

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Monday, November 26, 2018**

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

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

**OTHERS PRESENT:** Bill Berman, Carl Birky, Steve Frank, Aaron Frichtl, Carol Gomoll,  
Brandon Hillyer, Leo Hillyer, Gene Jones, Dan Morgan, Ronald Ped,  
Hank Porter, Brian Quigley

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 p.m.
2. **APPROVAL OF MINUTES:** Hazel moved and Carmichael seconded to approve the minutes from October 29, 2018. Passed 5:0.
3. **LAND USE FILE #19-09/18 –CONTINUATION OF PUBLIC HEARING Applications for annexation, comprehensive plan map amendments and site plan review, Leo Hillyer, Golf Lane**
  - a. **Commencement of Public Hearing-** Lewis read the opening statement and opened the hearing at 7:04 p.m. No objections were made from the audience to the notice or the jurisdiction of the Commission 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 hearing is a continuation of the public hearing that was started on October 29, 2018. There are three applications before the Commission – to annex 8 acres, to change the comprehensive plan designation from Residential to Commercial, and a site plan review. The City requires the Site Plan Review application, including any appeals of the decision, to be finalized within 120 days of the application being received. The 120 period ends on January 18<sup>th</sup>, 2019. If another meeting is needed, a meeting date of December 17<sup>th</sup> was suggested since the regular December meeting date is normally cancelled due to the holidays. Fleishman provided the Commissioners a copy of the third version of the Transportation Planning Rule (TPR) letter along with an email from the City’s transportation consultant that were received after the packet was compiled. A revised draft order was provided to the Commissioners.
  - c. **Applicant Presentation-** Ronald Ped, 6850 Burnett St SE, Salem, OR 97317. Ped responded to water concerns that were brought up at last month’s meeting. Ped explained the average cubic feet of water usage for a family of four is 2,033 per month for a residence. The domestic water usage by Hillyer Ford at their Woodburn location averages about 3,526 cubic feet per month which is the equivalent usage of 1.5 to 2 homes. Ped referenced ORS 537.505 that lists the use of ground water for any single industrial commercial purpose in the amount not exceeding 5,000 gallons per day as exempted use. The dealership would use a sixth of the allowed amount. The water on the property currently drains from the northeast and follows the topography. The

Applicant plans to have a deep well to access cleaner water from the aquifer. Ped requested flexibility with the recommended condition of approval that requires a hydro geologic assessment that demonstrates that the proposed private well will not reduce the groundwater levels at the property lines of the subject property.

Karl Birky, 1155 13<sup>th</sup> St SE, Salem, OR 97302. Birky, a traffic engineer, provided the TPR and transportation impact analysis (TIA) on behalf of the Applicant. Birky stated that the traffic generated from the proposed site is not going to be a problem at the intersection at Cascade Hwy. The intersection may not function as well as some people would like, but the traffic generated meets the standards set by the Oregon Department of Transportation. Birky noted that the ITE Manual's number of trips generated for dealerships is higher than the actual trips. He made reference to Capitol Auto Groups' development off the Salem Parkway in Salem. The traffic count was 65% of what the ITE Manual estimated. The estimate of 750 trips per day is based on a typical dealership. Birky believes the estimate is high since the proposed dealership is not your typical auto dealership. Hillyer plans to only sell trucks at the Stayton location. Birky also noted that customers aren't traveling to dealerships as much as in the past.

- d. **Staff Report-** Fleishman explained that there were two issues that came out of the October hearing. One issue had to deal with the potential impact of the ground water supply. Fleishman suggested a condition of approval that would require an analysis to be done on the 8 acre site to show that the cone of depression will not extend beyond the 8 acre property lines. If the Planning Commission decides to go with alternate language than what was suggested, Fleishman requested that the Commission set an objective standard that needs to be met.

The second issue had to deal with the traffic analysis reports. Fleishman referenced an updated TPR from Birky along with a response from Kittelson & Associates, the City's traffic consultant. Kittelson expressed concerns about the traffic impact on local roads. According to the State's standards, the dealership needs to be generating 400 trips per day or less to not have a substantial impact on the transportation system. If the Commissioners decide to impose a trip cap, Kittelson suggested a cap of 400 trips per day or less. Birky's revised TPR letter based the traffic generation on the number of employees at Hillyer's current dealership on Mill Creek Rd in Aumsville, and not the size of the building. Kittelson noted it may not be an appropriate method to estimate the trip generation at the proposed site and it is significantly less traffic generation than based on square footage. The sample size in the ITE Manual used was small and all the samples were from facilities with substantially more employees.

Staff recommended that the Planning Commission recommend to the City Council approval of the annexation. Staff recommended the Planning Commission forward the application of the comprehensive plan amendment with a condition of approval that would require a revised TPR letter be submitted and accepted by the City Staff and consultants prior to the City Council's public hearing. As Kittelson suggested, the revised TPR analysis needs to justify the comprehensive plan amendment and meet Oregon's TPR. An alternative to requiring the condition of approval would be to limit the trip cap to 400 trips per day if the Applicant chooses not to submit a revised TPR letter.

- e. **Questions from the Commission-** Hazel inquired if the Applicant accesses water from a different aquifer than the neighboring residents, would the water requirement be fulfilled.

Fleishman believes the Applicant will meet the standard based on the amount of water usage at their Woodburn facility. If the Commissioners decide to change the condition of approval, Fleishman recommended a quantitative standard be proposed. Fleishman is not concerned about meeting the water standard based on a parcel of this size and the quantity of water to be used. Hook inquired if the geologist's report will be consistent or will results vary based on the geologist used. Fleishman explained there is bound to be some professional judgement involved that may have different results. Hazel inquired if the parcel were developed for a residential subdivision, how would the City handle the water issue. Fleishman estimated if the parcel were annexed and contained 25-30 homes, staff would recommend that they be required to connect to the public water system. Hook inquired what would happen if the Applicant used more water than what was projected in the report. Fleishman explained that no one will be measuring the water usage on a private well.

Hook requested clarification on the level of service at intersections. Fleishman explained the ideal level of service is an A. The standards that the City and Marion County adopted allow a level of D & E. The revised TIA indicates the intersection of Golf Ln & Cascade Hwy currently operates at a level C at the PM peak hour and will drop to a level D following construction of the facility. The eastbound Hwy 22 ramp and Cascade Hwy will go from level B to level C. The other four intersections studied will not change. The decreased level of service is still an acceptable level of service.

Lewis verified with Birky that the total trips of 269 listed on the revised TPR includes employees, mailman, and customers. Birky explained that none of the traffic count studies for auto dealerships come up with the same rate per 1,000 sq ft when they are done all over the country. The studies come up with an average and sometimes it is based on employees or square footage. Birky has never used square footage of a building before to determine traffic count. Birky referenced the ITE Manual that lists an average of 269 total trips based on 24 employees at the facility.

Leo Hillyer, 24383 NE Airport Rd, Aurora, OR. Hillyer explained how he checked with different government agencies about permit requirements for drilling a well and was told to call a well driller and they will apply for the proper permits. Hillyer didn't think there will be a water issue with the well drying up based on his experience living in Oregon. Hillyer explained his ultimate goal is that the City grows and the City's water will reach his parcel and then he wouldn't need the well anymore. Hillyer would like to see the Stayton Ford dealership in Stayton, not Aumsville. He plans to lease out his existing facility. He takes pride in his dealership and the facility still looks new after 20 years old. Hillyer estimated less than 200 trips a day gets generated with 25 employees (with half leaving for lunch), a UPS delivery twice a day, a mailman once a day, and 40 trips for service customers. He explained that customers today have already done their research and know what they want when they come to the dealership. He noted across the highway is the Chevrolet dealership in Sublimity and he doesn't see cars lined up on SW Sublimity Blvd to turn onto Cascade Hwy.

Hook inquired of Birky if he responded to Kittleson's November 20<sup>th</sup> email requesting evidence to support Birky's method. Kittleson's engineer noted that using the number of employees to estimate the traffic count is not an appropriate method. Birky replied he had emailed Kittleson's engineer today regarding the trip generation. Hook stated that it is hard to make a decision when you don't have all the facts. Birky explained that a study

was submitted in April/May and October that used the square footage. Birky thought the intersection would carry the traffic even if it is 750 trips a day. Birky explained the traffic generation has to be under the 400 limit for the zone change and annexation to go through. Birky used the number of employees out of the ITE Manual. Hillyer explained the square footage increased in the service department in order to accommodate the large trucks. It doesn't mean more traffic, just more space to work on the vehicles.

**f. Proponents' Testimony-** None

- g. Opponents Testimony-** Carl Gomoll, 12174 Golf Ln, Sublimity, OR. He wanted to confirm that Golf Ln will not move and Whitney St will not be developed until traffic is an E or F. Gomoll claims he has the most senior water right. He explained if Hillyer puts in a well and Gomoll's well goes dry, then Gomoll could require Hillyer to stop pulling water. Gomoll has an issue with the drainage. Marion County recommended a detention system and Gomoll recommended a chamber detention system. He wanted to confirm that a new sidewalk and curb will be added along the property frontage. He requested a dead end sign at the dealership so customers won't drive any further down Golf Ln.

Aaron Frichtl, 12326 Golf Ln, Sublimity, OR. Frichtl wasn't sure how the power was going to be brought to the facility, but preferred underground power rather than overhead poles. He thought underground power would look better and increase visibility for the dealership. Frichtl spoke at last month's meeting about the potential of signage blinding drivers. His concern has to do with signs advertising deals or specials. He would also like a speed limit sign posted on Golf Ln. Frichtl would like Cascade Hwy properly striped for the northbound lane to turn left onto Golf Ln prior to development commencing. Frichtl's preference would be to have Golf Ln connect to Whitney St so the traffic signal could be utilized. Frichtl thought improvements should be made at Cascade Hwy and Golf Ln to make it an A or B level and that it is not necessarily Hillyer's responsibility, but rather a safety issue. He also has concerns about the water issue. Frichtl wanted to be clear that he is not an opponent, he just has questions.

Steve Frank, 1515 E Jefferson St, Stayton, OR. Frank discussed home rule and annexation. Frank does not find that there is a need to have the land annexed. Frank said there is a need for more homes and the proposal is to change the zoning from residential to commercial. He stated the annexation requirement to hook up to City utilities is clear and that the applicant should be required to hook up to the City's water. He is also concerned about the traffic that goes with annexation.

**h. Governmental Agencies-** None

**i. General Testimony-** None

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

**k. Questions from the Commission-** None

- l. Applicant Summary-** Hillyer agreed with the recommendations of posting a dead end sign and speed limit sign on Golf Ln along with having proper striping on Cascade Hwy. He noted that vehicle demonstrations will take place on Hwy 22.

- m. Staff Summary-** Fleishman wanted to clarify that Golf Ln and Cascade Hwy are under Marion County's jurisdiction and if annexed, the roads will not transfer jurisdictions. Marion County is responsible for maintaining the roadways. The issue with the 400 trip

cap is not an absolute. Fleishman referenced the November 15<sup>th</sup> memo from Kittleson that states the 400 trip cap would be considered a small increase in traffic and could allow the annexation and zone change to proceed without further analysis. If more than 400 trips per day are desired, then a planning horizon year analysis should be completed. Fleishman referred to the revised draft order that has a suggested condition of approval to require the Applicant, prior to the City Council public hearing for the comprehensive plan and official zoning map amendments, submit a revised analysis prepared in accordance with the TPR and the Oregon Highway Plan that provides evidence that the proposed amendments would not significantly affect the surrounding transportation network. The Applicant can go with a trip cap of 400 trips per day and limit the size of their building in lieu of submitting the revised analysis.

Fleishman noted that the draft order does not contain well permitting requirements from Marion County or the Oregon Water Resources Department. The draft order requires the Applicant to hire a private consultant to do an analysis that says the well will not likely impact the water table at the Applicant's property line.

Pacific Power did not provide any review comments about supplying power to the parcel. Fleishman explained as far as the need issue, there is no vacant commercially zoned land currently in the City that can handle this facility on a street that has visibility and traffic count as this site offers. As mentioned last month, the City will still have approximately 500 acres of land designated for residential growth in excess of what the City's comprehensive plan indicates is likely to be needed in the next 15 years. Staff recommended forwarding the comprehensive plan amendment and annexation application to the City Council with the recommended conditions of approval. The site plan review application needs action because of the 120 day rule.

- n. Close of Hearing-** Lewis closed the hearing at 8:31 p.m.
- o. Commission Deliberation-** Hook agreed with moving the applications forward to City Council, but would like to highlight concerns from the Fair Housing Council with changing 8 acres of residential zoning to commercial. She mentioned the City is in the process of establishing a new Housing Advisory Board to review housing needs in the City. Hook referenced Fleishman's testimony that all annexations over the past 12 years have connected to the City's water system.

Carmichael agreed with the Applicant's proposal to have a temporary well. She thought requiring the Applicant to connect to City water would have a serious impact on local traffic when constructing the water line along Cascade Hwy. Hazel doesn't see a problem taking 8 acres from residential zoning at that location. Hazel brought up the fact that approximately 12 acres were recently taken out of commercial zoning and changed to residential. Lewis noted Birky's estimate of 269 trips a day is well within the 400 limit. Lewis is concerned about not having enough lighting at the Golf Ln/Cascade Hwy intersection.

- p. Commission Decision-** Hazel moved to recommend approval of the applications for annexation, comprehensive plan map amendment, and approve the application for site plan review of Hillyer Ford, and prior to the City Council meeting, require the Applicant to submit an updated analysis of the impact on the transportation system, Ellard seconded. 4:1 (Hook)

**4. DISCUSSION OF POSSIBLE CODE AMENDMENT TO ALLOW RESIDENTIAL RECREATIONAL VEHICLE PARKS**

Hook thought this issue should go before the newly created Housing and Neighborhood Vitality Advisory Commission before moving forward. Hook would like to see a crime impact analysis at RV parks as part of the review. She thought section Q of the Design Standards could be clearer. Fleishman explained that the new Housing and Neighborhood Vitality Advisory Commission was established last week and appointments have not yet been made. One of their responsibilities is to provide advice to the Planning Commission and City Council on policy matters that will impact housing supply, quality and neighborhood livability. The group may have an advisory role when developing policy or changing code. Fleishman reminded the Commissioners that our current code allows for the use, but there are no standards in the code. Fleishman clarified that the fines referenced under Operational Standards section i) would be a minimum of \$100 a day and a maximum of \$500. Carmichael doesn't foresee the tenants causing a problem and they will be putting money into the local economy. Hazel mentioned a need for the traveling nurses who work at the local hospital. Fleishman explained that the next step is to hold a public hearing if the Commissioners are comfortable moving forward. Hook cautioned about putting it before the public before getting input from the newly created advisory committee. The majority of the Commissioners agreed to move forward with a public hearing. Fleishman will prepare a notification for a public hearing to be set for January 28, 2019.

- 5. CANCELLATION OF DECEMBER MEETING-** The Commissioners agreed to cancel the December meeting due to the holidays.
- 6. OTHER BUSINESS-** None
- 7. ADJOURN-** Lewis adjourned the meeting at 9:03 p.m.