



Planning Commission Meeting

February 5, 2018

CALL TO ORDER: Randy Cranston called the Sublimity Planning Commission meeting to order at 6:05 PM. Other members present: Wayne Stedronsky, Dolores Morris, Ron Etzel, and Joe Wolf. Staff present: Alan Frost, Public Works Director; Myrna Harding, Finance Director; Katie Scott, City Recorder; Lisa Brosnan, COG Planner; Steve Ward, City Engineer; and Rebekah Dohrman, Attorney. The Pledge of allegiance was said. There were 90+ people in the audience. The meeting was held at Sublimity Fire Station.

Re-Elect Chairperson and Vice President:

MOTION: Joe Wolf moved to elect Randy as chairperson second by Ron Etzel. 5 ayes, approved unanimously.

MOTION: Joe Wolf moved to elect Ron Etzel as Vice Chairperson, seconded by Dolores Morris. 5 ayes, approved unanimously.

PUBLIC HEARING: SUBDIVISION 2017-02/VARIANCE 2017-03/VARIANCE 2017-04 – A subdivision of approximately 35.67-acre site to create 91 lots (90 lots for single family homes on the east side of the subject site (R-1 zoned) and one lot for a 129-unit apartments complex on the west side of the subject site (R-2 zone). Minor Variance to Section 2.208.04(B) to allow for block lengths in excess of maximum allowed block length of 1600 feet. Major Variance to Section 2.208.03(E) to allow for two flag lots.

Randy Cranston opened the public hearing and asked for any conflicts of interests, biases, ex parte, and/or site visits. Ron Etzel noted conversation with resident, was asked about the subdivision, but did not divulge information. Lisa Brosnan read the required items into the record and presented the staff report.

Applicant: Mark Grenz, 1155 13th St Salem. The applicant initially thought the entirety of the property was zoned R1, but was later informed, by staff, that a portion is zoned R2. The R2 zone will be heard at a later date. The remaining 90 lots are intended to comply with the City's Development Standards, and the site plan will be adjusted to meet the criteria. The county prefers limited access to their streets, which is why the cul-de-sac and flag lots are present. The block length variance is presented to configure the streets and best placement of utilities. Applicant state that there are no objections to the conditions of approval that staff has set forth but would like to discuss Condition number 14. It is the applicants desire to utilize the R2 property as the location for the additional duplex lot density required in the R1 zone.

Ron Etzel, stated that on page 5 item F, a barrier is recommended to screen lots on Starr and Berry Street as a condition of approval. If a screen is placed, will it continue to Cherry St. No because some of those lots have frontage on Berry St.

Wayne Stedronsky asked if all the lots off Cherry Street and Berry Street will have individual driveways into their properties and the county is allowing driveways onto Berry. Yes, there was no comment from the county that prohibited direct access off Berry Street.

Dolores Morris, at previous meetings, the three existing owners were concerned about the trees on their property and the wildlife living within. Mark stated that it is likely that a significant number of trees on the property will disappear. The Development Code does not have a prohibition

against the removal of trees. It is the developers desire to retain as many trees on the property as possible, but there will be a significant number of trees that will disappear.

Randy noted that at a City Council meeting the dedication of park property was discussed; Mr. Fry vocalized that he was against the 10% but could highly support a smaller percentage of park property. Mark Grenz said that he was instructed to prepare a development plan to meet the City's criteria.

Wayne asked why North Street does not connect to Berry Street. The county asks that the number of connections onto Berry and Starr Street be limited.

Randy opened the public hearing to comments from the public. Randy noted the zoning of the property and that schools cannot be considered at this time. It was noted that there are three empty classrooms in Stayton at this time.

Janet Thomas, 592 NE Pine St. Asked if there be street improvements on Cherry Street. There are unpaved gravel streets in front of the current homes on the North side of Cherry, will they be paved? Asked if the City be re-contracting with the Stayton Police Department due to an increase in population?

Matt Kaser, 440 NE Cherry St, lives within the county but not the City. Currently, the water runs down Cherry Street into his driveway. Water is currently showed to be carried off the field, but not off the streets. Requested that although he does not live within City Limits, he still be informed.

Diane Kaser, 440 NE Cherry St. Stated that she is disappointed the Oak Grove will be removed as it is a very important part of the City and adds to the beauty of the City. She would like to see any additional R2 housing be placed within the R1 zone rather than concentrating it all at the West end of the property. Requested a continuation to next meeting for continued written and oral testimony from the public.

John Newton, 1121 NE Rosewood St. Opposed to the development. Stated that the City just had a separate large development and two large subdivisions cause a stress to the community and its livability. Presented letter that was submitted to the Planning Commission. Stated that the property is viable crop producing agricultural soil and it is a shame to have soils turned into concrete and pavement. He believes there will be an increase in property taxes for current residents. This will affect livability because rapid growth populations bring higher traffic concentrations, higher rates of crime, a burden on tax payers for possible greater police staffing, stresses existing infrastructure, and road and park maintenance.

Dave Edwards, 870 NE Pine St. Asked if there is a current breakdown of the styles and selling prices of the housing going into the development. Asked how this is going to stress the City's water capabilities.

Jim Gill, 410 NW 5th St. The City of Stayton provides the City's wastewater treatment, what are their feelings as we put these additional subdivisions in?

Eldon Banegas, 527 NE Starr St. Asked if there is a variance for duplexes, will this force the apartments on us at a later date.

Randy noted that there were letters presented to the Planning Commission before the meeting. Those letters were received by the Planning Commission members.

Clement Frank, 487 NE Cherry St, has lived on Cherry Street for 40 years. He is not opposed to people building a home and moving to Sublimity but is opposed to R2 portion of development. Can the City handle this? He agrees with what has already been commented on tonight.

Denise Busch, agrees with previous comments.

Jeff Crowther, 560 NE Broadway St. Has concerns over the storm drainage, and where it will go. What currently flows through the open ditch on his property comes off the mobile park and he assumes the developments will also. Has talked with his neighbors and they are okay with having the open ditch tiled. During heavy rainstorms the water gets very high.

Nancy Stuckart, 534 NE Hilltop Ct. The report says this will not negatively impact the roadways, but it will, especially with all the additional school children going to and from. Moved here to raise her children in a small community. Just because the property is zoned residential and can be built, does it mean we should? Agrees with what has been said, and believes we need more discussion, more community education, and to make more knowledgeable decisions.

Grant Meyers, 528 NE Pine St. Asked if Lot 92 is currently zoned R2. If there is a zoning change, that is where you can ask for conditions to get Cherry St improved. It does not make sense to have two connections onto Cherry St. It would make more sense to push it through at Pine View and line up with an existing intersection. There are a few irregular intersections that may have a higher crash rate, especially the one at South and Pine.

Cara Kaser, 934 Cottage St Salem, grew up at 440 NE Cherry St. Stated that she is not opposed to the subdivision, but does have some concerns. The Oak Tree Grove is not being preserved, it is a shame to cut those trees down. There are very few groves left in the Valley, and it is an asset for Sublimity to have. It is important to maintain the connection from Starr to Cherry St. and would also like to see a connection from North St to Pine View as an additional access into the subdivision.

Linda Anderson, 228 SW Johnson St. The engineers report on water states that the figures used include the Hassler Phase, Hassler Phase 4, and the Starr application. The hearing following this one involves annexing the Schumacher property for park land. Everyone here is stating that the Oak Grove Area is where the park should be. Is there a way to work between the two exchanges of land and get the Oak Grove saved?

Debbie Oeltjen, 555 SE Oak Grove Ave. Currently live in the new Hassler subdivision, and the last two years she has lived through the ongoing construction. The side of the street that is not being developed will not be improved. The houses in the Hassler subdivision are not selling fast and the prices are being dropped, urged the Commission to really think this subdivision through.

Michael Strahan, 327 NE Rosetree Dr. Stated that he has heard news that water may be stopped at the Detroit Dam. Has this been considered and will it impact our area concerning water?

Bart Lulay, 385 NE Starr St bordering the property being developed. He has worked under the Oak Trees his entire life and they would not make a great park. They are constantly shedding and a lot of work. Several trees have root rot or caulk making them unpredictable. They are constantly shedding dying limbs, and there are currently some very large ones that can come down at any time and it can be a very dangerous area.

Paul Richter, 1150 NE Rosewood St. Is concerned about the safety of the wall that is being discussed at the southeast corner of the development.

Johanne Samek, 392 NE Berry St. It doesn't look like there is enough room for the bike lane or walking. There is already a lot of traffic for pedestrians walking up and down the street.

Duane Bradley, 248 N Center St, has lived at his house for 60 years. He has 7 acres in town and wanted to remind everyone that he has paid taxes on it for 60 years and would like to get something out of it to spend later years on.

Randy closed the public portion of the hearing.

Randy called for a break at 7:36 PM.

Hearing continued at 7:51 PM.

Rebekah Dohrman, Attorney, stated that at least two members of the audience have asked for more time. By statute the Planning Commission may grant 7 days for written testimony to be submitted. There would then be a 7-day period for response in writing to any of the new information. Following that there is a 7-day period for the applicant to explain/respond to anything submitted within the previous 14 days. The public hearing would close tonight, and then the Planning Commission would meet again to make their final decision.

Mark Grenz, applicant, is in agreement with the terms to close the oral testimony portion of the hearing, and to move forward with the 7-7-7. Applicant agrees to extend the 120-day deadline by 30 days.

Randy stated that the Sublimity School has many students that do not live in the City but are allowed to attend. As the City's growth requires more classrooms for City residents, those out of City students will be denied a transfer within the district.

City Engineer's response to public comment:

Steve Ward, City Engineer Westech Engineering.

Streets: The City has adopted a Public Design Standard with very detailed standards that the applicant's engineer is very familiar with. The streets will be improved to City standards, and he has no concern about street improvement because it is detailed within the Standards. Cherry St will have a ¾ street improvement, he has not talked to applicant about a full street improvement at this time. Berry and Starr streets are county roads and will be improved to county standards, not to City standards.

Drainage: The engineer must do a downstream analysis of the storm drain system as well as provide on-site storm water detention.

Waste water treatment plant: The City has an IGA with the City of Stayton which controls what the City can and cannot do. The City of Stayton did a waste water facility plan that included the growth for Sublimity. They are aware of the City's growth.

Water: There is sufficient water capacity within the City's system. The City has sufficient water rights and capacity for this subdivision as well as the Hassler subdivision. The City's water comes from wells, not the river, so the Detroit issue is not of concern here.

Walls/Fence/Safety issues: There are vision clearance triangles to ensure safety.

The UGB expansion is for future water rights to provide water for the City at a later date.

Planning Commission response to public comment:

The West end of Cherry Streets unpaved sections and ability for Marion county's coverage for the community expense. Randy answered that the applicant is not required to improve another person's property, but they cannot make it any worse. The City Council makes the decisions regarding police services.

Clarification regarding 15% duplex lots and allowing a transfer of duplex density to the multifamily lot (Lot 91). Randy answered that the multifamily is not before us tonight and will come at a later date. The current code calls for 15% duplex lots in any development in the R1 zone, so those duplex lots will be within the subdivision that is before us tonight.

Why not postpone this to a later date? Randy answered that we have an applicant before us that has a right to an answer. By statute, the City has 120 days to give the applicant an answer.

Rick Kauffman, 700 SW Dalmatian Ave. If the developer is allowed to rezone the R2 section into R1, what would happen in the future to that 15%? Would it be moved on to other developments in the City. Rezoning of R2 to R1 is very unlikely, and difficult. The 15% duplex lots are required within every R1 subdivision and will not be waived.

Applicants response to public comments:

Trees: Applicant is required by staff to align Pine Street, with the existing Pine Street which forces the road through the trees. The developers/builders will try to keep as many trees as possible.

The pricing and styles of the housing is not known at this time and is not a criterion. Ron stated that the Commission received a letter from a resident currently on the site with a concern of storm drainage. They currently have pumps in their basement to pump out water into the storm water system. Alan has discussed issue with Mark's field engineer regarding this and a sewer issue on Cherry Street.

Randy stated that he is not a fan of flag lots.

Mark explained that there is no prohibition to having access off Starr Street, the county and staff asked for alternatives to avoid it. The flag lots were created as an alternative to access to a collector street.

The record will be left open for 7 days. Public comment must be submitted within the next 7 days. Rebekah stated that the first 7 days will close on February 12th at 5:00 PM. The next 7 days will close on February 20th at 5:00 PM to submit comment replying to the comments of the first 7 days. The applicant will then have an opportunity to submit written rebuttal comments until February 27th at 5:00 PM.

The Planning Commission meet to deliberate on Monday, March 5th at 7:00 PM.

Randy closed the Public Hearing.

PUBLIC HEARING: UGB/ANNEXATION/ZONE CHANGE/COMPREHENSIVE MAP PLAN AMENDMENT – Expansion of Urban Growth Boundary to include 9.85 acres. Annexation of 9.85 acres into the City Limits. Corresponding Zone Change and Comprehensive Plan Map Amendment to rezone and designate 8.85 acres to Public (P) zone for use by the City of Sublimity for a public park and maintenance yard, and 1.00 acres to Low Density Residential (R-1) zone for the portion of the subject site with an existing residence.

Lisa Brosnan read the required items into the agenda.

Randy Cranston opened the Public Hearing and noted that the City is the applicant.

Lisa presented the prepared staff report.

Randy stated that this is the first time that the City's Urban Growth Boundary (UGB) and City Limits have been expanded. The property has very old water rights that can be transferred to the City. There will never be a house on the property, except for the one that is currently present. The property will be paid for by System Development Charges (SDC's). There will be a Parks Board

Randy opened the hearing to comments from the public.

Mike Seber, 565 NE Hilltop Way. The City has no baseball or soccer fields, are there any plans to include this in the park? Randy answered that the City Council will appoint a Parks Board to determine how it is developed.

Steve Sedor, 525 NE Berry Street. When will the park begin, has it already been bought? Will it be purchased before receiving an okay from the county? What happens if the City is not able to meet the parks requirement within the City? Will there be lights in the park for the evening. Where will the park be? Where is the street to access the park?

Randy answered that at this time we do not have a plan for the park. If the annexation is turned down, the City will not buy the property. What the park looks like will be up to the Parks Board.

Alan answered that there is access from the North and South side. The North side access will be for Public Works, and the South for the park. The City probably will not have an answer for the water rights until the end of the summer.

Randy answered that there is no penalty for not meeting the parkland acreage, it is just a State guideline.

Is the price in the Schumacher property and the Church Park substantially different? The agreed upon price for the Schumacher property including the buildings and water rights is \$850,000.00, the Church park is much more than this.

Greg Atkin, 527 NE Hilltop Ct. Stated that he is in favor of adding parks. The price for the park is great, especially including the water rights. Asked that the City communicate better with the community to get information out to the public.

Carol Ditter, 229 SW Johnson St, asked what happens if all the components don't come together? What happens if the property is brought into the UGB, but the property is not purchased by the City. Lisa answered that the property is only Public Zone, not Residential Zone. Randy answered that the property owner is willing to take the risk of it being rezoned without a purchase. Could the new purchaser apply to have a subdivision put in on the property? No, it would be brought in for public use only. What is the time frame for everything to be approved? Currently it is all aligning for the water rights to be approved. If the Planning Commission approves at this hearing, it will go to the City Council for an Ordinance, and between the first and second reading it will go to the county.

Tim Stuckart, 534 NE Hilltop Ct, is not opposed, but would caution that there is a blind hill and the speed limit another 80 yards down the road is 55 mph. Will there be a parking lot? There are no sidewalks in this area. Joe Wolf answered that the City will have to do street improvements just like a developer does. SDC's and grants can help pay for this. Alan answered that there will be speed zone changes with the new development going in.

Discussion of visualization of the future park followed.

Tyler Butenschoen, 564 Hilltop Way, is supportive of the park. Agrees with Tim regarding the sidewalks. More park land requires more maintenance, what are the plan to maintain the park? Alan answered a full-time employee was hired last fall, as the City grows staff is being added.

Discussion of intersections, tax rates, and park land requirements, and water rights followed.

Randy closed the public portion of the hearing.

Wayne asked what portion of the SDC funds will pay for the land. 250,000 from water, 300,000 from parks, and 300,000 split between the 5 other funds equaling the total of 850,000. What will happen with the existing Public Works Building? It will still be utilized.

MOTION: Joe Wolf moved to recommend to the City Council the adoption of the staff report and approval of the Urban Growth Boundary Expansion (UGB 18-01), Annexation (ANX 18-01), Zone Change (ZC 18-01), and Comprehensive Plan Map Amendment (CPMA 18-01). Seconded by Dolores Morris. 5 ayes, unanimously approved.

Planning Commission Meeting Minutes: January 11, 2018

MOTION: Joe Wolf moved to approve the minutes of the January 11th meeting as drafted. Seconded by Wayne Stedronsky. 5 ayes, unanimously approved.

ADJOURNMENT: Joe Wolf moved to adjourn the meeting. Seconded by Ron Etzel. Meeting adjourned at 9:59 PM.