



CITY COUNCIL MEETING

May 21, 2018

CALL TO ORDER: Council President Jim Kingsbury called the meeting to order at 6:00 PM. The Pledge of Allegiance was said, and Randy Cranston said a prayer. Councilors present: Gene Ditter, Jim Crowther, and Michael Taylor. Absent: Mayor Heuberger. Staff Present: Alan Frost, Public Works Director; Myrna Harding, Account Specialist; Katie Scott, City Recorder; Lisa Brosnan, City Planner; and Rebekah Dohrman, Attorney. There were 40 people in the audience.

ADDITIONS OR MODIFICATIONS TO THE AGENDA – None

PUBLIC HEARING: Appeal 2018-01 – An Appeal of the Planning Commission’s decision, dated March 21, 2018, which conditionally approved a 91-lot subdivision and denied a variance to block length standards (SUB 2017-02/VAR 2017-03).

Council President Jim Kingsbury opened the public hearing and read a prepared statement. Councilor Kingsbury asked for any ex parte, conflict of interest, or bias. Councilor Ditter stated that he was questioned about the drainage on the property, the appeal was not discussed. Councilor Kingsbury read the required items into the record.

Lisa Brosnan, City Planner, presented the staff report and stated the three conditions that are being appealed.

Condition number one reads that the proposed Northeast North Street shall connect to Northeast Pineview Drive by continuing East and crossing proposing Northeast East Street and Northeast Berry Street. This street connection was denied by Marion County due to safety concerns.

Condition number seven reads that improvements shall be made to Northeast Starr Street to Public Works Standards in front of the three existing lots at the center of the South end of the proposed subdivision between Pine and Berry Streets.

Denial of a Minor Variance to allow for block lengths in excess of maximum allowed block length of 1,600 feet.

Rebekah Dohrman, Local Government Law Group, presented a recommended decision to the City Council.

Councilor Kingsbury opened the hearing to public comment.

Applicant: Mark Grenz, MultiTech Engineering, representing the applicant, addressed the items being appealed. Mark stated that he had a meeting with Marion County public works after the Planning Commission issued their decision, in which Marion County okayed the connection of Northeast North Street and Northeast Pineview Drive. After the plans were adjusted to reflect the connecting streets, Marion County was contacted by a citizen to review the site distance on Berry Street in the area of Pineview Drive. As a result, Marion County decided there was not adequate site distance for the intersection and reversed the authorization to have an intersection at that point. Mark stated that they are unable to meet the block length requirement without the Pineview connection. The improvements to the existing lots on Starr Street were appealed due to the difficulty of acquiring right-of-way from the property owners. The applicant cannot require right of way dedication, if the property owner does not grant this, it would create an unreasonable cost or delay to the developer. If the Council is willing to assist the developer in acquiring the right of way, should it be needed, then the applicant will continue with the improvements.

Councilor Kingsbury opened the hearing to comments from the public.

In favor: None

Neutral: Martha Wyland, city resident, has a wonderful view across the current field. When the building begins, her view will be gone, and she wants to know if she will be able to get a variance to build an additional story to keep her view. HOA has the say if she can build up, there is a height restriction in the City as well, but she will need approval from HOA first.

Randy Cranston, Planning Commission Chair, commented on street improvements in front of the three existing lots, street length variance, and street improvements. It seems to be dangerous to have driveways onto Berry Street.

In opposition: Jesse Eaton, City Resident, owns one of the three existing lots on property. If Marion County denied the street through because it is unsafe, he fears for owners backing out of driveways onto that street. Stated that the block length variance is due to a choice of design, not as a necessity.

Judy Banegas, City Resident, owns one of the three existing lots on the property. She is looking forward to having sidewalks in front of her house specifically for safety, and especially children's safety. She is willing to work with the City and Developer to come to a reasonable agreement. The developer will meet at the site to show limits.

Eldon Banegas, City Resident, owns one of the three properties. Stated that the speed limit should be lowered on Berry Street. The City Engineer stated that the speed is controlled by the State.

Ron Etzel, City Resident, asked if there is any way to change the mind of the county regarding the through street. Council does not believe so.

Diane Kaser stated that if Pine View is a safety concern, the driveways are still a safety concern as well.

Margaret Dehut, City Resident, asked if there is a way to have driveways that would allow for residents to pull out forward facing the street, rather than backing out. City Engineer stated that that is possible, and there could be shared driveways to reduce the number of driveways coming off Berry Street.

Steve Zimmerman, City Resident, asked if there will be parking on both sides of Berry Street. That is a county call, not the City's.

Randy Bucheit, City Resident, commented on R-2 portion of property.

Rick Kauffman, City Resident, asked why the city has a 1600 square foot block length? City Engineer stated that it is a connectivity issue.

Jane Billings, City Resident, asked about payment of appraisal on three existing lots. She stated that the corner on Berry and Starr Street is dangerous. Parking should not be allowed near this corner. There is also not enough space for cars to be parked on Cherry Street. City Engineer stated that the lots on the corner of Berry and Starr will not have access onto these streets, there will be a wall along the backside of the properties. It would make sense to have these areas be no parking zones. The curve on Berry and Starr was not made larger, so that it will act and feel more like a four-way intersection. Alan stated that Cherry Street will be widened to a 34-foot street, with sidewalks on the South side of the road. The developer is doing a ¾ street improvement on Cherry Street, the city cannot require them to do full street improvements.

Greg Atkin, City Resident, stated that it has been discussed that the City will pay for the remaining ¼ street improvements with SDC fees. City Engineer stated that the City has just gone through the SDC process and the street improvement is not on the list, so they cannot use SDC's for the improvement.

Marshall Rash, City Resident, is concerned about the speed on Berry Street. He hopes that the City can ensure that the speed can be reduced, and place pressure on the County to reduce it.

Janet Sedor, City Resident, stated that there are people cutting through to go to Silver Falls as well as log trucks that fly through on Berry Street. Many people walk along these roads. It is very dangerous not having sidewalks on Cherry Street.

Dolores Morris, City Resident, stated that the three existing lots should be developed, and sidewalks should be placed because it is very dangerous for children.

Questions from the Council.

There was discussion regarding the County approving the street to go through, speed limits, parking and timeline. The City has until May 30th to make a final decision.

Margaret Dehut commented on residents coming out of driveways facing forward.

Larry Etzel, City Resident, can the City require a walkway from Berry Street to the subdivision? City Engineer stated that he would not recommend it due to a crosswalk being in an unsafe location.

Rick Kauffman, City Resident, asked if the City has to approve the appeal, because the County denied the street going through. No, the Council can make modifications to the three issues that are in front of them.

Applicant, Mark Grenz, addressed questions made by the public.

Pine View access was discussed with Marion County, and they were aware of the driveways onto Berry Street.

The Developer is happy with the requirement of a common driveway between lots two and three; four and five; and nineteen and twenty-two and narrowing it down to only three driveways onto Berry Street.

The speed on the corner of Starr and Berry street was discussed with the City Engineer as well as Marion County. By making the corner more of a T-intersection will make the corner feel more like an intersection than a corner. The County may allow a stop sign to be placed.

Lots twenty-four through twenty-nine have a wall construction requirement to restrict access from Berry Street. This will also deter parking on the side of the street at these locations on Berry Street.

Marion County does not want pedestrian access at Pine View, so a walkway would not be allowed.

The Developer has no objection to making improvements along the three lots, they are only concerned about acquiring access.

Councilor Crowther asked if the City was involved in the meeting with Marion County. No.

Citizen asked how Berry and Starr Street intersection would be made into more of a T shape, and what a shared driveway looks like. The pavement would run out to be more square. The common driveway would be between the two lots to allow vehicles room to turn around and pull out facing forward.

Councilor Kingsbury closed the public hearing at 8:04 PM.

Deliberations amongst the Council followed.

Councilor Ditter asked if the shared driveway would conflict with the Development Code. No there is no conflict. Will the shared driveway affect the setbacks or ability to park RV's? The house would need to be set far enough away to park an RV in the driveway. There was discussion of having no parking and decreased speed on Berry Street. Councilor Kingsbury asked what the widths of Berry Street and Cherry Street will be. Berry and Starr are 40 feet, and Cherry at 34 feet curb to curb. Discussion of eminent domain, easements, and right of way to obtain sidewalks on the North side of Starr Street followed. The Council discussed that an adjustment to the center line of Starr Street is to be investigated first, if unable to adjust then the developer is to talk to the property owners about an easement or right-of-way, if no agreement is made, then the City will become involved with all costs being allocated to the Developer.

Discussion regarding each appeal item followed.

Proposed North Street connection to Northeast Pine View Drive. Councilor Taylor stated that if this subdivision was designed differently, the driveways would not be an issue. Rebekah Dohrman advised that this is not the time to require a reconfiguration of the site plan. The shared driveways will not decrease the amount of traffic pulling onto Berry Street. Councilor Crowther suggested that only lots four and five be shared driveways to help with sight distance and leave them remainder as single driveways. Councilor Ditter and Crowther stated that there may be issues amongst neighbors with shared driveways.

MOTION: Councilor Crowther moved to approve the first appeal item by deleting the proposed road across with the condition that lots four and five have a shared driveway. Seconded by Councilor Taylor. 4 ayes, motion carries.

Improvements to the three existing lots on Starr Street. Rebekah Dohrman recommended the Council authorize staff to develop the wording of the following items: Requirement of public improvements along the North side of Northeast Starr Street on the three already developed lots, the developer is going to try to work with the County to move the Center line if required of Starr Street to find enough right-of-way to accommodate the public improvements. If that is not possible the Developer will go back to the property owners and try to negotiate a fair market value for the rights that are required to meet the condition of approval. If there's an impasse the City will become involved to the extent appropriate and the developer will pay for any costs that the City incurs when it becomes involved.

MOTION: Councilor Ditter moved to sustain the second appeal issue and authorize staff to develop the wording, based upon discussion, within the Final Order. Seconded by Councilor Taylor. 4 ayes, motion carries.

Minor Variance for Block Length in excess of 1600 feet. Discussion of the need for a variance followed. The Pine View extension being denied created the need for this block length extension.

MOTION: Councilor Ditter moved to approve the third appeal item for a variance. Seconded by Councilor Crowther. Ayes: Ditter, Crowther, Kingsbury. Nays: Taylor. Motion carries 3-1.

Councilor Kingsbury asked for any further discussion.

Rebekah Dohrman noted that the site plan that the applicant submitted as part of their appeal has different numbering for the lots that the previous version. It is important that they are the same due to conditions of approval in the Planning Commission's decision, specifically the lots pertaining to duplex lots.

Mark Grenz stated that he can take care of the numbering.

Councilor Kingsbury thanked the public for coming to the meeting and voicing their opinions, as well as the Planning Commission.

Adjournment: Councilor Taylor moved to adjourn the meeting. 4 ayes, motion carries. Meeting adjourned at 9:00 PM.