

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M.

AUGUST 13, 2019

The Planning Commission of the City of Silverton met at the Silverton Community Center on August 13, 2019 at 7:00 p.m. with Chairman Flowers presiding.

I. ROLL CALL:

Present	Absent	
X	_____	Chairman Clay Flowers
X	_____	Vice-Chairman Gus Frederick
X	_____	Morry Jones
X	_____	Chris Mayou
X	_____	Rich Piaskowski
X	_____	Tasha Huebner
X	_____	Peter Matzka

STAFF PRESENT:

Community Development Director, Jason Gottgetreu and Planning and Permit Assistant, Kate Schlee.

II. APPROVAL OF THE MINUTES FROM THE MEETING HELD JULY 9, 2019:

Commissioner Frederick moved to approve the minutes of July 9, 2019, as presented. Commissioner Piaskowski seconded the motion and it carried unanimously.

III. BUSINESS FROM THE FLOOR:

There were no comments.

IV. AGENDA ITEMS:

1. Case: 148 Cambridge Avenue Annexation and Partition
Filed by: Lewis and Adele Sutton,
Planning Department File No.: AN-19-01 & PA-19-03 & PA-19-04

Community Development Director, Jason Gottgetreu informed the Planning Commission members that the Applicant requested a Continuance of the public hearing to the September meeting and suggested that the commission hear public testimony on the matter and then continue the public hearing until September.

Chairman Flowers opened the public hearing at 7:05 p.m. and asked for declarations of ex parte contacts and conflicts of interest. Chairman Flowers declared that his residence is within the 700 foot notice area for the site, but this will not influence his judgment on this application and he can make a fair and impartial decision.

Director Gottgetreu introduced the application, and used a PowerPoint presentation to outline the review criteria, to annex 148 Cambridge Avenue into the city limits and zone the property R-1, Single Family Residential with a concurrent partition application to divide the site into five parcels in two phases. The property is 89,215 square feet in area and is developed with a single family home. The partition would create five parcels with two parcels measuring 7,181 square feet in area, two parcels measuring 7,941 square feet in area; and, one parcel measuring 55,520 square feet in area. Only one partition could take place in a calendar year.

Director Gottgetreu outlined the next steps for the annexation process.

Applicant's Testimony:

The applicants and their representatives were not present because they had previously requested a Continuance of the public hearing to the September Planning Commission meeting. The Applicant will provide testimony at that time.

Public Testimony:

Chairman Flowers opened the meeting for public testimony.

Proponent Testimony: None

Opponent Testimony:

Sarah Weitzman, 140 Cambridge Avenue, Silverton, OR 97381

Ms. Weitzman expressed her concerns about several of the criteria for approval that were outlined in the Notice of Public Hearing. The concerns she stated were:

Criteria A. Adequacy of access to the site - Ms. Weitzman is worried about the increase in traffic due to the only entrance and exit to the neighborhood being off of Crestview. The access to the neighborhood off of Steelhammer for emergency vehicles was briefly discussed.

Criteria C. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services – Ms. Weitzman said that this criteria made her think of not only emergency vehicles, but also trash trucks because they have difficulty turning around.

Criteria M. If the proposed area for annexation is to be residentially zoned, there must be less than a five-year supply of vacant and redevelopable land in terms of dwelling units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive

plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion - Ms. Weitzman stated that she is concerned about additional single family lots and especially about flag lots on this property because of the additional accesses to Princeton Street.

There were no questions from the commission members for Ms. Weitzman.

Neutral Testimony:

Alex Bedard, 5955 Century Oak Ln NE, Silverton, OR 97381

Mr. Bedard asked if the master transportation plan addresses the area of discussion. Director Gottgetreu responded that the capital project in the area is the Pioneer Drive extension to east of this property at the end of Crestview where it dead ends into one of the sections of Pioneer and to the east where it meets Oak & Monitor.

There were no questions from the commission members for Mr. Bedard.

Ken Mulder, 166 Cambridge, Silverton, OR 97381

Mr. Mulder stated that he is neutral on this application. He said he is a friend of the applicants, but has not had a chance to sit with them to ask questions. His question is regarding the timeline. Director Gottgetreu responded that the timeline will depend on when the applicant can get the process going. The phases have to be developed in separate calendar years.

Mr. Mulder's other question asked what is going to happen to 250 year old oak that is on the corner of his property and the property being discussed. Chairman Flowers responded that tree has no bearing on annexation application. Director Gottgetreu corrected Chairman Flowers by reminding him that this annexation application has a concurrent partition application. Director Gottgetreu asked Mr. Mulder if the tree is within five or seven feet of the property line. Mr. Mulder responded by indicating with his hands that the tree was very close to his fence. Director Gottgetreu informed him that the tree would be within the side yard setback for any dwelling. The condition in the staff report is that the setbacks be retained, but that can be made more clear in the conditions going forward.

Commissioner Frederick pulled up a satellite view of the property on his tablet and it was passed around for the commission members to see the tree Mr. Mulder brought up.

Written Testimony: None

Commissioners Huebner and Mayou requested that Director Gottgetreu bring tree and emergency access exhibits to the next meeting.

Rebuttal: None

Commissioner Frederick made a motion to continue the Public Hearing until Tuesday

September 10, 2019. Commissioner Matzka seconded the motion and it passed unanimously at 7:35 p.m.

Amendments to conditions: None

2. Case: 772 Woodland Drive Conditional Use Application

Filed by: CU-19-01

Planning Department File No.: Denis & Janet Dalisky

Chairman Flowers opened the hearing at 7:36 p.m. and asked for declarations of ex parte contacts, conflicts of interest, and site visits. Commissioner Jones declared that he lives on the street, but that this will not influence his judgment on this application to make a fair and impartial decision.

Director Gottgetreu used a PowerPoint presentation to present the staff report for the conditional use application to construct an accessory structure 22.875 feet in height and 3,600 square feet at 772 Woodland Drive. The site was annexed into the City as part of the Victor Point water project to supply dwellings in the area with water service due to failing wells. The Woodland Drive area is a mixture of R-1 and AR, Acreage Residential zoning. The AR zone was created as part of the water project to allow the properties that were outside of the City's Urban Growth Boundary to annex into the City in order to receive City water service. No sewer service was extended as part of the project. This unique situation created an area of Silverton that is not and cannot be developed to urban densities in the near future due to the lack of sewer in the area. As such, the area remains large lots in a more rural setting than the typical R-1 zoning.

The subject property is on the west side of Woodland Drive. The east side of Woodland Drive is zoned AR. If the subject property were zoned AR, the proposed structure would be an outright permitted use as the AR zone allows accessory structures up to the primary structures area and does not have the 800 square foot limit. As such, accessory structures larger than 800 square feet are common in the area. The proposed accessory structure therefore will be compatible with the area due to the common nature of large accessory structures since large accessory structures are permitted outright on the majority of properties in the vicinity.

Commissioner Piaskowski asked if there are setback requirements. Director Gottgetreu stated that they are the standard R-1 setback requirements – twenty feet from the front property line and five feet from the side and rear.

Commissioner Matzka asked if the structure would be visible from the Oregon Garden.

Commissioner Mayou asked how far the adjacent house to the north was from the proposed garage site because it looks like it would be really close. Director Gottgetreu stated that the adjacent property was provided notice and that they also have a similar accessory structure on their property.

Director Gottgetreu stated that no public testimony was received on this application.

Applicants Testimony:

Denis Dalisky, 772 Woodland Drive, Silverton, OR, Property Owner

Mr. Dalisky stated that he thought that Director Gottgetreu summarized the application well, but added that there is a large pole building across the street from his property that was built recently and is not shown in the picture.

Commissioner Piaskowski asked how far the building will be from the property line. Mr. Dalisky responded that the plan is to have the twenty foot setback from the property line by the neighbor's house. Mr. Dalisky stated that he has spoken to the neighbor and he has no issues with the building.

Public Testimony:

Proponent Testimony: None

Opponent Testimony: None

Neutral Testimony: None

Written Testimony: None

Rebuttal: None.

Commissioner Frederick made a motion to close the public hearing. Commissioner Piaskowski seconded the motion and it passed unanimously. The public hearing was closed at 7:47 p.m.

Commissioner Piaskowski made a motion to approve the application to construct an accessory structure 22.875 feet in height and in excess of 800 square feet at 772 Woodland Drive, as written. Commissioner Frederick seconded the motion and it passed unanimously.

Amendments to conditions: None

V. REPORTS AND COMMUNICATIONS

Commissioner Frederick announced that he attended the ground breaking of Evans Oaks community development.

Commissioner Piaskowski asked if the city council upheld the Planning Commission's referral regarding the East View Lane annexation. Director Gottgetreu informed the commissioners that the City Council upheld the Planning Commission's recommendation.

Commissioner Huebner asked the status of the homeless pods at the church property. Director Gottgetreu answered that they have their conditional use approval, he believes they've had a ground-breaking, but they have not yet submitted building permits. Commissioner Mayou added that she had heard that they had the permits to renovate the interior space for the office.

Chairman Flowers announced that he will not be present at the September and October meetings.

Commissioner Piaskowski and Commissioner Jones announced that they will not be present at the September meeting either.

VI. ADJOURNMENT

Chairman Flowers adjourned the meeting at 7:55 p.m.

Respectfully submitted,

/s/ Kate Schlee,
Planning and Permit Assistant