

STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, March 26, 2018

COMMISSIONERS: Jackie Carmichael, Vice Chair
Dixie Ellard
Heidi Hazel (absent)
Paige Hook
Ralph Lewis, Chair (absent)

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

OTHERS PRESENT: Bill Lulay, Richard Lewis, Julie Bochsler

1. **CALL TO ORDER:** Vice Chair Carmichael called the meeting to order at 7:02 p.m.
2. **APPROVAL OF MINUTES:** Hook moved and Ellard seconded to accept the minutes from February 26, 2018.
3. **LAND USE FILE #4-02/18 –PUBLIC HEARING Application for preliminary subdivision approval, Kardboard Box LLC, N Evergreen Ave.**
 - a. **Commencement of Public Hearing-** Carmichael 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 subdivision. The current parcel has two existing houses on it and frontage on three different streets- Ida, High and Evergreen.
 - c. **Applicant Presentation-** Bill Lulay, North Santiam Paving, PO Box 516, Stayton, OR. Lulay described the project as an infill. He plans to subdivide the existing parcel into six lots and retain the existing houses. No variance will be requested at this time. The project will meet all frontage requirements and utilities are available on site in front of the lots they will serve. Lulay complimented the City staff with the writing of the Finding of Facts. Lulay agrees and accepts all the conditions. The Applicant plans for a 17 ft. half street improvement on W High Street including the curb and sidewalk in front of the newly developed lots. N Evergreen Avenue and W Ida Street are fully developed. The house on lot 5 is currently connected to the 4” water line on W Ida Street. The City plans to abandon the 4” line. The Applicant proposes to connect to the 16” line that is across the street on W Ida. The Applicant plans to use the existing sanitary sewer in High Street and connect with a 4” stub to the main. The Applicant proposes to connect the sanitary sewer for lot 6 to High Street rather than having to do a street cut on W Ida Street to connect to the existing line on the south side of the street. There will be an easement to cover the sanitary line and it will not impact the footprint of the proposed house. The Applicant plans to TV the existing sewer lines for lots 1 & 5 to make sure they are in good condition. A stormwater detention pipe for the roof drains is proposed on lot 4. The water is already clean coming off the roof so no treatment is necessary. The water will run into the pipe or swale and the water will be released at a metered rate. The stormwater from High Street will run off the street into a swale. The swale will be lined with plants to clean the water and infiltrate slowly. The City will maintain the swale since it’s in the right-of-way. The detention pipe

in lot 4 collects the water from pipes in lots 2,3, 4 & 5. The private pipes will be maintained by the land owners through a CC & R or some type of agreement. The Applicant will make sure they meet the City standards regarding the calculations in section D, E, F of the Conditions of Approval. The Applicant explained that it's likely the 1200C State permit will not be required since the threshold of disturbing more than one acre will not be met. The Applicant plans to dedicate an additional 10 ft. of right of way on Evergreen and 5 ft. along Ida to meet the 30 ft. requirement from the center line of the street. The City is requesting an additional one foot of right of way behind the back of the sidewalks. The Applicant will have to reduce the swale from 7 ft. to 6.5 ft. The Applicant would like the flexibility to work with staff in regards to the one foot right of way requirement behind the sidewalks. The subdivision name will be Bochsler Addition. The dry line utilities will all be underground. The final plat shall complete all street improvements. The Applicant is in agreement with the staff's conditions of approval. The Applicant would like clarification on two items- 1) the Applicant requests the CC & Rs to cover the private facilities not public facilities and 2) the Applicant requests to have 6" right of way behind the sidewalks rather than the 12" requested by the City.

- d. Staff Report-** Fleishman referenced that the traffic assessment letter in the packet mentions that each of the new lots will have a single family home on them. The property zoning does allow for duplexes. If duplexes are built, that would affect the number of driveways and the separation difference between driveways. Those issues can be dealt with when the permit is issued. Fleishman explained that he originally suggested that the private stormwater facility be on a tract of land that is commonly owned by the lot owners rather than an easement. He thought the stormwater facility was a shared system. Fleishman later determined the stormwater system is made up of individual systems right next to each other on the easement and not a shared system. He provided a revised draft order this evening should the Commissioners make a decision tonight.
- e. Questions from the Commission-** Ellard asked what will happen to the trees. Lulay explained that some of the trees will have to come down to make room for the sidewalk on High Street. Trees in the middle of the lot will be taken down to make room for the new structure. Some of the trees along the edge may be able to stay. Carmichael inquired if the Applicant is planning on building homes on the individual lots. The Applicant plans to keep the existing two houses and construct four new houses. The total area of the proposed six lots is 1.24 acres. Hook requested clarification of the City sidewalk standards. Fleishman explained that the Public Works Department has a set of design standards for sidewalks. Five feet is the minimum for sidewalks, a 6-7 ft. for a planting strip between the sidewalk and the curb, and one foot from the back of the sidewalk for the right of way. The Applicant requests 6" from the back of the sidewalk. The condition of approval is written to provide 1 ft. as necessary from the back of the sidewalk. Fleishman confirmed that the proposal meets the City's sidewalk standard.
- f. Proponents' Testimony-** None
- g. Opponents' Testimony-** None
- h. Governmental Agencies-** None
- i. General Testimony-** None
- j. Questions from the Public-** Richard Lewis, 1890 Westminster Place, Stayton, OR. He is neither for nor against the proposal. Lewis wanted to know where the public notice of the hearing was posted. He drove by the property last week and again this morning and there is nothing posted. The Planning Director acknowledged that he forgot to notify the Applicant to pick up the sign from the Planning Office.
- k. Questions from the Commission-** None
- l. Applicant Summary-** Lulay explained that when the proposed sidewalks are dedicated, they will be 5.5 ft. on Ida Street, 10 ft. on Evergreen and 1 ft. for High Street. He requested the Commissioners consider to add "or as agreed to by staff" with regards to allowing a 6"

dedication for High Street. The Applicant is fine with giving a full foot of right of way for the radius of the NE corner and the NW corner. The Applicant is requesting to allow 6” rather than 12” from the back of the sidewalk to the monument.

- m. **Staff Summary-** In response to the Applicant’s Summary, Fleishman noted the language in the draft order has the additional right of way to be dedicated on W High St and W Ida St “as necessary” which provides the flexibility to work it out with staff.
- n. **Close of Hearing-** Carmichael closed the hearing at 7:33 p.m.
- o. **Commission Deliberation**
- p. **Commission Decision-** Ellard moved to approve the Application with conditions and adopt the revised the draft order as presented, Hook seconded. Passed 3:0.

4. REVIEW OF POTENTIAL ZONE MAP AMENDMENTS

- a. **Staff Report-** Fleishman explained that last month the Planning Commission held a public hearing for code amendments that addressed non-conforming uses in commercial and industrial zones. The Planning Commission requested to look at changing the zoning so the City doesn’t have so many non-conforming uses. There are roughly 90-100 single family homes that are non-conforming uses. Fleishman identified three clusters of single family homes in a commercial or industrial zone to consider for zoning map changes.

The first cluster is located on Third Avenue and Second Avenue, North of Stayton Elementary. The recommendation is to change the zoning to medium density residential with the exception of the vet clinic and the pet supply warehouse on Second Avenue.

The second cluster identified is West Washington Street and Birch Street behind Stayton Plaza. The recommendation is to change the zoning map to low density residential on the north side of W Washington Street and medium density residential on the south side of W Washington Street. There are two nonresidential uses within the zone. Stayton Cleaners and Stro’s Photography would be impacted by the change.

The third cluster is on W Washington on the south side of the Salem Ditch. The area is partly zoned light industrial, but there are a whole row of single family homes on small lots that are not likely to be useful for industrial purposes. There are a number of single family homes in the commercial general zone on the south side of W Washington and along N Noble Ave and N Oak Ave. The recommendation would be to put the area along W Washington into low density and the area along N Noble Ave and the east side N Oak Ave into medium density.

Another area to consider changing the zoning is located downtown on Water St and is zoned light industrial. The area involves two parcels with single family homes. Fleishman explained he brought this issue to the Comprehensive Plan Update Committee about 6 years, but they did not want to move forward at that time. The Commissioners asked about the single family homes located in the Downtown Residential Mixed Use (DRMU) zone. Fleishman recommended a text amendment that would allow for single family homes rather than zone map amendment. Hook asked if it is difficult for homeowners to sell the property in the DRMU zone. Fleishman is not sure how the non-conforming uses impact the homeowners in the DRMU zone when selling their home. Hook asked if it is beneficial to change all the areas at once. Fleishman explained it may save the City some money to purchase one newspaper ad rather than splitting up the changes over months with multiple newspaper notices, but it is not a significant amount. Hook wanted to confirm that Stro’s photography and Stayton Cleaners would not be affected by a zone change. Fleishman explained the Assessor’s Office could change the value of their property if the zoning changed, but didn’t think there would be any impact to their property taxes. Fleishman

confirmed that the City's code allows for a non-conforming use to continue to operate, and it can only be replaced by a conforming use.

- b. **Commission Deliberation-** Hook was concerned about changing the zoning for Stro's and the Stayton Cleaners to residential. Fleishman recommended changing the proposal to keep those properties in the commercial zone. The Commissioners discussed the process of notifying the affected homeowners and having a public meeting.
 - c. **Commission Decision-** Hook moved to initiate a Comprehensive Plan Map amendment for all three areas outlined in the staff report, Ellard seconded. Passed 3:0.
5. **TRANSPORTATION SYSTEM PLAN UPDATE – Planning Commission representation on the Public Advisory Committee-** Fleishman explained the need to have representation from the Planning Commission. Hook, Ellard and Carmichael would like to represent the Planning Committee on the Advisory Committee. Julie Bochsler also expressed interest on being on the committee.

6. **ADJOURN**

Meeting adjourned at 8:06 p.m.