



City of Aumsville



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AUMSVILLE PLANNING COMMISSION MEETING MINUTES Thursday, May 25, 2017

CALL TO ORDER: The meeting was called to order in the Chester Bridges Memorial Community Center, 555 Main Street, Aumsville, Oregon at 6:13PM. Commissioners present were Vicky Barber, Vivian Bronec, Chris Chytka, and Dan Kluver. City staff present was Administrative Assistant Lora Hofmann (AA Hofmann).

After waiting to see if applicant Kostromitin was going to appear, given he had called earlier in the day about a conflict with his children's school, it was the consensus of the commission to change the order of the evening's public hearings.

PUBLIC HEARING: Mill Creek Apartments/Lucas - Subdivision Request

Chair Kluver opened the public hearing at 6:15 pm and read the Opening Statement. He asked if there were any declarations of interest, including ex-parte contact. There were none.

Planning Consultant Kinney's Staff Report was presented by AA Hofmann, as well as a supplemental memo she prepared. She identified the parcels to be considered, as well as their zoning. There are three zones for the five current parcels, with a request to add a new parcel and reconfigure the current parcels.

AA Hofmann pointed to the drawings accompanying the applications and gave a brief history of the various configurations over the last several years. The applicants have a proposed sale of the existing Pre-school/Daycare building and plan to increase the size of the property that is included in the sale of the building. Lot 5 (where the current apartments are built) is considered a flag lot with a reciprocal access agreement with the other properties to the flag, i.e. private access 40 foot driveway. The proposal meets the requirements for public access, lot width and lot area for all pieces (within respective zones). She noted the applicant proposes to complete and record a final plat for the subdivision in 2017. A **condition of approval is recommended** to ensure compliance with Section 20.04, dealing with land divisions.

She then went over the criteria for approval of a subdivision. Marion County Public Works, the interim Fire Chief, City Engineer Jim Schuette and Public Works Director Steve Oslie have reviewed the application and do not oppose the request. They are in agreement with the staff report and have noted several issues which will need to be addressed by the applicant's design engineer. Conditions of approval were recommended to address public works' requirements. The sewer and water availability meets with their approval and no additional improvements were proposed. Storm drainage easements have been provided during the prior

developments and are shown on the final partition plat map 2015-02. No new impervious surface will be constructed as part of the subdivision. At the time any new structures or impervious surface are proposed for any parcel in the subdivision, the applicant's engineer may be required to submit a Storm Drainage Study addressing on-site storm detention requirements to ensure that a 10-year storm post-development flow does not exceed the 10-year storm pre-development flows from the development site. No storm drainage improvements were proposed.

The access driveway for Lot 1, as well as the access points to Lots 2 and 5, were considered. The access for Lot 1, S. 5th Street, is fully improved to city public works standards. Lots 2 and 5 take access on Main Street, which is a county road. Marion County Public Works, the City Engineer, and Public Works Director recommend conditions of approval be imposed which stipulates the existing access driveways to Main Street must be brought up to the City of Aumsville and Marion County Public Works design standards when further development occurs. No development (building) is requested at this time. They believe conditions can be deferred until future development occurs. There will be a need for improvements to the driveway approaches, including ADA ramps and sidewalks. A TIA is not required for the replat of the subdivision, per Section 22.15, because the replat, by itself, will not generate 25 or more peak-hour trips or 250 or more daily trips. No TIA update is required for the relocation of the vet clinic to the Pre-school/day care building. The applicant was advised that either Marion County or the City of Aumsville may require the TIA to be updated in the future, at the time of development of Lots 1, 2, 4, 5 and 6. All lots are served by private electrical, natural gas, telecommunications and Cable TV utilities. No private utility improvements are proposed.

She then discussed design criteria for a subdivision. Each lot size and proposed use were reviewed. There is a proposal for a new lot line, which will zig-zag behind the Pre-school/day care building. The applicant has been asked to justify the lot configuration. The ADO says that lot lines should be straight lines that run at right-angles from a street or access driveway to comply with 20.71 (E). The applicant should either modify the lot line to be perpendicular to the access driveway centerline or provide testimony to the planning commission justifying the zig-zag lot line. She noted that the Planning Commission may elect to modify the lot line location between Lots 1 and Lot 3 to address these concerns.

She explained the concern about sidewalk connections and the proposed change to parallel parking, going over the proposed conditions of approval. The proposed changes would not take affect until further development occurs. Remodeling the old day-care would not be a triggering factor for improvements.

Based on the findings contained in this report, the City's Planning Consultant concluded that the application for the Lucas Commercial Park subdivision complies with the applicable criteria or can comply with the applicable criteria subject to conditions.

Applicant Testimony - Della Seney presented testimony on behalf of the applicant. She produced a written document for the hearing record and commission, contesting some of the proposed conditions of approval. She reviewed their arguments and provided pictures to illustrate their concerns. She said that the zig-zag lot line behind the old pre-school was proposed because there is a large utility box that supports all of the lots and, since they are selling the old pre-school, they want that utility box located on their property (Lot 5) so it is

easier to access and maintain. It is preferable to an access easement. She also pointed out that there is no need for sidewalk connection to the east of the old pre-school's parking lot (to the west side of the access driveway) because there is sidewalk connection between the old pre-school and the market on the west side of the property. She said that putting a partial sidewalk alongside parking would actually probably be a safety hazard. It would be better to have pedestrians use the current sidewalk connection.

Proponents Testimony - Dr. Jay Stewart, who wants to purchase the old pre-school property, said that he supports applicant's explanation of why head in parking should be conserved to the east. He also said that adding a sidewalk in the middle of parking spaces is a bad idea; especially given there is a sidewalk on the west side of the parking lot that connects to the sidewalk at Shop n' Save. The proposed sidewalk along the west side of the driveway would not be safe.

Rex Lucas said that he wanted to verify that Lot 2 will not be developed for a building because it is the driveway/turn-around for trucks serving Shop 'n Save. This is why the lot is so small; they do not intend to develop it. Given that it won't be developed, he sees no reason for a covenant that says access improvements must be made with future development of Lot 2. It seems like that would not be necessary.

There was no Opponent, Governmental Agency, General Testimony, or Questions from the Public.

Questions from the Commission

Commissioner Barber asked about the curb stops dealing with the head in parking. She was told they are still there. She asked what happened to the proposed play area to the west of the pre-school, asking if the applicant hadn't been able to defer Park System Development Charges because he was building a playground for the day care and apartments. She suggested that Lot 2 would make a great playground. It was explained that they still plan to build a play area south of Lot 2 and fence it in. It was again confirmed that they do not plan to develop on Lot 2; rather, use it as truck turnaround. She asked about the zig-zag line; she was told the utility box belongs to the apartments and they want to preserve their ownership of the property.

Commissioner Chytka asked about the proposed change to the parking near Lot 3 and the proposed sidewalk, he didn't see the need for it. He believes the sidewalk in the middle of parking doesn't make sense, and also agrees that parallel parking should not replace the head-in parking. Applicant noted they were trying to preserve parking for Lot 4.

Mr. Lucas indicated that the sale for Lot 4 was not going through. There will not be development in the near future.

The Public Hearing closed at 7:30 pm.

Deliberation: Chair Kluver said that he likes the current lay out and does not believe there should be a change to the sidewalk. He believes that the current sidewalk connection is adequate and that the idea of putting a sidewalk between two possible parking lot entries is not safe. Commissioner Barber wants a speed bump right where the store and day care properties come together - right before the head in parking there by the old daycare. Commissioner Barber has no problem with a zig zag around the utility line. The explanation

was adequate to allow the zig zag. Commissioner Bronec agrees - it isn't that big of a deal that it zig zags.

Commissioner Chytka said the only problem with the recommendations in the staff report is the sidewalk between the driveway and the old day care parking and the suggested change to head-in parking. After discussion, it was the consensus of the commission that both of these proposed changes were not as safe as continuing the current lay-out with head in parking. That may need to be reconsidered in the future, but it isn't needed now.

The commission reopened the hearing to question whether there is a need for a new access agreement for Lots 4/6. Ms. Seney said that access goes with the property, even if it is divided. There is no need for an additional access agreement. Commission was in and out of deliberation from 7:43 - 7:45 pm to discuss.

Decision: Commissioner Barber made a motion to adopt the staff report and recommend approval of the Mill Creek Apartments Commercial Park subdivision, File No. 2017-07, with amended findings and conditions of approval, to reflect the Planning Commission's directions and deliberations. Commissioner Chytka seconded the motion. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was a unanimous decision.

The commission took a short break from 7:48 pm to 7:51 pm

PUBLIC HEARING: Kostromitin Variance Application

Chair Kluver opened the public hearing at 6:15 pm and read the Opening Statement. He asked if there were any declaration of interests, including ex-parte contact. There were none.

Staff Report - AA Hofmann gave the staff report explaining that the applicant is requesting approval of a Variance to Section 22.04 of the Development Ordinance regarding height and set back requirements to build a one-story shop/garage measuring 64 x 32 feet and 22 feet tall. He has received lot line adjustment approval to combine two lots into one. The shop has four storage bays, and because of the size of the applicant's RV, they need a taller building than usual. They are also matching the home's design/architecture, which means that there is a pitch roof to match. The property has a storm drain easement through the middle of the property that can not be built over. AA Hofmann went through the criteria which would allow a variance. She noted that applicant is required, under Section 22.04 to keep his structure under 20 feet and said that one of the criteria is that "special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this ordinance by the applicant. - There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship." Applicant requires a 14 foot tall garage door for his RV, which then compels applicant to build the accessory structure to match the design of his home, including pitch of roof. That does create a special circumstance which allows for the building to be taller than 20 feet. The width of the proposed accessory structure is the issue. If the structure is 22 feet to its highest pitch, the setback on the side would be 3 feet for the first ten feet in height and 1 foot setback for each additional foot in height; i.e. $3 + 12 = 15$ foot setback on the east side. Applicant is requesting a 5 foot setback, 10 feet, more or less, than required under the code. Applicant's neighbor to the east has provided a letter indicating that they have no problem with the siting of the accessory structure. If the commission

should decide that there are unique conditions or circumstances to justify a setback of less than 15 feet, a finding will need to be made and staff proposes a condition that limits the height of the accessory structure to no more than 22 feet.

Staff concludes that there can be a justification that the proposal complies, or can conditionally comply, with the Variance decision criteria. If the Planning Commission approves the application, it should be subject to the following Conditions:

- A. The applicant will provide a drawing that includes the exact height and building plan for the accessory building.
- B. Unless otherwise approved by this decision, the accessory structure requirements shall comply with provisions in Section 22.00 of the Aumsville Development Ordinance. The applicant is advised that all other building codes and requirements must be met.
- C. The applicant is advised the structure may require building permits. The necessary permit application forms are available at the Aumsville City Hall.
- D. This structure will be used for personal activities, and if applicant files for a home occupation license, this building will not substitute as a site for a commercial business that would not be allowed in the zone.

Applicant Testimony - Mr. Kostromitin said that his accessory structure has four bays - one for his RV storage, one for his work truck, one for a work cargo trailer, and the other for a trailer he uses for personal use.

There was no Proponent, Opponent, Governmental Agencies, or General Testimony.

Questions from the Public: Mr. Youngsma, who is a neighbor from across the street, asked if the RV would actually fit in the building and applicant indicated the building has a depth of 36 feet; applicant said he is not going to start a business, but will be bringing home his work truck. Mr. Youngsma wanted to make sure it will not add to the parking to the street.

Questions from the Commission: Commissioner Bronec confirmed that the height of the building is 22 feet; Commissioner Chytka said he had no questions; Commissioner Barber asked about the vehicles that are going to be parked in the proposed garage. Applicant indicated that there will be four rigs: from left - cargo trailer that is a work trailer; a 15 ft box truck that is 10 feet high (also work vehicle), RV spot for their motor home and a utility trailer for their personal "toys." He brings his work truck and trailer home at night, if he doesn't have this building, he would most likely park them on the street next to the curb. He was asked about lighting and applicant indicated that there will be lights on the shop and paved driveway. They can not build over area of the easement, but the area can be, and will be, paved. There was then a question about pavement being counted against the maximum coverage of lot; consensus was that pavement does not count toward "lot coverage."

There was no Applicant Summary.

Staff Summary: -AA Hofmann asked the commission to provide a justification/findings if they should agree to the setback variance.

The Hearing closed at 8:19 pm.

Deliberation: Consensus of the commission was that there are findings to support a variance for both issues. The height of the building was addressed in the staff report. The findings to support the set-back variance are: the lot is a unique size; applicant drives a work vehicle that would have to be parked along the street and it is dangerous to have vehicles parked on that particular part of Willamette Street because of the curves and the nearby park. In addition, there is a storm easement that goes through the middle of the property. Council wanted a condition that the applicant had to provide a building plan for the garage/shop as proof of the height of the building and was only giving a variance for a building that is 22 feet tall.

Decision :

Commissioner Bronec made A MOTION TO APPROVE THE APPLICATION WITH MODIFIED FINDINGS AS DISCUSSED DURING DELIBERATIONS, AND ADOPT THE FINDINGS AND CONDITIONS CONTAINED IN THE SUBMITTED STAFF REPORT. Commissioner Chytka seconded. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was unanimously approved.

APPROVAL OF MINUTES -

Commissioner Barber made a motion to approve the Apr. 20, 2017 Planning Commission Minutes as presented. Commissioner Bronec seconded. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was unanimously approved.

OLD BUSINESS: The commission asked about the council hearing and decision on the Flowers Apartments off of 11th Street. Commissioner Barber said she had a customer threaten to slash her tires and two customers ask to be re-seated in a different section of the restaurant. There was further discussion of the hearing at the last meeting and the ultimate decision and conditions.

NEW BUSINESS: Commissioner Chytka wondered if the commission wants to return to the ordinances and make a limit of two stories and not allow three stories for apartment buildings. It was noted that the commission needs to update and clarify the ordinances again.

NEXT MEETING - June 22, 2017, if needed, to hear a new Conditional Use Application.

ADJOURNMENT 8:52 pm

Dan Kluver, Planning Chair

ATTEST:

Lora Hofmann, Administrative Assistant