

PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM CONFERENCE ROOM

October 4, 2004 – 7:00 P.M. PAGE 1 of 15

1. **CALL TO ORDER:** Tom Beck called the meeting to order at 7:00 p.m. **Planning Commission Present:** Tom Beck, Al Miller, Aaron Frye, Victoria Lowe, Lisa Nakajima and Luann Arnott. Elena Uhing was excused. **Staff Present:** Community Development Director Jon Holan, Planner James Reitz, Land Use Attorney Spencer Parson and Permit Coordinator, Marcia Phillips.

- 2.1 **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:** None

- 2.2 **PUBLIC HEARING:** Land Division Number LD-03-06: Appeal of the Community Development Department's approval of Elm Meadows, an 18-lot subdivision. Kim Chatellier, the appellant and adjacent property owner, is appealing the Community Development's approval of Land Division Number LD-03-06 located at 2510 26th Avenue (Washington County Tax Lot # 1N3 31DB-2200).

Mr. Beck called for any disclosures, ex-parte contacts, conflicts of interest, bias or abstentions. Ms. Nakajima stated that she is a member of the UCC Church where the appellant attends. Aaron Frye said he is also a member of the UCC Church. Mr. Beck then called for any public challenges with any Commissioner participation. No challenges were stated.

Mr. Beck declared the Public Hearing open at 7:05 p.m.

Mr. Beck read through the remaining hearing procedures and criteria.

Before presenting the staff report, Mr. Holan introduced Spencer Parson from the firm of Berry, Elsner and Hammond, who is the land use attorney for the City of Forest Grove.

Planner, James Reitz presented the staff report. The Community Development Department received an application for an eighteen unit subdivision. The project site is in the A-2 Multi-family residential zone, with the comprehensive plan designation of high density residential. What that has precipitated is a project of eighteen lots designed for duplex homes or town home style development. Exhibit "F" shows the Elm Street dead end. It is dead ended to provide for a future extension north to 26th Avenue. Exhibit "D" shows that in the Elm Meadows proposal there is an extension to make the connection from the existing Elm Street dead end on up to 26th Avenue. Exhibit "F" shows the Elm Street dead ends right into the applicant's property, where Elm Meadows is proposed to be developed. What the developer has proposed is to adjust that right-of-way a little bit so that part of it would fall on the west side of that property line. The idea is that not all of the right-of-way would fall entirely within the proposed development. Part of it would eventually fall upon the properties to the west. That is essentially the issue before the Planning Commission, whether that right-of-way and the improvements that would go within that right-of-way would fall entirely within or partially upon the adjoining property.

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Mr. Reitz proceeded to read from page four of the staff report for the benefit of those in the audience. In essence it stated that the appellant has requested that the City of Forest Grove require the Elm Meadows developer to construct full street improvements on Elm Street. However, the city is not legally entitled to do so. Under state and federal law, any dedications and improvements required by the city must be roughly proportional to the impact of the development. The residents of Elm Meadows subdivision will not be the only city residents that utilize the improved Elm Street. The city therefore cannot legally require the Elm Meadows developer to construct the entire street improvement. Such a requirement would not be roughly proportional to the impact of the development. The city could be found liable for a Takings Claim as the additional right-of-way and improvement requirements would be disproportional. Mr. Reitz went on to say that in essence this is what the Planning Commission is addressing, the proportionality discussion of whether the Elm Meadows project should be required to develop the entire right-of-way and improvements or whether a portion of those improvements should go to the adjoining properties.

Mr. Beck asked a hypothetical question. If there were a large piece of property centered so the Elm Street dead end was in the middle of the property, would the developer then be required to pay the entire cost because the street is going to go right through the middle of the property? If this property was large, but not so large that no one else would ever use the street, what is the legal situation in that case?

Mr. Reitz responded by saying that in this hypothetical situation the developer would be developing both sides of the street, so they are clearly the primary beneficiaries of the development. Taking this scenario further, if this street in question was not a local street, as this one is, but was a collector street, the developer would have the opportunity to get some credit back through traffic impact fees because the street is oversized. It is serving beyond the immediate neighborhood.

Mr. Parson concurred with Mr. Reitz. The idea is that the exaction is supposed to roughly match the impact of the development at hand. So for a larger development where a street dead ends into a large piece of property that was going to be fully developed, the impact would be greater on that street and usually the developer would receive a credit for what is above the impact of the use of that development.

Mr. Holan interjected a point by stating that, for example, in some of the developments that are located in the hillside areas of Forest Grove where a developer has to construct a full street through the middle of the property, the ordinance requires that the street connect to future development on adjacent property. The developer is required to construct a street up to that point. The main difference here is that the street is not totally in the middle of the property, but is on the edge of the property.

Mr. Beck stated that in the case at hand the adjacent properties exit onto 26th Avenue and not to the east (towards Elm Street). He then asked whether that would make a difference legally. If Elm Street was taken straight, it would be totally on the developer's property,

but the street is not being taken straight it is bent. If the adjacent property owners are not going to use that street, does that make a difference legally?

Mr. Holan clarified the issue by stating that if the appellant does not develop her property, she would not be required to develop the rest of Elm Street. Only if she decided to develop the property would she be required to finish the street. With the configuration of her property, it is very likely that the access for future development would be the extension of Elm Street.

Mr. Miller then asked what the proportion of cost would be.

Referring to the staff report, Mr. Reitz stated that the percentage is about 60/40 for the right-of-way and 75/25 for the actual physical improvements.

Mr. Parson reemphasized that this is only requiring the developer to build his percentage. It does not require the other percentage until a development application is submitted.

Mr. Reitz added that staff was attempting to obtain enough right-of-way and enough street width to get two full travel lanes with a sidewalk and parking on one side, so that for traffic flow purposes there would be no restrictions such as one way traffic. There is proposed a sufficient right-of-way and sufficient improved width with parking on one side to provide the full street improvement on the east side of the property to serve the development site. So what would remain on the applicant's property in the future when that property develops, which could be next year or ten years from now, would be eight feet of paving (for parking) on that side of the street and the sidewalk on that side of the street.

Mr. Holan commented that in regards to the staff report Appeal Item # 3 which mentions the economic factors, this is a fairly common proposition in development. This is not unusual in the city of Forest Grove and is generally expected. Again, any cost to the appellant would not occur until the property is developed.

Mr. Beck asked if a property owner in this area would have the ability to gain knowledge about where a proposed street would go in the future. For instance on the 1980 comprehensive plan does show Elm Street going straight north so that the west side of the road runs on the property line.

Mr. Reitz replied that the comprehensive plan did show the road going straight north, but staff has not interpreted the comprehensive plan and even the current transportation system plan to be so rigid as to do just that. Short of a platted right-of-way there is some flexibility built into the comprehensive plan.

Mr. Beck restated for clarification that if there is not a platted right-of-way, if a property owner came in and asked the question, staff would have to tell him we do not really know for sure.

Mr. Reitz stated that was correct. There is no absolute answer to that.

Mr. Holan commented that the exact location of the road is not determined until the developer goes through the public improvement agreement process. That is generally during the final plat process. This is an appeal of the tentative plat map, which shows the general design, but not the exact design.

Referring to page five of the staff report, Mr. Reitz pointed out the drawing that has been developed by the applicant's engineering firm. This is a proposed cross section for the Elm Street public improvement. It indicates that the paved width of the street would be 24 feet. There would be a temporary curb on the west side. There would be 5 feet from that temporary curb to the west property line, and if the appellant's information is correct there would be an additional 18 inches to the shop building. So approximately 6 feet from the edge of the pavement to the building.

Mr. Reitz continued with the staff report. He pointed out that a number of the public improvements installed by this developer will, once they are accepted by the city engineer, become available for all public use. The appellant's property will benefit from the installation of an additional water line, the storm drainage system and the sanitary system in Elm Street. Those facilities will allow the development of the appellant's property at no expense to the appellant. Mr. Reitz summed up the staff report by outlining the Planning Commissions alternatives. The appeal could be sustained in total, or sustain it in part. The appeal could be rejected in total, or continue the deliberation to a date certain. Staff's conclusion is that the proposed right-of-way dedication for Elm Street would not benefit the developer only. The improvements installed by the developer of Elm Meadows would be of benefit to the appellant, and that the assessment is proportional to the development of Elm Meadows and not disproportionate to the appellant. Therefore, staff is recommending that the appeal be denied.

Mr. Holan wanted to make clear for the record that this is in an A-2 zone, a high density residential zone, in fact the highest density residential zone in the city. There is an expectation for future development or further development of properties should be expected.

Ms. Nakajima asked if the developer is precluded from putting the road entirely on his property.

Mr. Holan replied that if the entire road were put on the applicant's property, it would prevent this type of development from being done because it could not meet the minimum density standards required.

Ms. Nakajima then asked if it could be allowed with a variance.

Mr. Holan stated that was not possible, because variances are not allowed for density.

Mr. Beck asked if there were any further questions. There were none.

Applicants:

Kim Chatellier, 2440 26th Avenue, Forest Grove, OR 97116:

Ms. Chatellier stated that the question has not been asked whether the city will be satisfied with not having that street be a full width street if she chooses to live there for forty years. The property is a half acre with a 1920s Craftsman style home that is one of the nicer older homes in Forest Grove.

Ms. Chatellier went on to say that to obtain the 23 feet for the road would require the demolition of the home. Which she stated was very personal. She went on to present the reasons why she believes it is unfair. With help from a local builder Ms. Chatellier came up with some numbers that show it would mean a \$35,000 loss to her. The cost of paying off the mortgage on the house, the cost of demolition, the approximate cost of \$40,000 to install the rest of the street, the infrastructure improvements for seven lots (30 foot width) at \$15,000 each gives a cost of \$350,000 at the very beginning when those lots would only sell for an average of \$40,000, which totals \$315,000. Ms. Chatellier stated that there is no economic value to have that on her property, and this plan being approved diminishes the value of her property because it in essence places a right-of-way on the property in the future. Any potential buyer of the home will question when the city might tear down the house to put in the street.

Ms. Chatellier went on to say that she contests the city's assertion that having the developer put the whole street on his property would be against federal law. The developer is the only one benefiting from it, and the people who are going to use that local street (from 26th Avenue to the housing development) will be people from the housing development. Ms. Chatellier stated that she would not be using that street, and does not see how the city would benefit greatly to the point where they can say it benefits everyone in the community. The street is there, but it is not a thoroughfare. It is not a collector street for local traffic.

Ms. Chatellier went on to say that she contests the city's statement that a variance could not be given for density, but she believes a variance could be given for lot size. Ms. Chatellier drew everyone's attention to Lots 14, 15 and 16. The minimum depth requirement is 75 feet. If the developer were to put in the full 58 feet of the street, he would be left with less than 75 feet. The city may not allow him to put in those lots, but the city could give him a variance to create smaller lot sizes. So he could then build the development and reach the minimum density standards and still put the entire street on his property. Ms. Chatellier stated that she was not sure why there was an attorney present at this point in the process.

Mr. Parson responded by stating that it is very helpful to the Planning Commission to be able to get an authoritative legal opinion for the city's position to help understand the Planning Commission's duties.

Ms. Chatellier asked Mr. Parson if it was true that in the Dolan vs. Tigard case it was decided by the Supreme Court that the city could not take property without great benefit to the community.

Mr. Parson replied that it was true. In this case the half street improvement is on the applicant's property, and none of it goes onto Ms. Chatellier's property. If the city approved a decision that required that the street go on without her development and giving the city a dedication for it, that would be a taking. The city would be required to pay just compensation for that. That is what Ms. Chatellier is referring to as a taking. In this case because the road is not going on her property there is no taking.

Mr. Beck asked Mr. Parson to respond to the appellant's statement that by declaring a right-of-way over her property it reduces the value of her property and therefore could be seen as a taking.

Mr. Parson explained that under Oregon law cities are allowed to exercise their zoning and planning authority for all kinds of development including traffic and kinds of densities. All of those types of things have been found not to be takings. In this case he did not think it would be a taking.

Mr. Beck asked Mr. Parson to clarify what would happen if Ms. Chatellier decided not to develop her property for the next forty years.

Mr. Parson explained that what the city would do in that case, and it is true that there is a small chance that in years to come the city would exercise its power of eminent domain and condemn a strip of land to extend a road. The city has the authority to do that. Under Oregon and federal law the city is required to pay just compensation for that property. The city would not just be able to do that without paying the appellant for her property. Barring the city deciding to take the property, it could sit for twenty years as a half street improvement.

Ms. Chatellier asked if the City of Forest Grove would give her a written guarantee that as long as the property remains in status quo it will never be taken.

Mr. Holan responded that this Planning Commission cannot prejudge what a future Council will do. A future council may go through a condemnation process, but then again there would be compensation for it.

Ms. Chatellier expressed concern by her insurance agency that if the house should burn down, would the city give her a replacement permit knowing that the city wants the property as a right-of-way.

Mr. Holan stated that it would have nothing to do with the right-of-way. It would have to do with whether a single family home could be rebuilt in an A-2 Multi-family zone.

Mr. Reitz explained that in this case it would not be a nonconforming use issue as might be the case with a single family home in a commercial district for instance. In this case single family development is allowed in the multi-family zone and permits could be picked up and a replacement home be built.

Ms. Chatellier reiterated that her question was; if the house should burn down would the city deny that permit knowing that they would like the street to go through. Or would they put restrictions on the permit?

Mr. Reitz responded by saying that so long as the new home were not proposed to be built in the projected right-of-way, and there is code about that, there should be no problem.

Ms. Chatellier went on to discuss the benefits of this development. She stated there is already a waterline running along the property line; she gets her water off of 26th Avenue. Sewer will not be extended far enough north for anyone to benefit from it because of the fall of the land.

Ms. Nakajima asked if the appellant does not develop her property, but future development adjacent or across the street were to take place that would force the continuation of the widening of that street, would she be given an opportunity for rebuttal at that time. Could she bring concerns in front of the Planning Commission at that time?

Mr. Holan answered the question by stating that the appellant would be given notice. Future development would not force the development of the street, because there is a full two way street in there. It is a functioning street.

Mr. Parson added that if a different property filed a development application, a condition of that approval could not be that she would need to dedicate her property for the street improvement.

Ms Chatellier mentioned that this all started in February and the city lost her letter. It was only upon her going to the city in August and asking why people were surveying the lot next door, when she had heard nothing. This should have been dealt with much sooner and it might not have gotten to this point. The developer might have been able to revise his plans or have some time to work something out.

Mr. Holan mentioned that notice was sent and the appellant acknowledged that she did receive a copy of the notice. We are extending the appeal period because of the confusion with regards to the communication.

Proponents:

Holly McCluskey, 36851 SW Laurelwood Rd, Hillsboro, OR

Holly McCluskey, Realtor with Windemere of Hillsboro, represented Ms. Chatellier in the purchase of this property. Over the years she has watched the development of it, and compared it today to several properties that are currently recent sales on large acreage in Forest Grove with a similar age home. “At this point in time, if you took her home for the 23 feet, which would in fact take the corner of it off, and require demolition as near as I understand it. Correct me if I am wrong there, but I think that is the case. We are looking at a land value, we are going to lose \$40,000 worth of shop and we lose approximately \$160,000 – let me see if my math is right. At any rate the house, at this point in time, is comparable to properties that have sold for \$250,000-\$285,000. Land values alone are pretty close to what the City says they are, which is around \$65,000-\$85,000. If you take away the \$40,000 shop from the \$260,000 then you have \$220,000 and \$60,000 left of that is your land value. She loses a chunk of value. There is no developer in the world that is going to pay her the value of that house if he knows darn good and well that it has to be demolished in order for the street to go through. They don’t do that. Why would they? So as a single family home on a large lot with the additional amenities of the shop there, she has something very valuable that is not only historically valuable to the community, but has in common the same sense of community as the other five or six homes on that street that are of similar age and unique design also have. And I think that you run the risk of changing your whole sense of community for that area if you begin to look at properties only in terms of multi-family development. Mixed use is what keeps whole cities viable. You don’t want to create a multi-family apartment complex that runs both sides of 26th Avenue. I don’t think that is valuable to anybody, much less to your overall planning. I think you should be encouraging these properties that have these beautiful homes on them. She has taken a house that cost her approximately \$150,000 and has turned it into something that will in fact sell for \$250,000. She is also at this point in time just embarking on a complete renovation of the kitchen which will be a \$50,000-\$80,000 job. That is going to shoot up the value considerably. There is no point in her going forward with any of these projects if she is not going to be able to get the value out of the house whenever she needs to get the value out of the house. And if you take the 23 feet off the side, you reduce it essentially to bare land price which is \$65,000-\$85,000 total. I have some comparable properties here that you can take a look at. I would be happy to answer any questions.”

Roman Briknor, 2453 26th Avenue, Forest Grove, OR 97116

Mr. Briknor stated that he lives across the street from Ms. Chatellier. Mr. Briknor asked if the city planner has any ambitions of pushing Elm Street to Willamina, which would go through his front lawn.

Mr. Reitz replied that as far as he can remember the city has no specific local streets indicated anywhere between Sunset Drive and Hawthorne Street. It is possible that an

alignment with Elm Street might be proposed, just because it makes sense to have a four way intersection rather than a “T” intersection. It is better for traffic flow that so long as the intersections are offset by at least 125 feet (for traffic safety purposes), then future north/south streets could be anywhere in there.

Mr. Briknor replied that 125 feet from Ms. Chatellier’s front door would be to the back of his door.

East or west of wherever Elm Street ends up going into 26th Avenue. That would be the minimum offset. It could be 300 feet.

Mr. Briknor replied that Elm Street could be coming through the side of Ms. Chatellier’s property and through his front lawn.

Mr. Beck asked Mr. Briknor how much frontage he has on 26th Avenue.

Mr. Briknor replied that it is 125 feet wide. He did not know the tax lot number.

Mr. Holan addressed Mr. Briknor’s concerns by stating that in areas where there is an opportunity to do a road plan (looking at local access streets) is one thing that can be done, the problem is the city has so many other things to do right now it is difficult. If there were enough interest in the neighborhood to pool together to work with the city, that is something that could be looked towards doing.

Mr. Briknor made the comment that if an access road was put through Ms. Chatellier’s property all the traffic will be “bouncing right off my house”.

Mr. Holan’s response was that there is an existing Elm Street to the south, and that is one thing to which the city is responding getting that connection to 26th Avenue. That means there might be a possible connection of Elm Street to the north. That remains to be seen. The situation is different than south of 26th Avenue, which is the issue right now.

Ms. Chatellier passed out several pictures of her house, and stated that the information Mr. Reitz presented about how far the street would be from her shop was new information to her. Ms. Chatellier stated that if the street is put in, she will have to seek compensation for the loss of the value of her property through reverse condemnation proceedings.

Opponents:

Darrel Smith, Land Tech, 8835 SW Canyon Lane, Suite 402, Portland, OR 97225
Mark Dane, 13005 SW Foothill Drive, Portland, OR 97225

Mr. Dane stated that the appellant, Mr. Spiros Gabrilis, asked him to speak after having reviewed the appeal of the approved project. Mr. Dane is a Land Use Planner and was not

involved in this project, but has done 30-35 projects per year over the past ten years. He stated that he believes staff did a good job and made the right decision. He stated that the City of Forest Grove planner was very thorough and the burden of proof was on the applicant to prove that this was a valid and legal project. That basis was met. The facts were proven and the evidence provided. Staff concurred. A decision was rendered and approval was rendered. The appeal is without facts, without merit, without precedent, without numbers. What I see is someone who wants to “have their cake and eat it”. This land is zoned to be developed, and while the appellant has stated that she will live there for forty years, that is perhaps not reflected in the initial letter. For instance Ms. Chatellier expressed concern in her initial letter and asked if the proposed system would have enough capacity for hookup by existing or future homes. Her second question asked will the utilities be installed large enough to accommodate the development of neighboring properties. It goes on to talk about sewage flow. It appears that the initial questions raised by the appellant were to make sure that the property could be developed, which is counter to what we hear today. The applicant’s project has been designed based on precedent, and is based on so many developments that have occurred throughout the City of Forest Grove and Washington County. The development has been based upon accepted practices (being based upon code, being based upon good standards, based upon fair economic number). The issue tonight is money. What was approved is fair. The applicant would be developing not a half street, but a three-quarters street. The property is zoned for development, it has full sanitary, full storm, full water and again three-quarters of a street designed and in place. Mr. Dane stated that he believes the proposed development is disproportional towards the developer. He has been forced to put in too much. The existing house can be retained and the rear of the property can be developed. This property has gone up tremendously in value because of the infrastructure that been put in place. Mr. Dane stated that he believes this appeal is a sham.

Ms. Nakajima stated that the appellant was only trying to make her appeal within the parameters of the planning decision made when she created a letter asking questions, and did not exhibit a desire to develop her property.

Mr. Beck asked if there were any more comments or thoughts.

Ms. Lowe asked if putting the road entirely on the applicant’s property and adjusting lot size was ever looked at.

Mr. Smith replied that his firm is working on the final engineering and was not involved with the preliminary engineering that was done.

Ms. Lowe asked Mr. Smith if he has had enough time to look at the situation to see if this would be possible.

Mr. Smith stated they had not had time. A developer coming in with a piece of property and building a three-quarter street on his piece of property that abuts an adjacent piece of

property that might possibly be developed in the future is a standard engineering practice, and not one to question.

Blake Timm, 2728 Ballard Lane, Forest Grove, OR 97116

Mr. Timm stated that he was an employee of Pacific University, but was not there to speak for the university, but on his own. Part of the street easement would go along the corner of university land, which is part of the proposed Cedar Street Athletic Complex. His concern is that the proposed alignment of the road might impact the development of that property as it is proposed right now. It is a property that the city has an interest in since they have approved bonding measures to help pay for that complex. Mr. Timm just wanted to bring that concern to the Planning Commission.

In her final remarks, Ms. Chatellier's stated that she now understands that the owner of this property thought he had purchased an approved plat plan to go ahead with the final engineering to put in this project. He is not the person who proposed the plat plan, and the city planning department failed in their response to her initial letter, and during that time the ownership of the property changed. They did not look at a variance and changing the lot size, because they did not realize it was an issue. Then knowing that the issue was there, they could have gone back to the drawing board to figure out what else they could do to correct this. Ms. Chatellier said she likes to see old homes restored, but if the City of Forest Grove wants to buy her house, so she can go on and buy another house that would not have this hanging over her head she would be happy to sell it.

Mr. Beck closed the formal hearing and brought it back to the Planning Commission.

Mr. Beck asked Mr. Holan to comment on Tax Lot # 100 (Exhibit F), and asked if that property owner had spoken.

Other:

Melissa Williams, 2430 26th Avenue, Forest Grove, OR 97116

Ms. Williams owns 1.87 acres adjacent to the proposed development. Ms. Williams was fully aware of the zoning when the property was purchased. She lives in a mobile home on the property, and does plan to sell and develop her property. She is in favor of the development.

Mr. Beck thanked her and mentioned that her input was valuable with regards to adjacent property owners.

Ms. Chatellier responded to Ms. Williams comments by stating that if Ms. Williams were to develop her property, it would create her property as an island in the midst of high density. She was not sure that this is legal. The city cannot base this on the idea that adjacent property owners are going to combine their properties and sell them together.

Ms. Lowe asked why Ms. Chatellier felt that her house would have to be torn down to accommodate the road.

Ms. Chatellier's response was that the shop is not square to the property line. It is grandfathered in as literally on the property line. Her house is 24 feet from the property line, and sits 25-30 feet from 26th Avenue. Her house would have to be demolished only if she were to put in six lots at the rear of the property.

Mr. Beck asked if there were any more questions, then stated that he was not ready to make a decision at this point.

Ms. Lowe concurred, stated that she felt she needed more time.

Ms. Nakajima moved that the meeting be continued to a date certain, and asked Mr. Holan the date of the Planning Commission's next meeting. The motion was seconded.

Mr. Holan asked for a short recess to discuss the matter with the city's Land Use Attorney.

Mr. Beck declared a ten minute recess.

The meeting was resumed. Mr. Beck stated that a motion was on the floor and seconded to continue the meeting to October 18, 2004. He then asked for a roll call. The motion passed 6-0.

The Formal Hearing closed at 8:54 p.m.

Discussion:

Mr. Holan asked if there was any information the Planning Commission would like from staff before the October 18th meeting.

Ms. Arnott requested that an overhead projector be set up for the next meeting.

Mr. Beck asked if the question at the heart of this is; what is a fair distribution of the cost between the Elm Meadows property owner and other adjacent property owners. Is there a range to that as it relates to the proportionality? If this approval is to split the cost 75/25, which is what it is at the moment, does it have to be this exact configuration? Or can the 75/25 be for another configuration? (Configuration meaning where the road is going.) The Planning Commission is looking for a solution that will be fair to all parties concerned.

Ms. Nakajima would like to know if the home were established as an historic home, would it be protected from any future demolition based on a street.

Ms. Lowe was directed by Mr. Beck to communicate any requests for more information directly to staff. Staff was directed to make sure everyone on the Commission and all parties were informed.

3. BUSINESS MEETING

3.1 Approval of Minutes: Mr. Miller moved to approve the minutes from September 7, 2004 with a minor correction. Motion passed 6-0.

3.2 Reports from Commissioner/Subcommittees: None

3.3 Director's Report: Mr. Holan informed the Planning Commission that the Community Development Department is attempting to begin work on the Commercial Corridor efforts. He asked for a representative from the Planning Commission to participate as a member of the Citizen's Advisory Committee for the Commercial Corridor, and requested that one be appointed at the next meeting. The Community Commercial Zone exists from Cornelius to "E" Street (where Tom McCall School is located), but does not directly relate to the town center area.

Ms. Lowe and Ms. Nakajima volunteered. It was noted that Ms. Nakajima could participate without actually representing the Planning Commission.

It was decided that the Committee for Citizen Involvement should be invited to the next Planning Commission Meeting as previously decided. Mr. Holan could decide what time to ask them to arrive, since the appeal would be dealt with first.

Mr. Beck asked why the developer of Elm Meadows is not required to put in the sewer system all the way out.

Mr. Holan explained that first of all there is no sewer system north of 26th Avenue, in fact there is no sewer system in 26th Avenue. Most of the development can be served by the sewer system heading to the south. The only problem, as James explained, are those last two lots which are too far to the north hook to that system. To answer the question, the cost to extend the sewer line to the north for the purpose of two lots is a heavy burden.

Mr. Beck asked what the position of the fire department on streets which are not exactly straight.

Mr. Holan replied that the first question is from an engineering standpoint. Is the offset 125 feet? The other question is whether or not there is an adequate approach coming up to the intersection, so the radii are such that traffic can negotiate them.

Mr. Beck asked how big the water quality facility has to be.

Mr. Reitz stated that with great certainty they never make them any larger than is absolutely necessary. It is valueless because it cannot be developed for anything else. They would much rather have that land available for development that would generate an income.

Mr. Beck stated that with regards to the appeal there are many difficult issues involved. The hardest one was the immediate loss of value for the appellant's property.

3.4 Announcement of Next Meeting: October 18, 2004

3.5 Adjournment: The meeting adjourned at 9:10 p.m.

Respectfully submitted by Marcia Phillips, Permit Coordinator.

