

STAYTON PLANNING COMMISSION AGENDA

**Monday, November 27, 2017
7:00 pm Stayton Community Center**

- 1. CALL TO ORDER** **Chair Nunez**
- 2. MEETING MINUTES – October 30, 2017**
- 3. LAND USE FILE #11-10/17 –PUBLIC HEARING Proposed Code Amendments regarding Awnings and Building color palette in the Downtown Zones**
 - a. Commencement of Public Hearing**
 - b. Staff Report**
 - c. Questions from the Commission**
 - d. Proponents' Testimony**
 - e. Opponents' Testimony**
 - f. Governmental Agencies**
 - g. General Testimony**
 - h. Questions from the Public**
 - i. Questions from the Commission**
 - j. Staff Summary**
 - k. Close of Hearing**
 - l. Commission Deliberation**
 - m. Commission Decision**
- 4. LAND USE FILE #13-06/16 – REQUEST FOR EXTENSION OF APPROVAL
Application for Site Plan Approval, 266 E Virginia St, Jake Buckendorf**
- 5. ADJOURN**

DATE OF NEXT MEETING: Monday, January 29, 2018

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, October 30, 2017

COMMISSIONERS: Jackie Carmichael
Dixie Ellard
Heidi Hazel
Ralph Lewis
Ellen Nunez

STAFF MEMBERS: Dan Fleishman – Planning & Development Director
Lisa Meyer – Public Works Administrative Assistant

OTHERS PRESENT: Paige Hook, Issac Kort-Meade, Richard Lewis

1. **CALL TO ORDER:** Nunez opened the meeting at 7:00 pm.
2. **APPROVAL OF MINUTES:** Hazel moved and Carmichael seconded to accept the minutes from September 25, 2017 as presented. Passed 5:0.
3. **LAND USE FILE #8-08/17 –PUBLIC HEARING Application for Major Modification to Previously Approved Site Plan , 1308 N First Ave and 181 E Hollister St, Dark Horse Enterprises, LLC**
 - a. **Commission Decision:** Hazel moved and Ellard seconded to approve the revision to the site plan. Passed 5:0.
4. **LAND USE FILE #7-08/17 –PUBLIC HEARING Applications for Annexation, Comprehensive Plan Amendment, Zoning Map Amendment, City of Stayton**
 - a. **Commencement of Public Hearing-** Nunez read opening statement. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, ex parte contact or bias by members of the Planning Commission.
 - b. **Staff Introduction-** Fleishman explained that the hearing was continued from last month in order to provide the required 35 day advance notice to the Oregon Department of Land Conservation and Development regarding the amendments. In addition to the notice, there is a slight modification with additional land to be included in the legal description. The City owns 26 acres of land outside the City limits that is referred to as the Puntney property. Immediately west of the Puntney property is a 30 ft. wide strip of land that extends 2,000 ft. north and is owned by Kirk Kindle and is part of two tax parcels. There's a portion of the land that is 60 ft. wide. Mr. Kindle has consented to annex both strips of land in order for the land to be dedicated to the City for future extension of Kindle Way. The application is to take the City owned property (Puntney & Lambert property) and change the comprehensive plan designation from Residential to Public land. The application would also change the zone map amendment from Medium Density Residential to Public for the Lambert property. The packet includes written consent from Mr. Kindle for annexation.
 - c. **Applicant Presentation-** Fleishman had nothing more to add for the City.
 - d. **Staff Report-** None
 - e. **Questions from the Commission-** None
 - f. **Proponents' Testimony-** None
 - g. **Opponents' Testimony-** None
 - h. **Governmental Agencies-** None
 - i. **General Testimony-** None

- j. Questions from the Public-** None
 - k. Questions from the Commission-** Lewis inquired if the parcels outlined in blue on page 3 of the packet are also included in the annexation. Fleishman clarified that it would only be a 60 ft. strip on the east side of the two parcels so it lines up with existing Kindle Way right-of-way. The Residential zoning for the 60 ft. strip of land would change to Medium Density to Low Density.
 - l. Applicant Summary-** Fleishman had nothing more to add.
 - m. Staff Summary-** None
 - n. Close of Hearing-** Nunez closed the hearing at 7:14 pm.
 - o. Commission Deliberation**
 - p. Commission Decision-** Carmichael moved and Hazel seconded to recommend the City Council approve the applications for Annexation, Comprehensive Plan Amendment and Zoning Map Amendment. Passed 5:0.
- 5. ADJOURN:** Meeting was adjourned at 7:22 pm.

DRAFT



City of Stayton

Department of Planning and Development

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MEMORANDUM

TO: Chairperson Ellen Nunez and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: November 27, 2017
SUBJECT: Proposed Code Amendments regarding Building Maintenance

ISSUE

The issue before the Planning Commission is a public hearing regarding proposed amendments to the Land Use and Development Code regarding the required color palette and the requirements for awnings for buildings in the Downtown zones. These amendments were part of a larger package of Code amendments proposed by the Friends of Old Town Stayton. However the other issues were not relevant to the Land Use and Development Code and will be presented directly to the City Council, without the necessity of a hearing by the Planning Commission.

BACKGROUND

In 2003, the Land Use and Development Code was amended to establish a Historic Downtown and Residential Business District Overlay zone as a mechanism to preserve the historic character of the downtown area. The Code at that time included the following standards for building colors:

- f. Color:
 - (i) The predominant color shall be of a variety and be derived from a specific color palette of earth tones similar to those used from 1905-1930. New colors are designated to allow for the same kind of flexibility and freedom that created the original appearance of downtown.
 - (ii) Buildings should retain variety and each building should be painted in a different color palette.
 - (iii) Very bright or neon type paint used to attract attention to the building is prohibited.

Although the former Code made reference to a “specific color palette,” there was no palette to be found in the Code or in the City’s files.

In 2008, the Land Use and Development Code was amended to remove the Historic Overlay districts and to establish new zones for the downtown area, with a set of design standards. As those design standards were being developed, the Planning Commission wanted to include a color palette, continuing the requirement for earth tones. At that time I did some research on defining “earth tone” and developed the language that is the Code today:

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Predominant colors shall be earth tones, defined as shades of green, red, gray, brown and yellow with a value of 50% or less. Table 17.20.220.1 illustrates acceptable earth tone colors. Pastel tones, defined as any hue with a shade of 60% or more, may be used as accent and trim. Bright colors are prohibited.

Table 17.20.220.1 was inserted into the Code to illustrate the acceptable colors. The Table was created by copying color samples from a website and pasting them into the computer document. We quickly learned, after adoption of the revised Code, that the colors in the table varied significantly, depending on which printer was used to print them out and even among computer monitors.

This summer, the Friends of Old Town Stayton proposed the amendment under consideration at this evening's hearing. The proposed amendment revises the color requirement by being more specific about the description of an earth tone, by deleting the table of colors in the Code and referencing a palette of colors that will be on file in the Planning Office, by being more specific about trim and accent colors and by exempting buildings on the National Register of Historic Places.

The 2008 standards established requirements for awnings on downtown buildings. The proposed amendments establish additional standards for awnings. Staff has the following suggestions for minor changes to the awning standards:

- a) When installing new awnings, they shall extend out from the building front to cover at least two-thirds of the sidewalk unless a building is setback from the front property line or it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements. Awnings shall be ~~clean and~~ maintained in good repair and kept clean and free of moss and algae.
- b) Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. ~~Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.~~
- c) Awnings shall fit within the window bays either above the main glass or the transom light so as not to obscure or distract from significant architectural features.
- d) The color of the awning shall be compatible and attractive with its attached building.
- e) ~~Awnings shall not be internally illuminated. However,~~ Lighting which provides illumination to the sidewalk and signage is required from dusk to 6AM until such time as the business closes.
- f) Awnings shall be a minimum of eight feet above the sidewalk.

RECOMMENDATION

Staff recommends the Planning Commission make some minor modifications to the amendments and forward them to the City Council with a recommendation of approval.

OPTIONS AND SUGGESTED MOTIONS

1. Close the hearing and forward the proposed amendments to the City Council for adoption.

I move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council with a recommendation for adoption

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- 2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.**

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

- 3. Continue the hearing to allow for changes in the amendments and further public testimony.**

I move to continue the hearing until January 29, 2018.

- 4. Close the hearing and return the amendments to staff for further refinement.**

I move that the staff return the amendments to staff with direction to make the following changes in the proposed amendments and return the revised amendments to the Planning Commission for deliberation on January 29, 2018 (list changes).

Proposed Amendments to the Stayton Land Use and Development Code Regarding Commercial and Mixed Use Buildings in the Downtown Zones
For Planning Commission Public Hearing, November 27, 2017

Additions are underlined; Deletions are ~~crossed-out~~

1. Amend Section 17.20.220.3.e.6) to add standards for awnings for commercial or mixed use buildings in the downtown zones
 - 6) At a minimum, building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes or awnings that protect pedestrians from the rain and sun. Rain and sun protection is encouraged along all street frontages. ~~Any building feature designed to protect pedestrians from sun and rain may extend over the street right of way up to 8 feet.~~
 - a) When installing new awnings, they shall extend out from the building front to cover at least two-thirds of the sidewalk unless it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements. Awnings shall be clean and in good repair.
 - b) Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.
 - c) Awnings shall fit within the window bays either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
 - d) The color of the awning shall be compatible and attractive with its attached building.
 - e) Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to 6AM.
 - f) Awnings shall be a minimum of eight feet above the sidewalk.
2. Amend Section 17.20.220.3.g.4) to revise the reference to the palette of acceptable colors for commercial or mixed use buildings in the downtown zone.
 - 4) Predominant colors shall be earth tones, defined as shades of green, red, gray, brown and yellow with a light reflecting value of no less than 15 or no more than 50% or less. ~~Table 17.20.220.1 illustrates acceptable earth tone colors.~~A palette of approved colors shall be maintained in the office of the Planning and Development Department for reference. ~~Pastel tones, defined as any hue with a shade of 60% or more, may be used as accent and trim. Bright colors are prohibited.~~
 - a) Contrasting colors shall be used to accentuate and highlight trim, windows, and other building features, and are exempt from the color palette and light reflecting values required for the body of the building. The City Planner shall approve the combination of colors used for body and trim as consistent with the overall theme desired for the downtown area.
 - b) Buildings on the National Register of Historic Places shall be exempt from these requirements.

Proposed Amendments to the Stayton Land Use and Development Code Regarding Commercial and Mixed Use Buildings in the Downtown Zones
 For Planning Commission Public Hearing, November 27, 2017

Table 17.20.220.1. ~~Pallet of Acceptable Earth Tone Colors for Building Exteriors~~

			
A:7 Bluish Gray	A:8 Blackish Green	A:9 Moderate Reddish Brown	B:1 Light Yellowish Brown
			
B:2 Dark Yellow	B:3 Light Yellow	B:4 Moderate Yellow	B:5 Light Brown
			
B:6 Moderate Brown	B:7 Moderate Yellowish Brown	B:8 Grayish Brown	B:9 Moderate Yellow Green
			
B:10 Grayish Green	B:11 Grayish Olive Green	B:12 Grayish Green	B:13 Moderate Olive Brown
			
B:14 Dark Grayish Olive	B:15 Dark Grayish Yellow	B:16 Light Grayish Olive	B:17 Light Olive
			
B:18 Dark Reddish Brown	B:19 Black		










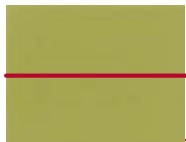
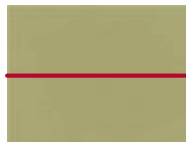
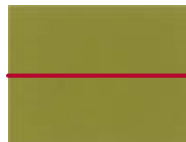
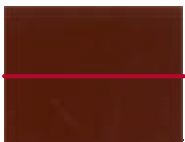

Proposed Amendments to the Stayton Land Use and Development Code Regarding Commercial and Mixed Use
Buildings in the Downtown Zones
As Recommended by the Planning Commission

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MEMORANDUM

TO: Chairperson Ellen Nunez and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: November 27, 2017
SUBJECT: 266 E Virginia St Site Plan Review, Extension of Approval

ISSUE

The issue before the Planning Commission is a request to extend the deadline for commencing construction after receiving site plan approval.

BACKGROUND

On November 28, 2016, the Stayton Planning Commission granted conditional approval to the site plan for construction of a four-unit townhouse style multifamily dwelling at 266 E Virginia St. Under the provisions of Section 17.12.120.7, the Planning Commission's approval expires if construction is not commenced within one year of the effective date of approval.

Section 17.12.120.7 of the Code allows for an extension of the approval period. The Code says,

A written request for an extension of time filed with the City Planner at least 30 days prior to the expiration date of the approval shall extend the duration of the one-year period until the decision authority has taken action on the request if the following criteria are met:

- a. Progress has been made on final engineering.
- b. Applications to other regulatory agencies for necessary approvals have been filed.

Only one extension may be granted.

Jake Buckendorf has filed such a request in a timely manner. A copy of his email is enclosed.

One of the reasons that the Code has an expiration requirement is to assure that development activities meet current land use standards. Under state law, an application must be reviewed under the standards that are in place at the time a complete application has been submitted. The City may not "change the rules once the game has started." However, should an approved development proposal not be developed within a reasonable period of time, the communities plans and regulations could change and the old development could be built contrary to the current plans and standards for development. Therefore municipalities limit the length of time after approval by which the developer must take action to proceed.

In the present case, there have not been any changes to the City's regulations that would impact the development.

RECOMMENDATION

Staff recommends that the Planning Commission grant a one year extension to the approval.

City of Stayton

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Approve the request for an extension.

I move the Stayton Planning Commission approve the request of Jake Buckendorf for a one year extension of the approval granted in Land Use File #16-06/16.

2. Deny the request for an extension.

I move the Stayton Planning Commission deny the request of Jake Buckendorf for a one year extension of the approval granted in Land Use File #16-06/16.

Dan Fleishman

From: Jake Buckendorf <jake@integrityagents.com>
Sent: Monday, October 30, 2017 2:55 PM
To: Dan Fleishman
Cc: Savannah Poppin; Stacy Splonski
Subject: RE: Expiration of Site Plan Approval

Dan,

I would like to formally ask for a 12-month extension for the project on the corner of N Third and E Virginia St further identified as tax lot 6800, Assessors Map 91W10DB per Section 17.12.120.7 of the Stayton Municipal Code. Below is what has been completed thus far.

- Stayton Fire Chief has reviewed and approved the plan
- Comments and plan revisions that don't pertain to Stormwater have been addressed/revised
- A review memo has been established
- A preliminary cost estimate has been created (minus Stormwater stuff)
- OWRD notified. Well is being decommissioned.
- Groundwater investigation has been performed (waiting for report)
- Power, telephone and gas companies have been notified
- Pacific Power has also been paid to start the process of relocating the power pole.

One of the hang ups we have had is the depth to groundwater investigation. They have indicated the investigation is complete and they will be providing a report. We've followed up with them a few times in regard to receiving the report. Once my Engineers office has the said report, we will be able to finalize the Stormwater management aspect of the engineering plans. We will then resubmit to the City. Also on Nov. 6th the Oregon Licensed Well driller and excavator will be on site decommissioning the well or determining if it is in fact a well on site.

Please let me know if there is anything else you may need in order to properly request and extension to the approved application for the construction of the four-unit townhouse style multi family dwelling.

Regards,

Jake Buckendorf
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From: Dan Fleishman [mailto:DFleishman@ci.stayton.or.us]
Sent: Friday, October 27, 2017 2:34 PM

