

**STAYTON PLANNING COMMISSION  
MEETING MINUTES  
Monday, January 29, 2018**

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

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

**OTHERS PRESENT:** Paige Hook, Jan Irene Miller, Brian Quigley, Roger Roberts

1. **CALL TO ORDER:** Vice Chair Lewis opened the meeting at 7:00 p.m.
2. **ELECTION OF OFFICERS FOR 2018:** Carmichael moved and Hazel seconded to nominate Lewis as Chair. Passed 4:0.  
Ellard moved and Hazel seconded to nominate Carmichael as Vice Chair. Passed 4:0.
3. **APPROVAL OF MINUTES:** Carmichael moved and Ellard seconded to accept the minutes from November 27, 2017 as presented. Passed 4:0.
4. **LAND USE FILE #13-12/17 –PUBLIC HEARING Application for Amendment to Previously Approved Subdivision, Roger Roberts**
  - 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 this is an application for a modification of a previously approved subdivision. The subdivision is on the north side of the Salem ditch. There is a small parcel of land also on the north side of the Salem Ditch that is not part of the subdivision, but part of a parcel that is on the south side of the Salem ditch. The Applicant has the opportunity to purchase the triangle-shaped parcel that is located on the north side of the ditch. The Applicant has been permitted to use the small parcel for 40 years.
  - c. **Applicant Presentation-** Roger Roberts, 777 Shaff Road, Stayton, OR. The Applicant has been trying to solve the land issue for 40 years. The current owner of the parcel on the south side of the ditch (Larry & Gloria Loveberg) have agreed to sell the Applicant the small parcel on the north side of the ditch that is adjacent to lot 7 & 8 of Roberts Industrial Park.
  - d. **Staff Report-** Fleishman referred to the draft order of approval along with an email from the City Engineer. The City Engineer has concerns with the property on the south side of the ditch. It appears the City has public utility facilities on the south side of the ditch and

there are no easements on file. A draft order has been provided with a condition of approval to determine whether the existing public utility facilities on tax lot 1000 are located with easements to the City of Stayton. If easements are located, they need to be shown on the Final Plat. If easements are not located, the easements need to be deeded to the City and shown on the Final Plat. Based on experience with Final Plats getting recorded with the County, the Final Plat would show all of tax lot 1000, along with Mr. Roberts' tax lot 2800 & 2700.

- e. **Questions from the Commission-** Carmichael asked why the property on the south side of the creek would be affected by changing the boundaries on the north side of the creek. Fleishman explained that the property on the north side of the ditch is part of a platted subdivision. Changing the boundaries of that subdivision would require a new plat. Based on the City's experience with other plats getting filed with the County, the County's surveyor will require a new plat to show the entirety of all three parcels including any easements.

Hazel inquired if the City pipes run to Wilco Road. Fleishman referred to the plan provided and explained that North Peach Avenue used to extend further to the north. There is a sewer line that appears to terminate a couple of hundred feet north of the current end of North Peach Avenue and runs south to West Washington Avenue. There is a storm drain pipe that has catch basins at the end of North Peach Avenue and flows north discharging into the Salem Ditch.

Lewis asked how it will impact the Lovebergs. Fleishman advised it will only impact the Lovebergs if there are no easements currently on file. Lewis is concerned how requiring easements could affect Mr. Roberts' purchase of the parcel north of the ditch. Fleishman explained that easements were not signed when the City vacated the public street. There is sewer and a storm water facility on the property should the property ever get developed. Mr. Roberts has a verbal agreement from Mr. Loveberg to purchase the parcel north of the ditch. The property south of the ditch is currently a vacant field where the local dog boarding business walks their dogs.

- f. **Proponents' Testimony-** Roberts asked if the easement issue would be something the City would work out with the landowners on the south side of the ditch since the property on the south side of the ditch is not changing at all. Fleishman explained that when the surveyor prepares the plat, it should show all of the Loveberg's property. It's an opportunity to get the easements recorded and shown on the Final Plat when it is filed. Roberts is concerned that he may lose out on his purchase if the Lovebergs do not want to sign any easements.
- g. **Opponents' Testimony-** None
- h. **Governmental Agencies-** None
- i. **General Testimony-** Brian Quigley, 1013 E. Virginia St., Stayton, OR. Quigley inquired if Fleishman read the Order of Vacation when it was vacated where it exclusively states there is no easement. Fleishman confirmed that the Order notes it does not retain a utility easement. Fleishman confirmed that the City currently retains utility easements when vacating rights of way if there are utilities present.

**j. Questions from the Public-** Paige Hook, 2088 Quail Run, Stayton, OR. Hook inquired if it is necessary for the City to require the easement on the south side when making a decision today since there isn't currently one in place or can the easement be filed when the owners are ready to develop the property. Lewis' understanding is that the easement doesn't have to be done today. Lewis explained that according to the City Planner's testimony, the County would want all easements to be shown when recording a final plat.

Jan Irene Miller, 41795 Kingston Lyons Dr. SE, Stayton, OR. Miller asked if there are other places in the City that do not show easements on the plat map. Fleishman confirmed that there are other places in the City that do not have easements. The City's current practice is to make sure there is a record of easements when they are discovered. Miller asked if there is a cost to the owner to prepare the paperwork. Fleishman confirmed that the City has the paperwork to fill out for easements and there should be no cost to the property owner.

**k. Questions from the Commission-** Hazel inquired if the modification is approved without the easements, will the easement be revisited again. Fleishman confirmed that it will be dealt with when the Lovebergs decide to divide or develop tax lot 1000. If there are easements, it's a matter of getting them shown on the plat.

**l. Applicant Summary-** Roberts confirmed that First American Title is doing a search for the easement. Fleishman confirmed that he too put in a request to the same company.

**m. Staff Summary-** Fleishman had nothing more to add.

**n. Close of Hearing-** Lewis closed the hearing at 7:30 p.m.

**o. Commission Deliberation-** The Commissioners discussed the benefits to the property owner and that there is no cost to the owner to obtain an easement.

**p. Commission Decision-** Ellard moved to approve the application with conditions, adopting the draft order as presented, Carmichael seconded. Passed 4:0.

## **5. DISCUSSION of Proposed Code Amendments regarding Non-conforming Single Family Dwellings**

Fleishman explained that under the existing Code single family dwellings are not permitted in commercial and industrial zones. The single family dwellings within those zones today are considered legally existing non-conforming uses. The current Code does not allow for a non-conforming use to extend into a different or greater area of the lot. Fleishman suggested starting the process of amending the Code to state that single family detached dwellings that are non-conforming uses may be enlarged as long as they meet the setback requirements in that zone. The City has close to 100 single family detached residences that are not in residential zones. The Code change would allow the homeowners in the commercial and industrial zones to put an addition on their home. Most of the commercial and industrial zones have a zero setback. Fleishman explained that a comprehensive plan amendment and zone map amendment are what is needed in the long term. The Commissioners are in agreement to move forward with the Code amendment.

**6. DISCUSSION of Proposed Code Amendments Expiration of Land Use Approvals, Standards for Approval of Partitions and Subdivisions Submission Requirements for Construction Plans; Final Plats**

Fleishman referred to the updated packet of the proposed Code amendments given to the Commissioners that evening. Some of the proposed changes include:

- update the expiration dates for land use approvals;
- change the number of days from 120 to 100 for the time the City has to act when dealing with affordable housing applications;
- add a provision to the Code that lists how an applicant can exercise their rights- start construction with a valid building permit or site development permit or submittal and acceptance of construction plans or final draft plat;
- add an extension of approval section that lists the criteria to consider when granting an extension and specify one extension may be granted not longer than a year;
- minor wording changes to the title of 17.24.040 for the Public Works Design Standards and specify the submission requirements for stormwater and subdivisions including wetlands;
- add that an Applicant must submit a design modification request if they know they are not going to meet public works design standards;
- add that future development plans must list their plans with the adjoining properties;
- add that a subdivision shall provide adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels;
- incorporate the fire code standard when determining the number of dwelling units that can be served by a single access road;
- add specifications and dimensions for mid-block walks;
- change the review process when submitting construction plans and set six months to submit complete documents;
- clarify the time frame of getting a final plat permitted

The Commissioners would like to move forward with the proposed Code amendments.

- 7. OTHER:** Jan Irene Miller, with the North Santiam Watershed Council (NSWC), has a subcontractor in restoration who is interested in doing volunteer projects for the City. The subcontractor can help with plantings & cuttings.

Miller mentioned there may be some changes with the land located west of Cascade Highway across from Dairy Queen. She is curious about the care for the water on the property and offered resources from NSWC to help the City with the care of the property.

**ADJOURN:** Meeting was adjourned at 7:59 p.m.