



**PLANNING COMMISSION
REGULAR MEETING MINUTES
-HELD VIA ZOOM-
August 23, 2022**

Study Session and Regular Commission meetings are digitally recorded and will be available on the City Website: www.cityoftalent.org

REGULAR MEETING – 6:30 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the Minute Taker. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the Planning Commission.

I. Call to Order/Roll Call at 6:30 PM

Members Present:	Members Absent:
Chair Hazel Vice Chair D’Amato Commissioner Davis Commissioner Shapiro Commissioner Volkart	Commissioner Bucolo
Also Present:	
David Pastizzo, City Councilor / Ex Officio Darby Ayers-Flood, Mayor / Ex Officio Kristen Maze, Community Development Director (CDD)	

II. Brief Announcements by Staff

Update on public hearing APL2022-002.

III. Commissioners interview Daniel Collay and Joi Riley.

Motion (00:30:53): Commissioner Shapiro: “I make a motion to recommend Joi Riley to the Planning Commission.” Commissioner Volkart seconds the motion. No discussion. Vote: All ayes. Motion carries.

IV. Consideration of Minutes

July 26, 2022

Chair Hazel and Commissioner Volkart ask for minor corrections. Staff agrees to make the corrections.

Motion (00:35:15): Commissioner Davis: “I move that we approve the minutes for the July 26, 2022 meeting, with corrections as recommended.” Commissioner D’Amato seconds the motion. No discussion. All ayes. Motion carries.

V. Public Comments on Non-Agenda Items

None

VI. Public Hearings

A. Public Hearing (Quasi-Judicial) – CUP 2022-004

The purpose of the public hearing is for the consideration of a Conditional Use Permit operate a homeschool education co-op, located at 1715 Talent Avenue and legally described as Township 38 South, Range 1 West, Section 25DC, Tax Lot 3500. Decisions are based on the approval criteria found in Talent Municipal Code Ch. 18.155 and 18.25. Owner: Helen Scholom; Applicant: Deborah Scholom.

Staff Report

- Staff summarizes project for the Commission. Mentions one public comment in support of the project. Has met all the approval criteria.

Chair reads the opening statement

Debi Scholom, applicant speaks to Commission about her proposal. Describes the school schedule, student body, educational philosophy. Feels the project won't impact the neighborhood due to the large size of the property.

- Commissioner Volkart asks whether there is a fence on the property for security. Applicant responds that the property is fenced in, and the student body is older and supervised at all times.
- Vice Chair D'Amato asks about activities that take place outside. Applicant responds that learning is project based, and many projects are hands on activities that take place outside. Discusses summer camp program.

Motion (00:49:45): Commissioner Shapiro: "I move that the proposed Conditional Use Permit, file CUP 2022-004, be approved by Community Development Staff with conditions met." Commissioner D'Amato seconds the motion. No discussion. All ayes. Motion carries.

B. Public Hearing (Quasi-Judicial) – APL 2022-003

An appeal of the Type II (administrative) decision to approve a minor land partition application (MLP 2022-002) to divide a single tax lot into two legal lots at 314 Lithia Avenue will be heard by the planning commission. File APL 2022-003. Decisions are based on the criteria in Chapters 17 and 18.40 of the Talent Municipal Code. Owner: Steinbergs, et al.; Applicant: Pacific Geographic Consultants.

Chair reads the opening statement

Chair asks if any of the Commissioners have had *ex parte* contact with respect to the project. Commissioners respond in the negative but disclose non-*ex parte* communications.

Staff Report

- The process began as a Type II Minor Land Partition (MLP 2022-002) to divide a parcel into two tax lots. Staff recommended approval of the project, notification went out, and an appeal letter was received (APL 2022-003). Appellant addressed the asbestos cement water line's potential lack of sufficient water pressure at the hydrant located at the end of Lithia Avenue. Staff requested the City Engineer model the water availability, which found the available water to be adequate. Public Works performed a new flow test, and the Fire Department reviewed the flow test results and found the available flow to be sufficient for firefighting purposes. Appellant continues to have concerns that the proposed density is too great for the current water availability. Appellant is also concerned about the city's decision to limit parking to one side of Lithia Avenue to provide greater emergency access. Feels the engineer's model, the Fire Department's conclusion, and the parking reconfiguration do not sufficiently address the inadequacy of the existing infrastructure. Appellant

will not be present at the meeting. Project meets the criteria of a minor land partition, subject to conditions.

Questions for Staff:

- Vice Chair D'Amato asks if the infrastructure was evaluated for this parcel alone or for future projections. Staff responds that the engineer modeled water availability for maximum build out. Commissioner Volkart asks what the build-out projection was based on. Staff replies it was based on what is being proposed and what is already there.
- Commissioner Volkart also asks if staff will address the preserved land right planning interpretation from October 2021. Staff explains that the planning interpretation finds that the owner may preserve the right to re-build a single-family-home (like-for-like) on the parent lot of a partition, while the other lot(s) needs to meet current code criteria for density. Commissioner Volkart is concerned that the right to rebuild detached single family in the RHD zone was intended for the original owner and was not intended to carry with the lot. Staff responds that it is unclear that it would be legal to allow only the original property owner to retain the right to build a SFR like-for-like. Commissioner Volkart asks if the like-for-like policy is based on the planning inquiry and interpretation from October 2021. Staff: No, this decision was made prior to my taking the Community Development Director position.
- Commissioner Shapiro asks if the water line would need to be improved before future development can be approved. Staff: No, because the City Engineer and Fire Department have found the existing infrastructure and parking to be sufficient.
- Commissioner Shapiro and Commissioner Volkart ask staff why the project is not partitioning as a flag lot. Staff responds the applicant is using an access easement to access the back lot, and explains that flag lot partitions are very restrictive, that it would be very difficult to develop multi-family on the lot with setback and height restrictions imposed by the flag lot criteria. Commissioner Volkart questions staff about how to categorize this type of lot and staff responds that it is similar to an interior lot with access easement instead of alley access.
- Commissioner Davis expresses concern about the 2,000 gpm standard in the water master plan. Asks staff about locations of the additional hydrants that Fire Department would access to meet the standard. Wants to be sure this additional infrastructure is present. Commissioner Shapiro asks why, if the standard is 2,000 gpm, are we accepting 1,351 gpm on a line that is not looped. Staff responds that the City is accepting the City Engineer and Fire Department assessment that there is adequate infrastructure for future development at Lithia Avenue. Ex Officio Pastizzo agrees that engineer and Fire Department are most qualified to make this determination. Commissioner Davis maintains concern that if there is supposed to be 2,000 gpm available at the hydrant, we are essentially asking for a variance from this standard in order to develop high density.
- Commissioner Volkart asks about parking on Lithia Avenue. Is there a plan and process to ensure that limiting parking will solve the access issues? Staff responds that Lithia is not fully improved and access problems have occurred in the past. Limiting parking to one side is best alternative at this time. At the time Lithia is improved, the street will likely be wide enough to allow parking on both sides.
- Commissioner Davis expresses concern about people parking in the hammerhead turnaround. Discussion follows about other hammerhead turnarounds in the region where no parking signs are posted and observed by drivers.

Public Hearing is Opened

- Zac Moody, Applicant's representative: States that flag lot partitions are allowed only when no other options are available. In this case, an easement can be created with shared access option. Meeting the required density would not be possible with flag lot criteria. Also states the Fire Department is taking the recently added Rapp Road storage reservoir into consideration when determining water availability. Points out that hammerhead at end of Lithia Avenue will never be used as parking because parked cars would block access to the development at end of Lithia. Application meets all standards, and applicant has signed an agreement not to protest contributing to future improvements to the street.
- Chair Hazel and Commissioner Davis would like to see Captain Meads' comment about maintaining the hammerhead turnaround to fire code standards reflected in the conditions of approval. Staff agrees to add this to the conditions.

Applicant rebuttal:

- Zac Moody: The applicant has proposed the maximum density that this lot can build to. Just can't get more density onto the lot because of lot coverage restrictions, setbacks, parking requirements, etc. The proposed density is already a stretch to fit on this particular lot. Points out that the hammerhead has been dedicated, so it is the City's responsibility to maintain it to fire code standards.

Public Hearing is Closed

Discussion:

- Commissioner Volkart asks staff to read planning inquiry from October 2021. Staff reads planning inquiry allowing partitions to take place while preserving the right to build a single-family home on parent parcel.
- Mayor Ayers-Flood recalls the like-for-like right was extended to original owners since their insurance may only cover what was lost. There is no criteria for like-for-like, no adopted policy. These procedures were passed onto the current administration. Regarding the water, Mayor Ayers-Flood points out that 2,000 gpm is part of our water master plan, and the reduced gpm from the flow test doesn't even reflect the criteria that was set before the fire, when density was less. Engineering report did not address why 2,000 gpm is in water master plan.
- Commissioner Volkart asks if the decision can be deferred while questions get answered. Staff responds we are nearly to the 120-day limit to issue the decision.

Motion to extend meeting (02:28:56): Commissioner Shapiro: I make a motion that we extend the meeting 15 minutes." Commissioner Volkart seconds the motion. Vote: All ayes, motion carries.

Discussion continues:

- Commissioner Shapiro is still concerned we are not meeting our own threshold for water availability. Commissioner Davis asks if there are plans to replace the water line. Staff responds there is no timeline for improvements on Lithia Avenue. Commissioner Davis asks if it can be addressed as hazard mitigation as part of the TURA Plan. Staff responds that yes, this is a possibility.
- Mayor Ayers-Flood asks why the engineering report doesn't reference why the original criteria (2,000 gpm) was set in the first place. Why is it okay to reduce from 2,000 gpm? Engineering report doesn't address

this. Report is lacking.

- Commissioner Davis states that adding density to substandard infrastructure is not safe. Would like to uphold the appeal.

Motion (02:40:25): Commissioner Davis: “I move to uphold the appeal.” Commissioner Shapiro seconds the motion.

Discussion:

- Commissioner Volkart asks for clarification about the ramifications of the decision. Staff replies that upholding the appeal will deny the project. Criteria will be necessary.

Motion to extend meeting (02:44:49): Commissioner Volkart: I make a motion that we extend the meeting to 9:30pm.” Commissioner Davis seconds the motion. Vote: All ayes, motion carries.

- Commissioner Davis states that it appears infrastructure (street, waterline) will be required prior to the development. Staff responds that this means that until the City upgrades the infrastructure, years out, no more high-density development can be approved in this area. Commissioner Davis maintains concern that a precedent is created by developing high density on substandard infrastructure. Staff responds that the City Engineer and Fire Department have stated that infrastructure is adequate.
- Vice Chair D'Amato states she is not in favor of upholding appeal and second guessing the experts. Feels we need to trust the experts at some level, this is the process. States she is okay with approving development if the experts feel the infrastructure is adequate. Points out that if necessary, the decision can be deferred until we can bring in the Fire Department and engineer to be part of the discussion.
- Commissioner Volkart states the only project element that doesn't meet code criteria is the non-conforming SFR.
- Commissioner Shapiro requests follow-up on issue of not meeting water master plan criteria. Mayor Ayers-Flood would like to see this as well.

(03:01:33) Commissioners vote on the motion made by Commissioner Davis: Commissioner Davis votes yes. Commissioners Hazel, D'Amato, Shapiro and Volkart vote no. Motion fails.

VII. Subcommittee Reports – None

VIII. Propositions and Remarks from the Commission - None

IX. Representatives of the Council - None

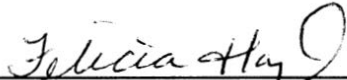
X. Adjournment at 9:30 PM

Respectfully submitted by:



Kim Trimiew, Planning Technician

Attest:



Felicia Hazel, Planning Commission Chair

Note: These Minutes and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting. The Minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

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