

# Cornelius

Oregon's Family Town

## CORNELIUS PLANNING COMMISSION

### MEETING MINUTES

Tuesday, August 22, 2023

Location: 1355 N Barlow Dr., Cornelius, OR - Council Chambers.

**Commissioners Present:** Vice Chair Jared Hartrampf, Vickie Cordell, Nathan Braithwaite, and Greg Vaughn

**Commissioners Absent:** Chair Dave Waffle

**Staff Present:** Barbara Fryer, Community Development Director; Tim Franz, Senior Planner

**Vice Chair Hartrampf** called the Planning Commission meeting to order at 7:00 PM

**A. WELCOME**

**B. APPROVAL OF PLANNING COMMISSION MINUTES** – None

**C. NEW BUSINESS** – None

**D. PUBLIC HEARINGS**

**A.**

**Request:** A Zone Change (**ZC-01-23**) application to amend the Zoning Ordinance to change the zoning for one property.

**Applicant:** Dehen Homes OR336, LLC

**Property Owner:** Dehen Homes OR336, LLC

**Location:** 0 336<sup>th</sup> Avenue

**Map:** Township 1 North, Range 3W Map 35 CD, Tax Lot 1200 – 0.61 acres

**Zone:** Washington County AF-5 proposed to change to City R-10

**Review Criteria:** Cornelius Municipal Code (CMC) 18.10 & 18.15 (Application & Review Procedures) and CMC 18.25 Very Low-Density Residential Zone (R-10), CMC 18.125 Amendment to the Zoning Ordinance.

**Vice Chair Hartrampf** read the opening statement and procedure for the public hearing.

**Vice Chair Hartrampf** opened the hearing at 7:06 pm.

**Vice Chair Hartrampf** requested that all Planning Commission members announce any potential conflict of interest, bias, ex parte contact, or if they had visited the site.

**Commissioners Hartrampf, Cordell, Vaughn, and Braithwaite** had no conflicts, ex parte contact or bias; they all are familiar with the site.

**Vice Chair Hartrampf** asked any member of the audience wished to challenge the right for any commissioner to hear the matter before them for reason of conflict of interest, bias, or ex-parte contact. There were no challenges.

**Community Development Director Barbara Fryer** addressed the malfunctioning TV in the Council Chambers and provided paper copies of the presentation. She reviewed a staff report regarding a Zone Change application. This change is pertinent due to an annexation in July 2023, affecting a parcel located at the corner of 336th & TV Hwy. This area was brought into the Urban Growth Boundary (UGB) as part of the Grand Bargain (House Bill 4058). The city collaborated with local residents to establish suitable Land Use designations for the area. Presently, the parcel is under County zoning AF5. However, audio difficulties interrupted Fryer's attempt to describe zoning for neighboring parcels.

**Director Fryer** provided insight into the 2015 process for zoning designation in the area as part of the Comprehensive Plan. A new zone, R10 (very low density residential), was developed to closely align with County zoning. Staff collaborated with residents to formulate this zoning and land use designation. The lot in question is approximately 0.61 acres, identified as Township 1 North, Range 3W Map 35 CD, Tax Lot 01200. Various documents, including a staff report dated August 15th, 2023, were presented, along with public comments received from the Bank, Taylor, and Svicarovich families. The Planning Commission's task is to assign zoning to the annexed property; no development plans are under consideration currently. The proposed R10 zoning aligns with the Comprehensive Plan's Very Low-Density Residential designation and is in harmony with neighborhood character. Livestock regulations, similar to the county, apply, with specific acreage requirements. Adjacent properties would receive R7 or R10 zoning upon annexation, ensuring consistency without spot zoning. The proposal complies with Transportation Planning Rule (TPR) criteria and would be reviewed by the City Council. Staff recommends zoning the area as R10 (very low density residential). The floor was then opened for questions and discussion.

**Vice Chair Hartrampf** asked why one side would be zoned R7 and the other R10.

**Director Fryer** explained that the zoning difference stemmed from discussions during the land use designation amendment with the neighborhood. Residents in the area preferred R10 zoning for larger lots, while the neighboring area to the west favored R7 zoning.

**Vice Chair Hartrampf** asked what can be built on low density R10 zoning land.

**Director Fryer** answered that both R7 and R10 zoning allow for various types of development. She highlighted a legislative change in 2019 mandating local jurisdictions to adopt Middle Housing regulations. Within the metro region, cities are obligated to permit up to a quadplex on any lot allowing a single-family dwelling.

**Commissioner Braithwaite** inquired about the definition of spot zoning.

**Director Fryer** responded that a definition had been provided to the Commissioners during testimony. She clarified that she believes spot zoning does not apply in this instance because the zoning is necessary to implement the annexation and aligns with the land use designation.

**Commissioner Cordell** commented that she was part of the Urban Growth Boundary (UGB) Committee for Cornelius and on the Planning Commission when this property was brought into the city. Many hours were spent with the residents, trying to designate what future zoning would be for those properties, and she thinks that it was done as best it could be done to make the residents comfortable with coming into the city at some point.

**Vice Chair Hartrampf asked the Applicant to speak.**

**Mimi Doukas** representing AKS Engineering on behalf of the Dehen Homes Team, discussed the application. She outlined the site's location, lot size, and annexation into the City in July 2023. The current AF5 zoning is requested to be changed to R10 zoning. Doukas emphasized that the application doesn't propose any development but rather a regulatory change; any future development proposal will undergo impact analysis. She detailed the zoning criteria and Washington County's AF5 zoning regulations, stressing that the proposed change won't compromise existing uses. Doukas addressed concerns about Middle Housing implications and traffic impact analysis, noting that such analysis occurs during development proposals, not zone changes. She clarified neighborhood meeting notice requirements and requested a favorable recommendation from the Planning Commission before opening the floor for questions.

**Vice Chair Hartrampf** asked if there was anyone in the audience wishing to speak in favor of the proposal.

**Margaret Banks**, 260 NW 336th Ave, expressed gratitude for aligning the zone change with the Comprehensive Plan's R10 zone designation. She emphasized the importance of thorough planning for potential development, particularly regarding drainage, infrastructure, and safety concerns along 336th Ave draining to TV Highway. Banks highlighted the need for adequate safety measures for schoolchildren and vehicles accessing the busy highway. She underscored the challenge of navigating the transition from county right-of-way to private drive along 336th Ave and urged cooperation with the developer to address parking needs without burdening residents. Banks emphasized the importance of road maintenance and repair post-construction to mitigate added wear and tear. She suggested that incorporating parking on the lot could alleviate concerns and stressed the dangers of crossing the highway, especially for bus users.

**Commissioner Braithwaite** asked if Ms. Banks believes the proposed new zone will adversely affect the character of the neighborhood.

**Ms. Banks** answered that if any development is done properly, and there is parking on the lot, she does not believe it will adversely affect the neighborhood. If it is not done properly, parking is "helter-skelter," driveways are blocked, and emergency vehicles can't enter from the highway, then it will adversely impact the character of the neighborhood.

**Vice Chair Hartrampf** asked if there was anyone in the audience wishing to speak in opposition of the proposal.

**Kristen Svicarovich, 729 SW Graystone Place, Dundee, OR**, speaking on behalf of her parents residing on 336th Avenue, expressed concerns regarding the staff recommendation before the Planning Commission. She cited discrepancies in meeting the three criteria required for rezone approval and highlighted concerns about the zoning process's consistency with state law, the City Municipal Code, and general best practices. Svicarovich emphasized traffic safety and performance issues, questioned the City Engineer's decision not to require a traffic impact analysis and urged the Commission to direct staff to conduct one. She also raised concerns about spot zoning, noting that the proposed R10 zoning is surrounded by AF5 and RR5 zones and advocating for a continuation of the hearing to address these issues adequately. Svicarovich

expressed appreciation for the proposed additional Condition of Approval and requested the record remain open for seven days for additional submissions. She thanked the Commissioners for their time and dedication to the community.

**Commissioner Vaughn** asked about the traffic study mentioned by Ms. Svicarovich.

**Ms. Svicarovich** clarified that when considering a property rezone, a Transportation Planning Rule (TPR) analysis examines the potential impacts on the transportation system under worst-case scenarios. While not mandated by state law, she argued that conducting such a study aligns with best practices. She emphasized that requiring the study from the applicant would provide documented evidence of any adverse effects.

**Commissioner Braithwaite** asked if there is a reason why the city engineer did not require a traffic analysis.

**Director Fryer** responded that she would address that when all the testimony is over.

**Vice Chair Hartrampf** asked if the applicant would like to provide a final rebuttal.

**Ms. Doukas** addressed Ms. Banks' concerns about parking, emphasizing that infrastructure improvements, including frontage improvements, would be required with any development application. She assured that future applications would address these concerns and bring facilities up to standards outlined in the Comprehensive and Transportation System Plans. Regarding Ms. Svicarovich's concerns, Ms. Doukas stated that the City Engineer has the discretion to decide whether a traffic study is required, and while not mandated by state law, such a study would be conducted as part of future development applications. She reiterated that the zoning is consistent with the Comprehensive Plan and the Transportation System Plan, both of which analyze the property as R10 and plan for its development accordingly. Middle Housing rules would be subject to analysis of additional impacts beyond the original R10 zoning. Ms. Doukas stressed that R10 zoning was a compromise to transition from AF5 to urbanization, with the additional condition of approval providing balance to mitigate any impacts. She requested that the hearing be held open and the Commission reconvene in seven days, if feasible, to allow for final rebuttal after any new evidence is submitted.

**Commissioner Braithwaite** inquired about the developer's plans for the property.

**Director Fryer** clarified that the current discussion pertains to zoning, not development plans. Development plans would be reviewed at a later date.

**Commissioner Braithwaite** emphasized that he is speaking on behalf of concerned citizens and noted the validity of the points being discussed, which will impact his decision regarding the zoning.

**Ms. Doukas** clarified that the current site does not meet the maximum lot size and must be divided into at least two traditional lots. Beyond that, the remaining Middle Housing rules are available but not mandatory. She emphasized the complexity of Middle Housing regulations and stated that there is no definitive plan regarding Middle Housing at this time. From a regulatory standpoint, the R10 zoning necessitates a lot partition to divide the property into two parcels. Another application will be submitted to the Planning Commission, as a single home cannot be built on the property without subdivision due to its current size.

**Commissioner Braithwaite** remarked on developers' tendency to maximize returns on investment.

**Ms. Doukas** countered that maximizing value doesn't always mean maximizing units; sometimes larger lots can yield higher value. She reiterated the complexity of Middle Housing regulations and emphasized uncertainty about the end result. She explained the incremental steps necessary before investing in studies and analyses for a development proposal.

**Commissioner Braithwaite** noted that Middle Housing is new to the Planning Commissioners and they are still trying to learn you know all the nuances of it. It is a difficult topic to the Commissioners to consider.

**Ms. Doukas** agreed and explained that as a consultant she has had to learn new rules in every jurisdiction; rules that are newly being tested out.

**Vice Chair Hartrampf** asked if there are any more comments by staff.

**Director Fryer** reiterated that the lot is within the urban growth boundary and currently zoned AF5 in the County. The R10 zone, specifically developed for this area, is the closest match to accommodate the annexed property. She clarified that a traffic study is not warranted for the zone change, as deemed by both the Oregon Department of Transportation (ODOT) and the City Engineer. Middle Housing application across zoning districts in the Portland Metropolitan Region is considered de minimis in terms of infrastructure impact. Specific mitigation measures would be addressed during development applications to manage incremental increases in infrastructure usage. Fryer emphasized the responsibility of developers to address drainage and traffic impacts from their parcels, not the broader infrastructure. She stressed that the City's role is to apply zoning post-annexation to facilitate development. Leaving the record open for seven days, as requested by Ms. Svicarovich, is recommended. It is the staff's recommendation to leave the record open for the seven-day period and continue the hearing to a date and time certain, of August 29<sup>th</sup> at 7pm in the City Council Chambers.

**Commissioner Braithwaite** commented that he understands the lot needs a zoning designation. He expressed discomfort in leaving the matter open for a developer to do whatever they want on the property. If, at a later date, the city requires the developers to meet all of the city requirements (storm water, sewer systems, transportation, transportation analysis, etc..) he would be more comfortable. He explained that he is familiar with the parcel of land, and has seen several accidents, some of which were fatal. Safety is a big concern, and he does not believe the City should be irresponsible and approve the zone for the sake of it needing a zone. Some very thorough thought and analysis needs to be done before the Commission approves an R10 zone.

**Vice Chair Hartrampf** asked if there was a reason that 336<sup>th</sup> is privately maintained, and if it can be changed in the future.

**Director Fryer** explained that if the property is developed, the applicant would be required to construct the frontage of 336th and TV Highway to City standards. This entails building a 6-foot sidewalk, curb, gutter, and at least half the street width of 336th. Subsequently, the City would request Washington County to transfer ownership of that portion of the street to the City, as it would be built to City standards, and the City would then maintain it.

**Vice Chair Hartrampf** asked if Middle Housing did come into effect, would the site still be zoned R10.

**Director Fryer** answered yes. The R10 zone is the only one that can be applied without a Comprehensive Plan Amendment.

**Commissioner Cordell** noted that on Page 4, Ms. Svicarovich identified a Transportation System Plan (TSP) project C2, that was adopted in 2020. She asked why this has not been addressed.

**Director Fryer** explained that the City Engineer indicated that ODOT had conducted a safety study, obviating the need for the City to fund one. Additionally, a signal is planned further west of the project, at the entrance to the manufactured home park. Fryer committed to providing a copy of the ODOT study for the record, as requested by Ms. Svicarovich.

**Commissioner Cordell** referenced Page 11 of Ms. Svicarovich's comments and inquired whether the current City Comprehensive Plan aligns with the very low density residential Comprehensive Plan approved in 2015, or if it needs to be added.

**Director Fryer** responded negatively. She clarified that the ordinance adopting the area as very low-density land use designation was ordinance 2015.07, which also adopted all the public facilities for that area. Fryer pointed to the map on Page 5 of the staff report, explaining that the lighter shade of "peachy-orange" represents all the R10 or low-density residential that was adopted, while the darker "orange-peach" indicates R7 if annexed into the city.

**Commissioner Cordell** highlighted that when the property was brought into the UGB, extensive meetings were held to determine future zoning, a process she experienced personally. She emphasized that the zoning was determined collectively to give everyone in the zone, not just one person, the opportunity to choose annexation into the City under R10 or R7. This decision affects all properties equally, with each having the same chance for annexation.

**Commissioner Braithwaite** inquired about the requirement for proposed properties to be adjacent to similar zoning during rezoning.

**Director Fryer** explained that while this is typically the case for rezoning, it's not necessary for annexations unless the property directly abuts another already within the city with similar zoning. Currently, the adjacent properties are zoned AF-5. The immediate surrounding area would be R10 upon annexation, while the area to the west would be R7. This alignment is based on the City's Comprehensive Plan, which was crafted with extensive public input to determine appropriate designations for potential annexation areas.

**Commissioner Braithwaite** sought clarification on whether the zoning alignment was due to the City's Comprehensive Plan.

**Director Fryer** confirmed, stating that indeed it was a result of the Comprehensive Plan. She emphasized that the plan underwent extensive community involvement to determine the various designations for potential annexation areas. Multiple discussions were held to decide what zoning should be applied in those locations should they opt for annexation.

**Commissioner Cordell** made a motion that the record for Dehen Homes OR336 LLC zone change (**ZC-01-23**) application be left open for seven days, at the request of Kristen Svicarovich, and that the hearing be continued to a date and time certain of August 29<sup>th</sup>, 2023, at 7pm in the City Council Chambers. Commissioner Braithwaite seconded the motion. Motion passed 4-0.

**Vice Chair Hartrampf** announced a five minute recess before reconvening.

**B.**

**Request:** A Type III Design Review (**DR-21-23**) application to redevelop a commercially zoned property by building a new banking facility with a

drive-thru ATM for Chase Bank. The development will include a new 2,951 sf building, a new parking lot, landscaping, a water quality facility, and new frontage improvement.

- Applicant:** Arian Sanders
- Property Owner:** 442 West Baseline, LLC
- Location:** 442 Baseline Street
- Map:** Township 1 North, Range 3 West, Map 33 CD, Tax Lot #03600 – 0.46 acres
- Zone:** Highway Commercial (C-2)
- Review Criteria:** Cornelius Municipal Code (CMC) 18.10 & 18.15 (Application & Review Procedures), CMC 18.45 (Highway Commercial, C-2), Chapter 18.100 (Site Design Review), Chapter 18.145 (Off Street parking and Loading), and Chapter 18.155 (Solar Access for New Development).

**Vice Chair Hartrampf** noted that the agenda item was read-in to the public on a prior Planning Commissioner meeting and began the hearing with proposed action of a Type III Site Design Review (DR-21-23) application to redevelop a commercially zoned property by building a new banking facility, with a drive-thru ATM for Chase Bank. The development will include a 3195-sf building, a new parking lot, landscaping, a water quality facility, and new frontage improvements. Applicable regulations of the CMC are 18.45 (Highway Commercial, C-2), Chapter 18.100 (Site Design Review), Chapter 18.143 (Transportation Facilities), Chapter 18.145 (Off Street parking and Loading), Chapter 18.140 (Special Use Regulation), and Chapter 18.155 (Solar Access for New Development). He opened the public hearing.

**Vice Chair Hartrampf** requested that all Planning Commission members announce any potential conflict of interest, bias, ex parte contact, or if they had visited the site.

**Commissioners Hartrampf, Cordell, Vaughn, and Braithwaite** had no conflicts, ex parte contact or bias; they all are familiar with the site.

**Senior Planner Tim Franz** presented the staff report for the application for Chase Bank, city file Land Use number DR-21-23, with a PowerPoint presentation. Franz provided an overview of the application for a new Chase Bank facility, indicating it was for a Type III Site Design Review. He mentioned the specific city file number and the location and size of the lot. He referred to the staff report dated June 20th, 2023, mentioning an amendment on August 8th, 2023, due to a noticing error and changes requested by the applicant. Exhibits included in the report were described, including applicant submittals, city engineer and fire department comments, public notices, a 120-day waiver, and a revised submittal by the applicant. No public comments were received on the proposal. The project proposal and site plans were outlined, with details such as the proposed building size of approximately 3,195 square feet and frontage improvements along designated streets to city standards, including sidewalks, planter strips, street trees, and streetlights. New accesses on Baseline Street and North 4th Avenue were also discussed, with the city engineer requesting a concrete median along North 4th Avenue to mitigate traffic turning conflicts.

**Commissioner Braithwaite** asked if there are plans that reflect that median.

**Mr. Franz** answered yes. In the exhibit, there is a detail of the raised median. He described the median and location.

**Commissioner Braithwaite** asked if that was to keep people from turning left.

**Mr. Franz** confirmed it was to restrict left turns. He provided additional details about the site, mentioning the proposed seventeen onsite parking spaces, a screened trash enclosure, a pedestrian pathway from North 4th Avenue to the front door, landscaping, on-site lighting, bicycle parking, and ADA accessibility. The proposed number of parking spaces was the maximum allowed by the Cornelius Municipal Code. The applicant originally requested more spaces, but this exceeded the code maximum. Street trees were required to be mixed per the City Engineer's comments, which were included in the exhibits and the recommended conditions of approval. Conditions would ensure compliance with stormwater quality and quantity regulations and access and grading requirements. Stormwater management facilities would handle on-site drainage, complying with Clean Water Services requirements. The building would be one-story with a drive-thru ATM, meeting stacking requirements with a five-vehicle reservoir. Mr. Franz concluded by outlining the recommended conditions of approval.

**Commissioner Braithwaite** sought clarification regarding the maximum of 17 on-site parking spaces. He noted that typically, the City wouldn't allow applicants to fall below a minimum number of parking spaces. He asked if, in this case, the City didn't want them to exceed the required 17 spaces.

**Director Fryer** explained that there were two reasons for this. Firstly, in the 1990s, Metro stipulated that developments within a half-mile of transit should have a maximum number of parking spaces. Within a quarter-mile of transit, even fewer spaces were allowed. The City adopted these maximums, as did all Metro jurisdictions. Maximum parking spaces are based on the use and size of the structure. The recent Climate Friendly requirements mandate that parking minimums be ignored, and developers can provide as much parking as they want up to the maximum. The City cannot grant variances from this maximum because it's a Metro requirement as implemented by the City. Metro negotiated that their maximums would be the City's maximums, so there's no need to adopt new ones. The intent is to encourage transit use over driving.

**Mr. Franz** continued with the staff report, outlining the requirements prior to building permits submission. Public improvement plans must be reviewed and approved by the City Engineer, and building permits are submitted to the Forest Grove Building Division, which the City contracts Building Services from. A geotechnical report is required for the foundation and foundation drainage. The site abuts ODOT, so permits and approvals from ODOT are necessary for construction and access. All applicable permits and requirements must be met, including those from ODOT, Building Code, Fire Department, Clean Water Services, and others. Staff recommended approval with the recommended conditions of approval for DR-21-23.

**Commissioner Braithwaite** asked if the current power was above ground or underground.

**Mr. Franz** described the type of lines that run in the area, answering that he doesn't know if they are above or underground currently. He stated that they will need to be underground for this project.

**Commissioner Cordell** asked about landscaping and if there needs to be identified a clear vision triangle for people coming out of the parking lot.

**Mr. Franz** answered that is a reasonable concern. The final landscaping plan for the frontage improvements, for street trees, is part of the City Engineer's review. He will make a note for the



City Engineer to pay attention to that corner when he is reviewing the final public improvement plans.

**Commissioner Cordell** commented that that is a busy corner not just for traffic, but for pedestrians also.

**Vice Chair Hartrampf asked the applicant to speak.**

**Chuck Dougherty** representing the applicant, noted that most conditions of approval are acceptable to the applicants. However, he sought relief on one recommendation regarding the undergrounding of utilities. Dougherty highlighted discrepancies in the information, with some references to "new" utilities and others to "existing" utilities. He raised concerns about undergrounding new utilities, particularly the high-power lines, which would pose significant challenges and costs. Dougherty also questioned whether the requirements for landscaping and tree planting conflicted with undergrounding. He emphasized that the cost of undergrounding major facilities could make the project financially unviable, impacting associated jobs and services. Dougherty urged the Commissioners to consider these factors and stated that aside from this issue, all other recommendations are manageable for the applicant and can be addressed in collaboration with staff.

**Commissioner Braithwaite** expressed concerns about the fairness of requiring the utility lines go underground. He expressed a need for clarification as to what undergrounding utilities would entail. He asked about the type of utility lines and their location.

**Mr. Dougherty** agreed and reiterated that the applicants are willing to work with staff. He explained there are two major poles on the south end of the property. He asked if the requirements are asking for the lines to come down one pole, across the sidewalk, and back up the other pole, or if the lines must go across the ODOT facilities. He noted the effort it would take to underground the lines across the ODOT facilities.

**Mr. Braithwaite** asked what the City requirement is for existing power lines.

**Mr. Franz** answered that along the frontage of a subject site, the requirement is for utilities to be underground. He went on to discuss other developments along the same street that have met this requirement. He noted that the City Engineer's comments about the power lines are included in the staff report, and that setting requirements is how the City gets each site to conform to create an visually appealing City block.

**Commissioner Braithwaite** asked what is considered frontage, and if frontage includes all three roads that this property is adjacent to.

**Mr. Franz** answered the property has three frontages; and the applicants will be required to make frontage improvements on all three sides.

**Commissioner Cordell** asked if the adjacent properties' utilities are underground.

**Mr. Franz** answered that he doesn't believe they are but that as properties develop, the lines will go underground.

**Director Fryer** added that there are high voltage power lines on TV Highway that will not be undergrounded. As properties are developed, the lower power lines will go underground, but the higher voltage lines will stay above ground. Fryer described neighboring properties plans to complete the utility line undergrounding. It is incremental as Mr. Franz noted. The ultimate goal is for the lines to be undergrounded to lessen that visual blight of the power lines in the city.

**Commissioner Braithwaite** commented that he is not familiar with the location of the power lines on the property. He asked if it would only be the power lines that the bank needs for service that would need to be relocated underground.

**Director Fryer** clarified that the undergrounding of utilities would entail all lines between poles along the frontage of the property being placed underground. If the lines cross the street, they will not go underground, but if they continue along the same side of the street, they would be undergrounded along that frontage.

**Commissioner Braithwaite** sought clarification, questioning whether all the power lines on the property itself would require undergrounding. He reasoned that for the lines to go underground on the property and resurface off the property, they would need to cross the street.

**Director Fryer** corrected Commissioner Braithwaite's understanding, stating that all power lines on the property itself would not need to be taken underground. She provided a sketch to illustrate that the lines would connect underground between poles along the property's frontage and resurface at the edge of the property, without needing to cross the street.

**Mr. Dougherty** asked for clarification about which lines go underground, and if Ms. Fryer is suggesting that the high voltage goes underground, or just the service level.

**Director Fryer** answered that the high voltage lines would not go underground.

**Mr. Dougherty** asked if the two main poles on the property were for high voltage.

**Director Fryer** answered that she is unsure of the exact placement of the poles.

**Mr. Dougherty** explained that the site has two main poles at the north and south end that have the high voltage lines. He asked for clarification, that the high lines can stay in place, and the lower lines can be brought in underground.

**Director Fryer** answered yes. PGE will not let high voltage lines underground, because it is not safe. She noted that she has not seen the site and cannot speak to the placement of the high voltage lines. She reiterated that it is the lower voltage lines that would go underground.

**Commissioner Braithwaite** commented that Commissioner Vaughn brought a picture of the site. He explained that the power lines do run north and south along 4<sup>th</sup> Ave. The lines high-voltage lines, and lower-level power lines. It would only be the lower-level lines that would be taken underground.

**Mr. Dougherty** explained that currently one of the service level power lines does cross 4<sup>th</sup> Ave., to the residence to the West. He asked how that would be addressed with the City process.

**Director Fryer** answered that the City will work with the applicants and PGE to determine how that is addressed. She commented that she has a contact at PGE and can work with the applicants on how the site can continue to have service during the undergrounding process, without the applicants having to pay for the other lines to go underground.

**Mr. Dougherty** expressed appreciation for the communication. He explained all the other staff recommendation in the comments were fine with the applicants.

**Vice Chair Hartrampf** noted that there is no one in the audience to speak in favor or in opposition of the proposal.

**Vice Chair Hartrampf** asked if the cost of undergrounding was entirely the responsibility of the applicant.

**Director Fryer** answered affirmatively.

**Vice Chair Hartrampf** asked the applicant if they wanted the hearing prolonged, to evaluate the power lines, before making a recommendation.

**Mr. Dougherty** responded that he has a good understanding of what Ms. Fryer explained.

**Director Fryer** recommended an amendment to the condition of approval so that it specifically excludes high voltage power lines.

**Mr. Dougherty** agreed that would suffice.

**Mikay Carcher, 17911 NE 391<sup>st</sup>, Amboy WA 98601**, inquired about the undergrounding of utilities and whether the applicant would cover the initial costs. Additionally, Carcher asked if there would be relief when it came time to remove the poles.

**Director Fryer** clarified that the applicant would not be accountable for the poles. She explained that the high voltage power lines on the poles would not be undergrounded and the poles will remain.

**Mr. Carcher** asked if there is mass transit to Cornelius.

**Director Fryer** answered that there is a frequent bus route that runs on 15-minute headways from downtown Portland to Forest Grove. It runs on TV Highway to the east, and on Adair to the west.

**Mr. Carcher** commented there aren't any crosswalks or stop lights to get to a larger parking lot from the site. The applicant will be limited by the amount of parking they include.

**Director Fryer** answered yes; the site can have 17 parking spaces. There are crosswalks at the stoplight at Adair that connect to the Walmart parking which has a lot of parking.

**Mr. Carcher** explained that he didn't know there was an existing cross walk there.

**Vice Chair Hartrampf** asked the applicant if they would like to provide a final rebuttal. Declined.

**Vice Chair Hartrampf** asked for any further comments by staff. Declined

**Commissioner Braithwaite** made a motion the application DR- 21-23, a Type III Site Design Review, to redevelop the commercially zoned property by building a new banking facility with a drive-thru ATM for Chase Bank, be approved based on the facts, findings, and conclusions presented in the staff report and public testimony and evidence in this hearing with the following changes: excluding the requirement to underground high voltage power lines and excluding the relocation of power poles which would stay in their current location. Commissioner Cordell seconded. Motion passed 4-0.

E. **PRESENTATION** – None

F. **OLD BUSINESS** – None.

G. **ANNOUNCEMENTS** – None

H. **ADJOURNMENT**

**Vice Chair Hartrampf** adjourned the meeting at 9:03 p.m.

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Date Approved

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Jared Hartrampf, Planning Commission Vice Chair

DRAFT