

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M.

SEPTEMBER 24, 2019

The Planning Commission of the City of Silverton met at the Silverton Community Center on September 24, 2019 at 7:00 p.m. with Vice-Chairman Frederick presiding.

I. ROLL CALL:

Present	Absent	
_____	<u>Excused</u>	Chairman Clay Flowers
X	_____	Vice-Chairman Gus Frederick
X	_____	Morry Jones
X	_____	Chris Mayou
X	_____	Rich Piaskowski
_____	<u>Excused</u>	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 AUGUST 13, 2019:

Commissioner Piaskowski moved to approve the minutes of August 13, 2019, as presented. Commissioner Jones 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, 148 Cambridge Avenue, Silverton, OR 97381
Planning Department File No.: AN-19-01 & PA-19-03 & PA-19-04

Vice-Chairman Frederick opened the continuation of the public hearing at 7:02 p.m. and asked for declarations of ex parte contacts or conflicts of interest. No Commissioners declared ex parte contacts or conflicts of interest. No members of the audience challenged the jurisdiction of the Planning Commission or any member of the planning commission for bias or conflict of interest. Vice-Chairman Frederick reviewed the public hearing procedures.

Director Gottgetreu presented the application information using a PowerPoint presentation. The application is to annex 148 Cambridge Avenue into the city limits and zone the property R-1,

single family residential with a current 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. Public facilities were put in place when the development adjacent to the site was constructed, which means that the water, sewer and storm sewer lines are adjacent to the property. The estimated population increase would be 11 people.

Director Gottgetreu explained the required public improvements and the partition process timeline, if approved.

Director Gottgetreu presented additional information submitted by the applicant stating that they have no plans to remove the two large oak trees on the property. He also presented letters received from the public and neighbors.

Commissioner Mayou asked about a secondary fire access to the subdivision. Director Gottgetreu responded by showing the location of the emergency access easement on the map.

Commissioner Piaskowski asked about an increase in traffic. Director Gottgetreu responded that one house generally adds ten daily trips.

Commissioner Piaskowski asked if there are any concerns about providing water and sewer to these lots and if there is enough water supply to provide water to these lots. Director Gottgetreu stated that he does not know of any concerns of the city's ability to provide water or sewer services, but that he is not familiar with the specifics of the water master plan, but there have been upgrades to the waste water treatment plant and water and sewer models are required for new developments.

Vice-Chairman Frederick asked for the Applicant's testimony at 7:24 pm.

Applicants Testimony:

Don Kelley, Applicants' Representative, 110 N. Second Street, Silverton, OR 97381

Gene Sutton, Owner, 148 Cambridge Avenue, Silverton, OR 97381

Applicant's Representative, Don Kelley introduced himself and Gene Sutton. The Sutton's have lived on this property for 20 years and are now surrounded by development on three sides. He informed the commission that the Suttons met with their neighbors to answer questions and hear their concerns.

Mr. Kelley addressed the issue of traffic by stating that it is clear that the streets were designed for more traffic than what is there now. Princeton Avenue dead ends at the Sutton's property because it was intended to go on further. The streets and utilities are more than adequate for the proposed additional four homes. Additional traffic will still be far below what is typical in most Silverton neighborhoods.

Mr. Kelley further stated that most of the concerns were brought up in the conditions of approval presented by Director Gottgetreu.

Some of the neighbors are for and some are against the application.

Commissioner Matzka addressed the letter stating that the new houses would be single-story

and asked what the rationale was for that decision. Mr. Sutton responded that a lot of the houses around the Sutton's property are single-story. Mr. Kelley added that they are trying to be neighborhood friendly.

Public Testimony:

Proponent Testimony:

Doug Bye, 1511 Crestview Drive, Silverton, OR 97381

Mr. Bye addressed the commission to provide background information on the fire truck access that Commissioner Mayou brought up earlier in the discussion. He stated that twelve years ago when one of the developments near the Sutton's property was being proposed the topic of the emergency access easement was brought up and the solution was to require sprinkler systems in part of the development.

Mr. Bye also stated that he has no objection to the development of the Sutton's property.

Opponent Testimony:

Sarah Weitzman, 140 Cambridge Avenue, Silverton, OR 97381

Ms. Weitzman was present to add to her testimony from the previous meeting.

Ms. Weitzman asked why no letters in opposition were presented in Director Gottgetreu's PowerPoint. Director Gottgetreu responded that all of the letters that were received were in either the packet or the presentation.

Ms. Weitzman brought up concerns about several issues. The first concern she brought up is that most of the schools are at or close to capacity. The addition of the four proposed houses could add more kids than the average amount of 11 people that Director Gottgetreu mentioned and she feels that when considering adding developable lots in Silverton, the school district should be considered.

Her second concern is about the CC&Rs being for single-story homes because most of the houses in the development are not single-story homes and she is concerned about property value with the addition of only single-story homes.

The next concern she expressed is access to the neighborhood, which is already difficult and not safe with Steelhammer and East Main.

Ms. Weitzman thanked Director Gottgetreu for providing her additional information in response to the fire access from Steelhammer. She added that there are cars parked in that access all of the time and that if there were an emergency where Crestview was shut down, there will probably be a vehicle in the fire access road.

Commissioner Piaskowski asked for clarification on Ms. Weitzman's statement about the schools being at capacity. Ms. Weitzman responded that she thinks the high school was built for about 1500 students and the current student body is in the upper 1300 range; Mark Twain Elementary was struggling to find classroom space last year and they had to convert the old locker rooms into classroom spaces and had to create a new kindergarten class out of the blue last year. She added that she was at the school board meeting where it was discussed that the

Portland State projections for childbirth numbers were going to decrease, but there are still a lot of transfers and new families moving to Silverton.

Robert Winchell and Karen Koch, 172 Cambridge Avenue, Silverton, OR 97381

Ms. Koch stated that she and Mr. Winchell the proposed lots will be directly behind their house. She stated that there are a lot of two story homes and only a few single-story homes. She is concerned with a decrease in property values due to the proposal being for only single-story homes. Vice-Chairman Frederick explained that property values cannot be taken into account by the Planning Commission when making their recommendation of whether or not to approve the annexation.

She reiterated the concern brought up by Ms. Weitzman regarding the schools being full.

Mr. Winchell asked what is intended for the three oak trees that are on the Sutton's property. Vice-Chairman Frederick responded that he understood from staff's presentation that the oak trees will remain. Mr. Sutton responded that there are two oak trees that are on his property and in his control. The third oak tree that was mentioned, which is located on the edge of the neighboring 35 acre property is no in his control. Mr. Sutton explained that he has made an agreement with Kenneth Mulder of 166 Cambridge so that they share control of the tree that is on the property line and he intends to pass that on by including the agreement in the property deed. Mr. Sutton further stated that he would prefer for there to be three people in control of the tree.

Ms. Koch went on to ask if the trees would be protected during construction. Vice-Chairman Frederick responded that since the Sutton's want to retain the trees, he thinks that they will probably take action to keep them from being harmed during construction.

Mr. Winchell asked about drainage associated with the new houses. He stated that water already flows towards his property and he is afraid that additional houses will increase the water draining towards his house where there are already issues with flooding. Director Gottgetreu explained that the roofs will be connected to rain drains, which will be connected to drains in the curb that will drain to a catch basin on the southeast corner of the Princeton-Cambridge intersection. Mr. Winchell reiterated his concern about water damage to his property due to added water.

Commissioner Piaskowski confirmed with Director Gottgetreu that a drainage system would have to be approved by the city for the houses when they go in to handle the drainage from new houses.

Ms. Koch asked Director Gottgetreu for clarification about his statement that the slope of the road would have to be adjusted for the road. Her concern is because the agreement that was in place when the sub-division was put in states that the houses that are adjacent to the Sutton's property elevation has to be maintained at the same level as the Sutton's property for approximately six feet inside of the property line. She wants to make sure that when the proposed annexation is developed that the elevation along the property line is not changed. Vice-Chairman Frederick responded that the developer will have to follow the code.

Neutral Testimony:

Gene Oster, 6182 Cascade Highway, Silverton, OR 97381

Mr. Oster offered to answer any questions regarding the sub-division to the west because he was the developer. When the subdivision was developed it was set up for future growth. He also pointed out that when a development is put in it typically improves drainage because development cannot increase the drainage. He also informed the commission that there is a huge underground detention holding pipe that is underground in the backyard of at least one of the backyards to the north, which holds the water from the street.

Mr. Oster addressed the emergency access easement. It was put in when the sub-division went in and stays in place until future, adequate access is established. To him it seems as if the issue with vehicles parking in emergency access is an enforcement issue.

Director

Written Testimony: Director Gottgetreu added that the alternate condition that was shown for condition eight in regards to tree protection would require a fence to be placed around the drip root of the tree for protection during the construction of the home.

Rebuttal:

Mr. Kelley responded to the concerns brought up by neighbors by stating that he regularly drives Oak Street, Steelhammer and East Main Street and seldom has to wait anywhere. He does not agree that it is a dangerous intersection

Mr. Kelley responded to the comments about the capacity of the schools and pointed out that the school district was not present and that they know how to respond.

He reiterated that blockage of the fire access road is an enforcement issue for the city.

Mr. Kelley stated that the drainage issue was addressed by staff and Mr. Oster.

Commissioner Matzka asked for clarification regarding the sub-division adjacent to the proposed property because it was stated in a neighbor's testimony that the Sutton's sold the land that the sub-division was built on. Ms. Sutton responded that she and her husband have only owned the two acre parcel that is being discussed.

Commissioner Mayou made a motion to close the public hearing. Commissioner Jones seconded the motion. The public hearing was closed at 7:59 p.m.

Commissioner Matzka expressed his opinion that the schools should be taken into account when deciding whether or not to annex this property because four houses could still contribute extra kids to the schools. He would like to see the school district participate in Planning Commission meetings because down the road the issue needs to be addressed.

Commissioner Mayou also expressed concerns about the school district's capacity and hopes that the school district participates in future meetings.

She also had a concern about neighbors that had to maintain a specific elevation where their property met the Sutton's property.

Commissioner Piaskowski stated that he shares the concern about the school district and

respectfully disagrees with the opinion expressed by Vice-Chairman Frederick that the school district is not a consideration when reviewing annexations. Commissioner Piaskowski's reasoning for this is that the schools are close to capacity and that adding buildable lots to the city could potentially increase students in local schools. However, he did state that this is a logical extension of the city limits and the utilities are already in place.

Commissioner Jones agreed with Vice-Chairman Frederick that the school district should not be taken into account in reviewing annexations. To him, this annexation makes sense.

Vice-Chairman Frederick reiterated that he does not think it will be much of an impact on the school district.

Commissioner Matzka asked for clarification on how local districts, i.e. school, water, fire, etc factor into annexations. Director Gottgetreu responded that part of the project review notification for every land use application provides notice to the fire and school districts. There have been some change-over in top level administrators, but to date they have not commented on any of the applications Director Gottgetreu has sent to them. Commissioner Matzka suggested that someone should reach out to the school district and that this topic might be explored further at a work session.

Commissioner Mayou asked for clarification on the five-eight year supply of buildable lots. Director Gottgetreu responded that the five-eight year supply of lots is taken into consideration for annexations, but that for developments already within the city limits the commission uses clear and objective standards.

Commissioner Mayou made a motion to approve the proposed annexation with modifications. The modification are that there will be no development on the remaining part where the Suttons live now and that the proposed lots adjacent to Cambridge Avenue would have to maintain six feet of land level with the current lots and match what was required of the homeowners along Cambridge Avenue. Commissioner Jones seconded the motion. The motion passes 3-2; Vice-Chairman Frederick, Commissioner Jones and Commissioner Mayou voted in favor; Commissioner Piaskowski and Commissioner Matzka voted in opposition.

Amendments to conditions:

There will be no development on the remaining part where the Suttons live now and the proposed lots adjacent to Cambridge Avenue would have to maintain six feet of land level with the current lots and match what was required of the homeowners along Cambridge Avenue.

2. Case: 1149 South Water Street Variance Use Application Filed by: Scott and Tosha Blake, 1149 South Water Street, Silverton, OR 97381 Planning Department File No.: VR-19-02

Vice-Chairman Frederick opened the hearing at 8:13 p.m. and asked for declarations of ex parte contacts, conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of interest and they all viewed the site. Vice-Chairman Frederick reviewed the public hearing procedures.

Director Gottgetreu presented the application information using a PowerPoint presentation. The Variance application is to allow a five foot rear yard (north) setback and a 15 foot front (west)

setback for an attached garage at 1149 South Water Street. The property is on the corner of Enstad Lane and South Water Street. The proposed location for the attached garage is the most desirable location on the lot. There is no sidewalk that fronts the street and the house pre-dates the street by a couple of decades. Director Gottgetreu gave further history of the house, lot and street. The purpose of the 20 foot setback is to allow a truck to park in front of the garage without blocking the sidewalk. 15 feet is a large enough space for most types of cars could park there without blocking a sidewalk should it go in.

Commissioner Mayou stated that she is concerned about the 15 foot setback and thinks that it would create a pedestrian hazard. She would rather see the setback be 18 or 20 feet and have a variance behind the garage to reduce the other setback. This would keep pedestrians from having to walk in the street.

Vice-Chairman Frederick asked for the Applicant's testimony at 8:28 p.m.

Applicants Testimony:

Don Kelley, Applicant's Representative, 110 N. Second Street, Silverton, OR 97381
Scott Blake, Owner, 1149 South Water Street, Silverton, OR 97381

Mr. Kelley introduced himself and the Applicant, Mr. Blake.

He provided the reasoning behind the location for the proposed garage. The impact to the neighborhood is no different than the code requirement. He pointed out that there is no input from the neighbors and that no one is objecting to the application.

Mr. Kelley added that if the commission feels that it is important, the Applicant can live with moving the garage back three additional feet.

Commissioner Piaskowski asked for the intended height of the garage. Mr. Blake responded that he intends for it to be the same height as the end of the house where it will attached.

Commissioner Piaskowski also asked Mr. Blake if he'd spoken to his neighbor. Mr. Blake responded that he spoke to both the neighbor across the street and next door and they had no objections. He added that the house next door just sold and he has not spoken to the new owners.

Commissioner Jones asked if there is a shed on Mr. Blake's property and the distance to the back of the garage. Mr. Blake responded that it is seven or eight feet, but that he can take the shed building down.

Public Testimony:

Proponent Testimony: None

Opponent Testimony: None

Neutral Testimony: None

Written Testimony: None

Rebuttal: None.

Commissioner Mayou made a motion to close the public hearing. Commissioner Piaskowski seconded the motion. Vice-Chairman Frederick closed the Public Hearing at 8:32 p.m.

Commissioner Piaskowski stated that he likes the idea of moving the garage back so that there is an 18 foot setback because it is more consistent with the code.

Commissioner Jones agreed with Commissioner Piaskowski.

Commissioner Matzka stated that if the garage is moved back three feet it starts to look more like a shop than a garage.

Commissioner Mayou stated that she would lean towards an 18 foot setback.

The Applicant asked for clarification that if he is to move the structure back three feet, if the Planning Commission is going to give him the variance for the three feet on the back side because he would no longer meet the setback on that side. Vice-Chairman Frederick and Commissioner Mayou responded that the variance would include both encroached setbacks. Mr. Blake stated the solution with the 18 foot front setback works better for him.

Commissioner Mayou made a motion to approve the application with the conditions that the 15 foot setback becomes 18 feet and that the 20 foot setback be reduced to 17 feet. Commissioner Piaskowski seconded the motion and it passed unanimously.

Amendments to conditions:

The 15 foot setback is extended to 18 feet and the 20 foot setback be reduced to 17 feet.

**3. Case: 14479 and 14437 Evans Valley Road Annexation
Filed by: Ken Roth, 14479 Evans Valley Road, Silverton, OR 97381
Planning Department File No.: AN-19-02**

Vice-Chairman Frederick opened the hearing at 8:37 pm and asked for declarations of ex parte contacts, conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of interest.

Director Gottgetreu informed the commission that the applicants have requested a continuation of the public hearing to the October 8, 2019 Planning Commission meeting in order to allow them to gather additional information to present to the commission.

Director Gottgetreu presented a short overview of the application using a PowerPoint presentation. The annexation application is to annex 14479 and 14437 Evans Valley into the city limits and zone the properties R-1, single family residential. The total area of the annexation request is 8.23 acres.

Director Gottgetreu explained to the commission members what an annexation agreement is and provided examples from previous annexations.

Applicants Testimony: None.

Public Testimony:

Vice-Chairman Frederick opened the meeting for public testimony at 8:45 p.m.

Proponent Testimony: None

Opponent Testimony: None

Neutral Testimony:

Doug Bye, 1511 Crestview Drive, Silverton, OR 97381

Mr. Bye asked for details on extension and expansion of Pioneer Drive. Director Gottgetreu explained the processes.

Written Testimony: None

Rebuttal: None

Vice-Chairman Frederick closed the Public Hearing at 8:52 p.m.

Commissioner Mayou made a motion to continue the meeting until the October 8, 2019. Commissioner Matzka seconded the motion and it passed unanimously.

Amendments to conditions:

V. REPORTS AND COMMUNICATIONS

Director Gottgetreu updated the commission members that the 5005 East View annexation was denied by City Council and the appeal time has run out without an appeal being filed.

Vice-Chairman Frederick asked Director Gottgetreu if the west side development had been cancelled. Director Gottgetreu responded that it has not been cancelled, but has been put on hold.

VI. ADJOURNMENT

Vice-Chairman Frederick adjourned the meeting at 8:54 p.m.

Respectfully submitted,

/s/ Kate Schlee,
Planning and Permit Assistant