

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 19, 2013

Call to Order: Ron Kerr called the meeting to order at 7:02 p.m.

Roll Call: Lori Martino, Community Development Clerk, called the roll.

Present: Marian Chasse, Sean Chase, Michael Karl, Laura Erickson, and Ron Kerr.

Absent: Todd Holt and Sam Dunn

Staff Present: Jim Jacks, City Planner; Preston Polasek, City Administrator; Chuck Eaton, City Engineer.

Others: Dean Wolf, Robin Mullin, Chris Goodell, Monte Hurley.

Approval of Minutes:

Ron Kerr made a motion to approve the August 15, 2013 meeting minutes. Mike Karl seconded the motion. There was no discussion and the motion passed unanimously.

Public Hearing: •Subdivision 2013-01, Green Highlands II, Tentative Plan Application

Ron Kerr started going over the Hearing procedures

Prior to the opening of the hearing. Robin Mullen asked if she could submit a letter to the Planning Commission. Since the letter had nothing to do with the hearing, the Planning Commission suggested Robin give the letter to Preston Polasek to be distributed to the Planning Commission at a later date.

Ron Kerr opened the hearing at 7:09.

Jim Jacks continued to read over the hearing procedures.

Ron Kerr questioned the audience:

1. Are there were any objections to the notice that was sent in the case?
There were none.
2. Are there any objections to the jurisdiction of the Commission to hear and consider this case? There were none.

Ron Kerr then questioned the Planning Commission:

1. Are there any declarations of potential conflict of interest? Sean Chase noted he has no relationship with the applicant, he is a contractor. Laura Erickson noted that she is a real estate agent. Both could have the potential of work from this subdivision but neither was receiving any type of funding at this time.

2. Are there any declarations of actual conflict of interest? There were none.
3. Are there any declarations of bias that is so strong that you cannot fairly judge the application? There were none.
4. Are there any ex-parte contacts? Ron Kerr noted that he has walked by the property and knows the location.

Jim Jacks read over the 34 page staff report.

There was a discussion amongst the Commissioners and staff regarding the procedures after approval of a subdivision.

Jim Jacks went over the staff recommendations and the conditions of approval.

Jim Jacks noted that he had given the Planning Commission a letter submitted by Dean Wolf that consisted of a 2 page letter 8 pages of picture, and a 7 page letter, with pictures, to the Yamhill County Soil and Water Conservation from a previous project engineer named Rydell, and a 3 page letter from Rydell to the Oregon Department of Agriculture. These items were entered into the record.

Jim Jacks noted that the staff report was also entered into the record.

Marian Chasse noted that attachment 2 to the staff report does not reference who it is from. Jim Jacks clarified that the memo noted attachment 2 is from the City Engineer, Chuck Eaton.

Applicant Testimony:

Chris Goodell, Land Use Planner with AKS Engineering, 13910 SW Galbreath Drive, Sherwood 97140. Chris noted that he was there representing the Holt Group. Chris gave a brief description of the property. He noted that, as Jim Jacks had mentioned, there was a fair amount of public infrastructure that has been installed on the site. Streets, sewer lines, water lines, etc. The goal of the owner is to work with City staff and complete the punch list items, bring those systems up to standard, get them tested, approved, inspected and accepted by the City so that they can record the final plat. Chris noted that they have reviewed the staff report and agree with the conditions of approval. They have also received the letter from the neighbor regarding storm drainage and erosion control, so they are aware of the issues.

Monte Hurley, Engineer with AKS Engineering, same address as Chris Goodell. Monte referenced condition 3. He noted that he has had conversations with the City Engineer. It was his understanding that the retaining wall can either be in a Right-of-way dedication or an easement with the beneficiary being Yamhill County. If that is an option, they would like to see condition 3 modified to allow

either. Monte noted that the 2nd item to discuss is storm drainage. He noted that the Holt group has directed AKS to work with the city engineer to come up with a solution that will be approved by the City. That will be done with the final design.

Jim Jacks noted that as long as it is okay with the city engineer, he sees no issue with the modification of conditions 3.

Marian Chasse asked if Yamhill County had requested an easement. Chuck Eaton noted that in his discussions with the County, the retaining wall supports Duniway Road, so they are interested in the easement.

Discussion ensued.

Proponents:

None

Opponents:

Dean Wolf, 1074 E. 14th Street, Lafayette 97127. Dean noted that he supports the plan and subdivision with one exception. He gave a history of the Lafayette Highlands subdivision as it pertains to Green Highlands. He feels the conditions of approval for the original Lafayette Highlands were not met. He referred to the care and maintenance of the retaining wall, detention pond and the walking path. Dean noted that all 3 phases should be responsible for the maintenance but the Holt group has agreed to have the HOA in their subdivision share maintenance cost of all three areas. He noted that there is also an erosion problem in the detention pond and gave a brief description of each photo in the packet that he submitted to the Planning Commission.

Discussion ensued.

Dean feels that the applicant should fix the erosion issue since the issue originated from their subdivision. He noted that the Planning Commission should make it a condition of approval requiring the applicant to fix it.

Discussion ensued.

Marian asked Dean some questions regarding the detention pond and what type of agreement the farmer has. She noted that if the applicant were to fix the current erosion issue, who would be responsible for fixing it if it happened again or there were other issues.

Discussion ensued.

Mike Karl noted that he believed that the issues in the detention pond were not the responsibility of the applicant to fix. He noted that it seems to be an issue between the farmer and the home owners association.

Discussion ensued.

Ron Kerr discussed his memory of the project and noted that the Planning Commission can ask the applicant to fix the issue but not require it.

Jim Jacks noted that he would like to have Chuck Eaton talk about storm drain designs.

Chuck Eaton briefed the Planning Commission on storm water designs. He noted that as part of the design, the applicant has to provide a new report on the drainage.

There was further discussion regarding the storm drainage.

Jim Jacks decided to clarify some things for the Planning Commission. He noted that it appeared that Dean Wolf's position was that up until October 2010, the system worked and up to that point nobody has entered into the record whether or not the HOA expended any funds to maintain the pond. He noted that he is guessing they did not have to because there was no erosion or a significant amount of soil coming into the pond to decrease effectiveness. In October 2010, upstream, there was erosion from the farmer's field and some of that material was deposited into the detention pond. One could say that at that point, the HOA was responsible to maintain the pond. However, the HOA did not do that and they probably thought that since it was the farmer's soil, the farmer should be responsible. The HOA should work with the farmer since it was the farmer's soil. But by what check is saying, laws allow natural drainage from the field to continue. If there is so much coming off a farmer's field onto an abutting property, that is the natural condition and that can continue. So the farmer is not required to clean out the detention pond. So the material is in the detention pond and if the pond is going to work effectively, then the material needs to be taken out. Who is going to do it? Either the HOA, who has reasons why they shouldn't, the farmer, who has reasons why he shouldn't, or the City, who does not own the pond and is not responsible for cleaning it out. It becomes an issue due to both responsible parties (the HOA and the farmer) thinking that they are not responsible for cleaning out the pond. So the Planning Commission is being asked to place a condition of approval on the tentative plan, to require the current owner of the 9 acres to dig out the detention pond. However, condition 2 requires the applicant to design a system and part of that system may use part of the land owned by the HOA for runoff from the 9 acres. So presumably, the HOA would need to grant an easement to the developer so they can run their runoff into the pond. Maybe as part of the solution, the applicant may say tonight that they would dig out the pond; they may say they won't, or they may say they are going to put in their own detention pond. There are issues that the Planning Commission has been discussing. It may be that a new

condition is made or stay with the proposed condition and see what the applicant comes up with in terms of a solution.

Marian Chasse noted that staying with the current condition is the best idea. The Planning Commission would that Dean's concerns under advisement.

Discussion ensued.

Applicant Rebuttal:

Monty Hurley stated that as most of the members pointed out, they have no control over the farmer. The conditions as written allow them to work with the city engineer to come up with a storm water solution that can be approved and is better than what is there now. The first step to moving forward to create something better is to approve the application and they will work with the city engineer to come up with a solution.

Close of Hearing:

Ron Kerr closed the hearing at 8:27 pm.

Commission Deliberation:

Ron Kerr noted that it was obvious that the storm drainage was an issue but the Planning Commission has addressed that about as far as they can.

Marian Chasse noted that none of the infrastructure was approved by the city. The validity of the original installation, size and the amount of drainage need to be checked. She has seen several detention ponds in the past but never one with these types of issues.

Chuck Eaton reminded the Planning Commission that they needed to keep in mind the Planning Commission that they needed to keep in mind that the engineering issues and the planning issues needed to be kept separate. Planning issues are addressed during the hearing and the engineering is dealt with after approval.

There was further discussion about separating planning and engineering.

Marian Chasse questioned Jim Jacks if he had found out what condition G was under condition 2.

Jim Jacks noted that condition #2 should read: *The applicant shall submit engineered drawings for the development to the Lafayette City Engineer for review and approval. The engineering plans shall include information concerning storm water, street improvements, easements, sewer, water and other information as necessary to indicate conformance with the Lafayette Public Works Design and consistency with the development proposal.*

Jim also noted that after the previous discussion regarding condition 3 it should be changed to read: *Prior to Final Plat approval, the developer shall provide evidence that Yamhill County has accepted dedication of public right-of-way or an easement for the retaining wall and any applicable storm drainage easements.*

There was a discussion regarding the home owner's association responsibility.

Marian Chasse made a motion to approve the application as revised by the Planning Commission, adopting the modified findings and conditions contained in the staff report. Laura Erickson seconded the motion. There was no discussion and the motion passed unanimously. 5-0

New Business

Next meeting will be on October 17th. Agenda items will include UGB (final buildable land inventory) which will lead into the open house in late October/early November and sign code.

Old Business

None

Adjournment

Marian Chasse made a motion to adjourn. Mike Karl seconded the motion. Motion passed unanimously. Meeting adjourned at 8:50 p.m.