

## LWV of East Alabama — Observer Corps Report

**Agency:** City of Auburn Planning Commission

**Date:** February 14, 2019

**Location:** 141 North Ross Street, Auburn

**Website:** <https://www.youtube.com/watch?v=rKX4moPtn8U&feature=youtu.be>

Staff present (Approx. Number): Five (5) or more; Number in Audience: 40 plus

FEATURE EVALUATED	YES	NO	COMMENTS
Did meeting start on time?	X		
Were all members present?	X		
Were members attentive?	X		Very attentive and tolerant, even if citizens' comments were off-track from Agenda item.
Did the members appear to have done their "homework"?	X		
Were members courteous to each other and the public?	X		
Was the agenda online at least 24 hrs. before?	X		
Did agenda items clearly describe what was to be discussed?	X		Included supporting documentation where applicable.
Was there adequate opportunity for public input?	X		5-minute time allotted to individuals that sought to comment. Seemed adequate.
Was there the appearance that some action items were discussed in closed rather than open session?		X	
Was background information available to public?	X		

**Were any topics on the agenda of interest or relevant to any LWVEA members or its friends?**

See the Planning Commission's February 12, 2019, agenda for Item # 12 – (PC Case # 2019-00054 -Alberta Ridge – Preliminary Plat) with George R. and Vicki Corradino, Owners, and Mike Maher, Precision Surveying as Applicant. Current Planning staff report is dated February 4, 2019. See also prior Application: PC Case # PL-2018-00584 with Planning staff report dated November 29, 2018. Substantial changes exist between the two (2) proposal, including environmental considerations.

Of substantial import is the inclusion in the February 4, 2019, Staff Report by the Engineering staff, that requires, ***[a]s part of the acceptance of the proposed public streets by the City of Auburn, a thorough subsurface investigation shall be performed and unsuitable or unstable material be removed or stabilized prior to construction of the streets***". The Report makes no mention regarding investigating the balance of the site where residential units are to be constructed. [This writer draws no inference as to whether the investigation extends implicitly to areas outside street (i.e., public infrastructure) construction work].

An interested citizen commented that the proposed 18-acre development (73 residential lots) is situated on land formerly used as a City of Auburn landfill (late 1960 – early 1970s) to, possibly, include contaminates, and, then, again, circa 2005 used as an apparent construction materials storage site. The individual noted that based on available topographic information it appears that approximately 30 feet of fill has been placed on parts of the site. As to whether the staff considered these claims is indeterminate as no historical records were cited in the Staff Report.

Also, not known is whether the developer is or has been aware of the possible placement of contaminants or other unsuitable materials on site and whether the site was remediated, including the extent of remediation, prior to the placement of fill, as well as the nature of that fill.

Another interested person residing on Zellars Avenue (north side of proposed development) expressed concern over recent problem regarding quality of water as evidenced by staining of bathroom fixtures and plants dying in the person's yard.

Staff reported that the developer will perform a Phase I Environment Assessment as part of the subdivision review process and that a determination will be made by the Planning staff, with assistance from an environmental consultant, as to whether a Phase II Environmental Assessment will be required. Staff further commented that should the Assessment(s) identify the existence of environmental concerns, the project will become subject to the State Department of Environmental Quality's (the "ADEM") guidelines and proceed in accordance with the rules and regulations thereunder. Noteworthy was the comment made that pursuant to State Law, the City of Auburn is empowered to operate under the mandate of protecting the *health, safety, and welfare* of its citizens. Worthy of note, though, is staff's comment in response to a commissioner's question as to whether the proposal meets the Subdivision Regulations, the response was in the affirmative; i.e., the Commission has limited basis for denying the project, per se. [This writer interprets the comment as follows: that while the project/preliminary plat, itself, may be approvable no construction may commence unless and until any and all adverse findings are remediated to the extent recommended by ADEM and/or the City of Auburn. Whether such approval is possible or advisable is indeterminate].

Applicant's representative commented that owner/developer has solicited engineering proposals to address environmental and related concerns in the Design Phase [as opposed to the Due Diligence Phase] and maintained that the concerns related to the landfill are not applicable to the subdivision approval process, per se. The representative did further comment that, given public infrastructure and land costs ranging from 2.5 – 2.7 million dollars, any prudent developer would want to know and remediate the site before making such an investment.

Additional concerns expressed by interested persons include, traffic congestion, signage (e.g., Reduce Speed; Children at Play, etc.), and housing type (e.g., Academic (Student) Housing), 5 unrelated resident occupancy, etc.), connectivity of streets vs. cul-de-sacs. Note that a traffic study is required; albeit, per the Staff Report, *any improvements recommended by the study should be implemented*. [Per prior discussions with staff, the implication is that the developer would not be required to implement the findings; i.e., the term *recommended* has no legal standing].

**Recommendation:** The LWVEA should follow this project through its review cycle and, if approved, into and through the construction phase.

Observer: Bruno O. Ulrich

Date Submitted: February 20, 2019