

MILL CITY PLANNING COMMISSION
Meeting of July 30, 2019

Planning Commission members present: Chair Ann Carey, Dennis Chamberlin, Marge Henning, Woody Koenig, David Leach, Sandy Lyness and Grant Peterson.

Staff in attendance: Planning Advisor David Kinney and City Recorder Stacie Cook.

City Council Representatives: None.

Agency Representatives: None.

Citizens: Scott Baughman, Pat Cook, Earnest Freeman, Robert Johnston, Donna Jones, Anita Leach, Mike Matthews and Helen Purvis.

David Leach took a seat in the audience as he has a conflict of interest declared during the public hearing process.

The meeting was called to order at 6:30 p.m. Chair Ann Carey led the pledge of allegiance.

APPROVAL OF MINUTES:

Dennis Chamberlin moved, seconded by Woody Koenig to approve the minutes of July 16, 2019, as amended. The motion carried, (6:0).

City Planner David Kinney said that this is a special meeting for the Planning Commission to deliberate on the public hearing held at the last meeting. Because the hearing was closed, no testimony will be taken this evening. If there are written comments from the public, they can be provided to City Recorder Stacie Cook for inclusion in the record for the City Council hearing. The Planning Commission does have the opportunity to ask clarifying questions to the applicant or staff.

Robert Johnston said that it was his understanding that written testimony could be submitted through today. Mr. Kinney said that since the hearing was closed and the record was not held open, any submittals cannot be considered this evening.

PUBLIC HEARING – DELIBERATION ONLY:

File No. 2019-09

Applicant: Rex A. Lucas and Scott Baughman, SBC Construction, Inc.

Proposal: Freeman Meadows Subdivision – 15 Lots/Partial Street

Vacation – SE 5th Avenue ROW

Location: 9S3E32BA Tax Lot 3400 4.12 Acres – SE Ivy Between SE

5th Avenue and SE 6th Avenue

Property Owner: Rex A. Lucas

Mr. Kinney provided several maps showing the proposed subdivision site as well as the original street layout design.

Mr. Kinney asked the Planning Commission to make several decisions regarding development requirements for the subdivision. These included:

SE 6th Avenue, north end – Staff recommendation is that no improvements be constructed at the north end of the subdivision line. Grading and reseeding should be required. The street would be required to be developed whenever the property on the east side would be developed as a subdivision.

Mr. Chamberlin said that when and if the property to the east were to develop, this would magnify the issues discussed with traffic on SE Hazel Street. Mr. Kinney said that the developer would have to do a traffic study to determine what improvements would need to be completed.

Mr. Koenig asked if it could be considered that SE Hazel would need to be widened at this time. Mr. Kinney said that this is a possibility.

Grant Peterson asked if the red barrier on SE 6th is a chain that could be broken or a jersey barrier. Mr. Kinney said that it would likely be a wooden barrier that would not allow for traffic to go through.

SE 6th Avenue, south to Kingwood – The proposal is to complete $\frac{3}{4}$ street improvements on the west side south to Kingwood. The remainder of the street would be developed when the property to the east is developed.

SE Ivy Street – Proposed 40' wide street section. The Planning Commission must accept this proposal as it is wider than the required minimum. The wider street allows for two travel lanes and parking on both sides of the streets.

Mr. Peterson asked why a denial would be given. Mr. Kinney said that the main reason is that it creates additional paved section that the City must maintain.

SE 5th Avenue, north from end of subdivision – Option 1: The original proposal shows a 30' wide section of street with gravel shoulders and no curbs or sidewalks. An access easement would be provided at the south end for the City to access the well site or bring mowers to the swale that is proposed at the west end of the subdivision. This would also allow for a driveway access for parcels created on the property to the west should they be developed in the future.

Option 2: Barricade at north end of subdivision and build a 20' fire access with sidewalk tapered to allow transition to the paved section for pedestrians. The south end would remain as a partial vacation with a 25' driveway access. If either parcel next to the access road were to develop further in the future they would be required to finish the road section/sidewalk at that time.

Option 3: Same north requirement. Changes south to remove vacation of street section. This would allow for a connection to the west in the future. However, development is unlikely to happen due to cost constraints.

Option 4: Possible fire access through the City well site with barricade on the north side of the subdivision. The access through the well site is not optimal and, if considered should be at the west end of the property and only used as a secondary fire access with the main being off of SE 5th Avenue.

Mr. Peterson asked if SE 6th on the north could be considered a fire access. Mr. Kinney said that it does not because there should be two access points from different areas so as not to create a bottleneck at one point.

Mr. Koenig asked for clarification on allowing a future connection to SE Juniper Street. Mr. Kinney said that this could be considered at some point in the future if development of the property to the west were to be developed.

Mr. Koenig noted that the only access into the subdivision would be from SE 6th Avenue off of SE Kingwood Avenue.

Mr. Chamberlin said that the one way access seems like a compromise from the gridded street layout causing an island within the grid. Mr. Kinney said that this is true, until such time as the property to the east develops.

Marge Henning asked if any of the development of SE 5th Avenue will affect the property owner on the east side where it connects to SE Hazel Street. Mr. Kinney said that there would need to be removal of some landscaping and fencing from the City-owned right-of-way to accommodate any development.

Mr. Kinney requested consensus on which option to go with for the street layout. Mr. Koenig said that he is strongly leaning toward option 3, which retains the full SE 5th Avenue right-of-way and allow for future connection to SE Juniper Street. This option addresses the SE Hazel Street issues better than any other.

Mr. Chamberlin asked if there would be an option to upgrade the north side of SE 5th Avenue when the property to the east develops. Mr. Kinney said that it could be done but probably not as a part of the future subdivision, rather with the redevelopment of the property to the west.

Mr. Peterson and Ms. Henning concurred with Mr. Koenig's preference. Mr. Chamberlin said he also likes this option.

Mr. Koenig said that he believes the biggest issue with this subdivision is the traffic being routed onto SE Hazel Street and keeping traffic off of the road should ease the concerns of the neighbors that were expressed at the last meeting.

Ms. Henning said that a sidewalk is being proposed for pedestrian traffic and asked how the intersection of SE 4th and SE Hazel Street will affect this. Mr. Kinney said that in making the decisions regarding this subdivision, the Planning Commission must consider improvements that are directly proportional to the development and the intersection is not proportional to a 15 lot subdivision.

Mr. Koenig asked if crosswalks could be placed at the intersection. Mr. Kinney said that the Planning Commission could make a recommendation to the Council that they take a look at the intersection and how pedestrian safety can be improved. Chair Carey said that this should be a separate recommendation as the intersection is not tied to the subdivision.

Chair Carey said that she is not convinced that the SE Juniper Street continuation using SE 5th Avenue is the correct option, noting that there are always other options and dead end streets. Mr. Kinney said that there is not room for a cul-de-sac in this area.

Mr. Kinney said that once the street layout issues are determined, his conclusion is that the application does comply with the intent of the code. Staff recommends the Planning Commission forward a recommendation to the City Council to approve the application. If approved, the following additions to the conditions of approval should be included:

1. A 5' right-of-way dedication shall be provided on SE 6th Avenue as shown on the tentative plat.
2. A copy of Deed Covenants and Conditions and Restrictions shall be provided to the City.
3. Include Planning Commission recommendations for street improvements; 20' wide paved section with gravel shoulders with fire access and sidewalks on SE 5th Avenue and installation of a barrier at the north end of the subdivision; SE Ivy will be a 40' wide street; a barrier will be placed at the northern end of the subdivision on SE 6th Avenue and grading and reseeding of the right-of-way to SE Hazel Street shall be done after completion of improvements; the drainage facilities must be finalized with the City's engineer; the SE 6th Avenue right-of-way to SE Kingwood Avenue will be a $\frac{3}{4}$ street improvement.
4. At least one additional light shall be installed at the west end of the subdivision at the connection from SE Ivy Street to SE 5th Avenue. If the subdivision is approved, the City will have Pacific Power install a street light on an existing power poke near the SE Hazel Street and SE 5th Avenue intersection.
5. Item #14 goes away because this section of SE 6th Avenue will not be constructed.

Mr. Peterson said that he suggested at the last meeting that the interior street name should not be SE Ivy Street as it creates confusion for people when there are intersected streets. Consensus to withhold naming the internal subdivision street until a later date.

Mr. Kinney said that the City Council will have to agree on cost sharing for over sizing of pipes within this subdivision. Staff recommendation is that a set dollar amount be provided for reimbursement to the applicant. The 12" water main being installed on SE Kingwood Avenue is the City's responsibility to pay for. This can be covered with System Development Charges.

Mr. Peterson asked if there was an outcome of the discussion at the last meeting regarding the aquifer that is under this site. Mr. Kinney said that the aquifer is influenced by the water flow under the North Santiam River. The City's two wells' water-bearing level is between 150'-200' down. A water source assessment has been completed by the City, which primarily looks at possible contamination sources nearby. In this case, there were no major hazards identified and the required 100' non-contamination area around the well heads has been provided. At this point,

the aquifer doesn't have a bearing on the City's decision.

Mr. Chamberlin said that there was a suggestion of possible collapse of the aquifer during an earthquake and asked if this could occur. Mr. Kinney said that this is something that a geologist would need to determine.

Woody Koenig moved, seconded by to approve the subdivision application and to adopt the amended findings and conditions of approval to reflect the Planning Commission deliberations.

Mr. Kinney clarified that the above motion includes:

Option #3 of the street design which address SE 6th Avenue not being constructed to SE Hazel Street; SE 6th Avenue will be a ¾ street to SE Kingwood Avenue; the street inside the subdivision (unnamed) will be a 40' wide section; SE 5th Avenue will have a barrier, disallowing traffic to SE Hazel and the vacation right-of-way is not recommended. These items are in addition to items 1 through 5 noted above.

The vote was called. **The motion carried, (5:0:1) with Sandy Lyness abstaining due to not being present during the public hearing.**

Mr. Kinney said anyone who provided testimony at the Planning Commission hearing can appeal the Planning Commission decision, including the applicant. The City Council hearing will be on Tuesday, August 13th beginning at 6:30 p.m. Written testimony can be provided for the Council to consider.

Chair Carey asked what the notification process for the Council hearing is. Mrs. Cook said that the notification went out at the same time as the Planning Commission notification.

Scott Baughman said that the option 3 shows sidewalk and people will assume this is concrete. Mr. Kinney said that he will modify the report to make it explicitly clear that this is a tie in to the road.

OTHER BUSINESS:

The meeting was adjourned at 7:45 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 2nd day of April, 2019