



CITY COUNCIL MEETING

March 9, 2020

CALL TO ORDER: Mayor James Kingsbury called the meeting to order at 6:00 PM. The Pledge of Allegiance was said, and Randy Cranston said a prayer. Councilors present: Michael Taylor, Jim Crowther, Brian Schumacher, and Greg Atkin. Staff Present: Myrna Harding, Finance/Office Manager; Alan Frost, Public Works Director; Katie Scott, City Recorder; Milan Castillo, City Attorney; Lisa Brosnan, Planner and Deputy Barber, Police. There was 28 persons in the audience.

ADDITIONS OR MODIFICATIONS TO THE AGENDA – None

PUBLIC HEARING: RV 20-01 - Allowance of occupancy of a recreational vehicle in the Single-Family Residential Zone (R-1) for a period to be determined by the City Council, possibly one year with the opportunity for renewal. Section 2.203.09 of the Sublimity Development Code allows recreational vehicles to be stored on private property and not connected to the City sewer and water to be occupied for a period of no more than ten days per thirty-day period. The City Council may permit occupancy longer than ten days in a thirty-day period in cases of unique hardship.

Mayor Kingsbury opened the hearing 6:00 PM and asked the council for any ex-parte contact, conflicts of interest, bias, or site visits. Councilor Taylor noted that he has driven by the site but has not spoken to anyone.

Lisa Brosnan read the required items into the record and presented the prepared staff report. Lisa noted that the City received three letters of opposition from neighboring residents.

Mayor Kingsbury opened the hearing to comments from the public.

Applicant: The applicant or a representative did not identify themselves. No testimony was given.

Those in favor: None

Those opposed:

- Candy Dolezal, would like to request that the Code stand as is. She believes some individuals are using it to allow extended family members to live for longer periods of time. She does not find that acceptable. Very short term, ten days is fine.
- Tim McClaren stated he is in opposition for similar reasons. He has been in cases of hardship and has followed the City's guidelines that he lived in and it turned out just fine. He believes ten days, or thirty days with extenuating circumstances is fine. There are other accommodations within close proximity to the City that they could find that would not be living on the side of the residence, so he is in opposition.
- Nick Bailey stated that he has also had an experience where his mother lived inside the house with him. What is Sublimity's definition of an R-1? What are the setbacks on houses of R-1 and is one of the reasons because of fire hazards? If an RV is on the property line of an adjacent home, does that create a greater hazard for both houses as far as fire? Is the person living in the RV capable of going up and down the steps and in the event of a fire or electrical outage, in the dark? Is there a time that an air conditioner on an RV must be turned off at night? Neighbors living nearby that want to open their windows at night can only hear an RV air conditioner running. Who has final jurisdiction? He believes the homeowner is at the bottom of the ring, then city, county, state with only overruling of the state is a written notice by doctor for medical reason. They should be inside the home in a bedroom rather than in the RV.
- Debbie Oeltjen was not notified of the hearing and she should have been as she lives catty corner to the residence. By approving this you are setting a precedence. Pretty soon the City will be R-1

with an RV park. She is in agreement with everyone else. She asked who monitors the RV if this is approved?

- Linda Bosma has lived here two years and bought there because of the HOA. She stated that this is against the HOA. She agrees that if you let this happen, you are opening the door and will soon have more RV living than can count. She asked that the council oppose this.
- Kent Silbernagel asked that the notice not be posted in the front window of the house. It should have been on a stake posted out by the street.
- Earl Swiger is in agreement with everyone else. It is not allowed; they are given 10 days and have been there six months.
- Candy Dolezal stated that she is aware of more than one house with a similar situation of an extended family member living in the backyard in an RV.
- Janet Blomdahl chose her house with the expectation that they are moving to a small community specifically due to reasons and expectations based on the City Code.
- Rick Pies said he and his wife built their house for her grandmother to live with them, and she does in the house. They built an RV garage so their RV could be parked in the garage and not make the neighbors look at their RV.
- Nick Bailey's greatest concern is that trailers go up into flame extremely fast and if they are on the property line, the neighboring house will go up as well.
- Darryl Waters stated that things must be kept intact, anything with HOA and CCR's must stay strong. Short term living is okay but not long-term living.

Neutral:

- Randy Cranston stated the Planning Commissions intent with the Development Code was so that guests of residents could come and stay with friends and family for a short period of time. It was not intended for long term residence. Also, the City has no say in HOA's and CCR's and cannot be involved.

Applicant Rebuttal: None

Mayor Kingsbury closed the public portion of the hearing at 6:29 PM.

Alan clarified that the site plan that they submitted is not accurate. The setback between the RV and the fence is two feet two inches with the slide outs closed. With the slide outs open, it is two inches. It is not ninety inches as they have on the map. The typical setback for a structure over two hundred square feet is five feet, and the RV is three hundred and twenty square feet.

Councilor Taylor looked at the site plan and questioned the setbacks as well. He does see a safety concern with the proximity of the RV to the home and the neighboring property. He commented that there is the option to build an accessory dwelling unit on the lot. In the past a hardship was granted for a hardship for a caretaker to live in the RV to take care of an elderly family member. This is not the same situation. He is in opposition of the application

Councilor Atkin was a volunteer firefighter for many years. All houses in the area are close enough that they will combust other houses in the area. The RV would definitely exasperate the issue. The setback is very close to the property line. An ADU is an option for the applicant. He would be in opposition of the application.

Councilor Schumacher questioned the age and how long this hardship may need to be in place.

Councilor Crowther questioned the timeline that is currently allowed for someone to live in an RV. Ten days in a thirty-day period.

Lisa clarified that this is not an actual variance, we are using a variance as guidelines as it is most closely related to the application. She also noted that if this were an accessory dwelling unit, which it is not, the setback would be ten feet from the side interior property line. The comment from the fire department stated that a smoke alarm must be installed if the RV is approved. The City does not have anything to do with CCR's, they are a private matter.

MOTION: Councilor Atkin made a motion to deny the proposal for occupancy of a recreational vehicle in the R-1 zone for a period of one year. Seconded by Councilor Taylor. 5 ayes, motion carries.

Mayor Kingsbury closed the hearing at 6:42 PM.

Mayor Kingsbury called for a break at 6:42 PM.

Mayor Kingsbury called the meeting back to order at 6:58 PM. The Pledge of Allegiance was said, and Randy said a prayer.

PRESENTATIONS/COMMENTS FROM THE PUBLIC –

- A. Marion County Prosperity Grant: Jason Schneider and Commissioner Brentano thanked the City for being a part of the Community Prosperity Initiative. Rather than having City's apply for grants for funding, they give the money directly to the Cities of \$15,000.00 per year for the next three years. The only requirement is a report at the end of the year.
Commissioner Brentano commented on the Coronavirus, there is a case in Marion County, but they have been ordered not to announce where the case is located.
- B. Wayne Stedronsky asked if the grant can be used to put up a new sign on the North side of the town.
- C. Dolores Morris asked about the parking at Ditter's Town Square. She would like the City to look for additional parking options for the City. She also wanted to remind the budget Committee about purchasing a speed trailer, she would like to see it in the budget again. There was an estate sale this weekend on Dove Dr. and they did not have a garage sale permit.

CONSENT AGENDA:

- A. Meeting Minutes – February 10, 2020 and February 10, 2020 work session.

MOTION: Councilor Atkin moved to approve the consent agenda. Seconded by Councilor Taylor. 5 ayes, motion carries.

STAFF REPORTS

- A. **Tom Barber, Police** – Deputy Barber presented his staff report. There were approximately 40 calls to service. There was a spike in domestic violence calls. Last month Deputy Barber, the Fire Chief, and Mayor Kingsbury went to Marian Estates and answered many of the questions that they have. It is something that should be done on a regular basis. There was a letter from a citizen regarding vagrancy and homelessness. There is not a homeless population in the City at this time. There has been an RV moving from town to town. Councilor Taylor asked if there is an increase in theft. Yes, there has been a rash of thefts off of porches.
- B. **Milan Castillo, City Attorney**- Nothing to report.
- C. **Alan Frost, Public Works** – Alan presented his prepared staff report. He gave an update on the status of the subdivision. Alan and Mayor Kingsbury met with Ed Butts regarding the Water Master Plan and they will be presenting at the April meeting. The City is applying for the LGGP grant through Oregon State Parks. There is a 25% match for the grant. The estimated price is \$35,000. The survey and design have begun on the Crest Street stormwater project. Tony Schumacher began today. Wayne questioned whose responsibility it is to replace the stop sign at the Post Office. It is their responsibility.
- D. **Myrna Harding, Office** – Myrna presented her prepared staff report for the office. The permits have been submitted for the storage room, once they are returned construction will begin. The list of equipment needed for updating IT in the Council Chambers has been submitted and the hope is to have this implemented by the May meeting. The next staff meeting will be on March 18th.

NEW BUSINESS: None

ACTION ITEMS:

- A. Appoint Parks and Recreation Member: Two applications were submitted, Bradley Emmert and Jane Billings.
Councilor Atkin noted that with Jane's background she may be a good candidate to help with grant writing.

MOTION: Councilor Atkin moved to appoint Jane Billings to the Park Committee. Seconded by Councilor Crowther. 5 ayes, motion carries.

- B. **Salary Study:** Mayor Kingsbury noted that he last wage and salary was done about six years ago. It was discussed to do the study during the 2021-2022 year. Council was in agreement.

ORDINANCES/RESOLUTIONS:

- A. **Resolution 1920-7:** Resolution Authorizing Application for Grant. The grant is for the LGGP through the Oregon State Parks for a Parks Master Plan.

MOTION: Councilor Taylor made a motion to adopt Resolution 1920-7. Seconded by Councilor Atkin. 5 ayes, motion carries.

CONTINUING BUSINESS:

- A. **Codifying City Ordinance:** Councilor Atkin noted that the money to codify City Ordinance has been added to the budget for the next fiscal year, along with updating the City website. This will begin when Katie returns from her leave.
- B. **Street Inventory:** Nothing to discuss
- C. **Street Extension:** Nothing to discuss
- D. **Transportation Plan:** Nothing to discuss

INFORMATION ITEMS

- A. 2020 Employee COLA's – The average is 2.48 using the formula that was suggested by Council.
- B. Vagrancy and Homelessness – This was discussed with Deputy Barber's report. Mayor Kingsbury received a letter from residents in Sublimity. Vagrancy and homelessness can be handled with an Ordinance.
- C. Speeding and Crosswalks – Mayor Kingsbury received a letter regarding speeding and crosswalks within the City. Councilor Atkin noted that Marion County Public Works is putting in two beacons at the crosswalk located at Center and Main Street.
- D. February Revenue Statement
- E. Expenditures – February 2020
- F. February Water Reports
- G. Ordinance Notifications

COMMITTEE REPORTS:

Mayor Kingsbury: Will be attending the Mayor's coalition on Wednesday.

Michael Taylor: The North Santiam School District Board has decided to move forward with a bond that will be on the May ballot. There will be four new classrooms and off-street parking for the Sublimity School with the bond. A portable will be placed this summer at the middle school for increased class sizes =.

Jim Crowther: Nothing to report.

Greg Atkin: National Night Out is August 4th this year. Would like to start a Safe Routes to school committee. He spoke about reducing the speed on Berry Street.

MOTION: Councilor Atkin made a motion to work with partner organizations on the Safe Routes to School. Seconded by Councilor Taylor. 5 ayes, motion carries.

Brian Schumacher: Met with Ron Harding and went over the handbook. Ron Harding, City Administrator for Aumsville as well as a professional human resource. He worked on this for credits to be recertified. Ron presented the handbook to the Council.

Adjournment:

MOTION: Councilor Atkin moved to adjourn the meeting. Seconded by Councilor Taylor. Meeting adjourned at 8:45 PM.