

STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, July 30, 2018

COMMISSIONERS: Jackie Carmichael, Vice Chair
Dixie Ellard
Heidi Hazel (7:15 p.m.)
Paige Hook
Ralph Lewis, Chair

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

OTHERS PRESENT: Curt Fisher, Jordan Ohrt, Jim Umsted, Jim Weaver, Jackie Sparks, Ron Sowerby, Kevin Beck, Brian Quigley, Mona Hedrick, Zachary Goodman, Ryan Records, Yvonne Parsons, Brandy Stapleton, Kathy Borman, Betty Hann, George Hann, Rick Weitman

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 p.m.
2. **APPROVAL OF MINUTES:** Carmichael moved and Ellard seconded to approve the minutes from June 25, 2018. Passed 4:0.
3. **LAND USE FILE #13-06/18 –PUBLIC HEARING Application for annexation and preliminary subdivision plan approval, Coe Construction, LLC, E Virginia St**
 - a. **Commencement of Public Hearing-** Lewis read the opening statement and opened the hearing at 7:01 p.m. 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. Lewis noted that he went to look at the tree in question.
 - b. **Staff Introduction-** Fleishman explained that the hearing is for two applications that have been submitted for concurrent review. One is an application for annexation of about .25 acre of land. The land is the only remaining island of land that is completely surrounded by the City limits. The second application is for a subdivision. The applicant proposes to subdivide the 1.1 acre parcel into four lots. The portion of the property that is in the City limits has been zoned Medium Density Residential since the late 1970s. The applicant requests the remainder of the parcel to be zoned Medium Density Residential when annexed.
 - c. **Applicant Presentation-** Curt Fisher, Planner, AKS Engineering, 4300 Cherry Ave NE, Keizer, represented the applicant. Fisher explained that the parcel is currently zoned Medium Density Residential with the eastern portion outside of the City limits. The proposal does meet the City's growth needs to provide housing in the form of duplexes. The applicant requested the annexed portion to be zoned Medium Density Residential to match the rest of the lot. The subdivision application includes four lots for future duplexes. Two of the lots would be flag lots at the rear and does include a 60' wide right-of-way dedication. The applicant intends to do a full street improvement on Virginia St. The applicant agreed to sign a Developer Agreement to complete Public Works improvements that are not required to meet the standard, and share the cost with the City. The improvements include extending the pavement to the west, past the property frontage, improvements to the N Tenth Ave intersection, a 38-foot paved roadway width rather than the proposed 34-foot

width. The applicant is fine with the Conditions of Approval outlined in the staff report. The applicant proposed to preserve the oak tree with an alternate sidewalk alignment as represented in the pavement plan and is willing to work with Public Works staff for an alternate sidewalk design.

- d. Staff Report-** Fleishman referred to the packet which includes a memo from the City Engineer, and a revised draft order that reflects correspondence about the oak tree. The application meets all the criteria for approval for an annexation. The Conditions of Approval deals with the subdivision application. E Virginia St is currently listed as a local street according to the City's current Transportation System Plan (TSP). The City is in the process of updating the TSP. It is likely, once improvements are made to this section, E Virginia Street will serve as a collector road in the City's transportation system. The City recommended extending the width of E Virginia St to a 38-foot travel way to match the existing width that was developed for Pioneer Meadows subdivision. The City would enter a Developer Agreement to reimburse the applicant for the additional cost of 4 feet of pavement width. The City requested an easement for the existing City stormwater line that runs along the east property line and to allow a wide enough easement for a stormwater pipe to be installed during development. An agreement would be worked out to cover the cost for the developer to install the pipe. The City requested that the applicant connect the 6-inch water main on N Tenth Ave to the 20-inch main on E Virginia St. An agreement would be worked out to reimburse the developer for the cost. The Staff recommended approval of the revised draft order and amend the order to reflect the public testimony at the hearing.
- e. Questions from the Commission-** Hook inquired how the sidewalk would look when incorporating the tree. Fleishman thought the sidewalk would transition from a property line sidewalk (a vegetative strip between the curb and sidewalk) to a curb line sidewalk as it curves around the tree. Public Works will consider the proposal, but it will depend on the conditions found in the field and the amount of tree roots that has to be cut to build the street. Carmichael inquired if a roundabout is possible. Fleishman said a house would probably have to be removed in order to accommodate a roundabout. Hook inquired if the tree is something the Planning Commission can consider when reviewing the application. Fleishman explained the street design details will be decided by the Public Works Director and City Engineer. The role of the Planning Commission is to consider the application for subdivision. Hook asked what the public can do to voice their concern. Fleishman confirmed that tonight's hearing is an opportunity for residents to express any concern and suggested sharing their concern with the Public Works Department too. Fleishman explained that the Planning Commission does not have the authority to make any decision about the tree. Lewis noted that the Developer is going to try to save the tree. Hook asked about the plan to reduce the speed now that E Virginia St is going to be connected. Fleishman confirmed the posted 25 MPH speed limit will not change and there have been no proposals for traffic calming measures. The City Engineer will apply the Public Works design standards when designing the street. Hook asked if there is a budget when the City shares the cost for Public Works projects and will pending projects be delayed. Fleishman explained that the Public Works Department will negotiate with the Developer a cost sharing mechanism for those improvements. The funds will come from various Public Works accounts.
- f. Proponents' Testimony-** None
- g. Opponents Testimony-** Jordan Ohrt, 885 E Virginia St, Stayton is concerned that nothing has been proposed to slow down traffic from Seventh Ave to 15th Ave. She lives on a

portion of E Virginia Street where the street is rough with potholes. If E Virginia St becomes a through street, her section will continue to deteriorate. She is requesting a stop sign to be placed at N Ninth Ave or install speed bumps. She would like to preserve the tree and wondered if the Planning Commission can make a recommendation to Public Works and the City Engineer.

Jim Umsted, 1125 E Virginia St. Stayton, is concerned that duplexes are being proposed when there are no other duplexes in the adjacent Pioneer Meadows Subdivision. He is also concerned about his neighbors' property values. He agrees with Ms. Ohrt that Virginia St to the west is in poor condition and has pot holes with only 1½ lanes that's drivable. He thought it would be difficult for the tree to live through construction.

Jim Weaver, 1002 E Virginia St, Stayton, noted that E Virginia St to the west is barely 20' wide. He thought the City did not have an easement to put a sidewalk through this property. He wanted to thank AKS & Coe Construction for devising a plan to save the tree and according to AKS' survey; he is half owner of the tree in question. Weaver noted that the City set a precedent when the street width was shortened on Burnett St between Tenth & 12th Ave. He consulted with several professionals and they thought it is possible to install a roundabout and not cut the roots of the tree. He thought the oak tree could be over 200 years old and thought the community of Stayton should protect the tree. His conversation with the Public Works Director early on about saving the tree was not encouraging. Weaver is asking the Commissioners to try to save the tree. Weaver submitted a photo of the tree for the record.

Jackie Sparks, 1145 E Virginia St, Stayton, requested clarification on the zoning that allows for multiple dwellings when all the homes around the parcel are single family homes. She would like to know when, who, and why the zoning was set as Medium Density.

Ron Sowerby 1761 E Burnett St, Stayton, wanted to remind the Commissioners that they do have the power to do what is right by not annexing the property.

Kevin Beck, 1865 E Burnett St., Stayton, expressed concern over the horrible road conditions on E Virginia St when travelling west towards Seventh Ave. He requested for E Virginia St to be improved with curbs so it will be safer for everybody.

h. Governmental Agencies- None

i. General Testimony- Brian Quigley, 1013 E Virginia St, Stayton, home is adjacent to the property. The proposed development is not consistent with the rest of the neighborhood and would reduce property values. He explained that the Commissioners can do the right thing or do what is allowed and asked that they consider what the neighborhood would look like in the future.

j. Questions from the Public- Umsted inquired about the time frame for this process and who makes the final decision. Fleishman explained there are two applications being heard concurrently tonight. The Planning Commission's role is to make a recommendation to the City Council with regards to annexation. The City Council will hold a second public hearing and make a final decision. The Planning Commission typically makes a decision with regards to an application for subdivision following the hearing. Sometimes a decision gets postponed until the next hearing or the hearing may be continued to the next meeting.

k. Questions from the Commission- Carmichael would like to consider other street designs and take into consideration the testimony tonight to protect the tree. Fleishman referred to the City's Traffic System Plan. The Plan does mention traffic calming measures. The

standards are incorporated in the Public Works Design Standards. There may be provisions for traffic calming in the standards; however Fleishman questions whether the conditions in this case would warrant those measures. There could be up to six stop signs between the Ninth, Tenth & E Virginia St intersections.

Hazel inquired about the annexation guidelines and the criteria that have to be followed compared to assigning zoning. Fleishman explained that the staff's recommendation is that the Planning Commission finds that all criteria are met. Two of the six criteria are subjective- whether there's a need in the community and whether the proposed annexation is compatible with the character of the surrounding area. The Comprehensive Plan (CP) anticipates an additional 320 acres of land to be annexed into the City for residential. Since the CP was enacted, so far only 40 acres have been annexed and this proposal is a little under ¼ acre with City limits surrounding it. The land is designated as Residential in the CP and it's up to City Council to decide which zoning will be assigned to the annexed portion. The original Zoning and Comprehensive Plan Map from the 1970s designated this area as Medium Density. The Medium Density zone allows for single family detached, duplexes and triplexes with a minimum 7,000 sq ft lot.

Hook inquired if a recommendation can be made to the Public Works Department to consider preserving the tree, improving the infrastructure on E Virginia St near Seventh Ave, and look into traffic calming measures. Fleishman reminded the Commissioners that the application must be judged based on the criteria for approval and the Commissioners determine if the criteria of approval are met or not. The Commissioners can make a recommendation separately.

Fleishman referred to the range of options listed in the draft order. Hook wanted more clarification about the compatibility criteria. Fleishman explained the land in the proposal is compatible with the character of the surrounding area and complies with the urban growth program and policies for the City. Discussion continued about keeping the hearing open and possibly having the City's land use attorney answer some legal questions. Fleishman shared the history of past applications for annexations that were denied due to no City utilities to serve the parcel or not having a need.

Quigley wanted the Commissioners to be aware that the State Legislature basically forces the City Council to accept annexation moving forward.

Weaver didn't think the proposal of four duplexes was compatible with the surrounding area. All his neighbors have single family houses. Fleishman read the recommended findings regarding the issue of compatible.

Ohrt is concerned that two City staff members will be making decisions about the traffic calming measures, preserving the tree and negotiating the developer agreement and shared costs. Fleishman explained that those decisions are made by Public Works staff. She thinks if the street improvements aren't made further down on E. Virginia St, it does not fit the plan to make E Virginia St a through street.

Hook asked about recommending that the City Manager be heavily involved in considering the testimony and the wants of the public. Fleishman reiterated that the Commissioners can recommend whatever they want to whomever they want and suggested that the public talk to the City Manager about their concerns.

Sowerby suggested making a condition for approval that requires the developer to improve Virginia St that leads to the new development.

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 Report** – Fleishman explained the proposed code amendment will allow temporary signs in a Public/Semi-Public zone within the public right-of-way, when the right-of-way exceeds 60 feet in width, and there is a landscape strip between the curb and sidewalk that exceeds five feet in width. The temporary sign must be placed a minimum of three feet behind the curb and fifty feet from a driveway or street intersection. This amendment was put forward by a church that puts temporary signs out, but can't be seen from the street based on the current code.
 - c. **Questions from the Commission-** None
 - d. **Proponents' Testimony-** Mona Hedrick, 820 W Locust St, Stayton, OR. Hedrick noted that the church does a lot of fundraising activities that benefits the police force, swimming pool and other community groups. The church would like their signs to be seen so people would stop and support their fundraising efforts.
 - 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 9:12 p.m.
 - l. **Commission Deliberation-** The Commissioners were in favor of the proposal.
 - m. **Commission Decision-** Carmichael moved to approve the draft order and forward the proposed amendment to the City Council with a recommendation for adoption, Hazel seconded. Passed 5:0.
5. **LAND USE FILE #15-06/18 –PUBLIC HEARING Application for variance, Zachary Goodman, 1055 Orchard Ct**
- a. **Commencement of Public Hearing-** Lewis read the opening statement and opened hearing at 9:15 p.m. 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 variance to the fence standards. The code requires any fence in a front yard that is within 10 feet of the front property line to be no taller than four feet, and that any portion of the fence that is taller than two feet tall to be 50% open. The applicant proposed a four foot solid wood fence within five feet of the front property line.
 - c. **Applicant Presentation-** Zachary Goodman, 1055 Orchard Ct, Stayton, OR. Goodman's lot sits on the corner of the cul-de-sac on Orchard Ct. The driveway is on the north side of the property and the proposed fence is on the east side of the property. Stayton code considers the east side of the property as the front yard. Goodman requests a variance to have a fence for his side yard (east side of property) which is a four feet tall and five feet from the property line, and 100% closed.

- d. **Staff Report-** Fleishman noted comments from NW Natural about the existence of a 2-inch gas main located within a public utility easement three feet back from the sidewalk. NW Natural recommended that the Applicant call 811 for a Locate before building a fence. The lot is not a corner lot, but functions like one. If it was a corner lot, the code would allow a six foot fence to be built in what the applicant considers as his side yard. Because this is one street with a curve in it and a cul-de-sac, the code treats it as a front yard. Fleishman didn't think it would cause visibility issues and recommended approval.
 - e. **Questions from the Commission-** Hook asked the applicant if a four foot fence is all he needs. Goodman said a four feet fence is all that is needed.
 - 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-** None
 - l. **Applicant Summary-** Applicant requests approval of the variance.
 - m. **Staff Summary-** Fleishman had nothing more to add.
 - n. **Close of Hearing-** Lewis closed the hearing at 9:22 p.m.
 - o. **Commission Deliberation-** The Commissioners are in favor of the variance.
 - p. **Commission Decision-** Hazel moved to approve the application for a variance and adopt the draft order as presented, Hook seconded. Passed 5:0.
6. **LAND USE FILE #16-07/18 –PUBLIC HEARING Application for partitioning, Stayton Business Center, LLC, 1935 Wilco Rd**
- a. **Commencement of Public Hearing-** Neither the Applicant nor a representative for the Applicant were present at the hearing. The hearing will be rescheduled to August 27, 2018.
7. **DISCUSSION OF POSSIBLE COUNTY ZONING AMENDMENT ON GOLF CLUB ROAD**

Fleishman explained that an individual is interested in purchasing a parcel of land on Golf Club Road and is pursuing a zoning amendment through Marion County. Marion County would like a letter of support or opposition from the City as part of their application. The proposal is to change from an Urban Transition to Commercial zone. The interested party intends to have an RV storage facility at this site. Last month the Commissioners did not want to make a decision until a notice was sent out to neighboring property owners.

Ryan Records, 6830 Sunset Way, Turner, OR. The property owner of 9184 Golf Club Rd approached Records about helping her do something with the property. There are a lot of problems with the parcel and the home is uninhabitable. Records proposed an upscale RV and boat storage that is fully secured, fenced, and gated with cameras. He thought it would be a good fit since it is right next to a commercial golf course and it would be convenient for people travelling to Detroit Lake since it is right off of Highway 22. Records is trying to help the property owners before the County takes over.

Yvonne Parsons, 9164 Golf Club Road, Aumsville, property borders the property in question on three sides. She is concerned about the water run-off if the property gets developed. She also does not want to see an RV storage unit next to her residential property.

Brandy Stapleton, 9263 Golf Club Rd, Aumsville, is concerned about her farm animals roaming onto the developed property. She is also concerned with traffic safety along Golf Club Rd. The property has a seasonal creek and she is concerned if they add fill to the property, the creek will overflow onto the neighboring properties.

Kathy Borman, 9313 Golf Club Rd, Aumsville, is concerned about traffic safety on Golf Club Rd. She is also concerned about RV customers driving down Ms. Parson's road.

Betty Hann, 9264 Golf Club Rd, Aumsville, is concerned about traffic safety on Golf Club Rd. She doesn't think it is safe unless a turn lane is installed on Golf Club Road.

George Hann, 9264 Golf Club Rd, Aumsville, is concerned about road safety, the water issue, and RV customers turning around in his driveway if they missed their driveway.

Rick Weitman, 11610 Bear Place, Stayton, is against commercial development until improvements are made to Golf Club Rd. He's also concerned about traffic safety.

Records plans for a six foot tall black chain link fence. He would make sure the driveway is wider and deeper.

The Commissioners decided not to provide a letter of support. Mr. Hann requested the Commissioners write a letter of opposition. The Commissioners decided that the City will draft a letter of opposition if Marion County requests comments from the City.

8. OTHER BUSINESS- None

9. ADJOURN- Lewis adjourned the meeting at 9:58 p.m.