

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Monday, February 26, 2018**

**COMMISSIONERS:** Jackie Carmichael, Vice Chair  
Dixie Ellard  
Heidi Hazel  
Paige Hook  
Ralph Lewis, Chair

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

**OTHERS PRESENT:** Casey Anfilofieff, Justin Barrett, Chuck McFarland, Mayor Hank Porter, Councilor Brian Quiqley

1. **CALL TO ORDER:** Chair Lewis opened the meeting at 7:00 p.m.
2. **INTRODUCTION OF NEW MEMBER:** Lewis introduced new Planning Commissioner Paige Hook.
3. **APPROVAL OF MINUTES:** Carmichael moved and Hazel seconded to accept the minutes from January 29, 2018, with corrections to section 4.k. - remove duplicate “that” and correct “development” to “develop.”
4. **LAND USE FILE #3-01/18 –PUBLIC HEARING Application for Site Plan Review, City of Stayton Public Works Department, Community Garden, N. Evergreen Ave.**
  - a. **Commencement of Public Hearing-** Lewis opened the hearing at 7:02 p.m. and read the 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 City obtained a temporary easement from Norpac to establish a community garden on North Evergreen Avenue.
  - c. **Applicant Presentation-** Lance Ludwick, Director of Public Works, 311 N. Third Ave., Stayton, OR. Ludwick explained the history behind the displacement of the community garden that was located at Fourth & Florence. The City Council approved to establish a dog park at the Fourth & Florence location with conditions that a new community garden would be established elsewhere in the City. The Mayor started conversations with Norpac about the possibility of using their land for a community garden in 2016. The City approached Norpac in the fall of 2017, about using the land previously gardened by Clarence Adams after Clarence’s passing in 2017. Adams maintained a garden on Norpac’s property and gave produce to the Stayton Community Food Bank. Ludwick worked with Norpac and secured a Temporary Use Easement for the City to use the property (formerly gardened by Adams) as a community garden.

- d. Staff Report-** Nothing added.
- e. Questions from the Commission-** Hazel asked if the draft of the easement is permanent. Ludwick explained that it is a 3 year Temporary Use Easement that has been recorded. Norpac agreed to name the garden the Clarence Adams Community Garden and furnish signage. Hook asked if there is any cost. Ludwick said \$15 was charged in the past per plot and included water usage. He plans to look at past water usage to determine if the rate will change. Hook asked about a scholarship for low income. Ludwick explained that the cost has been low considering you can use as much water as you need. Ludwick stated that the City does not have a scholarship program in place. Carmichael inquired about the number of gardening plots available. Ludwick explained the number of gardening plots will be determined after the City gets the lot laid out. Ellard asked if a fence will be placed around the garden since there was a problem with produce getting taken at the previous garden. Ludwick advised that the garden is in a different location. The City has no plans to invest in a fence since it's a temporary three year easement. Ludwick proposed trying out the new location and see how many people participate. Hook asked about the cost to run the garden each year. Ludwick is not sure of the cost from previous years, but he will look at the previous water usage and come up with a price per plot that's reasonable. Hazel inquired about who manages the plots. Ludwick explained that the renters will take care of their own plots. City staff will handle renting the facilities and City staff will mow around the plots. Ludwick confirmed that the plots are available on a first-come, first served basis. Hook asked how regularly the garden will be mowed. Ludwick stated it will be mowed at least once every week or two. Ludwick explained that City staff will prepare the plots for gardening (tilling and irrigation spigots). Ludwick explained that a promise was made to find a new community garden when the proposal for the dog park was put before City Council. Ludwick believes this proposal is a good first step for a community garden.
- f. Proponents' Testimony-** Brian Quigley, 1013 E. Virginia St., Stayton, OR. Quigley noted that the City Council approved the dog park with the promise that a new location for a community garden would be established. He also noted that the Marion-Polk Food Share's website has Stayton listed as having a community garden available to the public. Quigley is in support of the community garden and requests the Commissioners consider the proposal.
- Chuck McFarland, 511 N. Evergreen Avenue, Stayton, OR. McFarland supports turning the property into a community garden in honor of Clarence Adams. He said the property is a gorgeous location with established blueberries. He said there is not a huge transient population that comes through the neighborhood and the nights are quiet.
- g. Opponents' Testimony-** None
- h. Governmental Agencies-** None
- i. General Testimony-** Casey Anfilofieff, 588 Water Street, Stayton, OR. Anfilofieff is in support of the garden.

**j. Questions from the Public-** None

**k. Questions from the Commission-** Hook would like to see a scholarship program for people who can't afford a plot. Discussion continued on how a scholarship program would be managed. Fleishman reminded the Commissioners that their job is to review the development of the property not management of the operation.

Chair Lewis allowed for public comment. Anfiloffe inquired if someone is willing to help out at the Community Garden, would they be allowed to get a plot at no cost. Ludwick reiterated the cost in the past was \$15 per plot. Ludwick was not aware of having a scholarship program. Public Works will receive guidance from the City Council.

Quigley wanted to remind the Commissioners that the previous community garden had 100% utilization of 26 lots in 2014 & 2015. There was 65% utilization in 2016. He thinks there will be a similar pattern with the continuation of the community garden.

**l. Applicant Summary-** Ludwick had nothing more to add.

**m. Staff Summary-** Fleishman recommended approval of the application. The site plan met the standards in the code.

**n. Close of Hearing-** Lewis closed the hearing at 7:26 p.m.

**o. Commission Deliberation-** The Commissioners were in favor of the proposal.

**p. Commission Decision-** Hazel moved to approve the application with conditions, adopting the draft order as presented, Carmichael seconded. Passed 5:0.

## **5. LAND USE FILE #1-01/18 –PUBLIC HEARING Proposed Code Amendments regarding Nonconforming Single Family Dwellings**

**a. Commencement of Public Hearing-** Lewis opened the hearing at 7:28 p.m. and read the 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 this is a hearing on legislative amendments to the code. The issue is the treatment of single family dwellings that are located in zones where single family dwellings are not permitted uses. This includes all of the commercial, industrial and some of the downtown residential mixed use zones. Single family dwellings were in existence before the City had zoning or before the zoning map was changed. When the City adopted new zoning, those structures became non-conforming uses. The current code does not allow a non-conforming use to be enlarged or encroach upon the lot. The proposed amendment specifies that it is not expanding use to put an addition on a detached single family dwelling providing the addition meets the setback requirements for the zone in which it is located. Fleishman recommended the Planning Commission forward the amendments to City Council.

**c. Questions from the Commission-** Hazel asked about changing the zoning map for the neighborhoods affected. Fleishman explained that he did try to change the comprehensive zone map for those neighborhoods in the past, but the committee at the

time was not interested. This amendment only addresses the issue of non-conforming uses.

Carmichael inquired if this amendment would not allow the resident to run a business from their house. Fleishman explained that this amendment does not allow a resident to run a business from their house, but the code does allow businesses in those zones.

- d. Proponents' Testimony-** Justin Barrett, 1593 N. Third Ave., Stayton, OR. His house was built in 1940 and rezoned in the mid 1960's to commercial. He understands the need for a commercial area. His house is surrounded by homes and he would like to expand his home as his family grows. If the code does not allow for him to expand his home, he may not be able to stay in the home.

Hank Porter, 985 N. Fourth Avenue, Stayton, OR. Porter asked if the code allowed for a rebuild if a house burns down. Fleishman confirmed that the current code allows for a non-conforming use or structure to be rebuilt, but may not be expanded.

- e. Opponents' Testimony-** None
- f. Governmental Agencies-** None
- g. General Testimony-** None
- h. Questions from the Public-** None
- i. Questions from the Commission-** None
- j. Staff Summary-** Fleishman had nothing more to add.
- k. Close of Hearing-** Lewis closed the hearing at 7:39 p.m.
- l. Commission Deliberation-** Hazel was in favor of the proposal and suggested looking into rezoning some of those areas. The Commissioners were in agreement.
- m. Commission Decision-** Carmichael moved to adopt the draft order prepared by staff and forward the proposed amendment to the City Council, Hook seconded. Passed 5:0.

**6. LAND USE FILE #2-01/18 –PUBLIC HEARING Proposed Code Amendments  
Expiration of Land Use Approvals, Standards for Approval of Partitions and  
Subdivisions Submission Requirements for Construction Plans; Final Plats**

- a. Commencement of Public Hearing-** Lewis opened the hearing at 7:41 p.m. and read the 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 the proposed amendments primarily address different procedural issues, including design standards that would affect new subdivisions. The proposed changes include:
- shorten the period of time the City has to act on certain applications;
  - specifies what actions an Applicant has to take in order to keep the application from expiring;

- establishes criteria before an extension will be granted;
  - establishes a provision for the City to declare an approval has expired;
  - specifies how many days information can be submitted if construction plans are incomplete;
  - removes details regarding the contents of construction plans and refers Applicants to the Public Works Design Standards;
  - removes details for final plats and refers Applicants to the Marion County Surveyor Standards;
  - add that the submission requirements for subdivisions apply to partitions too;
  - require the Applicant of a subdivision identify up front before the Planning Commission if they are going to request a design modification to the Public Works Design Standards;
  - require that roads and utilities are laid out to facilitate the development of the rest of the property and the adjacent property when an Applicant submits a preliminary partition or subdivision plan to the Planning Commission;
  - add a new standard to review preliminary partition or subdivision plans to provide adequate access and utilities to allow future development to the remainder of the parcel or adjacent property;
  - add a new standard for street connections for new developments;
- c. Questions from the Commission-** Hazel inquired if allowing only one extension is enough time for the Applicant. Fleishman felt it is enough time to give developers. The City can always change the code in the future if there is an economic downturn. The concern is not to keep approvals active when the code continues to change.
- d. Proponents' Testimony-** None
- e. Opponents' Testimony-** None
- f. Governmental Agencies-** None
- g. General Testimony-** None
- h. Questions from the Public-** None
- i. Questions from the Commission-** None
- j. Staff Summary-** Fleishman had nothing more to add.
- k. Close of Hearing-** Lewis closed the hearing at 7:58 p.m.
- l. Commission Deliberation-** The Commissioners were in favor of the proposal.
- m. Commission Decision-** Carmichael moved to adopt the draft order prepared by staff and forward the proposed amendment to the City, Hook seconded. Passed 5:0.
- 7. Other:** Hazel would like to look at rezoning neighborhoods that have single family dwellings located in commercial zones. It is difficult for homeowners to sell their property in commercial zones and insurance is a problem. Fleishman will come back next month with areas identified for commercial or industrial zones with a predominance of residences. Because it is a comprehensive plan map amendment, in addition to a zone map amendment, notices have to go out to the State. The Commissioners would like to move forward with rezoning those residential neighborhoods that are identified.

Fleishman will be offering a Land Use Training Session on March 12<sup>th</sup>, 2018. This training will be for new City Councilors and Planning Commissioners. Fleishman plans to invite neighboring City Councilors and Commissioners as well.

Hook noted she is not acting on behalf of her employer while serving on the Planning Commission.

**8. ADJOURN:** Meeting was adjourned at 8:03 p.m.