



# City of Aumsville



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## **AUMSVILLE PLANNING COMMISSION MEETING MINUTES Thursday, April 20, 2017**

**CALL TO ORDER:** The meeting was called to order in the Chester Bridges Memorial Community Center, 555 Main Street, Aumsville, Oregon at 6:03PM. Commissioners present were Vicky Barber, Vivian Bronec, Chris Chytka, and Dan Kluver. City staff present were City Planner Lisa Brosnan (CP Brosnan) and Administrative Assistant Lora Hofmann (AA Hofmann).

### **PUBLIC HEARING: Bethel Baptist Sign Variance Application**

Chair Kluver opened the public hearing at 6:05 pm and read the Opening Statement. He asked if there were any declaration of interests, including ex-parte contact. There were none.

Staff Report was given by AA Hofmann; approval is recommended as all criteria have been met.

Applicant Testimony – applicant was not present.

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

Questions from the Public – Ray Mandyk had no questions, but recommended the commission accept the Variance Application.

There were no Questions from the Commission and no follow up summaries.

The Public Hearing closed at 6:15 pm.

After a short deliberation, Commissioner Barber made a Motion to Approve the sign variance application presented by the Bethel Baptist Church, adopting the Findings, Conclusions, and Conditions contained in the submitted staff report. Commissioner Chytka seconded the motion. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was a unanimous decision.

### **PUBLIC HEARING: Flowers Zone Change, Partition, Site Development Review, and Variance Applications**

Chair Kluver opened the public hearing at 6:17 pm and read the Opening Statement. He asked if there were any declaration of interests, including ex-parte contact. Commissioner Barber said she has had contact with applicant, but it will not affect her ability to make an impartial decision. There were no Preliminary Matters, nor objections to the notice given for this hearing.

Applicant Testimony – Mark Grenz from Multi-Tech, Salem, OR spoke on behalf of the applicant. He explained that there are several pieces to the overall request and he explained

what each separate application was requesting. He said that their request for a variance allowing 18 foot long parking spaces is mitigated by the proposed complex's 26 foot driving aisle (there is only a required 24 foot wide driving aisle). They have revised their original site plan to add additional parking; of the three different areas, only one section is still short. Overall, they have the total number of required spaces. He said that the staff report outlines the criteria and the applicant's response to it. He noted that the housing needs analysis prepared in 2009 (which they have utilized) indicates that there is a shortage of multi-family units. He said that they have found that many communities are deficient in their required number of multi-housing facilities. Communities are required to find ways to meet the housing goals assigned to each city. There are no other large parcels of land which is available for a development of this size. He pointed to their access on 11<sup>th</sup> Street, which is a main route in and out of the city, indicating that the apartment access does not affect residential housing in the same way that it would if it was in the middle of housing on side streets. He gave a synopsis of the traffic impact plan. He broke down the number of units in each of the three proposed areas. He also said that there is a high interest in storage units in apartment complexes and that is why there are some proposed storage structures in this complex. He said that they have met with various members of city staff prior to submitting this application and have tried to address their concerns. He also explained that there is a proposed lift station and it will be built to the city's standards. He said he will be glad to address any questions.

Staff Report - City Planner Lisa Brosnan explained that she is hitting the highlights of her 29 page staff report. There are five applications that are to be considered. She explained the number of parcels and indicated, if the applications are approved, there will be a condition of approval requiring Lots 1200, 1900 and 2000 (which is the main portion of apartments) to be combined through a lot line adjustment. She explained that would keep the three individual phases/parcels separate, if there should be a change of ownership. She addressed the parcels separately. Planner Brosnan then explained the location of the property. She indicated that access would be taken through 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and Cedar Lane (sic). She explained that the applicant addressed each criterion in their application and she has included their explanation as part of the staff report, and then gave her findings and whether the criteria have been met. She explained that there is a requirement to be in harmony with the city's comprehensive plan and the data of the comprehensive plan indicates that there is a need for additional multi-family units. She shared information from the memo prepared by AA Hofmann that points to the abundance of single family housing in the city, and the deficit of multi-family housing. She explained that state goals for housing must be met. This includes the requirement for proper procedures and provision of housing for all residents, current and future. She indicated that the application for a re-zone meets the city's criteria.

Planner Brosnan spoke to the variance request. There was a new site plan submitted that meets the total number of parking spaces required for all three parcels. There is a deficit on the west side – 80 required, and 72 provided; excess on east side: 264 required; 272 provided. She said the city of Aumsville's requirement for two spaces per unit, and the size of the spaces is unusual when compared most cities. She said that this proposal gives more open space, including places for children to play. The criteria for a variance have been met. She explained the wetlands that have been kept separate, and that they are undevelopable. This creates more open space, but does limit the land available for parking. There will be a condition that requires applicant to enter into an agreement with the city regarding the wetland area, with the possibility of donation of land to the city for park land.

Partition criteria was addressed, with specific attention to the access to the three parcels and the required conditions to address this. The criteria for a partition approval have been met.

Site Development Review: She explained the criteria including size, density, set-backs, height requirements/limitations and landscaping. She gave the required numbers vs. the proposed numbers. The proposal, other than parking, has met or exceeds the requirements. She said that, if there is a zone change, (and a variance), the criteria for site development has been met. She touched on the erosion and storm drain requirements and said conditions have been proposed addressing all of these. Wetlands will be donated to city, which will be a condition of approval. Staff is recommending approval of all applications, noting they apply with the criteria.

She said there needs to be a change to some of the conditions with the revised site plan regarding the “bulb-outs” on 12<sup>th</sup> and 13<sup>th</sup> Streets.

The planning commission took a short break from 7:00 to 7:08 pm to allow AA Hofmann to get a copy of the revised staff report for the commissioners, since the revision to the site plan was made after packets were sent out.

Planner Brosnan went through the conditions briefly (there are 42) and said that #4 – no longer applies. Condition #6 says that Marion County will be provided a copy of the TIA for comment; they have already received the TIA and would like more time to review, before comment. She said she does not anticipate much change since it was Marion County that provided the factors/requirements to be addressed in the TIA.

It has been pointed out that the planning commission needs to add a condition for the west end of Cedar Lane for a fire gate that would only be accessed by the fire department. It is for emergency services only; no public access.

She said that the city engineer and public works director have provided some great conditions addressing water, sewer, and storm water.

She said that the staff report needs to be revised, clarifying that 12<sup>th</sup> and 13<sup>th</sup> Street will go straight through into the apartment complex, not gated as originally planned.

Planner Brosnan shared the planning commissioners’ options to accept or deny the applications.

Proponents Testimony – AA Hofmann read three letters into the record from proponents. There were no proponents in person. The letters were added to the official record.

Opponent(s) Testimony – AA Hofmann read two letters into the record, which were added to the official record.

Publicly testifying as an opponent:

Russ Lane, 1140 Lincoln Court. He agrees with the letters of opposition. He said that he is opposed, especially because of the change of character to area. He said that Lincoln Court is to the north of proposed area. He said the staff report is sloppy and poorly written. He disagrees with the housing needs analysis and does not trust the planner or the city engineer. He said that the city may need more housing, but this proposal will be too big of a bite, too soon. He gave his estimate of the number of people that will be living in the complex and said it would result in an 18% population increase. He said that there is no infrastructure to support the proposed apartments and he doesn’t trust the planned construction; he finds the proposed infrastructure questionable. He addressed the covenants and conditions on Lincoln Court, and

said they are required to protect the open space south and they are limited to a four foot tall-fence. He said that a minimum wage employer or food bank endorsement is not a recommendation. He is asking that the hearing be left open to view the staff report and add additional testimony.

Angie Lane, 1140 Lincoln Court, said that she used to be a member of the planning commission in John Day, and said that there wasn't enough time allowed for citizens to really look at the proposal. She said that an addition of 18% population in one fell swoop will have a negative impact on city services. She doesn't think that there is adequate space and there will be an increase in crime. She said that this land is the place that water goes and there will be a problem with where the water goes. She said that these kinds of developments are what cause problems in small towns. To say that these are "high value" apartments is an incorrect description. Value comes from open space and attractive surroundings. The kind of businesses that the city is touting as a "big deal" to bring to Aumsville provides only minimum wage jobs and this complex would attract more of the same low wage employers. Aumsville needs high paying employers. She wants to see a more current housing analysis than 2009. She said that traffic is already a nightmare on 11<sup>th</sup> and this will add to that nightmare. She also asked about being able to review the staff report and the options were explained by AA Hofmann.

Carol Roller asked about the gated areas and asked for clarification of what the new site plan changed. Planner Brosnan explained that the only "gated" property would be the end of Cedar Lane and that would be an emergency services gate.

Cheryl Gulledge said that she is concerned about the impact to public services, including the impact to the schools especially. She said there will be 344 more cars on 11<sup>th</sup> Street. She asked that the hearing be left open to get the word out to more residents. She is scared for her children and said there is not a good response to 911 now. At 2 am, there is a 20-minute wait for services. She said that she wonders about a new fire bond being requested, because of the need for trucks that can deal with three-story apartments.

Rick Chytka said there is not adequate fire equipment to address a fire at the apartments. He described it as an eyesore and asked the crowd to raise their hand to say they want the development to go away.

Ray Mandyk, 660 N 8<sup>th</sup> St, Aumsville said he wants to know about the streets that would go through on 12<sup>th</sup> and 13<sup>th</sup> and asked for clarity. He said that the cul-de-sac sucks and this would be worse. He said he is speaking on behalf of his daughter Ann. He had a letter that was read into the record. He also added his own testimony that included their belief, when his daughter purchased her home, that this would be single family homes only, and so therefore, this should not be changed to apartments. He said he questioned whether there would be adequate parking. He said he and his daughter moved to Aumsville for the small-town feel. He pointed to the apartments owned by Mr. Lucas, and said there is still plenty of room for apartment development and obviously they aren't being developed by Mr. Lucas because there isn't a need.

Casey Parker, 1120 Cedar Lane presented a petition with signatures opposing the apartments. She said that she made improvements to her home and found out she increased the value by \$100,000 in one year, and then the notice of hearing came two days later. She said that now her home value will go down. She went to the bar and asked them if they knew about this and they didn't. The record needs to be left open so she can inform more people. She said she knew there would be development when she purchased her home and condos would have been

acceptable to her, but not three-story apartments. She mentioned rabbits and cats that roam on their street and she wonders if they or children will be safe and will there will be parking problems on Cedar Lane. Where is a dog park? Where are the garages? What about school bus pick-up. How can you build on the wetlands? Is there really water and sewer adequate enough? She said that there will be increased power outages, which is already is a problem. She does not see any “pro” to this. She does not believe it is community driven and she wonders if they want the residents to sell and move because of these apartments. She accused that the developer is from out of our town and does not know Aumsville. She is against it. She wants to know why there is a need for Cedar Lane to be an emergency service road. She said there is not adequate police protection now, and it will just get worse. She said she would like to extend this, and get more residents into the hearing.

Joe Arbow, 537 12<sup>th</sup> Street, said he doesn't want the time frame extended. He just wants to have a vote of “no” now. He said there is a need for housing everywhere and it shouldn't be up to Aumsville to meet that need. He said that he doesn't believe that the criteria have been met for this being a suitable site. He believes there is still wetland. He works protecting wetlands. He said he thinks the traffic impact study is not adequate.

Carol Roller said she thinks that the reference to a gated community was incorrect. She described Cedar Lane as a county road and the county ignores it. She said she has concern with whether there would be access to the new complex through Cedar Lane. She said maintenance of Cedar Lane is the burden of the residents there.

Virgil Thorpe (?) 525 12<sup>th</sup> said he is speaking on behalf of Marta Deyer. He doesn't think that sustainability has been taken into account. He questioned the traffic and its impact. He said that this project should have taken years, and it is too quick. He referred to the 2009 report. It should be more current. He said that the sustainability of a apartment complex is 12 years. He referred to his background as a military person, and thinks this smacks of government impropriety. He questioned whether maintenance of the complex will actually happen. He questioned whether there were government officials that have to recuse themselves because they are investors in this property. He doesn't think this is a good idea for the long term.

Stephanie Lee, 1215 Caleb Street, said that she moved to this town because it was a small town and her house had a big field in back. She won't be able to get to know her neighbors if they are in this huge complex. She said that there is not enough parking, and the police department can not handle the conflict that will come from the apartments. She is worried about security.

Harold Hagedoorn, 1150 Lincoln Court, said he believe there has been a lot of good questions raised, and he also recently purchased at Lincoln Court and they were excited about the wetlands around the housing and was thinking they were only going to be surrounded by single family homes. He referred to an 18% increase to the population. He wants single family homes – not apartments. He said he understands why business would be excited by this – he doesn't want minimum wage employers, and would want the city to do better. He questioned the cost of rent and whether this was going to be affordable; why change to apartments and who benefits?

Governmental Agencies – AA Hofmann used this time to give correct figures about the city of Aumsville's tax rate: it is based on the value of a property and figured on a “per thousand” basis. There is not a different rate for houses and apartments; they are all the same per thousand. She also clarified that Cedar Lane is a private road and that is why it is not maintained by the city. The proposed fire gate is not for public access.

### General Testimony

Russ Lane, 1140 Lincoln Court, said he is employed dealing with natural resources. He said that Joe Arbow is his employee. He talked about complex projects. He said that there should have been a reaching out by the city to the citizens and it is ridiculous to think that there has been enough planning and consideration taken. He referred to the variance request and said it is obvious that the city's mind is made up, and asked the commission to vote their conscience to protect this neighborhood. He said he is asking them to disapprove this application.

Angie Lane, 1140 Lincoln Court, said she wanted to respond to the allegation about the need for multi-family housing in the Comprehensive Plan and gave her definition of what a comprehensive plan should be, indicating Aumsville's Comprehensive Plan was obviously wrong. She said that the comprehensive plan should be questioned, especially about the predictions of population and housing needs.

Ray Mandyk, 660 8<sup>th</sup> Street, said he knows the landlord will pay taxes on his properties. He questioned the loss of people since 2009, and said that the population estimate should be questioned. He talked about the downside of renters and their lack of contribution to a town.

### Questions from the Public

Chair Kluver said that the questions need to be directed to him and he will appoint the person to answer.

Question about parking on Cedar Lane: Cedar Lane is a private lane and there will be no apartment complex parking on it because there is no public access from the apartments to the lane.

Question about decision criteria: The commission is interested in how people in the city feel; however, there are distinctive criteria that must be addressed and proven. The commission votes based on criteria, not emotional feelings.

Question from Becky Tilden about whether there is missing information from this application and how can a decision be made if all of the information is not given. Planner Brosnan explained that the only thing that is missing, is comments from Marion County on the TIA and they have already looked at it and she doesn't think there will be much raised against it. Also, there is a condition recommended that nothing go forward without Marion County's approval of the TIA.

Question whether there has been a fiscal impact report and why does the city think they can provide services based on the taxes to be generated: There has not been a fiscal impact report because it is not required. Aumsville Public Works has experience and have indicated there will be adequate service.

Question about geological study and asking that the application be denied because there might be environmental issues. They also mentioned the impact on wildlife. He asked again for continuance or denial: there has been no geological study and the Department of Environmental Quality addresses environmental impact. They have been provided with a copy of the application. If they do find issues, the issues will have to be addressed before the development goes forward.

## Questions from the Commission

Commissioner Chytka said he is looking at applications and wondering if the application fees have been paid. AA Hofmann said they have.

Commissioner Chytka asked what Marion County might raise as an issue with the TIA – he wonders if having the entrance to 11<sup>th</sup> across from Cleveland is a good idea. He thinks it could impact children playing on Cleveland. Planner Brosnan explained that Marion County has to approve TIA or it can't go forward. Further, it was Marion County that proposed the 11<sup>th</sup> Street access point.

Commissioner Barber asked if the impact has been considered for 1<sup>st</sup> and Main. She would like that addressed. She said she has seen lots of people come for coffee and cigarettes, and then head out to work in Salem. She wants that considered and whether it impacts 1<sup>st</sup> and Main.

Commissioner Barber asked about a fence around the development and Mr. Grenz said there is a six foot chain link fence planned. He said however, that it will be whatever the development standards are. Commissioner Barber asked if there is anything to stop non-apartment dwellers from accessing Porter-Boone Park through the apartment complex and Mr. Grenz said there was nothing other than it is private property.

Question from Commissioner Barber about fire department and said she would like to see something in writing indicating that they could fight a fire at the apartments.

Commissioner Chytka questioned handicap accessibility – Mr. Grenz said there are requirements at the state level, and all ground floor apartments have to be handicap-accessible and talked a bit about state building code. Commissioner Chytka referred to the city's condition of approval about handicap parking and Mr. Grenz explained. He said there is building code mandates and federal mandates that they have to meet to provide for handicap housing.

Commissioner Barber asked about the amount of rent. Mr. Grenz said that the rent depends on the community and said that apartments in this area are about 90 cents to a dollar a foot. Commissioner Barber then asked about Section 8 housing and he said that this will not be section 8 units.

Commissioner Barber asked about management of apartments and was told there will be a daytime leasing office open and someone (resident) hired to answer after-hours concerns.

Commissioner Chytka asked about garbage dumpsters and Mr. Grenz said they are proposing a garbage compactor and gave a bit more information.

Chair Kluver asked Mr. Grenz what the parking requirements in Salem are: 1.5 spaces per unit; Keizer is similar to Aumsville. Albany is based on the number of bedrooms and he outlined those requirements. Mr. Grenz said that their clients state-wide strive for 1.75 to 1.8 spaces per unit, and that seems to meet the need.

Commissioner Barber asked about storage for each unit and was told it would be a separate, small enclosed area for each apartment either on their patio or deck (depending on which floor), but each unit will have storage.

Commissioner Barber asked about heating and air conditioning and Mr. Grenz said they haven't reached the final design stage, but the trend is to incorporate an air conditioner in each unit with a wall mount and it is not going to be obvious like a window unit in a bedroom window.

Commissioner Chytka asked about state criteria for the type of housing, and it was discussed, including goal 10 of the state comprehensive goals.

Commissioner Bronec asked if there is a way to restrict parking on 12<sup>th</sup> and 13<sup>th</sup> and Planner Brosnan said that the city could address that, but it wouldn't necessarily be a part of this land use decision.

Commissioner Barber asked about assigned parking and Chair Kluver said, in his management duties, his residences are 1.4 spaces per unit, and it is more than adequate parking.

Commissioner Bronec asked about fire trucks and if Aumsville's fire department is adequate to meet the need of three-story apartments. It was noted that the fire department had been part of the application process and had not raised any concerns about there being three stories.

Question about the impact on the school and comments about overburdening. Mr. Grenz said that it is common for school districts to add to their schools as their populations increase, rather than build schools and hope housing comes.

Chair Kluver asked about sprinkling requirements for apartments. Mr. Grenz said that any apartment building over two units must have sprinklers. All of the apartments will have sprinklers and will be hard wired to a main box. Mr. Grenz said each room/living space has a sprinkler.

Applicant summary: There is an intention on the developer's part to donate approximately four acres of park space. He said that their goal on parking is 1.7 to 1.8 and he said that there is a total parking, when counting all spaces in the three parcels, of two parking spots per unit and even though it may not be exact to each parcel, it exceeds their usual standard.

He talked about their experience in apartment development and he said they are very aware of the trends and they stay on top of that. Mr. Grenz said that this property has already gone through a wetland analysis back in mid-2000's and they will once again meet all criteria of Aumsville Public Works and Marion County criteria. Mr. Grenz said that school funding is based on the number of students. If you add students, districts get more and it is schools that expand after building expands, not the other way around. He estimated that there would be an approximate of \$40,000 revenue in taxes each year from a 16 million dollar complex.

He cited national studies about crime rates in apartment complexes, and there is not necessarily increased crime because there have been improvements in lighting and safety. He said that the referral to an 18 percent increase in growth is arbitrary, and he said he would question the validity of that.

Regarding the impact of three stories on 12<sup>th</sup> and 13<sup>th</sup> Street homes and whether it would interfere with the residents' ability to see the sun, the closest three story building to 12<sup>th</sup> Street is more than 200 feet away. The closest to 13<sup>th</sup> Street is 40+ feet away. He said that people resist change, and it could be that the commission would hear many of the same complaints if it were a 70 single family development. He talked about the development rules put in place in



1973 and it was to force growth in cities and save farms and forests as open spaces. Multi-family units are part of the growth.

He talked about mandates from the state regarding the amount of single family homes they can approve, and how lucky Aumsville is to not be under a mandate. Sublimity is – they can't do more single family without providing a certain number of multi-family housing. Salem is under a mandate to approve multi-family housing unless they can give a strong argument against its approval because Salem is so lacking in multi-family units.

Mr. Grenz went back to the criteria, and reiterated how and why the applicant has met the criteria. He understands the community's concern, but believes no one gave any information that would indicate that the criteria has not been met.

Commissioner Chytka asked if the newest plan with the additional parking is the site plan being proposed. Mr. Grenz said that the city asked for more parking and access through 12<sup>th</sup> and 13<sup>th</sup> Streets and they re-drew the site plan to accommodate those requests. He said they might suggest, to stop drive through traffic, if neighbors were concerned, that a coded gate could be installed at 12<sup>th</sup> and 13<sup>th</sup>. It was noted this will only limit traffic going into the apartment complex, not coming out.

Staff Summary – Planner Brosnan said she had nothing to add

Hearing closed at 10:12 pm.

Deliberation – Commissioner Chytka said he has some concerns, but it appears that the criteria have been met. Commissioner Bronec asked for a condition on the Marion County TIA. Commissioner Chytka asked if Commissioner Barber had anything she wanted from the fire department, and she said that she does not since finding out that the apartment units are sprinkled.

Decision (Recommendations to ACC)

Commissioner Bronec made a motion to adopt the staff report and recommend approval of the requested Zone Change (ZC 17-02), Comprehensive Plan Map Amendment (CPMA 17-02), Site Development Review (SDR 17-04), Variance (VAR 17-05), and Partition (PAR 17-03), subject to the conditions of approval set forth in the staff report, as modified to reflect the changes made by the Planning Commission. Those modifications include accepting the revised site plan received by the city on April 20, 2017, making a modification to findings about the change to the total number of parking spaces; Update to Condition #6 to make the applications' approval contingent on Marion County's review and approval of the TIA; adding the condition requiring a fire department approved fire gate on the west end of Cedar Lane for fire truck access, and deleting condition 4 as it no longer applies. Commissioner Chytka seconded and said he would like to include a recommendation that council includes any new oral and written public testimony be allowed at their public hearing. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was a unanimous decision.

## **APPROVAL OF MINUTES**

Commissioner Chytka said that he did not vote "nay" against the recommendation to council about the Development Ordinance changes. Commissioner Barber concurred. Commissioner Barber made a motion to approve the March 2, 2017 Planning Commission Minutes as

corrected. Commissioner Chytka seconded. Voting in favor of the motion were Commissioners Barber, Bronec, Chytka, and Kluver. It was a unanimous decision.

**FUTURE AGENDA ITEMS** – Outstanding land use applications that will most likely come in mid-May.

**NEXT MEETING – May 18<sup>th</sup> 2017**

**ADJOURNMENT 10:35 pm**

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Dan Kluver, Planning Chair

ATTEST:

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Lora Hofmann, Administrative Assistant