Commission on this area. She then read the definition of a through lot and the other requirements discussed in the code section.

Stacey complimented the applicant by stating they did a great job reaching out to the adjacent property owners to discuss some of these issues.

Stacey asked the Planning Commission if lots 31 and 32 are considered through lots today. They currently abut the access easement, that doesn't currently look like a street. She then asked after the development is completed, would these lots be considered through lots. Stacey then asked could the Planning Commission find that an exception applies and is there specific disadvantages.

In the staff report, she presented two options for the Planning Commission to consider. 1) The Planning Commission find that lots 31 and 32 will become through lots once the easement is dedicated to the City as public right-of-way and as such a planting screen easement of 10 feet wide and across which there shall be no right of access as required, then that easement has to be landscaped in accordance to City code. Or can the Planning Commission find that there are specific disadvantages that apply to the application of this standard and that in order to overcome these disadvantages lots 31 and 32 are allowed as through lots. And that the right of that secondary access is also allowed as part of this.

Stacey outlined what some of those specific disadvantages might mean. Stating again that the applicant worked with the owners of lots 31 and 32 to arrive at a solution that worked for both parties, the owners of lots 31 and 32 have used the easement for rear access for over 25 years and the easement has been in place for over 25 years without the property owners knowing that at some point in the future they would not be allowed to have the rear access.

Stacey asked does the Planning Commission want to grant an exception that would allow those two lots to have the secondary access. She stated that either way the Planning Commission decided on this topic, Staff would ask that appropriate landscape, trees and ground cover would be required in the remaining undeveloped areas of the easement, with a maintenance agreement requiring future owners of the development to maintain those landscaped areas, this would be a condition of approval. The applicant would need to show a landscape plan on the final plat for approval.

Commissioner Barbara asked about the other lots; 29, 30 and 34. Stacey explained that lot 34 could not have the secondary access as it conflicts with the spacing standards. She also stated lots 29 and 30 had not made comments to the record in opposition to the application.

The applicant stated to the Commissioners that the driveway curb cuts would be built to city standards. Stacey reminded the Commissioners the map they are looking at is a tentative plat and all the specific details would be addressed in the final plat and reviewed and approved by the City Engineer and City Planner.

Stacey concluded by saying the applicant met the approval criteria as she outlined in her staff report. She also reviewed the conditions of approval.

Commissioners and staff discussed there were no sidewalks on the proposed street adjacent to lots 31, 32 & 34 of River Club Estates in order to minimize any negative impacts.

Commissioners discussed concerns of the second access and the landscaping of the remaining easement area. Consensus of the Commissioners was to allow the second access off the proposed street for lots 31 and 32 and the landscaping concerns would be addressed by requiring a maintenance agreement for future owners of the subdivision.

Applicant Presentation:

Al Petersen asked for clarification about the record being held open for an additional amount of time and what would be the process if additional comments came in. Stacey explained if additional testimony came in that addressed criteria and provided new evidence, then the applicant would then be given the opportunity for rebuttal.

Al presented to the Planning Commissioners his written response to the staff report and other written comments for their review.

Al went on to recapped the history of the application, discussing the opposition from the Rule's and the Crawford's regarding the loss of the rear access to their properties. He said he has had multiple interactions with them to discuss their concerns. The information he presented to the Commissioners addresses the access concern.

Al stated he discussed the access concern also with Mr. Garman who is at lot 34. He stated he identified problems with providing access to this lot. Al reviewed rules in the ordinance that specifically says a corner lot must have a required distance for driveways. The lot is only 80 feet deep and the requirements of driveway distance from intersection is 75 feet. Al stated because of these conditions he did not propose access to lot 34.

Al read the language again about through lots and explained he feels the intent of the code is to address when you have residential through lot properties adjacent to major traffic arteries or other zones, or other incompatible uses, then you will provide both a landscape screen and restrict access. He said doing this creates a buffer between the traffic artery and a different zone. An exception to through lots can be accepted in this application because the zoning is the same, R-3, and the street will be categorized as a local street, not an artery, serving only 9 lots. Al also felt a landscaping screen would not be required either if the Commission agreed. He also reminded the Commissioners this is an existing condition and the access easement was designed specifically for these lots before development of River Club Estates.

Commissioner Barbara asked for clarification on the easement's exact location. Al showed her where the easement is on the tentative plat. Stacey asked Al what he intends to do with the remainder of the land that will not be developed into access. Al stated the unimproved areas after the city approves all the other improvements will be relinquished back to the property owners and the development will no longer have rights to the property.

After further discussion Stacey commented that staff would be comfortable removing the condition of approval for landscaping and a maintenance agreement.

Al stated he intends to work with the property owners regarding landscaping in a way they will be happy with and they will landscape their side of the street as well. He expressed his concern with what he understood the maintenance agreement of the landscaping to be the requirement of the new development, even on the other side of the street. Al felt it would be difficult for the city to referee someone on the opposite side of the street being responsible for the landscaping.

Stacey clarified Al proposes a modification to condition number 4 of her staff report to read "any areas not constructed as public right of way in the existing access easement adjacent to the approved street shall be landscaped with a mix of trees, shrubs and ground cover. The applicant shall provide a landscape plan for the area as part of the final plat review."

IT WAS MOVED (BARBARA) AND SECONDED (CORALEE) TO APPROVE THE APPLICATION BASED ON THE CONDITIONS OF APPROVAL WITH REVISIONS MADE TO THE TENTATIVE SITE

PLAN DATED MAY 27, 2016 AND AMENDED BY THE PLANNING COMMISSION REMOVING THE MAINTENANCE AGREEMENT FOR LANDSCAPING AND ALLOWING THROUGH LOTS. KELLY, BARBARA AND CORALEE-APPROVED, DANA-OBSTAINED, DENNIS-OBJECTED.

Stacey stated this is a pending decision and if no new factual information is submitted to the record on or before June 29, 2016 at 5:00 p.m. the decision will become final. If new evidence is submitted staff will review it within 48 hours and issue a revised pending decision on July 1, 2016 and the applicant will have the right for rebuttal and it will then be brought back to the Planning Commission for additional discussion on July 19, 2016. Stacey also presented the appeal process.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Helen introduced the newest Planning Commission member, Dana Marble. He will be replacing Laurie who is leaving the city effective July 1, 2016. Helen also stated she received Marks resignation today, so we will be looking for another Commissioner.

Stacey commented the city submitted the TGM (transportation growth management) Grant application to the State for planning at the industrial site in partnership with the Port.

ADJOURNMENT:

Meeting adjourned at 8:03 p.m.

Kelly Niles
Planning Commission Chair

Attest by:

Helen K Johnson
Planning Administrative Assistant