

**Rivergrove Planning Commission Minutes
May 7, 2018**

CALL TO ORDER AND ROLL CALL The meeting was called to order at River Grove Elementary School library at 7:08 p.m.

Present: Chair Andrew Dausman, Commissioners Jonathan Sweet (vice chair), Jacob McKay, and Jeff Williams. City Recorder Leanne Moll declared a quorum. City Planner Carole Connell and Mayor Heather Kibbey were also present.

Swearing-in of Walt Williams

Mayor Heather Kibbey swore in Walt Williams. Mr. Williams joined the Commissioners' table.

CONSENT AGENDA

1. Minutes from the April 9, 2018 Meeting

Motion: At City Planner Carole Connell's request, Commissioner Dausman **moved** to continue the Minutes from the April 9, 2018 meeting as presented. **Seconded** by Commissioner Sweet. The motion **passed 4-0**. Commissioner W. Williams abstained.

NEW BUSINESS

1. Completeness review for a 3-lot partition in the floodplain at 5450 Childs Road, submitted by Hayward Uskoski and Associates for owner Lance Coffel.

City Planner Carole Connell explained that the applicant requests to create a minor partition to Chapman Estates Phase 2 proposing to subdivide about 2 acres into single family residential subdivisions. There are currently four tracts on the property. One of them is undevelopable because of storm water requirements, so the applicant is proposing to take three of those tracts and turn them into three buildable lots. The first step is for the Planning Commission to determine completeness.

Ms. Connell explained that the applicant's request to grade the site makes it necessary for the Type III development permit. The applicant is not requesting to just divide and record the partition. They would like to divide, record, and do some work on the land. Because the potential partition is in the floodplain, it will require a grading permit, so the cut and fill are balanced. Ms. Connell will send the grading plan to the City Engineer, who will determine if more information is necessary prior to a hearing.

Ms. Connell mentioned that the applicant had not submitted a landscape plan, tree mitigation plan, or traffic impact study.

Ms. Connell noted that under the future development section on page 3, the completeness report explains the stance taken by the Planning Commission during Phase 1 of Chapman Estates. The City determined it was premature to consider what to do with the south end of the property because Lake Oswego sanitary sewer required extensive pumping stations. The land was instead put into tracts waiting to be developed. Now, developing this land is a matter of engineering the sewer and cut and fill and creating three buildable lots.

During Chapman Estates Phase 1, City Council and the Planning Commission also considered a pathway connection through the property to someday connect the two city parks. Mayor Kibbey explained that at that time, the City's Comprehensive Plan called for a road between the

two parks. Since that time, City Council has revised the goal because citizens said it needs to be a pedestrian or bike path and not a road. The Comprehensive Plan does have a policy in the Transportation Goal 12, objective 12, policy 1 b that says the City must find a feasible way, if possible, to connect the two parks.

There are some tree cutting plans, but the applicant would like to preserve a lot of the natural scape in order to keep it private.

There is no development planned in the Water Quality Resource Area. They have provided some of the documentation necessary.

To conclude, Ms. Connell noted that this is a permitted use. The applicant can build on the lot, but the homes must be at least one foot above the 100-year flood plain.

Ms. Connell explained that the Rivergrove Land Development Ordinances (RLDO) initially read that a partition needs to go to City Council. However, when one reads the entire set of ordinances together, including the definitions, one realizes that a partition is considered development. Therefore, a partition should be a Type III development permit reviewed by the Planning Commission so the applicant, or other interested parties, should have the ability to appeal to City Council.

Ms. Connell noted that staff recommends that this application be deemed complete subject to the following being submitted to the City at least two weeks before the hearing: a tentative partition map, a tree cutting plan, a pedestrian easement per the Comprehensive Transportation Goal 12, Objective #1b policy, soils and Geotech report, if deemed appropriate by the City Engineer, and mailing labels. If the next hearing date of June 4th is too soon, the applicant may ask for an extension.

Chair Dausman asked if the subdivision triggers an annexation. Mayor Kibbey replied that the land was already annexed.

Commissioner McKay asked if the grading plan provided enough information. Ms. Connell responded that she is not an engineer and would like to consult with the City Engineer on the matter.

Commissioner Williams asked if the Commissioners need a landscaping plan, a tree cutting plan or transportation study/traffic analysis for the application to be considered complete. Ms. Connell responded that the applicant needs to provide a tree cutting plan now for the current work proposed. When single-family homes are planned, the Planning Commission will review tree removal again. Ms. Connell noted that the transportation impact of three single-family homes is not enough to warrant a transportation study.

Valerie Uskoski, of Hayward Uskoski and Associates commented that the applicant knows the floodplain is a difficult place to work. They plan to excavate materials out, so that the builder could have a particular amount of fill to work with.

Chair Dausman asked about the plan for balanced cut and fill.

Ms. Uskoski noted that there would be a plan note with the volume a builder is allowed to fill. If the builder wanted to go above and beyond that volume, they would need to reapply for a

development permit to grade with the City. Commissioner Sweet noted that the County also oversees and inspects grading.

Motion: Commissioner Dausman **moved** to follow staff recommendation that the application be deemed complete subject to scheduling a public hearing on June 4, 2018 for a Type III development permit and the City receiving the following items at least two weeks before the next Planning Commission meeting: A tentative partition map, a tree cutting plan, a pedestrian easement per the Comprehensive Plan Transportation Goal 12, Objective #1b policy, soils and Geotech report, if deemed appropriate by the City Engineer, and mailing labels.

Seconded by Commissioner McKay.

Motion passed 4-0. Commissioner W. Williams abstained.

OLD BUSINESS

1. Type III Hearing for an amended development permit application for a duplex at 19232 and 19262 Pilkington Road, submitted by Renaissance Homes.

City Recorder Leanne Moll read the disclosures for the Type III Hearing.

Ms. Connell noted that the application for a new duplex on the corner of Pilkington and Childs Roads was deemed complete last month. She explained that duplexes at this location were approved for this lot in 2004 or 2007, but neither were built. The lot is rectangular and disproportionately deep compared to its width: 50' wide and 200' deep. It has frontages on two urban collector streets, Pilkington Road and Childs Road; it is a busy corner. The applicant proposes to cut five trees. The proposed duplex is 2836 square feet with two attached dwellings on the lot and is two stories high. The garages are touching and the units are on either side. A five-foot strip separates the driveway.

The duplex proposed in 2007 was larger (5500 square feet) and much longer and closer to Childs Road than the current proposed duplex. That approval is still valid and never expired.

Transportation

The City notified agencies and comments from the agencies were focused on Clackamas County's recommendation for street improvements. In a letter dated April 16, 2018, Clackamas County required two driveways to be connected as one shared driveway to reduce the number of driveways in proximity to the busy intersection. The two streets are urban collectors with the County standard requiring a 60' Right-of-Way, two 12' travel lanes, and two 6' bike lanes. The existing right-of-way for Pilkington Road in this area is 40' and on Childs, 60'. Clackamas County's code says that for the scope of this project, which is considered small, they can't require right-of-way dedication because it is not proportional to the impact of what they are building. Since the County is not asking for more right-of-way, street and bike lines can't be built to their specifications. Because the County can't require a right-of-way dedication, the applicant may pay a fee in lieu of dedicating right-of-way, which costs at least \$25 per 100 feet of frontage.

Ms. Connell explained that the County could also defer to the City's standards for roads. The applicable elements in the City's Transportation Plan designate the west side of Pilkington for a pedestrian/bike path and the applicant's property is on the east side of Pilkington. The south side of Childs is designated for a pedestrian/bike path; the applicant's property is on the north side of Childs Road.

Based on County recommendations and the City's Transportation Goal, no improvements to the road and no right-of-way dedication to the road are required. If there was a way to finish off the east side of Pilkington to make the road wider for pedestrians, bikes, and vehicles, that would be a beneficial option for the project.

R-Zone Criteria

In the Rivergrove Land Development Ordinances (RLDO), the duplex is a permitted use if it has a 2 and 12 pitched roof. The staff report describes the roof as 3 and 12 pitch, but it is actually 6 and 12 pitch. The dwelling must have a garage or car port, which it does.

In 2007, hardship relief was granted to adjust the lot setbacks: 15' front, 25' north, 25' south 10' rear. In the current application, the applicant requests hardship: 15' front, 25' north, 63' south (adding in the 5' survey correction), and 10' rear. Compared with the proposed 2007 setback, the setback from Childs is 38' more. The RLDO makes the lot unbuildable if the City applies its own standard. Only a long, very narrow home could be possible. In 2007, a hardship relief was decided due to the shape of the lot. Ms. Connell explained that the setbacks are the same or improved.

The building height of the house has been reduced from the prior approval. It is now 26' 10" high. Ms. Connell noted that this was a correction to the height listed on page 5 of the staff report. The maximum height in the RLDO is 35'.

Parking

The duplexes both have four parking spaces, which meets the criteria set forth in the RLDO.

Trees

In order to remove more than three trees, the applicant must have a tree removal permit. The applicant proposes to remove two Douglas Fir trees, one on the rear of the property and one in the middle of the proposed south duplex. The applicant also plans to cut three Norway Spruces within 10 feet of the proposed foundation on the east property line. One of those trees is in poor condition, according to the applicant's arborist report. The applicant claims that the trees' roots would be weakened due to construction and the trees would eventually die.

The City has received four letters of comment, and all mention tree removal as a concern. The letters are from:

- Mark and Monica Feeny
- Jerri Parrish
- Michael and Jennifer Crock
- Mike Salch

When contemplating tree removal, the Planning Commission may consider whether or not the trees are dead, dying, or dangerous. They may also consider the impact of the trees on the character of the neighborhood. The Planning Commission may require a tree mitigation plan for removing healthy trees. The RLDO also requires a perimeter screening plan on at least the north and east sides. Ms. Connell noted that the existing trees provide some screening, but an effective well-done screening plan can work better than existing screening.

Sewer

Sewer typically requires an Area Accessory Development Permit, although this application may be exempt because sewer is already available at the lot via the City of Lake Oswego.

Storm water

The adjoining property owner to the north, at 19200 Pilkington Road, previously shared concerns about an upstream storm water drainage issue. In the Planning Commission's 2007 review, the prior applicant stated that they would attempt to resolve the issue by cleaning the existing ditch and installing an underground pipe. Since the duplex was not built, the improvements were not made until 2014 when Clackamas County stepped in to correct the problem. They installed 250 feet of pipe and a catch basin to Childs Road to correct the problem. Mayor Kibbey noted that it was a dangerous corner and people would drive into the ditch. The County felt an obligation to make the repairs. Ms. Connell noted that one of the letters received by the City implies there is still a problem with storm water drainage in the area despite the pipe.

Ms. Connell noted that a bank statement proving payment to Clackamas County is attached to the Planning Commission's packets. On June 14, 2014, City Council made a resolution that any new builder must bear the costs of the repair, since street improvements are required in the duplex approval conditions. The City paid a negotiated portion of the costs. The current applicant has been notified that they are responsible for paying the City back for the repairs.

Transportation System

Since the sidewalks can't be constructed to County standards and there is an existing pedway on the west side of Childs Road, the City can't mandate improvements for pedestrians. The fee in lieu of dedication is available. There is a crosswalk on the west side of Pilkington that crosses over to Childs. Residents cross at the east side of Pilkington because there are menacing dogs at the west side where there is a pedway. Pedestrians then end up on the lot with nowhere to stand. Possibly, the applicant could smooth out the end of the project at the corner with more asphalt to allow some more pedestrian maneuvering if needed. Or the City could require an additional crosswalk.

Mayor Kibbey explained that the crosswalk from that corner has come up in City Council meetings. The reason the City has not put crosswalks on the east side is there is no place to land on the northeast corner. Full crossings would make sense there.

Screening Plan

Staff would be comfortable if a forthcoming screening plan could go through staff review with the neighbors instead of returning for another Planning Commission meeting.

Proposed Conditions

Ms. Connell noted the six conditions recommended in the staff report. Staff could recommend approval subject to the following conditions:

1. The applicant shall obtain a Building Permit from Clackamas County for constructing the proposed duplex building. No unauthorized work shall be performed prior to issuance of the building permit.
2. Prior to issuance of a Building Permit, the City requests the applicant reimburse the City \$8721.46 for the 2014 Pilkington/Childs Road drainage ditch improvements adjoining the applicant's subject property.
3. The applicant shall comply with the requirements as specified in correspondence from the following referral agencies:
 - a. Rivergrove Water District correspondence dated 4-18-18.

- b. Clackamas County Water Environment Services (WES) Department memorandum dated 5-26-04.
 - c. Tualatin Valley Fire and Rescue (TVF&R) memorandum dated 5-27-04 as may be modified by the agency.
 - d. Lake Oswego sanitary sewer construction and connection permit.
4. Prior to issuance of a building permit the applicant shall provide an appropriate visual screening plan on the north and east property lines, to include the planting timeframe and plant maintenance, for staff approval. The applicant shall mitigate the removal of five healthy trees in accordance with City tree mitigation requirements.

Ms. Connell noted that the duplex is proposed to be built next to a small single-family home. Mitigation could be small/medium sized trees vine maples that would provide a buffer in the 10' rear setback. City Arborist Brian French reported that any native species that meet his approval could work.

- 5. At no time shall construction parking block traffic circulation on Childs Road or Pilkington Road.
- 6. Construction activities creating noise audible off the project shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Mon.-Fri.; 8:00 a.m. to 5:00 p.m. on Sat. and Sun.; and not be allowed on Federal holidays.
- 7. The applicant shall make payment of any final City permit fees simultaneous with or prior to issuance of the written Planning Commission decision. Condition 4: Appropriate visual screening plan on timeframe, maintenance for staff approval Mitigate removal of 5 healthy trees in accordance with city tree mitigation requirements.

Ms. Connell also suggested the Planning Commission add the condition that clear line-of-sight is maintained on the corner of Pilkington and Childs Roads, as suggested by written comments from resident Michael Salch, who noted that the applicant can't build a screen or fence that blocks the corner.

Applicant's Response

Jeff Shrope, Renaissance Homes, 16771 Boones Ferry Road, Lake Oswego, OR 97035.

Mr. Shrope explained that Renaissance Homes intends to build on the lot whether they build the 2007 duplex or the current version. He noted that the current duplex is smaller than the existing approval. Renaissance Homes contends the current proposed duplex is better because they will not build on the whole lot, and the duplex will blend into the neighborhood. The pitch of the roof fits in better with the neighborhood than the duplex approved in 2007.

Renaissance Homes agrees with the staff report, including all conditions listed. Mr. Shrope noted that they will reimburse the City for the storm water improvements completed in 2014.

Renaissance Homes would be happy to discuss what road improvements could be possible, and Mr. Shrope noted that they are also concerned about the safety of pedestrians.

In regards to tree removal, Mr. Shrope stated he is not sure how the prior approval only required two trees, given the large size of the previously proposed duplex.

Mr. Shrope also explained that the proposed duplex is set north so the separation from Childs and Pilkington is equal with the neighbors' driveway across the street. They support maintaining clear vision on the south side of the lot.

Mr. Shrope commented that their arborist believes they must remove all five trees because of the root structure. The memo also included guidelines to leave the roots from the removed trees to stabilize the ground and other trees.

Mr. Shrope noted that there is an error in the lot size on the County maps. The surveyor found 205', which is noted but not pictured on the plat map. The plat hasn't been recorded, so it's not currently the boundary. 205' will be the new boundary when the survey is recorded. Mayor Kibbey explained that the neighbor to the north of the lot believed the survey encroached 5' into her property. Mr. Shrope responded that the survey Renaissance Homes provided was from a licensed surveyor. If the survey is off by 5' then Renaissance Homes would like to investigate.

Commissioner McKay asked if Renaissance Homes would choose to complete road improvements or to pay the fee in lieu. Mr. Shrope responded that they plan to pay the fee in lieu.

Commissioner J. Williams noted that when he compares plans, if the duplex is adjusted to the south, the builder could salvage one of the five trees. Mr. Shrope explained that the driveway can't be moved because the County requires it to be across from the neighbor's driveway. Renaissance Homes would prefer for the duplex to be centered more, but the County has required that the home be centered to the north.

Commissioner McKay noted that there was 163' to the centerline of Childs, but the County recommends the center of the driveway be at 150'. Renaissance Homes would be in favor of any flexibility to push the duplex south.

Tim Breedlove, COO Renaissance Homes, 16771 Boones Ferry Road, Lake Oswego, OR.

Mr. Breedlove explained that Renaissance also prefers to place the building farther south, even by just five feet. He noted that the duplex yards will be significantly unbalanced. Mayor Kibbey explained that moving the duplex south would also create more space between the duplex and the neighbor to the north.

In favor

None.

Neutral

Michael Salch: 5255 Childs Roads, Rivergrove, OR

Mr. Salch met with transportation engineers at Clackamas County and examined the center road drawings in November 2017. The center line on Childs Road moves south 5 feet. Mr. Salch asked if the footprint of the house will move because of the additional 5 feet or stay as noted on the current site plan.

Mr. Salch requested no sidewalk, no landscape zone, no curb, and no bike lane on the east side of Pilkington in front of the lot. Mr. Salch is concerned about the safety of the children going to and from school at that intersection. The pinch point at the north part of the lot with a sidewalk or ADA ramp ending could make it unsafe for pedestrians and cyclists who would need to merge into the oncoming traffic lane.

Mr. Salch prefers to preserve the open trenches and bioswales farther north on Childs Road because they are beautiful and effective.

Mr. Salch also noted that there is a discrepancy in the County's culvert pipe drawings. He has a drawing from Clackamas County showing the culvert pipe is 15" in diameter. The work order from the County lists a pipe that is 12" in diameter. He also wondered if there are any more complaints of flooding at the Parrish property to the north since the culvert pipe was installed. He has spoken to Clackamas County transportation engineers and representatives from Water Environmental Services (WES) and no one had heard of more flooding complaints at the intersection. If there are complaints, those should be entered into the record.

Mr. Salch does not think the property can achieve the needed safety by installing a bike or pedestrian lane on the north side of the property.

Mr. Salch asked if there was any way that the City could work with the applicant to install a safe island at the northeast corner that gives pedestrians some respite from oncoming traffic. He noted there would also need to be ADA ramps.

Mr. Salch wondered if the applicant needed to install any streetlights on the lot and objected to the streetlights that are used in other Renaissance Homes developments in Rivergrove. Mayor Kibbey responded that the applicant is not required to install streetlights because there is no street on the lot. She also noted that Rivergrove has existing streetlights all the way up to Dawn.

Opposed:

Jennifer Crock, 19235 Pilkington Road, Lake Oswego, OR.

Ms. Crock submitted written testimony and requested that the City amend her testimony to explain that her copy of the plat records was older and referred to the 200' measurement. She requested that 200' be stricken from her testimony and replaced with 205'.

Mr. Crock stated that the other sections of her testimony opposing the development, including a request regarding setbacks and proposed conditions of approval, remain the same.

She expressed that she is concerned that placing a structure close to a street and power lines may create long-term issues.

Rich Refvem, 19357 Riverwood Lane, Rivergrove, OR.

Mr. Refvem suggested that if the applicant is willing to reimburse the city for the storm drainage improvements, City staff should change the staff report from "request pay" to "shall pay it". The applicant can appeal the decision if they disagree with that condition.

Mr. Refvem asked Ms. Connell if there was a state ordinance that she was aware of that deals with the applicability of hardship relief being carried from one application to another.

Commissioner Dausman explained that the Commission had decided during completeness to treat the current duplex application as a new application.

Mr. Refvem explained that in the RLDO, hardship relief is only considered with the application. The prior application was approved, but now we have a new application. He contends that the hardship relief approved and granted in 2007 is no longer valid. He explained that much has changed in Rivergrove and there are many more newly constructed homes and the population is grown by about 50%. The agencies have new regulations and rules. Therefore, the previously granted hardship relief is no longer applicable.

In Mr. Refvem's opinion, the granting of the hardship relief for the 2007 application was not in accordance with the City's ordinances or state law. According to state law, all of the criteria that a city designates for granting hardship relief shall be met in order for the hardship relief to be granted. Mr. Refvem explained that he believed none of the criteria were met, particularly criteria #1: "The hardship is not the result of any act or omission of the applicant." Mr. Refvem stated that the basis of the hardship relief being granted was that the parcel was not suitable for economic use unless the hardship relief was granted. He noted that the staff report reiterated that the lot is unbuildable in its current dimensions without hardship relief for the setbacks.

Mr. Refvem believes that if the applicant reorients the structure so the front is facing Childs Road, or if the applicant builds a single-family home, hardship relief is not necessary. Just because the applicant has requested a duplex and a duplex is allowed, does not mean the City must be compelled to change its regulations in order to make the duplex fit.

Mr. Refvem noted that there is a great amount of controversy regarding how to interpret hardship relief. DLCD has a booklet that explains the requirements for variances. It reiterates that all criteria established by a City must be met to grant hardship relief. Mr. Refvem believes the prior applicant's request for hardship relief was flawed and incomplete.

Mr. Refvem also noted that in the staff report, the Planning Commission required a Type II Hearing for 100' notice. He expressed confusion that the current hearing was a Type III. If the Planning Commission is not sure the application was noticed correctly, the application cannot be approved.

He also stated that the proposed duplex violates the Site Design Review regulations because it creates unsafe traffic circulation. Item 6.234 of the Site Design Review regulations states that "the project shall contain a safe and efficient traffic circulation system which meets the needs of pedestrians and automobiles." The staff report points out that the application proposes no internal traffic circulation, but the ordinance requires a "safe and efficient traffic circulation system." Condition #4 of the County's memorandum said that there should be a circulation system within the lot so automobiles can safely exit the lot onto the street. Mr. Refvem noted that this requirement was not included in the application and the duplex will create unsafe conditions for pedestrians and cyclists. There is enough room on the lot to create a turn-around so cars don't have to back out onto Childs Road.

Mr. Refvem noted that both sides of Pilkington Road are used in that area and a space for pedestrians is needed on both sides of the road.

Mr. Refvem noted that if this is a hardship relief hearing for a new application, then the hearing must be quasi-judicial Type III hearing and that requires a 20-day advance notice by mail. If the notices were not sent within the correct timeframe, then the Planning Commission cannot approve the application.

Jeri Parrish, 19200 Pilkington Road, Rivergrove, OR.

Ms. Parrish noted that she submitted written testimony and wanted to add one more point about preserving trees.

She recalled that in 1995 the Stark Family logged the lot of the proposed duplex. There was a large storm in 1996 and a tree that was about 10 feet south of the #507 Norway maple, about the same size of tree #502. Because that property was logged and there was a wind storm, that

tree fell on her home. Even though the tree fell closer to another home and only put a tiny hole in her roof, she believes that tree could have taken out her home.

Ms. Parrish is concerned with tree #503, which is leaning towards the west, and has been leaning that way for 24 years. If that tree is removed, then the viability of tree #505 and #506 are also impacted.

The City's ordinances state the project shall not create any situation which contains significant hazard to life or property. Ms. Parrish stated that tree #503 is very important to life and property.

Mary Mann, 5215 Childs Road, Rivergrove, OR

Ms. Mann stated her support of Mr. Refvem's testimony and asked the Planning Commission to continue the hearing, leaving the record open, so more people could give testimony.

Marta Lansing, 19150 Pilkington Road, Rivergrove, OR

Ms. Lansing explained she was neutral towards the development request if the applicant could move the structure south 13' and save some trees. She noted that the mature trees left over from the Pilkington nursery contribute to the character of the neighborhood.

Applicant's Response

Jeff Shrope, 16771 Boones Ferry Road, Lake Oswego, OR 97035

Mr. Shrope explained that Renaissance Homes would like to move the house south. However, that can't be a required condition because the builder has to follow the recommendation of Clackamas County in order to obtain a building permit.

Mr. Shrope also noted that 13' sounds like a lot of space, but the trees in question are 18' or 20' in diameter and the duplex footprint still won't be very far away from the trees if it is moved.

Mr. Shrope explained that the arborist report Renaissance Homes submitted discusses what they would do to minimize the grove loss and minimize future damage. Their arborist does not believe there is risk to the remaining trees if the proposed trees are removed.

Mr. Shrope stated that Renaissance Homes would accept all of the conditions brought forth in the staff report and requested that the record be closed, so the Planning Commission could make a decision.

Mr. Breedlove addressed Mr. Salch's comments on improvements on the east side of the street and the fee in lieu of improvements. In most cases, Renaissance Homes prefers to pay fees because they believe it allows for a more comprehensive solution. In many cases, they are asked to make improvements on a singular lot which creates unsafe circumstances where there appears to be a sidewalk or a ramp and then they end. A comprehensive solution is better. They don't want to create an illusion of a safe corner at that intersection.

Mr. Breedlove responded to Mr. Refvem's comments on the turnout and noted that they have modified the driveway so there will be a "K" turn on the lot. Renaissance Homes recognizes the earlier plan is not a preferred approach to backing out on a busy street.

Ms. Connell's Response

City Planner Carole Connell responded to Mr. Refvem by explaining that after the Planning Commission decided completeness, staff made an executive decision to notice the application

as a Type III. The notices were sent out 200' from the duplex location 20 days before the hearing.

In response to the testimony regarding hardship relief, Ms. Connell explained that variances are not meant to be handed out freely to applicants. For both decisions in 2004 and 2007, the Planning Commission decided that the applicants were in compliance with all of the criteria for hardship relief. Ms. Connell noted that the setbacks that were approved for variance in 2007 are the same setbacks in the current application. She also noted that at least three conditions that would be new.

Ms. Connell explained that there has been a request for a continuance, so the Planning Commission must continue the hearing or keep the record open for seven days.

Motion: Commissioner Dausman **moved** to leave the record open and continue the hearing to the June 4, 2018 Planning Commission meeting.

Seconded by Commissioner McKay.

Motion passed 5-0.

Commissioner McKay requested to continue the discussion of the remaining items on the agenda, the discussions of the Airbnb Permit Application and the maximum size of uninhabitable accessory structures, to the June 4, 2018 Planning Commission meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CORRESPONDENCE & REPORTS

None.

COMMISSIONERS' REPORTS

None.

ADJOURNMENT

Motion: A motion to adjourn was made by Commissioner W. Williams.

Seconded by: Commissioner J. Williams.

Motion passed 5-0.

The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder