STAYTON PLANNING COMMISSION
MEETING MINUTES
April 25, 2011

COMMISSIONERS: Ralph Lewis – Chairperson
Ellen Nunez – Vice-Chairperson
Carl Sampson
Doug Cudahey
Michelle Wonderling

STAFF MEMBERS: Dan Fleishman, Planning & Development Director
Jennifer Jackson, Permit Clerk

OTHERS PRESENT: James Wampler, Susan Horvat, Mark Grenz, Wayne Lierman, Pat Lierman, Deb Glander, 6 other members of the public

1. **CALL TO ORDER:** Chair Lewis opened the meeting at 7:04 pm.
2. **APPROVAL OF MINUTES:**
   a. Cudahey moved and Nunez seconded that the minutes of March 28, 2011, be approved as presented. The motion was approved unanimously.
3. **Public Hearing- Land Use File # 9-04/10, Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E. Florence Street**
   a. **Commencement of the Public Hearing:** Chair Lewis read the opening statement and asked if there was any *ex parte* contact or conflicts of interests. Cudahey stated that he had visited the site.
   b. **Staff Introduction:** Fleishman introduced the case before the Commission with the recommendation to continue with the Public Hearing until May 31, 2011, as there are revised plans that will be submitted.
   c. **Applicant's Testimony:** Mark Grenz- Multi Tech: 1155 13th ST, Salem OR 97306. Grenz stated that there were some things regarding the plans that needed to be changed. He also stated that he would like some feedback from the Planning Commission on several issues before submitting the revised set of plans.

      Pedestrian Bridge: Grenz stated that they would like to determine the temporary and permanent access to the Pedestrian Bridge. Grenz has been working with the Santiam Water Control Districts (SWCD) concerns for the pathway along the canal.

      Pervious Pavement: The SWCD's concern for runoff into the canal has been addressed with pervious pavement and has been approved by the City of Stayton Public Works department and they will submit a maintenance plan.

      Open Space: Tract A and Tract E. The development would like to keep these tracts private and property of the Home Owners Association.

      Conditions, Covenants and Restrictions (CC&Rs): Grenz will provide the CC&Rs to the City which will address, open space, pathways, setbacks, etc.

      Architectural Standards: Grenz stated that there was a difference of opinion about the front façade of the dwellings and whether the recessed garage with overhanging upper level bedroom counted as the front of the dwelling.

Fire Department: Grenz stated that the Stayton Fire Department wanted to require the development have a 96 foot diameter for turnaround at the end of the cul-de-sac. Grenz advised that they have met the City's requirement of 72 feet and didn't think they should be required to provide more than that.

Grenz summarized by saying that he thinks there are few issues remaining and they should be resolved soon and that the development will be a great benefit to the community.

d. **Staff Report:** Fleishman presented the staff report, saying that the development is 6.5 acres of land with 13 multi-family units, 34 attached single family dwellings and 20 detached single family dwellings. Fleishman advised that most of the standards have been met and most of those that are not can be addressed in the engineering design stage. The remaining issues will require decision by the Commission before the next meeting.

A purchase and sales agreement has been entered into with the City for lot #17 to allow for parking, storm drain management and access to the Pedestrian Bridge.

Fleishman also advised that the Planning Commission needs to determine ownership of the common open space. The Commission also needs to decide if the garage design meets the current code. Sheet 5 contains the plans for the attached dwellings. Staff has reviewed them for compliance with the requirements of Section 17.20.220.2. The code requires that the front of an attached garage be set back at least 4 feet from the front façade of the house. The submitted plans indicate that this standard is met by having the second story of the home above the garage extending 4 feet in front of the garage door. Staff does not believe this meets the requirement of the Code. Staff and the applicant have not been able to resolve this issue.

Fleishman also stated that written approval is needed from the Stayton Fire District of the design of the loop drive and alley. The Fire District indicated they would like to see the cul-de-sac with a 48-foot radius to curb. The City's design standards require only a 38-foot radius, as shown on Sheets 1. Staff is satisfied with the cul-de-sac design as shown.

Fleishman advised that the City needs detailed information about the formation of the homeowners association and the CC&Rs.

Fleishman stated that the applicant needs to provide the porous pavement maintenance plan. Fleishman advised that the setback lines on the applicants plan must reflect the Code unless the CC&Rs change the requirement to a 5 foot setback. The current code allows for 0 feet. The landscaping and driveways on the plan don't match up and need to be revised.

e. **Questions from the Commission:** Cudahey asked the applicant to discuss Tracts A & E. Grenz stated Tracts A & E are proposed as a pedestrian walkway that would be open to the public. He explained that it is the preference of the applicant to keep that private and allow the public to use the sidewalks to access the pedestrian bridge and eventually, Pioneer Park. Cudahey stated that he thought that Tract A & E should be private and felt no need to make it public. Nunez asked if there were concerns about walking on the sidewalk or the pedestrian path. Grenz stated that there are some concerns about the pedestrian path and whether it is a safe. Wonderling questioned if we would have access on both the street and the pedestrian walkway.

Fleishman advised that with the successful purchase of lot 17 there would be a temporary path from Florence Street to the bridge. When the development is built, Florence Street will be moved and there maybe a period of time where access to the pathway would be interrupted. With the task completed, the bridge would open soon. Lewis asked if we bought the lot would we get temporary access right away. Fleishman advised that yes we would have access to the bridge, but that the Planning Commission needed to decide if they want to keep the pathway or

allow the sidewalk to be sufficient. Wonderling asked if the Commission wants the pathway does it have to have a hard surface. Fleishman advised yes, the hard surface is required. Sampson asked if there were going to be zero foot lot lines. Sampson stated that he likes the pedestrian path because he doesn't feel the sidewalks will always be available for access. Lewis asked what the City is paying for Lot 17. Fleishman advised that the City is paying $30,000. Lewis is in favor or the Pedestrian Path. Wonderling stated she was in favor of the pedestrian path. Grenz reiterated that the North Santiam Water Control District feels that the pedestrian path would create a corridor that may not be safe because it will not be open.

f. **Proponents' Testimony:** There was none.

g. **Opponents' Testimony:** There was none.

h. **Governmental Agencies:** There was none.

i. **General Testimony:** Pat Leirman: 476 E Marion St - Leirman wanted to know if copies of the proposed development were available for the public. Fleishman advised that they were available at the Planning Department office and online. Leirman asked if the new development would be targeted at buyers 55 and older. Fleishman advised that the development would be a mixture that would serve any age group. Leirman asked if there was a proposed playground. Fleishman advised that there are three areas of open space and none of them are designated as a playground.

   Susan Horvat: -Horvat advised the Commission that the development is being marketed as compact luxury and targeted towards baby boomers and older. She also stated that the pedestrian path is a safety issue. The fences that would be built would also be an eyesore and it would be difficult to keep people out of the alley and off of private property. Horvat stated that access to pedestrian bridge should be enough.

j. **Questions from the Public:** There were none.

k. **Questions from the Commission:** Cudahey stated that there was a lot of material to cover and that he was in favor of the applicant. Cudahey said the thought the City had chipped away enough of the applicants property. Lewis stated that he thought the cul-de-sac met the requirements of the code and thought that it was sufficient as is. The commission was unanimously in agreement. Nunez questioned the overhang on the garage counting as the exterior wall. Grenz stated that the code says any exterior face of a building, not the lowest. Fleishman advised that the garage then becomes the prominent feature of the home, which was not the goal of the code. Wonderling didn't mind the overhang over the garage. Cudahey agreed and didn't mind the design. Sampson wanted to know if the garage could be enclosed. Fleishman advised that it could not be enclosed. Lewis didn't have a problem with the garage.

l. **Staff Summary:** Fleishman advised the commission that they needed to make a decision on 4 items: the garage, cul-de-sac, Tract A and E (City/public or Home Owners Association (HOA), and the pedestrian path.

m. **Close of Hearing:** Lewis closed the hearing.

n. **Commission Deliberations:** The Commission unanimously agreed that the design of the garage met the Code and the diameter of the cul-de-sac was not an issue. Cudahey stated he thought Tract A and E should belong be private and belong to the HOA. Wonderling said she thought that Tract E should be HOA and Tract A should be public for the path. Nunez thought that both Tract E and A should be HOA and thinks the path has potential to be dangerous. Sampson thought Tract E should be HOA and that Tract A should be public he would like to have the pedestrian path. Lewis thought that Tract E should be HOA and Tract A should be

public because the path needs to be there. Horvath stated that she doesn't see giving the City the parking lot for the Pedestrian Bridge and the pedestrian path. She stated the sales agreement has not gone through yet and was not a done deal. Horvat didn't think they would be willing to do both. Sampson stated that walking paths were delightful, not dangerous. Wonderling stated she preferred the pathway over the parking lot.

p. **Commission Decision:** Wonderling moved to continue the hearing at the May 31, 2011 meeting. Cudahey seconded and the motion passed all in favor.

4. ADJOURN

The meeting adjourned at 8:35 p.m.

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Ralph Lewis, Date
Planning Commission Chairperson

ATTEST

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Dan Fleishman, Date
City Planner