



PLANNING COMMISSION MEETING
JANUARY 4, 2016
CITY HALL ANNEX - COUNCIL CHAMBERS
1140 12TH AVENUE

PUBLIC HEARING

WORK SESSION CALL TO ORDER AT 6:30 PM

PLEDGE OF ALEGIANCE

ROLL CALL ATTENDING:

Henry Wolthuis	Eva Jurney	James Goble	Ned Kilpatrick (6:40)
Greg Stephens	Edith Wilcox	Lance Gatchell	

STAFF:

Laura LaRoque, Planning Services Manager, Katie Wilcox, Planning Assistant

REGISTERED VISITORS:

Eric Lund, PO Box 22 Seal Rock, OR 97376
Barbara Becker, 28110 Riggs Hill Rd, Sweet Home, OR 97386
Dale Becker, 28110 Riggs Hill Rd, Sweet Home, OR 97386
Kathy Hodgson Becker, PO Box 148, Sweet Home, OR 97386

APPROVAL OF MINUTES: November 30th, 2015

Chairman Wolthuis summarized agenda items and explained the process for the Public Hearing

Chairman Wolthuis asked Commissioners if they had any of the below stated in regards to the application, Land Use file V16-01;

Personal Bias: None

Exparte: None

Conflict of Interest: None

PUBLIC HEARING OPENED AT 6:34PM

VARIANCE 16-01: Applicant Eric Lund on behalf of Renewed Properties LLC, requests multiple variances to allow an encroachment up to but not exceeding ten feet (10') into the twenty foot (20') front setback of lots 2-9 & 15. The applicant also requests multiple

side setback variances to allow an encroachment up to but not exceeding three feet (3') into the thirteen foot (13') minimum side setback so that the side setback for either side of lots 7-9 are at a minimum of five feet (5'). The conditional approved tentative subdivision is located at 1200 Riggs Hill Road, also known as Linn County Assessor's map 13S-01E-26CA Tax Lot 01401.

Planning Services Manager LaRoque explained to the visitors the process for appealing a Planning Commission decision. She then provided an overview of the application and stated the location of the property. She explained the requests per the applicant and which lots in the tentative subdivision he is requesting them for. She then reviewed the Staff Report including the comments of the staff and service agencies, provided examples to illustrate the staff comments, explained the noticing procedure and reviewed the approval criteria as well as conditions of approval that are applicable to Variance requests. She stated that the decision before the Commission today was to approve, deny, or continue the hearing if more information was needed. She then asked if the Commissioners had any questions.

Chairman Wolthuis asked if the Commissioners had any questions for the staff.

Commissioner Gatchell complimented Planning Services Manager LaRoque on the staff report and went on to say that with his understanding of the approval criteria, specifically criteria C (The request is the minimum variance necessary to make reasonable use of the property), was that the applicant was requesting the minimal variances that they need, not that they are no possible additional variances.

Planning Services Manager LaRoque agreed that it could be interpreted either way and stated the at this point there are no additional variances anticipated.

Commissioner Gatchell asked if this variances was absolutely necessary.

Planning Services Manager LaRoque stated that there is just not enough information at this time to say.

Chairman Wolthuis asked for any further questions of the staff, and invited the applicant to speak.

Eric Lund explained that he is asking that a variance be granted for the setbacks on lots 2-9 and lot 15. He explained that those lots have drastic drops in elevations not far from the front of the lots. He explained that even when changing the designs or driveways there is still not sufficient level ground to build on. He stated that to dig into the ground that is sloped would be undesirable.

Commissioner Journey asked how the information known about the house locations on the lots affect the decision to divide the lots the way they had been divided in the past subdivision application.

Eric Lund explained that he was not part of the process at the time the decision was made to subdivide the property and was not aware of how it was determined. He reiterated that without a variance such as a ten foot or maybe 15 foot front setback rather than twenty foot would leave these lots virtually impossible to build on.

Commissioner Wilcox asked if the current plans submitted were the original plans from 2005.

Eric Lund stated that they were the original plans and he was unaware of what site development had happened at that time. He mentioned again, that if you were to examine the lots you would see that there is approximately ten feet of level ground and although they could backfill it is undesirable.

Commissioner Goble asked if this request was more for the visual continuity of the neighborhood.

Eric Lund confirmed that it was.

Commissioner Goble then asked if variance was absolutely needed, if the houses could be situated differently.

Eric Lund stated that on lots eight, nine and seven that you could place the houses differently, but fifteen, two and three you would have to build uphill and do daylight basement style home which would get tricky.

Chairman Wolthuis asked if they considered this earlier when applying for the subdivision.

Eric Lund stated they did, but because the property was overgrown with blackberries it was hard to see the topography and they were unaware of the circumstances.

Commissioner Stephens asked about the parking.

Eric Lund stated that they could develop lots seven, eight and nine to have a fifteen foot driveway which he believes is long enough for a parking spot, and with a garage would accommodate the two off-street parking spot requirements, lots four and five would be okay, but two, three and fifteen would need to park on the street on the side that allows parking or in their garages.

Commissioner Stephens asked if he would add parking anywhere else on the property to compensate for the lack of parking per lot.

Eric Lund stated that there was no other room for additional parking and that fifteen, two and three would have to park in the garage or the other side of the street that allows parking. He stated they could try to fit in their driveway but he is not sure if ten feet would be enough.

Chairman Wolthuis mentioned that it is a difficult site.

Eric Lund agreed with his statement, and reiterated the need to have the variance to the setbacks.

Chairman Wolthuis asked the applicant if he was not yet to the point of having developed house plans.

Eric Lund stated that they are near completion with lot eight and that would be one that they could probably get by with having a fifteen foot setback, with the house slightly rotated. He stated that he could try to orient lots nine and seven the same way, but two, three and fifteen would be tricky. He stated that without a ten foot setback variance they are unbuildable.

Chairman Wolthuis asked the Commissioners if they had further questions for the applicant.

Commissioner Wilcox asked if the homes were going to be similar in style.

Eric Lund stated that they were, and that there would be maybe two different styles of homes.

Chairman Wolthuis asked for applicant's thoughts on the examples shown of two house styles, where one has a garage in front and one has a garage in back.

Eric Lund said that what is already drafted for lot eight has the garage set back a little bit. They could move the garage back, but because the rear of the lots drops down the hillside, it would cause for more digging and concrete. He stated that he would like to limit the amount of digging. He added that all the lots, except for fifteen and fourteen would probably be single car garages, and the flatter lots could have two-car garages, but without the five foot setbacks on the sides it would be even trickier.

Chairman Wolthuis stated that with a five foot setback on the sides, there would still be ten feet total between the houses.

Eric Lund agreed.

Chairman Wolthuis stated that there are ways to build on a hill and different designs such as daylight basements, practices such as gravel fills and more, in order to accommodate lots like this.

Eric Lund stated that the drop in elevation is about twenty feet straight down. He stated that he believed they would not be allowed to fill twenty feet of gravel. He stated that the Geologist that they have been in contact with does not want them to move the dirt or fill and agrees with

their plans. He said that before they build each house the geologist would come out and inspect the ground.

Commissioner Goble asked if he had any documentation of said discussions.

Eric Lund stated that he did not at the time, but that he could provide it if need be.

Commissioner Wilcox asked how much backyard lots two, three and fifteen would have.

Eric Lund stated that they would not have much of a yard; it would be daylight basements and decks going off the top floor.

Commissioner Wilcox asked if the geologist said putting houses there on a twenty foot drop would be safe with no risk of landslide.

Eric Lund stated that he did and with a cement wall on the back it would be fine. He said the geologist had no problems approving every single lot.

Chairman Wolthuis asked for any further questions of the applicant from the staff, and with none, dismissed him until his time for rebuttal.

Testimony in Favor: None

Testimony in Opposition:

Barbara Becker stated that she has concerns with lot number one, and that she lives downhill the development. She would like to see a retaining wall or fence to protect their property from rocks, dirt mudslides and the like.

Planning Services Manager LaRoque explained that a condition of the subdivision approval was to build a protective barrier to limit the amount of rocks and debris to fall down into abutting property owners' property. That would be constructed before development occurs.

Neutral Testimony: None

Eric Lund responded by saying that a barrier would be constructed before any building or construction began.

Commissioner Wilcox asked where the barrier would start.

Eric Lund responded by saying the barrier would be wherever they are doing construction.

Chairman Wolthuis asked if he was correct in recalling that they had decided on an earth berm in the previous hearing for the subdivision development.

Planning Services Manager LaRoque stated that there are several designs that could be used. Ultimately the design is up to the applicant but that it will be reviewed and inspected by City Staff.

Chairman Wolthuis stated that the issue at hand has already been decided on and did not feel it was necessary to discuss again.

Planning Services Manager LaRoque stated that the issue was already a condition of approval on the previous application.

Questions of Staff: None

PUBLIC HEARING CLOSED AT 7:06 PM.

Planning Commission Discussed the Application

PUBLIC HEARING REOPENED AT 7:18PM

Chairman Wolthuis asked the applicant if the blackberries were overgrown before or after the topographical survey.

Eric Lund responded that it was done in the early 2000's, that back in 2008 Mike Remesnik in the building department told him that whoever owned the property before had been moving a bunch of dirt around and after seven years the blackberries had become overgrown.

Chairman Wolthuis stated that apparently there was dirt being moved around because a rock had rolled down the hillside into abutting property.

Eric Lund agreed, saying that happened when the previous owner was doing his work.

Chairman Wolthuis asked for any further questions of the applicant, there was none.

PUBLIC HEARING CLOSED AT 7:20 PM.

Motion by Commissioner Gatchel based on the lack of information, for the Land Use file VR 16-01, Variance Application of Eric Lund in regards to property address 1200 Riggs Hill Road, also known as Linn County Assessor's map 13S-01E-26CA Tax Lot 01401 to deny the application.

Second by Commissioner Journey

Question was called

Aye (4)

Commissioner Journey, Commissioner Gatchell , Commissioner Stephens , and

Commissioner Goble

Naye (3)

Commissioner Wilcox, Commissioner Kilpatrick, and Chairman Wolthuis

Motion Passes

Eric Lund Then asked if he could get clarification on a condition of approval on the August 2015 subdivision application..

Planning Services Manager LaRoque explained that in the subdivision hearing (SD/PD 15-01) applicant Bill Lund testified that the pedestrian street lighting would be hard wired in. Applicant Eric Lund has requested the use of solar lights. Eric Lund would like to have the commission decide whether or not to allow solar lights pedestrian street lights at Lake Pointe Estates.

Eric Lund explained that originally they had decided upon regular street lights to be wired in and over time, trying to be more energy efficient, they found solar lights that look nicer, give off the same amount of light, and can be permanently placed.

Commissioner Stephens asked if they used batteries.

Eric Lund explained that they did not it was all solar power, even on cloudy days.

Commissioner Journey mentioned that this technology is able to collect light even during cloudy days.

Eric Lund mentioned they were more expensive, but they look nicer and will last longer.

Planning Services Manager LaRoque explained that Planning Commission could either approve or not approve the solar lights as a design feature with a vote by consensus.

Eric Lund mentioned that he wanted to advantage of his time in front of the Planning Commission to clarify this design feature.

Planning Services Manager LaRoque explained that the solar lights were the same height and same luminosity of the hard wired lights discussed.

Chairman Wolthuis asked if they went for six hours.

Eric Lund explained there were two settings, one for six hours and one for longer.

Chairman Wolthuis asked if they will run out of power through the night.

Eric Lund explained that the lights would not run out of power through the night. He explained that they purchased the highest quality lights.

The Commission took a Vote and it was agreed to allow the solar lights unanimously.

Eric Lund asked if he would have to wait two months if he applied for a variance with each lot.

Planning Services Manager LaRoque explained that his wait time would be subject to the Planning Commission deadlines.

Planning Services Manager LaRoque noted that there were a few more items on the agenda, one of which was nominated a Chairperson since it is now the first of the year. She urged the Commissioners to think about that and it would be added to the agenda for the February meeting. Another item on the agenda was the Quality Development Awards. Laura reiterated that the Rio Theater and Sunshine Espresso had been nominated previously. She asked if the Commissioners had any other nominations for the awards, and there was none. She asked if the Commission would like to have the Quality Development Award presentation in February or March.

The Commissioners decided to hold the party at 6:00pm on February 1st, 2016.

Chairman Wolthuis stated that he thought of another point, which was the Commission had moved the meetings to 6:30pm to accommodate one of the Commissioners and asked if the Commission wanted to keep it at 6:30pm or go back to holding the meetings at 7:30pm as they had done in past years.

The Commissioners decided to continue to hold the meetings at 6:00pm.

MEETING ADJOURNED AT 7:46 PM

To the best of the recollection of the members of the Planning Commission, the foregoing is a true copy of the proceedings of the Public Hearings of January 4, 2016

Henry Wolthuis, Chairman
Sweet Home Planning Commission

Respectfully submitted by: Katie Wilcox, Planning Assistant