

ASTAYTON PLANNING COMMISSION MEETING MINUTES

Monday, April 25, 2022

COMMISSIONERS: Ralph Lewis, Chair
Dixie Ellard
Heidi Hazel
Larry McKinley
Richard Lewis

STAFF MEMBER: Dan Fleishman, Planning & Development Director
Windy Cudd, Office Specialist, Minutes

OTHERS PRESENT: Bill Lulay, North Santiam Paving; Tim Lawler, Development Associate, Green Light Development; Stave Kay, Cascadia Planning; David & Rica Brant; Kevin Brower; and Julie McKinnon

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:02pm.
2. **APPROVAL OF MINUTES:** McKinley moved, and Ellard seconded to approve the minutes from March 28, 2022, as presented. The motion was approved 5:0.
3. **LAND USE FILE #3-03/22 -Application for Comprehensive Plan Map Amendment & Zoning Map Amendment, Immaculate Conception Catholic Church, 715 E Jefferson St**
 - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body 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 Introduction-** Fleishman explained the application is for Comprehensive Plan Map and Zoning Map amendment for the vacant lot located at 715 E Jefferson St.
 - c. **Applicant Presentation-** Bill Lulay, North Santiam Paving, regarding vacant lot proposing a 10,500 square foot, 4 classroom building to be located just south of the existing St Mary's building. All utilities are available.
 - d. **Staff Report-** Fleishman explained that the property is currently vacant. The Code lists six criteria for approval. The applicant either meets the criteria or the criterion is not relevant in this case. Staff recommendation is Planning Commission to draft order to approve the application.
 - e. **Questions from the Commission-** None
 - f. **Proponents Testimony-** None
 - g. **Opponents Testimony-** None
 - h. **Government Agencies-** None
 - i. **General Testimony-** None
 - j. **Questions from the Public-** None
 - k. **Questions from the Commission-** None
 - l. **Applicant Summary-** Bill Lulay reiterated that the space is there and there is a waiting list for kids to attend. He asks that the Commission approve his amendment.
 - m. **Staff Summary-** Fleishman explained that applicant's representative mentioned an intent to build a new school building on this site. Should the City Council approve the Comprehensive Plan and Comprehensive zoning map, they will need to return to the Planning Commission for a Site Plan

Review process to have that development activity reviewed and there will be another public hearing at that time. Development is not before the Commission this evening; this hearing is to only change the zoning map.

- n. **Close of Hearing-** Chair Lewis closed the hearing at 7:20 pm.
- o. **Commission Deliberation-** None
- p. **Commission Decision-** Hazel moved and Ellard seconded to approve the application and adopt a draft order to submit to City Council. Passed 5:0.

4. LAND USE FILE #5-03/22 – Applications for Site Plan Review & Modification of Approved Subdivision, Green Light-Home First, LLC, N Third Ave

- a. **Commencement of Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:24 pm. No objections were made from the audience to the jurisdiction of this body to hear the case. There were about 3 persons present that did not get a notice of the hearing. Fleishman recommended to proceed with the hearing with a possibility of a continuance. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
- b. **Staff Introduction-** Fleishman explained the application for Site Plan Review for the construction of a 72-unit apartment complex and modification to the Santiam Station Subdivision.
- c. **Application Presentation-** Tim Lawler, Development Associate, Green Light Development. Introduced the plan to build 72 affordable quality apartments consisting of 1-, 2-, and 3-bedroom floorplans.

Steve Kay, Cascadia Planning, presented information showing that the layout of the buildings on the site met the intent of the Code, even though Building A does not have a prominent entrance facing the street. Kay showed the elevation difference in elevation from N Third Ave and the ground level in front of the building, noting that the entry would not be visible from the street.

- d. **Staff Report-** Fleishman explained how the applicable criteria will be met. Revised landscaping, illumination, transportation, stormwater, and maintenance plans submitted. All can easily be handled by conditions of approval. The only issue not easily resolved is that Building A needs to have a prominent entryway facing the street or within 20 feet of the street.
- e. **Questions from the Commission-** Concerns were expressed about the wetlands. Fleishman informed there is no activity in wetland areas.
- f. **Proponents Testimony-** None
- g. **Opponents Testimony-** David & Rica Brant, 190 Shaff Rd. Visual concerns of the building. Traffic issues due to added housing, will increase traffic flow. Concerns whether there will be a traffic light at Fern Ridge Rd and N Third Ave. Concerns about maintenance being kept up on the buildings, to keep it looking nice. Homeless/fire victims being offered units. Recommended to decline the application.

Kevin Brower, 115 Shaff Rd. Concerned about location for the cheaper housing, and the assisted living next door, is that a good fit? Watershed issues? Traffic and Safety concerns, more provisions needed for safety. Safety concerns with around the pond/stormwater, watershed collection. Clean out of the storm pipe under Cascade Hwy. Flooding from impervious surface.

Julie McKinnon, daughter of owner Roselee Stephenson, 102 Shaff Rd. Concerned with traffic impact coming from Fern Ridge Rd and N Third Ave. She believes this is not a good fit. Wanted to know what the qualifications were for the people who would be renting these apartments. Concerned over the low-income aspect of the project.

- h. **Government Agencies-** None
- i. **General Testimony-** None

- j. **Questions from the Public-** None
 - k. **Questions from the Commission-** None
 - l. **Applicant Summary-** Steve Kay, Cascadia Development. Steve spoke on the concerns raised by Public Works by stormwater design. Civil Engineer can accommodate layout for stormwater. Landscape will do whatever to make it meet requirements. Plat alterations will be amended to vacate unused Public Utility property properly. High Density residential multifamily dwelling is allowed.

Tim Lawler, Development Associate. Addressed some concerns of the opponents. Specifically, the maintenance of the buildings, they are the owners and they have budgeted the funds for the regular maintenance of the buildings and the facilities.
 - m. **Staff Summary-** Fleishman explained High Density residential for 20 years. High Density meaning minimum number of units of 54, no maximum (per code). Maximum controlled by parking.

Emergency access was discussed, local fire district did not see the need for another entrance/exit. Applicant's stormwater, flow rate off this sight is less than the predevelopment run off rate, therefore, less amount of stormwater runoff after development.

Traffic concerns were noted, and Fleishman detailed out that there was a study done that resulted in no change to the amount of traffic. High visibility crosswalk to be considered by the City.
 - n. **Close of Hearing-** Chair Lewis continued the hearing at 8:40pm.
 - o. **Commission Deliberation-** Commission deliberated, and Hazel moved and Richard Lewis second that the Planning Commission continue the public hearing on the Green Light-Home First LLC (Land Use File #5-03/22) until May 31, 2022, with a vote of 4:1.
- 5. CODE INTERPRETATION-** The issue before the Planning Commission from staff for an interpretation of the Land Use Development Code.
- a. **Staff Report-** Fleishman explained that the code defines a live-work unit as a structure of a structure;
 - i) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
 - ii) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

The staff requesting guidance from the Planning Commission as to the extent commercial activity must be present in order to classify a use as a live-work unit rather than a single-family dwelling.
 - b. **Commission Deliberation-** Commission discussed whether or not a resident was considered a business location. Does an employee have to be present at the location? Retail/Service business open to the public?
 - c. **Commission Decision-** The Commission referred a requested amendment by Mr. Fleishman for next meeting
- 6. ADJOURN:** Meeting adjourned at 8:40 pm.