



# City of Aumsville



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## AUMSVILLE PLANNING COMMISSION MEETING Thursday, April 5, 2018

**CALL TO ORDER:** The meeting was called to order in the Chester Bridges Memorial Community Center, 555 Main Street, Aumsville, Oregon at 6:06 PM. Commissioners present were Vicky Barber, Dan Kluver, Russell Snow and Tom Youmans. Commissioner absent was Gus Bedwell. Staff present were Planner Dave Kinney (Planner Kinney) and Executive Assistant Lora Hofmann (EA Hofmann).

### **PUBLIC HEARING: Olney LLC Site Development Review Application**

The Public Hearing opened at 6:09 pm. Chair Kluver read the opening statement, covering preliminary matters and asking whether there are any objections to notice or jurisdiction of the planning commission - there were none. Commissioner Youman indicated he owns adjacent property. There were no objections to his participation.

Staff Report - given by Staff planner Dave Kinney. He explained that the original hearing March 1<sup>st</sup> was rescheduled to allow Public Works' concern to be addressed. AKS Engineering had some concerns about proposed conditions and the city wanted to gather more information. Correspondence between applicant and city has been included in the record regarding these concerns. Planner Kinney referenced the criteria as set out in his staff report. He said there has been a request for a waiver for the loading area; (if APC keeps this requirement, there will be a change to site plan); request for change to the landscaping and buffering requirement - Planner Kinney explained the reason this requirement is included in the development ordinance and referred to the specific language from the code. Planner Kinney explained the city is asking for landscaping in front of the fence line and outlined the requests, noting the clear vision area. In addition to a landscaping plan, applicant needs to provide a maintenance plan. The other issue to be noted is the public improvement requirement. Water system improvements were explained, referring to the water master plan and what is proposed to improve fire flows. Keller did the original master plan, and they were asked to do a current assessment. Keller is recommending the 8 inch water line be upsized to 10 inch line to accommodate necessary water. Planner Kinney said that the city would pay for the oversizing from 8 inch to 10 inch. The line along Olney Street is not identified as needing the 10 inch line - if it is upsized, city should share cost. Sewer lines need to be extended to the west along Olney Street and the line could terminate at the driveway from Olney into the property. Applicant has also taken issue with requested improvements to Aumsville Hwy - the City maintains this is a typical request for any type of development and therefore proportional to the current applicant. There are no street improvements on the west side of 11<sup>th</sup> south of Olney. Staff is recommending approval with conditions and the conditions were identified. Marion County's request for a condition dealing with the integrity of Aumsville Hwy. was explained.

Applicant Testimony - Provided by Joey Shearer of AKS, 4300 Cherry NE Keizer 97303. Mr. Shearer explained that HP Civil has been looking to relocate in Aumsville for a year. The first pre-app conf on this application was in May 2017. He said that there has been much planning to bring this to fruition. Mr. Shearer aid that Planner Kinney put together a thorough staff report and said he would just touch on the high points and those areas in which they disagree with the city planner. He pointed out that the

applicant acknowledged utilities are necessary and they are an expected cost. They have problems with the requested street improvements and believe, under the Dolman decision that it is not proportional to the impact of their building. The improvements stretch 500 linear feet and the infrastructure costs are approximately \$200,000; they do not believe these are proportional and it is too high a cost to locate in Aumsville. He argued that the Dolman decision “trumps” the city’s ordinance and the requirement could be overturned upon appeal. He then discussed condition G-1 regarding landscaping outside of the fence line, in the public right of way. He said that a purpose statement can not be used as a criteria for a decision and the code says a property just has to have 10% landscaping. He argued that buffering is not needed. Condition G-2 - street trees for buffering. The property across the street, he maintains, is not in city limits. He referred to the properties to the south of Olney and said they do not need buffering and they are outside of the city of limits. Street trees should not be required until this area of the city is brought up to city design standards. Condition G-3 - ground cover - they don’t think landscaping should be required in the city right of way. He then referred to the loading zone condition. He said that there is a large amount of property that can be used for loading on the site and it seems excessive to request a specific loading zone area. He said that this has been a long process, but they believe they have a good business that agrees with the changes to the conditions of approval other than those dealing with landscaping. He argued that the sewer line extension should not be the sole cost of the applicant because the city has identified that SDC’s are marked for those in their master plan. The application would like the “sole cost” portion of that condition struck.

There was no Proponent, Opponent, or General Testimony. Any Governmental Agency comments were referenced in the staff report.

Questions from the Public: - Ann Cummins, 8674 Olney SE, Aumsville asked for information about the location of the driveway on Olney, and it was noted it will be at least 300 feet from the intersection. She asked about the discharge of water into the ditch - AKS’ engineer Michael Poissant gave a quick summary about the drainage - it will discharge to Olney and the ditch slopes to the west and the property owner will have a detention area. They will be installing a culvert at the driveway entrance(s) to Olney (at the current and future driveway).

Questions from the Commission: Commissioner Barber asked about the building and if there would be anyone living there as security. Per Mr. Shearer, there are no plans for that. He also indicated they will have sight obscuring fencing. Commissioner Barber then asked about the landscaping and Mr. Shearer said there is a new landscaping plan that removed the street trees because there is a ditch, and it doesn’t make sense to put in trees in a ditch. He argued that it is the city’s responsibility to maintain the public right of way. Commissioner Youman said that the city requires owners to maintain property right of way in front of their property. Planner Kinney clarified that it is in the city’s municipal code. Commissioner Barber asked about the storage of materials and the number of trips into the yard (in regard to the request for waiver of the loading zone). Larry Gescher said there is only about four loads a week. The materials are unloaded into the storage yard (which is behind a fence). Commissioner Youman asked EA Hofmann about whether Recology was required to add buffering. EA Hofmann said yes. Commissioner Barber asked about lighting, and Mr. Shearer said that there is a condition that the lighting be shielded, and they are agreeable to that. Commissioner Barber asked if the landscape plan without the frontage improvements meets the percentage requirements. She then asked again about the area in the back of the building behind the offices. She was told that it is their shop and where they will store tools and make repairs. It was clarified that there will be pavement around the offices and gravel in the yard. Commissioner Snow asked about the size of the trucks coming into the yard and was told they will be from one axle to a three axle trailer. Commissioner Snow asked about hours of operation and was told 7am to 5pm is usual. Commissioner Barber asked, again, why they don’t want to make improvements along the frontage. Mr. Shearer said that this type of business doesn’t have the impact that should require the improvements. They don’t have enough traffic to generate a traffic study and the impact doesn’t justify \$200,000 worth of improvements. He argued that the burden is on the city in this particular case to justify that the cost is necessary. Normally, the burden is on the applicant. Mr. Shearer argued that it is something requested by Marion County, but it will be upon the city to defend it. He argued again that there is a proportionality test. Commissioner Snow asked EA Hofmann about this

being submitted to the attorney. Commissioner Snow asked Planner Kinney is the county is requiring it, or is it a straight recommendation? The county makes a recommendation and it is up to the city to decide whether to take their recommendation. Planner Kinney said that he doesn't necessarily agree with the applicant's legal analysis. He agreed there is a long distance along the development site and it does not have a large traffic impact. Frontage improvements are proportional over the entire site. Planner Kinney said that in the Springfield case they were asked to add to the right of way and a non-remonstrance agreement for curb, gutter, and sidewalk was discussed. Small cities don't have the money to make improvements, and then charge back to owner. That is why they require improvements with development. Planner Kinney said that the city attorney has said that if there is an appeal, he will look closely at the facts to determine if it is defensible. Commissioner Snow asked Mr. Shearer what their thoughts are about a non-remonstrance agreement. Mr. Shearer again reminded that this is a \$200,000 cost that they are trying to avoid. He did indicate that the business wants to exercise good will with the city and they would consider the non-remonstrance, if forced to consider it. Commissioner Snow asked if there were requests from Marion County they could live with - he brought up the pavement integrity. Commissioner Youman asked if the city doesn't require the improvements here, they can't force the next property down the road to make improvements. Commissioner Barber asked if the improvements aren't made, and this applicant leaves, can the next property owner be required to make the improvements. Planner Kinney said it would depend on whether there is a new site plan application and whether additions are added to the property. Commissioner Youman asked if the city had ever collected on a non-remonstrance agreement. Commissioner Kliver said he see the applicant's side and the thought of a sidewalk to nowhere doesn't make sense. He doesn't agree with Marion County's request for three-quarter street improvements. Mr. Gescher spoke up and said they aren't going to want to have ugly landscaping/ditch in front of their business. They want it to be attractive.

Applicant Summary - Mr. Shearer said he believes he has probably covered everything.

Staff Summary - Planner Kinney referred the commission to the conditions at the end of the report. Condition 2C - "applicant's sole expense" and suggested possibly adding the language "consistent with city SDC policy" He said the city could ask for a non-remonstrance agreement for the street improvements on Aumsville Hwy. One of the conditions is that lighting be shielded.

Michael Poissant, AKS, said that the applicant is asking that conditions G1, G2 and G3 be deleted entirely. He was asked to share the width of the property outside the fence from the fence to the ditch. Going north on Aumsville Hwy, about halfway up, the ditch is next to the property line and then there may be about a 5 feet wide right of way outside of the fence between the ditch and fence.

Commissioner Barber asked if there are any irrigation lines for the maintenance of the landscaping and was told there are not; they plan to manually water.

The commission took a break at 7:35 pm and returned at 7:47 pm.

The Hearing closed at 7:50 pm and the commission went into deliberation. It was decided, since there were going to be a few changes that Planner Kinney would read each condition one by one and the commission would tell him their thoughts.

Condition A regarding the loading area - delete just that

Condition B - keep; use the landscaping plan from the latest modification dated 4-5-18.

Condition C1 - keep

Condition C2 a - keep

Condition C2b - keep - It was noted the city wants a set dollar amount of shared cost, agreed to by city engineer

Condition C2c - it was noted it is consistent with city SDC policy

Condition 3 - keep

Condition 4 - Marion Co requirements - require a Non-remonstrance agreement

Condition 4B - keep

Condition 4C - keep

- Condition 4D - keep
- Condition 4E - keep
- They returned to the original staff report
- Condition 4F - 1 - keep
- Condition 4F 2 - delete
- Condition 4G -1 provide landscaping (referring to most recent landscape plan from applicant) from fence to property side of top of ditch
- Condition 4G2 - trees outside of fence - eliminated
- Condition 4G3 - remove (covered in G1)
- Condition 4G4 - keep

The commission reminded applicant that they have already established the property owner is required to maintain the public right of way in the city's municipal code.

Decision: Commissioner Barber made a motion to approve the Site Development Plan Review for a 12,250 square foot industrial building, storage yard, parking and landscaping improvements at 8605 Olney St. SE, File No. 2018-01, for OLNEY LLC and adopt the findings and the conditions of approval in the revised March 26, 2018 staff report as amended by the Planning Commission. Commissioner Snow seconded. Voting in favor of the motion were Commissioners Barber Kluver, Snow and Youmans. The motion passed unanimously.

APPROVAL OF MINUTES: Commissioner Barber make a motion to approve the March 1, 2018 Planning Commission Minutes as presented. Commissioner Snow seconded. Voting in favor of the motion were Commissioners Barber Kluver, Snow and Youmans. The motion passed unanimously.

**UNFINISHED BUSINESS** - There is a new training date of Sat., Apr. 21, 2018 10am to 2pm.

**NEW BUSINESS** - Joint Meeting with Council on Mon. April 23<sup>rd</sup> to discuss Accessory Dwelling Units

**CORRESPONDENCE** - Memo from City Administrator Ron Harding re: Visioning

**FUTURE AGENDA ITEMS** - Site Development Review application for Aumsville Animal Clinic (May 3, 2018)- Commissioner Kluver indicated he will be in Spokane and unable to attend.

**NEXT MEETING** - April 21, 2018 for training (No meeting on Thursday, April 19, 2018)

**ADJOURNMENT:** 8:40 pm without objection.

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Dan Kluver, Planning Chair

ATTEST:

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Lora Hofmann, Executive Assistant