

City of Durham
PLANNING COMMISSION MINUTES
November 2nd, 2021

1. **CALL TO ORDER.** Chairman Goddard called the meeting to order at 7:30 p.m.
2. **ROLL CALL.** *Commissioners Present:* Chairman Brian Goddard, Vice Chair Krista Bailey, and Commissioners Pat Saab, Gary Paul, Joshua Drake, Susan Deeming.
Commissioners absent: Matt Winkler
Staff: City Administrator Linda Tate, Admin. Assistant Nancy Brewer, City Planner Carole Connell, City Engineer Edward Hodges & Amy Levenhager
Public Present:
Pioneer Design Group: Matt Sprague & Brent Fitch
David Weekley Homes - Max & Anna Bondar, Bruce Howard, & Michael Robinson
Fishes Wishes - Paul M. Machado
Portland Tree Consultancy - Lou Phemister
NW SavATree - Peter Van Oss
Residents of the City of Durham - Streichers, D&J Leigh, Colleen McNally, Chris Hadfield, Brad & Brenda Heart, Carol Joerg, Steve Strickfaden
3. **PLANNING COMMISSION MINUTES.** Commissioner Deeming moved to approve the minutes from the August 3, 2021 meeting. Commissioner Paul seconded the motion. The vote unanimously passed (7-0). **MO 110221-1**
4. **PUBLIC FORUM.** Paul Machado from Fishes Wishes introduced himself and his non-profit located in Lake Oswego.
5. **PUBLIC HEARING – APPLICATION FOR 36-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT**
Chairman Brian Goddard closed the normal meeting and opened the public hearing at 7:38 pm. Carole Connoll, City Planner, verified the opening of the public hearing regarding file #591-21, a Planned Residential Development named Durham Heights.

Connell read the Hearing Disclosure Statement for Quasi-Judicial Hearings and provided an outline of the order for running the hearing.

Connell asked the Planning Commission for declarations of personal bias, ex-parte contact, or conflict of interest All commissioners stated they had none.

Connell then asked for challenges from the audience as to stated impartiality. No challenges were given.

Pioneer Design Group representative, Matt Sprague, described the development plans. He provided an updated diagram for Tract D. Sprague stated that condition #7 should have the word “perimeter” instead of “all” in the final sentence and that condition 12.g.6 should be removed. Otherwise, the applicant agrees with all of the conditions in the staff report.

City Planner, Connell, then presented an overview her staff report which addressed all of the criteria needed to move the Durham Heights project forward. She concluded that the applicant was not requesting any variances.

Pioneer Design Group was allowed the opportunity for rebuttal: Sprague reiterated that Condition #7 on page 23 states “10’ from property lines” and it should read “10’ from perimeter property

lines.” He also clarified that David Weekley Homes is doing a noise study to address the issue of railway noise and have home noise abatement measures that can be utilized. Unfortunately, there is no getting around removing trees. They have made calculations and will retain more than the required 35% of the canopy. They do have a windbreak option for the item marked in the staff report and trees 402 & 403 will be retained in place. Unfortunately the Beech trees can't be preserved due to the location of the street per the city's transportation plan and ODOT's requirements for a safe intersection with Upper Boones Ferry Road.

The Planning Commission was given the floor for questions.

Commissioner Paul questioned Condition #2 whether Tracts D & E should be included in the list. Connell responded that D & E are streets and A, B, & C are open space.

Paul asked if Covenants, Conditions & Restrictions (CC&Rs) will be in place. Sprague responded that there will be a Homeowner's Association (HOA) with CC&Rs.

Commissioner Paul questioned whether the arborist listed in Condition 10 should be the city's arborist or the applicant's arborist. It was decided that it should be the applicant's/owner's arborist and Connell stated that she would make that correction.

Chairman Goddard asked how David Weekley Homes goes about setting up the HOA's and CC&Rs once everything is finished. Sprague responded that the CC&Rs are instituted according to the State of Oregon's guidelines and will be recorded with the plat.

Goddard asked if the HOA would be turned over to a property management company or established through the homeowners. Sprague responded that it would be through the homeowners. They will serve on the board of directors and that board will enforce the CC&Rs.

Commissioner Drake stated that he looked over the Arborist report and saw the calculations with the preserved trees, but that he did not see a mitigation plan. Sprague deferred to Lou Phemister of Portland Tree Consultancy. Lou stated that he did extensive calculations and has determined that more than the required 35% of the existing canopy will be preserved. Sprague added that the developer would plant more trees as part of landscaping so there would be even more than what was required.

Commissioner Paul voiced concerns over condition 12.g.6. Ed Hodges of Curran-McLeod agreed with removing the entirety of condition 12.g.6.

Connell stated that the hearing was open for any proponents to speak. No one came forward.

Connell then stated that the hearing was open for any opponents.

Steve Strickfaden of Afton Lane stated he was not an opponent but had concerns about the undeveloped property to the south of Durham Heights. He wondered if Cambridge Lane would be built through if that property was developed. Connell stated that it would.

Strickfaden asked if the same group was going to purchase the south property. Sprague stated they were not in contract to purchase that property.

Strickfaden then asked how the decision was made to connect Cambridge to Upper Boones Ferry Road. His concern was significantly increased traffic through Afton Commons. Connell responded that potentially some traffic will go through Afton Commons, but it shouldn't increase traffic significantly since Durham Heights will have its own access to Upper Boones Ferry Road. There is a circulation plan and if the south property is developed, then that plan will apply and Cambridge Lane is supposed to be connected. Afton Commons will receive the benefit of having a secondary access point when Cambridge Lane is connected.

Carol Joerg of Cambridge Lane stated that she's also not an opponent. She lives in the last house and wanted verification that the road isn't going through yet, but that the sidewalk is. Connell stated that she was correct. The sidewalk will continue through, but there will be a gate blocking vehicular traffic.

The applicant was allowed an opportunity for rebuttal. Matt Sprague – Pioneer Design Group added that there will be no connection for vehicles between Durham Heights and Afton Commons with this current plan. The original plans had the subdivision only going through Afton Commons. However, City staff made it clear that Durham Heights needed its own access to Upper Boones Ferry Road, so the applicant changed the Afton Commons access to an emergency plus pedestrian and bicycle connection.

Commissioner Goddard commented that traffic on Upper Boones Ferry Road gets really backed up during rush hour traffic and he wanted to know what kind of left turn lane will be in place in order to be able to make a safe turn into the development for folks returning home. Goddard mentioned that traffic sits on that curve very far back from 2-6 pm and he's concerned about gridlock. Discussion on the topic did not arrive at a solution to traffic issues on Upper Boones Ferry Road.

There were no further comments.

Connell closed the public hearing.

Commission discussion:

Goddard stated that the developers were willing to work with the city and presented a thorough application.

Commissioner Deeming expressed concerns over street parking and was reminded that TVF&R has mandated no parking on one side of the street for Cambridge Lane and Street A.

Deeming asked about a monument sign was told there was no plan for such a sign.

Chairman Goddard suggested that Street A be named Mary Taylor Lane or Taylor Lane to commemorate Mary Taylor who was a past planning commissioner and mayor and who previously owned the property that is being developed. It was agreed that the Commission come up with a list of names for that street in order of preference and the developer would see what was available. Private streets will need to have names, so the commission can come up with those suggestions also.

Discussion on the Beech trees on proposed Cambridge Lane ended with mutual agreement that they should be removed.

Commission deliberation:

Connell stated that the commission had 3 options:

- 1) Continue the hearing to a date certain for further information and review
- 2) Deny the request based on a re-write of the findings in this report; or
- 3) Approve the request subject to the following conditions, or as modified.

Commissioner Drake stated that he was in favor of continuing the hearing to a future date to allow more time to think about it.

Chairman Goddard stated that he felt there was enough information supplied to make a decision.

Vice Chair Bailey agreed with Chairman Goddard as long as conditions were modified.

The Commission identified the needed modifications for condition #7, #10, and #12 as previously discussed.

Vice Chair Bailey moved to approve Durham Heights PRD, File # 591-21. Commissioner Paul seconded the motion. The motion unanimously passed 7-0. **MO 110221-2**

6. **ADJOURN.** Chairman Goddard adjourned the meeting at 9:28 p.m.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator