

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, September 25, 2017

COMMISSIONERS: Jackie Carmichael
Dixie Ellard
Heidi Hazel
Ralph Lewis
Ellen Nunez

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

OTHERS PRESENT: Jeff Brubaker, Mike Reynolds, Leigha Bundy, Linda Hansen, Dorwin Lovell, Alan Meyer, Steve Poissan

1. **CALL TO ORDER:** Nunez opened the meeting at 7:00 pm.
2. **APPROVAL OF MINUTES:** Hazel moved and Carmichael seconded to accept the minutes from August 28, 2017 as presented. Passed 5:0
3. **LAND USE FILE #8-08/17 –PUBLIC HEARING Application for Major Modification to Previously Approved Site Plan , 1308 N First Ave and 181 E Hollister St, Dark Horse Enterprises, LLC**
 - a. **Commencement of Public Hearing-** Nunez read the opening statement. No objections were made from the audience to the notice or the jurisdiction of this body to hear case. Nunez asked if there were any declarations of conflict of interest, ex parte contact or bias by members of the Planning Commission. Nunez noted that she drove by the property today and she is a patron of their veterinary services. Carmichael noted that she too drove by the property the other day.
 - b. **Staff Introduction-** Fleishman explained that the applicant received a site plan review approval for the construction of their new clinic. At the same time they received site plan approval, they received a variance from the Planning Commission allowing them to have a narrower landscape buffer between their parking lot and the adjacent residential property. Their site plan included the construction of a 6-foot sight obscuring fence along the north property line of both parcels. The Planning Commission cited the proposal of constructing the fence as a reason to justify granting the variance. The Applicant has submitted a request to modify the site plan so that portions of the fence do not need to be constructed.
 - c. **Applicant Presentation** – Jeff Brubaker, 3729 Crabtree Dr., Scio, OR. Brubaker explained that there is a section of the north property line close to First Avenue where the adjacent neighbor has arborvitae growing in a section along the property line. Putting in a fence would destroy the hedge. He proposed to leave the arborvitae alone and put the fence where the arborvitae ends and extend east to the alley. He explained that there is a hedge along the north property line east of the alley and proposed not to construct a fence along the property line where the hedge is located. Brubaker stated that property owner, Ed Hansen, is in agreement with their proposal.

Mike Reynolds, 9119 Stayton Rd., Aumsville, OR. Reynolds wanted the Commission to know that the Applicant would be happy to erect a fence should Hansen want one in the future.

- d. **Staff Report-** Fleishman went over his staff report. The Applicant received a variance to reduce the landscape buffer area and one of the reasons cited to grant the variance was that a fence was going to be constructed. Due to the variance, the Staff recommendation is to deny the application and require the Applicant to construct a fence along the entire north property line. Fleishman referenced two letters received this morning from neighboring residents expressing their concern with parking and good neighbor issues.
- e. **Questions from the Commission- None**
- f. **Proponents' Testimony- None**
- g. **Opponents' Testimony-** Leigha Bundy, 190 E. Pine St., Stayton OR. Bundy would like to see a fence constructed. Bundy shared that Clinic customers and staff have walked through her property to access the Clinic. There was a bike left in her yard and the person thought it was the Clinic's property.
- h. **Governmental Agencies- None**
- i. **General Testimony- None**
- j. **Questions from the Public- None**
- k. **Questions from the Commission- None**
- l. **Applicant Summary-** Brubaker and Reynolds had nothing else to add.
- m. **Staff Summary-** Fleishman had nothing else to add.
- n. **Close of Hearing-** Nunez closed the public hearing at 7:14 pm.
- o. **Commission Deliberation-** The Commissioners prefer to keep the arborvitae in place. Carmichael inquired from Brubaker if there is any way to accommodate the arborvitae and secure the fence. Brubaker was told by a fence contractor that they couldn't construct the fence and keep the arborvitae. The arborvitae is growing right along the property line.

Lewis moved and Ellard seconded to extend the arborvitae along the north property line at 1308 First Ave to the alley and place a fence on the north property line from the alley to Second Avenue for the lot at 181 E. Hollister St. **Motion Passed 5:0.**

The Commissioners discussed that the north property line would not be a continuous straight arborvitae hedge because the newly planted arborvitae would be on the Clinic's property and the existing hedge is on Hansen's property. Brubaker shared that the parking lot got cut on the property line and not sure if the arborvitae would work.

Nunez asked if there were any questions/comments from the audience. Linda Hansen from Aumsville is co-owner of the property at 1328 N. First Avenue. Ms. Hansen explained that Mr. Hansen needs to be able to access his property from the north property line of 1308 N. First Avenue.

p. Commission Decision

Lewis moved to rescind previous vote, Carmichael seconded. **Motion Passed 5:0.**

Carmichael moved and Lewis seconded to place a fence on the north property line at the end of the existing arborvitae that runs from 1308 First Ave to the alley and place a fence along the north property line of 181 E. Hollister Street from the alley to 2nd Avenue. **Motion Passed 5:0.** Fleishman will bring a revised draft order to October's meeting.

4. LAND USE FILE #7-08/17 –PUBLIC HEARING Applications for Annexation,

- a. **Commencement of Public Hearing-** Nunez read the opening statement. No objections were made from the audience to the notice of dissent 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 is representing the City as the Applicant and Staff for this hearing. Fleishman referred to the three applications included in the packet. The first application is for the annexation of 26 acres of land that was purchased by the City along with changing the zoning map. The City plans to use the land for a public park.

The second application is for a comprehensive plan map amendment for the 26-acre parcel (referred to as Puntney property) along with 12 acres that's adjacent to the property (referred to as Lambert property). The amendment would change the designation from residential to public.

The third application is to amend the zoning map from Medium Density Residential to Public/Semi-Public for both properties. Fleishman noted that there are 15 vacant parcels with a total land area of 7 acres that are zoned medium density in the City even after the 12 acres of land is removed from the medium density zone. The proposal includes designating Mill Creek as a natural resource overlay district since it runs through one of the properties.
- c. **Applicant Presentation-** Fleishman went over the Comprehensive Plan Map Amendment criteria along with the criteria for the Zoning Map Amendment. The City plans on making street improvements on Kindle Way (a collector street) late winter/early spring of 2018.
- d. **Staff Report-** The staff recommendation is to continue tonight's hearing until October in order to meet the 35 day notice that is required for public hearings by the Oregon Department of Land Conservation & Development.
- e. **Questions from the Commission-None**
- f. **Proponents' Testimony- None**
- g. **Opponents' Testimony- None**
- h. **Governmental Agencies- None**
- i. **General Testimony- None**
- j. **Questions from the Public-** Dorwin Lovell, 2115 Cardinal Ave., Stayton, OR – Lovell inquired if the improvements to Kindle Way will include street widening and sidewalks. Fleishman confirmed that the entire length of Kindle Way will be improved to a collector street standard with a curb, gutter, planting strip and sidewalk. The Lambert property will be used as a storm water detention facility with recreation use in the summer months. The Puntney property will be a City park. Lovell inquired if the new detention pond would allow for new development from Phillips Estates to drain that direction. Fleishman explained that the detention pond is uphill from Phillips Estates.
- k. **Questions from the Commission- None**
- l. **Applicant Summary-** Fleishman had nothing more to add.
- m. **Staff Summary-** Fleishman recommended a motion to continue the hearing to the October 30th meeting.
- n. **Close of Hearing- None**
- o. **Commission Deliberation- None**

p. **Commission Decision-** Hazel moved and Carmichael seconded to continue the hearing to the October 30th meeting. **Motion Passed 5:0**

5. **LAND USE FILE #10-09/17 –PUBLIC HEARING Proposed Code Amendments regarding fence requirements in subdivisions**

a. **Commencement of Public Hearing-** Nunez read the opening statement. No objections were made from the audience to the notice of dissent in this case or the jurisdiction of this body to hear case. There were no declarations of conflict of interest, ex parte contact or bias by members of the Planning Commission.

b. **Staff Report-** The proposed amendment to the Land Use Code would require the developer to install a perimeter fence for new residential subdivisions or partitions that run along arterial streets or major collector streets prior to approval of the final plat. The amendment would also require the developer to establish a homeowners association who would be responsible for the maintenance of the fence.

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

d. **Proponents' Testimony-** None

e. **Opponents' Testimony-** None

f. **Governmental Agencies-** None

g. **General Testimony-** None

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

i. **Questions from the Commission-** Hazel asked if the amendment would apply to all arterial streets with existing lots. Fleishman explained that the proposed amendment is part of the code that deals with land divisions and it would only apply to new partitions or new subdivisions.

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

k. **Close of Hearing-** Nunez closed the hearing at 7:58 pm.

l. **Commission Deliberation-** The Commissioners were in favor of the amendment.

m. **Commission Decision-** Carmichael moved and Lewis seconded to recommend the City Council hold a second public hearing on this amendment. **Motion Passed 5:0.**

6. **DISCUSSION of Proposed Code Amendments Downtown Building Maintenance**

Alan Meyer of 2764 E. Pine St., Stayton, OR, is the Chair of Friends of Old Town Stayton (FOTS). Meyer introduced part-time FOTS staff member Isaac Kort-Meade. Meyer went over the organization's mission and recent accomplishments.

Steve Poissan of 1750 E. Pine St., Stayton, OR, is the Chair of the Design Committee of FOTS. Poissan explained that FOTS' core area of focus is from Third Avenue to First Avenue, and from Washington Street to Water Street. The outer boundaries include both sides of the street. The current ordinance specifies a color palette of sample colors on paper or computer screen, but those colors are not specifically identified. Linda Williams, an interior designer who serves on the FOTS' Design Committee, has identified the current colors by their light reflective value (LRV). The proposed colors for the palette have actual paint chips provided along with a LRV range of 15 – 50 with the dark samples on the lower end of the spectrum and the lighter samples on the higher end of the LRV. Black is removed from the color palette. The color palette proposed would apply to the body of the building as listed in the current code. Another proposed change is to require building trim that contrasts with the body of the building. There

are no limits on the trim color other than it must coordinate with the body color that's on the sample palette. This change would apply to any newly painted building in the downtown core. Buildings on the National Historic Registry would be exempt. The goal is to provide some consistency in what the buildings look like in the downtown area. If the paint samples are approved, building owners wishing to paint their downtown building would stop by the Planning Office to view approved colors and paint samples would be available.

The second proposed change is to Section 17.20.220.3 (6) that deals with awnings in the downtown area. The current code allows for awnings to extend up to 8 feet. The proposal would require new awnings to cover at least two-thirds of the sidewalk. The proposal also addresses maintenance of awnings, the type, placement and lighting.

Poissan referred to the meeting packet regarding the new proposed ordinance changes that addresses building maintenance in the Downtown Core. The proposed ordinance includes an enforcement component. The focus is on vacant buildings in the Downtown Core.

Fleishman explained that the building maintenance proposals need to be a part of another title of the code (not in Title 17 Land Use) in order to apply to existing vacant buildings if enacted. The maintenance proposals would not require a public hearing. Nunez moved and Ellard seconded to request the City Council adopt code requirements regarding maintenance of buildings in the downtown area as proposed by FOTS. **Motion Passed 5:0.**

The Commissioners are in favor of moving forward with a public hearing that is required for the proposed amendments to the Land Use Code (colors and awning standards). Fleishman will take the FOTS proposal and put it in ordinance form for review at October's meeting. A public hearing will be scheduled for November 27, 2017.

Fleishman recommended canceling the December meeting unless there is a pressing issue.

7. ADJOURN: Meeting was adjourned at 8:36 pm.