

STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, April 29, 2019

COMMISSIONERS: Jackie Carmichael, Vice-Chair
Heidi Hazel
Ralph Lewis, Chair
Richard Lewis

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

OTHERS PRESENT: Tracy Guenther and Andrew McFerron

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 p.m.
2. **APPROVAL OF MINUTES:** Carmichael moved and Hazel seconded to approve the minutes from March 25, 2019 as presented. Passed 4:0.
3. **LAND USE FILE #5-03/19 –PUBLIC HEARING Application for Variance, Tracy & Denise Guenther, 1270 E Jefferson St**
 - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:03 p.m. No objections were made from the audience to the notice or the jurisdiction of the Commission to hear the case. Chair Lewis inquired if there were any declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission. Hazel declared she has acted as a real estate agent for the applicant and consulted with them about their future needs. Hazel recused herself from the proceeding. Richard Lewis noted that he drove by the property on E Jefferson Street.
 - b. **Staff Introduction-** Fleishman explained the application is for a variance. There is a provision in the code that states that an accessory building may not be taller than main building or in this case a house. The applicant would like permission to have an accessory building that is taller than their house.
 - c. **Applicant's Presentation-** Tracy Guenther, 1270 E Jefferson St, Stayton, OR. Guenther explained that the height of his roof is unusually short and has a 15 foot peak. His home sits on a flag lot and is very private. The house cannot be seen from E Jefferson St or E Virginia St. He would like to construct an outbuilding to store his RV and other items. The proposed outbuilding has a height difference of 6 ft when compared to his house. His closest neighbor is Andrew McFerron whom he shares a driveway with and Guenther doesn't think the outbuilding will affect his neighbors.
 - d. **Staff Report-** Fleishman referred to the aerial view in the packet. The proposed structure meets the height/setback requirement for an accessory building except for the requirement of being no taller than the main building. Fleishman outlined the eight criteria for approval. Staff recommended approval of the draft order with the correction of moving the Finding for criterion "f" to "e" and list the correct Finding for criterion "f".
 - e. **Questions from the Commission-** Carmichael inquired about the definition of a flag lot. Chair Lewis explained that a flag lot has a long driveway with the building portion in the back of the lot and the parcel has the shape of a flag on a pole.
 - f. **Proponents' Testimony-** Andrew McFerron 1272 E Jefferson St, Stayton, OR. McFerron shares a driveway with Guenther. McFerron has a similar building and is in support of Guenther's building.
 - g. **Opponents' Testimony-** None
 - h. **Governmental Agencies-** None
 - i. **General Testimony-** None
 - j. **Questions from the Public-** None
 - k. **Questions from the Commission-** None
 - l. **Applicant's Summary-** The applicant had nothing more to add.

- m. Staff Summary-** Fleishman will revise the draft order with the correction of the Finding for criterion “f” to read, “Other properties in the same zoning district have accessory structures. The applicant’s home is unusually short.”
 - n. Close of Hearing-** Chair Lewis closed the hearing 7:16 p.m.
 - o. Commission Deliberation-** Richard Lewis did not see any problem having an accessory building on the property and noted that the proposed shop can’t be seen from the street. Chair Lewis noted that a neighbor wants the accessory building. Carmichael agreed with Richard Lewis.
 - p. Decision-** Carmichael moved to approve the draft order with the correction of the Finding for criterion “f”, Richard Lewis seconded. Passed 3:0 (Hazel abstained)
- 4. DISCUSSION OF POSSIBLE CODE AMENDMENT REGARDING CLEAR AND OBJECTIVE STANDARDS FOR HOUSING-** Fleishman explained that the legislature changed the statute in 2017, and now requires residential development standards to have “clear and objective” standards within the land use code. Fleishman requested that the new City attorney review the City’s land use code and identify areas that did not have clear and objective provisions. The proposed amendments are the changes suggested by the City attorney. The Commissioners discussed the proposed amendments. Fleishman explained that #2 was left blank because it was repealed in the code. Fleishman will make a few minor revisions and will schedule a public hearing for June.
- 5. OTHER BUSINESS-** Lewis asked if an accessory dwelling unit would be allowed on a lot with a manufactured home. Fleishman explained that it would be allowed as long as the standards are met. The new Housing and Neighborhood Vitality Advisory Commission has met twice and are considering restructuring the residential code.
- 6. ADJOURN-** Chair Lewis adjourned the meeting at 7:51 p.m.