

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Monday, December 9, 2019**

**COMMISSIONERS:** Jackie Carmichael, Vice-Chair  
Dixie Ellard  
Heidi Hazel  
Ralph Lewis, Chair  
Richard Lewis

**STAFF MEMBER:** Dan Fleishman, Planning & Development Director  
Lisa Meyer, Office Specialist

**OTHERS PRESENT:** Gerry Aboud, Summer Crawford, Casey Falconer, Dave Foster, Mark Grenz, Gene Jones, Michael Heil, Michelle Hendricks, Becky Hilkey, Jerry King, Josh Ritchie, David Klein, Dale Mumey, Steve Poisson, Josh Smith, and approximately 25 others

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 PM.
2. **APPROVAL OF MINUTES:** Hazel moved and Rich Lewis seconded to approve minutes from October 28, 2019. Passed 5:0.
3. **LAND USE FILE #14-11/19 – PUBLIC HEARING City-initiated vacation of Alley between N Second Ave and N Third Ave, north of E Hollister St**
  - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:00 PM. No objections were made from the audience to the notice provided or the jurisdiction of the Commission to hear the case. There were no declarations of conflict of interest, *ex parte* contact or bias by members of the Planning Commission.
  - b. **Staff Report-** Fleishman explained two years ago a neighboring property owner submitted an application to the City to vacate the alley. The applicant was required to obtain signatures from all abutting property owners. They were unable to obtaining a signature from one of the property owners. The City Council voted to vacate the north  $\frac{3}{4}$  of the alley, but left the southern 50 ft as a public alley. One of the property owners abutting up to the southern portion of the alley approached the City about vacating the last 50 ft. Fleishman brought the issue before the Planning Commission and City Council who gave approval to proceed with a City initiated alley vacation which does not require signatures from abutting property owners. There are no public or private utility facilities in the alley. Vacating the alley will not harm the public good.
  - c. **Questions from the Commission-** None
  - d. **Proponents' Testimony-** None
  - e. **Opponents' Testimony-** None
  - f. **Governmental Agencies-** None
  - g. **General Testimony-** None
  - h. **Questions from the Public-** A woman from the audience inquired about what will happen to the alley space in question.
  - i. **Questions from the Commission-** None
  - j. **Staff Summary** – Fleishman explained that the alley will be split in half between the property owners with each owner receiving an additional 7.5 ft of land. Staff recommended vacating the alley and forwarding to the City Council for a public hearing.
  - k. **Close of Hearing-** Chair Lewis closed the hearing at 7:08 p.m.
  - l. **Commission Deliberation-** None

**m. Commission Decision-** Hazel moved and Carmichael seconded to recommend to the City Council to vacate the remaining portion of the alley between N Second Ave and N Third Ave, running north from E Hollister St. Passed 5:0.

**4. LAND USE FILE #14-11/19 – PUBLIC HEARING Applications for annexation, comprehensive plan map amendments, Gene Jones, Fern Ridge Road**

- a. Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:09 p.m. No objections were made from the audience to the notice provided or the jurisdiction of the Commission to hear the case. Hazel declared that she has clients at the hearing that have expressed concern about the property. Rich Lewis declared that he drove by the property.
- b. Staff Introduction-** Fleishman read aloud the hearing procedures pamphlet since there wasn't enough hard copies available for those attending. The applicant submitted applications to annex property into the city and another for a comprehensive plan amendment from residential to commercial. The applicant requested to designate the zone as interchange development which is a commercial zone.
- c. Applicant Presentation-** Mark Grenz, Multi Tech Engineering Services, 1155 13<sup>th</sup> St SE, Salem, OR 97302. The applicant proposed an interchange development zone for an RV park. The applicant submitted a handout showing the existing waterways, a proposed natural pathway and an example of spacing at an existing RV park. The Parks Master Plan calls for a linear park to run along the Hwy 22. The applicant noted the constraints that limit where streets can be built regardless of the type of zoning assigned. The parcel is bordered by the City limits on three sides. City water and sewer services are available to the site. The applicant believed the transportation facilities available in the front are adequate to service the site. The applicant provided a Transportation Planning Rule (TPR) Analysis and is prepared to provide the City additional analysis as requested in their Staff Report. The applicant explained that an RV park would provide additional options for housing and allow people to stay seasonally and be a part of the community. The interchange zone requires property to be within 1,500 ft of a Highway 22 interchange. The other commercial properties available in town would not work for an RV Park because of their location and size. The applicant thought an RV park would generate less am/pm peak trips than a single family subdivision and that it is not economically feasible to build single family housing based on all the constraints.
- d. Staff Report-** Fleishman reminded the audience that tonight's hearing is for the annexation into city limits and a change in the comprehensive plan designation and there is not an application to develop the property at this time. The applicant has the burden of proof to show that the application criteria are met. The information provided in the application was not complete and some was erroneous. Staff did not think the property was appropriate for interchange development due to its location. The City's transportation planning consultant raised concerns about the applicant's consultant's recommendation regarding the transportation analysis. Fleishman discussed the criteria for annexation. Staff recommended that the Planning Commission find that the criteria are met and recommend to the City Council to annex the land. Staff noted that there is enough subjectivity in the standards to interpret the criteria as not being met.

The comprehensive plan map currently has the property designated as residential and the applicant requested a commercial designation. The applicant requested the zoning to be changed to interchange development if annexed; therefore, a zone map amendment is required. The applicant's narrative discussed 13 of the statewide planning goals, but did not discuss that their proposal is compliant to the City's comprehensive plan. The applicant's request for a zone map amendment was consistent with state provisions, but not the city's provisions. Land Use Policy #4 states that the interchange development zone must be near the Hwy 22 interchanges and oriented for commercial uses. The Economic Development Policy #4 states the City must discourage commercial development along Hwy 22 and continue the interchange development zone near the two Hwy 22 interchanges. Fern Ridge Rd and Hwy 22 are not an interchange, but an intersection. Fleishman referenced the 2006 Sublimity Interchange Area Management Plan. The applicant's narrative mentions the potential for open space areas, access to Hwy 22 and commercial areas nearby. Fleishman noted that the conceptual site plan does not show open

spaces except along Lucas Ditch. Hwy 22 has limited access and the property does not have direct access to Hwy 22. There are no nearby commercial uses in the surrounding area until Cascade Hwy. The analysis required by the TPR requires the applicant to look at the worst case scenario with the proposed zoning and the applicant only provided analysis for an RV Park. The TPR analysis submitted referenced a 15% increase as a result of the proposed zone change. The City's consulted requested a specific citation from the Oregon Administrative Rules. The City's code requires a Transportation Impact Analysis to be submitted with the application for zone change.

Staff recommended that the Planning Commission recommend to the City Council to approve the application for annexation and deny the application for comprehensive plan amendment. Staff recommended assigning low density residential zoning. The recommendation is based on the failure of the applicant to carry the burden of showing the application meets approval and that interchange development zoning is not appropriate for this location. Fleishman referenced the packet for additional findings of fact. Fleishman noted that the proposed use of an RV Park does not provide housing. The applicant requested to change the comprehensive plan from residential to commercial. The commercial designation is for transient accommodations for the traveling public.

- e. **Questions from the Commissioners-** Hazel inquired what would be the worst case scenario if the comprehensive plan map is changed to commercial and the RV is not developed. Fleishman explained the uses permitted in the interchange development zone include hotels, motels, gift and novelty shops, restaurants, gas stations, food/beverage store. The code requires substantial conformity with the conceptual plan submitted with the application for annexation if a development application is not submitted concurrently.

**f. Proponents' Testimony-** None

- g. **Opponents' Testimony-** Casey Falconer, 810 Sunrise Dr, Stayton OR 97383. Falconer is concerned about the zone change from residential to commercial use. There is residential development on three sides of the proposed RV Park. He has concerns about the foot traffic commercial zoning may generate. The proposed footpath connects to a trail the Home Owners Association (HOA) maintains. He is concerned about the stormwater running off the property and into the HOA's detention pond. He is also concerned about the traffic and speed on Fern Ridge Rd if commercial development is allowed.

Mike Heil, 1677 Mountain Dr, Stayton, OR 97383. Heil believes the property should be zoned residential when annexed. There are residences on all three sides of the proposed RV Park.

Josh Smith, 2105 Summerview Dr, Stayton, OR 97383. Smith is concerned about the traffic on Fern Ridge Rd if commercial development is allowed and believes it should stay residential.

David Klein, 1545 Fern Ridge Rd, Stayton, OR 97383. Klein is concerned about emergency services getting through on 10<sup>th</sup> Avenue when construction starts. He is also concerned about RVs accessing the park's entrance on 10<sup>th</sup> Avenue and the intersection access at Fern Ridge Rd and Hwy 22.

Dale Mumey, 687 Meadowbrook Ln, Stayton, OR 97383. Mumey attended a recent HOA meeting with a large number in attendance and not one person expressed support for an RV park.

Gerry Aboud 836 E Kathy St, Stayton, OR 97383. Aboud recommended annexing the property as residential. He is concerned about future commercial uses if the zone map is changed to interchange development zone. He thought the proposed commercial development is not compatible with the area.

Dave Foster, 1233 Dawn Dr, Stayton, OR 97383. Foster is concerned about the traffic coming off of Hwy 22 onto Fern Ridge Rd. He thought the commercial zone is out of character with the neighborhood and surroundings. He noted the need for permanent housing and recommended residential zoning.

Michelle Hendricks, HomeSmart Realty Group, 582 E Washington St, Stayton, OR 97383. Hendricks noted that property values of the neighboring property owners would be greatly affected.

Becky Hilkey, 1848 Kent Ave, Stayton, OR 97383. Hilkey is concerned about the property values decreasing. She believes the City would want the tax base increase from residential housing rather than an RV park.

Jerry King, Elder Chair at Foothills Church, 975 Fern Ridge Rd, Stayton, OR 97383. King is concerned about traffic that may be generated on the north end of the church's property based on the conceptual plan provided that shows a trail along the ditch. He is also concerned about potential security issues. The Church supports the annexation with residential zoning.

Steve Poisson, 1750 E Pine St, Stayton, OR 97383. Poisson noted the property does not meet the interchange zone requirement, the TPR does not meet the worst case scenario and not sure if there is a need to annex the property. Poisson doesn't think commercial zoning is appropriate for the neighborhood.

Josh Ritchie, 1847 Kent Ave, Stayton, OR 97383. King is concerned about the RV's accessibility in town and decreasing property values if the property is zoned commercial. He recommends keeping the zoning residential.

Summer Crawford, 2090 Wildflower Dr, Stayton, OR 97383. Crawford is concerned about safety in the neighborhood and the extra foot traffic the commercial development may bring. She is opposed to the commercial development. Crawford also spoke for Betty Held at 773 Summerview Dr, Stayton, OR 97383 who opposed the proposal and couldn't attend the hearing.

- h. Governmental Agencies-** Fleishman noted there is a letter in the packet from Marion County Public Works.
- i. General Testimony-** None
- j. Questions the Public-** Falconer had two letters from neighbors who could not attend and would like to get them on the record. Fleishman received the letters and will forward to the Commissioners. Falconer inquired if there is a plan to extend a trail to the HOA's property. Fleishman referenced a Parks and Recreation Master Plan which includes a future trails map within the Urban Growth Boundary. A non-motorized trail is on the map along the ditch and through the Foothills property connecting to the trail in Sylvan Springs. The Plan also calls for a linear park with a trail along the south right-of-way of Hwy 22. Fleishman explained the city would likely take over the future trail.
- k. Questions from the Commission-** None
  - l. Applicant Summary-** Grenz requested a continuance of the hearing. The applicant hasn't had an opportunity to review the City's traffic consultant's comments, Marion County's comments or the information provided in writing tonight.
- m. Staff Summary** – Staff recommended continuing the public hearing to January 27, 2020, based on the applicant's request.
- n. Close of Hearing-** n/a
- o. Commission Deliberation-**
- p. Commission Decision-** Hazel moved and Richard Lewis seconded to continue the public hearing to January 27, 2020. Passed 5:0.

## **5. LAND USE FILE #19-09/18- Site Plan Review, Golf Lane – Request for Extension**

Hillyer Ford requested an extension for one year. Staff recommended to grant a one year extension. Richard Lewis moved and Ellard seconded to grant a one year extension. Passed 5:0.

- 6. REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING-** Chair Lewis decided to postpone this topic to January's meeting.
- 7. OTHER BUSINESS** – The Taco Bell development is still pending.
- 8. ADJOURN:** Chair Lewis adjourned the meeting at 8:54 p.m.