

**STAYTON PLANNING COMMISSION
MEETING MINUTES
Monday, October 29, 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: Ronald Ped, Carl Gomoll, Aaron Frichtl, Gene Jones, Police Chief
Rich Sebens; Richard Lewis; Dan Morgan; Brian Quigley; Leo Hillyer; Brandon Hillyer

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 September 24, 2018. Passed 5:0.
3. **LAND USE FILE #19-09/18 –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 7:01 p.m. No objections were made from the audience to the notice in 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 for three applications that were filed together. The first application is for annexation of 8 acres of land. The second application is to change the comprehensive plan designation from Residential to Commercial and to assign the Commercial General Zone at the conclusion of the annexation process. The third application is for Site Plan Review for approval to construct an automobile dealership on the property. A stormwater report, a Transportation Planning Rule (TPR) analysis, and a transportation impact analysis (TIA) was included as part of the application package. The packet also included letters from Marion County Public Works and from the City’s Transportation Planning Consultant.
 - c. **Applicant Presentation-** Ronald Ped, 6850 Burnett St SE, Salem, OR 97317. Ped is the Architect for the project. The Applicant is proposing an 8-acre annexation and construction of a car dealership to replace the facility that is currently by the golf course. The Applicant is in agreement with the staff report and recommended conditions of approval.
 - d. **Staff Report-** Fleishman explained that Marion County along with the City’s transportation consultant had serious concerns with the TPR analysis and the TIA provided with the applications. A revised TIA was received October 26, 2018, and was forwarded to Marion County and the City’s transportation planning consultant. Staff recommended continuing the public hearing to November to allow time for review comments. The City’s transportation planning consultant responded this morning via

email and noted that most of their comments on the original TIA were not addressed on the revised TIA.

Fleishman explained that the code establishes criteria for annexation approval. One criterion is that there is a need for annexation. He noted the current commercial land inventory available within the City limits and referenced the Buildable Lands Inventory (BLI) that was part of the 2013 Comprehensive Plan. Another criterion for annexation is that there are adequate City services. The Applicant proposed to connect to the City's sewer main that is 1,500 feet away. Public Works commented that the sewer main may need to be oversized based on the length and the area it could potentially serve. The standard sewer main for most developments is 8 inches and if a larger capacity is required, the City would reimburse the Developer for the added cost. There is no public water available to serve the property. The Applicant proposes to utilize an on-site well until City services become available. Another criterion is that the parcel is contiguous to the City limits. The parcel to the west belongs to Stayton Middle School and was annexed four years ago. Another criterion is that the annexation is compatible with the character of the surrounding area. Currently the surrounding area is undeveloped land. The portion of the middle school property that is adjacent to the proposed annexation is forested and used for cross country trails. The property to the northeast across Golf Lane and Hwy 22 is a developed car dealership. The property to the south is undeveloped. The annexation must comply with all applicable provisions of State and local law. The State law addresses the processes and procedures of annexation and the property owners have consented to annexation. The last criterion deals with a contract annexation which is not applicable in this case. The draft order has a condition of approval that would allow for a private well with the requirement that the Applicant connect to public water when public water is within 500 feet of the property boundary.

The Comprehensive Plan Amendment requires a review of the existing land available for residential development. Fleishman received a letter that afternoon jointly submitted from the Fair Housing Council of Oregon (FHCO) and Housing Land Advocates (HLA). The letter suggests that the draft order does not contain an adequate analysis of the impact of removing 8 acres from Residential designation. Fleishman noted the City has an adequate analysis when looking at the Comprehensive Plan which indicates there is almost 1,900 acres of land in the Urban Growth Boundary (UGB) designated for residential. There are 921 buildable acres of land inside the UGB, but outside of the City limits. Fleishman noted removing 8 acres is less than 1% of land available and should not have an impact on the availability of land for residential development. Fleishman will amend the draft order to note the testimony in the letter.

The conditions of approval address issues with the building placement and design on the Site Plan. Staff is concerned with the TIA and TPR analysis. The Applicant's consultant suggested that there be a condition of approval on the Comprehensive Plan Amendment such that the site when developed could not generate more than 500 trips per day. The consultant was assuming that the size of the dealership was significantly smaller than what was proposed on the Site Plan Review Application. The consultant also estimated 450 trips per day would be generated. The revised TIA that was submitted several weeks later had the correct size for the dealership, but did not provide a daily traffic generation estimate, only a peak hour estimate. The peak hour traffic generation estimate was 40-50% larger than the original. Fleishman explained that if the peak hour increased by 40-50% then the daily would probably increase by 40-50%. Staff recommended a condition

of approval in the draft order that would restrict the size of the development to generate no more than 500 trips per day and that a revised TIA be submitted that includes an estimate in daily traffic. Staff recommended taking no action tonight and continuing the hearing.

- e. **Questions from the Commission-** Hazel asked about highest and best use for the property. Fleishman explained that highest and best use isn't a factor in the approval criteria. The approval criteria looks at commercially zoned land in the city that would be available for this type of use. The criteria also looks at how the development will impact the City's utilities and transportation infrastructure. Fleishman thought there was adequate information in the record to support a comprehensive plan amendment provided the transportation impact issue is adequately addressed by the Applicant's transportation consultant.

Hook requested clarification regarding the recent changes involving commercial zones. Fleishman explained that the recent changes involved areas that have historically been in residential use and zoned commercial for 40 years and did not see a demand for converting residences to commercial uses. The zoning in that case was changed from commercial to residential. The difference in this case, is that the type of use requested needs a large piece of vacant land. Hook asked about other land options if a similar business wanted to come to town and the parcel in question was not available. Fleishman explained an application for a comprehensive plan amendment and zone map amendment can be submitted to change industrial or residential land to commercial.

Hook asked about the worst case scenario regarding the comprehensive plan amendment. Fleishman explained that the City is required to make sure there will be adequate transportation facilities to handle whatever could happen from the zone change. Fleishman referred to the TPR analysis included in the packet from consultant Karl Birky dated March 28, 2018. The consultant concluded the worst case scenario would be fast food restaurants covering 8 acres of land which would generate 1,100 trips per 1,000 square feet of floor area. Birky recommended a cap of 500 trips per day from development of a parcel. At the time the letter was written, the consultant assumed the Applicant was applying for two different parcels to be annexed with a 16,000 sq ft dealership. The Application ended up being for one parcel with a 31,000 sq ft dealership. The dealership must be sized based on a cap of 500 trips per day.

Carmichael inquired about the roadway access at the proposed dealership. Fleishman confirmed the proposed development is off of Golf Lane which is a dead end road. Fleishman explained that in 2003 an agreement was put in place between the City and Marion County that said at such time that the intersection of Golf Lane and Cascade Hwy no longer functions properly it shall be relocated to create a four-way intersection at the Whitney Street signal.

Fleishman will modify the draft order to acknowledge the testimony and respond to the joint letter from HLA and FHCO with regards to having an adequate supply of housing units.

- f. **Proponents' Testimony-** None

- g. Opponents Testimony-** Carl Gomoll, 12174 Golf Ln, Sublimity, OR. Gomoll is concerned about the amount of traffic the dealership will generate and cars using the dead end as a turnaround and stirring up dust. He suggested a proper turnaround or pavement to the end of the street. He is also concerned about the impervious surface that is going to be created with the new dealership. He claims the stormwater from the dealership property will go into a swale next to the frontage road and may end up flooding his pasture land. He is concerned about the wetlands once the four-way intersection is developed at Whitney Street. He reports the stormwater from the area will flow into a creek which will end up flooding his property and the neighbor's property. Gomoll suggested putting a traffic light at Golf Ln and the Park and Ride intersection on Cascade Hwy rather than at Whitney St. The intersection relocation would save money by not having to build a bridge over the creek and build a roadway over the wetlands. Plus, there would not be as much stormwater runoff that could cause the creek to flood near the golf course. He also prefers to keep the name of the road Gold Ln rather than Whitney Rd if the intersection gets developed at Whitney St and Cascade Hwy.

Gomoll raised concerns about the dealership's usage of water and having their own well. He does not know the impact the dealership's water usage may have on residences who may be pulling from the same water table. He has a concern with annexing 8 acres today from residential to commercial and years later another request to annex nearby land for commercial use. He wants to be sure a good foundation is put in place if there are future plans for residential development versus commercial development.

Hook inquired about the stormwater impact for neighboring properties. Fleishman explained that the City's stormwater management requires new development to limit the stormwater runoff to no more than what currently comes off the property prior to development for the 2 year storm, the 5 year storm, 10 year & 25 year recurrent event and provide enough storage for a 50 year storm. Marion County requires stormwater detention and notes infiltration based systems may not be permitted if they discharge to Golf Ln. The Applicant would need to get a permit from the State Department of Environmental Quality. Gomoll inquired how he can measure if the stormwater system is working effectively after two years and what are his repercussions. He claims the plans only show stormwater runoff into a ditch.

Hook inquired if the dealership's well will take away the water rights from the residential property owners. Fleishman confirmed that the Applicant proposed to drill a well and the Applicant assured Fleishman that no permits/licenses/approvals are required from the State/County/City to do so. Based on the amount of water they will be using the Applicant doesn't need to have any certificated water rights. Fleishman suggested to add a condition of approval to look at the ground water impact analysis and aquifer to see how it will impact neighboring wells.

Aaron Frichtl, 12326 Golf Ln SE, Sublimity, OR. Frichtl noted that the center lane on Cascade Hwy is not striped for a turn lane either going north or south and it is dangerous. Southbound motorists turn into the center lane early as they approach Whitney which has caused some near head on collisions when Frichtl was traveling north on Cascade Hwy and tried to turn into the center lane to turn onto Golf Ln. He also has a concern for the demand on power since vehicles are changing to electrification. He inquired if Pacific Power will be able to handle the power demand. He inquired about how the zoning change would impact neighboring properties and other entities that serve Golf Ln. He

inquired if the current dealership location was going to remain empty or be turned over to another entity. He is also concerned about the water table with the dealership's proposed usage to wash vehicles and irrigate. Hazel inquired if Frichtl knew the depth of his well or the gallons per minute. Frichtl explained that the water table gets low during the summer where air is in the water line. Frichtl thought the well was 110' deep and confirmed that he currently does not utilize holding tanks. Frichtl is also concerned about how the lighting will change the character of Golf Lane and he is not sure if there are any proposed signs and fencing. He is concerned about test drives on Golf Ln. The dealership across the highway currently uses Golf Ln as a test drive route and turn around at his gate.

h. Governmental Agencies- None

i. General Testimony- None

j. Questions from the Public- None

k. Questions from the Commission- The Commissioners discussed the additional trips that will be generated at Golf Ln and Cascade Hwy. Fleishman explained that traffic flow can be limited by limiting the size of the building square footage. Fleishman referred to the March 28, 2018 memo included in the packet. An alternative to eliminate the 500 trips per day cap would be to participate in the improvements that need to be done to the transportation system.

l. Applicant Summary- Ped explained that this parcel was selected because there are zero extra parcels along Santiam Hwy that could be approved by the automobile manufacturer. A Shaff Rd site wouldn't work because the traffic count isn't there. This site had the least impact of bringing cars into town and they would remain out at the highway. The ITE averages all traffic counts from all car dealerships ranging metropolitan areas to rural towns. Ford Motor Company is becoming an exclusive truck manufacturer. The square footage in the service department was enlarged to allow for more maneuvering space between the stalls to accommodate a crew cab truck. Ped claims in actuality the trips would not be increased because the features, staff, or showroom space did not increase. The only space added was for more maneuvering space in the service department. Ped explained that customers going on a test drive will have an employee with them and they would be directed to head towards Cascade Hwy. The Applicant is required to keep the stormwater on site with three different departments reviewing the calculations. Directional fixtures have been selected to shine directly on the lot. Glare shouldn't be an issue. The brand sign is approved in a lot of communities with dark sky ordinances and Ped doesn't anticipate it will be a problem. Hook inquired if the Applicant had any insight regarding the well. Ped explained the water usage will be the same as a single family residence on acreage properties.

m. Staff Summary- Fleishman noted the traffic safety at Golf Ln and Cascade Hwy would decrease from a C to a D during the PM peak hour. Pacific Power was notified and asked to comment and no comments were received. If annexed, Stayton PD will service this address. If the parcel is annexed, Staff will recommend to City Council to include not only the 8 acres, but include that the Golf Ln right of way from the Applicant's property to Cascade Hwy, and a portion of Golf Ln and Mill Creek so Stayton PD will have jurisdiction. The property will continue to be served by Sublimity Fire District. Due to the dealership having minimal domesticated water use by the staff and a storage tank will

be utilized to recirculate the water for the car wash, Staff recommended to allow a well, but required a recordable agreement so that the property connects to the water main when it is within 500 feet of the property. The nearest water main is at Cascade Hwy and Whitney St. The Staff recommended continuing the public hearing to allow time to receive a revised TPR analysis and TIA, plus allow time for Marion County and Kittelson & Associates, Inc. to review the documents. Hook inquired about the Application for Annexation that states that annexations of more than 3 acres require approval by the voters of the City. Fleishman explained the City's Charter and Code require annexations larger than 3 acres to be sent to the voters. In 2017 a state statute went into effect that prohibits the City from sending annexations to voters. The City Council could choose to send it to voters.

n. Close of Hearing- Lewis closed the hearing at 8:20 p.m.

o. Commission Deliberation

p. Commission Decision- Hazel moved to continue the hearing until November 26, 2018, and include the written and spoken testimony from today in the report, Ellard seconded. Fleishman will include a draft condition involving the water table analysis. Passed 5:0.

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

The Commissioners discussed the possible code amendments provided in the Staff Report. The Commissioners suggested not allowing RVs in mobile home parks or medium density zoning. A suggestion was made to keep the Land Use and Development code intact for mobile home parks. RVs are already allowed in the Interchange Development Zone.2. Lewis inquired of Gene Jones if he plans to put fire rings at each site as suggested in the proposed code. Jones recommended a BBQ pit on a stand, not an open pit. Fleishman included standards that were already in the code for RV parks and looked at other municipality's code for RV parks. The property Jones is looking at could be a part of the Interchange Development Zone because it is close enough to the Fern Ridge Road and Hwy 22 intersection. Fleishman informed the Commissioners that they could choose not to change where RVs are permitted.

The Commissioners suggested changing the definition of an RV, establishing the design standards, and having protections for residents that would be living in RVs and residents in manufactured homes as well. Fleishman will come back next month with the suggested changes including tenant protections for residential RV parks and mobile home parks.

5. OTHER BUSINESS- Chief Sebens wanted to comment about the landlord tenant law that was discussed at last month's meeting. One of the problems is that there is no enforcement at the State level and becomes a civil matter. The City enacted a new code a couple years ago that dealt with rentals having no sewer, major fire hazard issues and no heat. Tenants must now send a demand letter to the landlord and if the landlord does not respond, the police will get involved. As a representative of Stayton Police Department, Sebens requested the Commissioners consider putting protections in place for tenants at RV/mobile home parks. Sebens expressed his concern of a hazard at an existing mobile home park. Fleishman suggested having protections, including change of use, for tenants of RV/mobile home parks as part of the municipal code, not land use.

Sebens suggested if a condition of approval gets approved for an RV Park and it can be applied across the board to any new RV park, that the condition be added to the code so the

police can enforce it. Fleishman will do some research into what other communities have done to protect and preserve mobile home parks and come back with suggestions for consideration.

6. **ADJOURN-** Lewis adjourned the meeting at 8:56 pm.