

**CITY OF SILVERTON  
PLANNING COMMISSION MINUTES**

**7:00 P.M.**

**January 8, 2019**

The Planning Commission of the City of Silverton met at the Silverton Community Center on January 8, 2019 at 7:00 p.m., with Chairman Flowers presiding.

**8I. ROLL CALL:**

Present	Absent	
X	_____	Chairman Clay Flowers
X	_____	Vice-Chairman Gus Frederick
X	_____	Morry Jones
X	_____	Chris Mayou
X	_____	Rich Piaskowski
X	_____	Tasha Huebner
X	_____	Peter Matzka

**STAFF PRESENT:**

Community Development Director, Jason Gottgetreu and Planning and Permit Assistant, Kate Schlee.

**APPROVAL OF THE MINUTES FROM THE MEETINGS HELD** October 9, 2018, November 13, 2018 and November 27, 2018.

Commissioner Frederick moved to approve the minutes from the meeting held October 8, 2018, Commissioner Piaskowski seconded the motion. Chairman Flowers and Commissioner Matzka abstained. The motion passed 5-0.

Commissioner Frederick moved to approve the minutes from the meeting held November 13, 2018, Commissioner Mayou seconded the motion. Commissioner Matzka abstained. The motion passed 6-0.

Commissioner Mayou moved to approve the minutes from the work session held November 27, 2018, Commissioner Frederick seconded the motion. Commissioner Matzka and Commissioner Huebner abstained. The motion passed 5-0.

**BUSINESS FROM THE FLOOR:**

There were no comments.

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**IV. DISCUSSION/ACTION:**

**4.1 Appoint a Chairman**

Commissioner Frederick made a motion to re-appoint Commissioner Flowers as Chairman. Commissioner Piaskowski seconded the motion. The motion passed unanimously. Commissioner Flowers abstained. The motion passed 6-0.

**4.2 Appoint a Vice-Chairman**

Commissioner Mayou made a motion to appoint Commissioner Frederick as Vice-Chairman. Commissioner Jones seconded the motion. Commissioner Frederick abstained; the motion passed 6-0.

**V. PUBLIC HEARINGS:**

Chairman Flowers provided a brief explanation about the public hearing process to the audience.

**5.1 Case: Application to Establish a Transitional Shelter Community**

**Filed by:** St. Edward's Episcopal Church, 211 West Center Street, Silverton, OR 97381

**Planning Department File No.:** CU-18-03

At 7:08 p.m., Chairman Flowers opened the hearing and asked for declarations of ex parte contacts, and conflicts of interest. No Commissioners declared ex parte contacts or conflicts of interest. Commissioner Mayou abstained and joined the audience. Commissioner Matzka declared that he spoke as a neutral party at a council meeting about this topic, but he feels that this will not influence his judgment on this application and that he can make a fair and impartial decision.

**Staff Report:**

Director Gottgetreu presented the staff report using a PowerPoint presentation. The application submitted is a Conditional Use application to establish a transitional shelter community with up to four shelter units at 211 West Center Street on December 5, 2018. 211 West Center Street is located on the southeast corner of the intersection of West Center and Fairview streets. The property is zoned R-1 Single Family Residential and is currently in use as a religious institution or house of worship. The transitional shelter communities are allowed through the conditional use process on such properties. The property is surrounded by R-1 Single Family Residential on the east, west and south boundaries of the site and bordered on the north by Silverton hospital. The proposed shelter community will be located in the eastern boundary of the property adjacent to the existing church building with four shelter units within that area.

There will be a common courtyard within the area with a six foot fence or screening shrubs along the adjacent property line. The units are set back 20 feet from that property line

1 complying with the code provisions. The proposed uses for a transitional shelter community  
2 would allow for single occupancy of the units for up to 18 months as a way to transition for  
3 housing disadvantaged populations. The units would have to be built to the adopted standards  
4 for the transitional housing standards that the council adopted as part of a recent ordinance.  
5 Those standards would require that they be weathertight; have a fire extinguisher in each unit;  
6 cannot have generators or space heaters; have two exits for each unit; have at least a five foot  
7 in diameter circle of clear floor area inside the unit; have smoke and carbon monoxide  
8 detectors; be insulated and have a foundation and footings; be structurally sound; have a built-  
9 in heat source that is not portable or an open flame; and have conventional approved floors,  
10 walls and a roof built. There is a provision that provides for the optional use of alternative  
11 materials and building methods that are considered as good as or better than traditional  
12 methods, with the review and approval of the building official.

13  
14 Access to the restroom and kitchen area inside of the church would be along a four foot  
15 concrete walkway to a door along the southern portion of the church. The surrounding area is  
16 predominately residential in character. The hospital is to the north, there is a transit stop and  
17 the Safeway complex nearby. The site is relatively flat and there are no wetlands or flood plain  
18 or slope issues associated with the site. This use is not expected to increase traffic by much  
19 and the public services will not need to be up-sized for this use because the tenants will be  
20 using the existing facilities on the site.

21  
22 Due to this being a new type of use, a condition was included in the development code  
23 changes requiring periodic reviews and renewals by the Planning Commission, which includes  
24 a review after six months of operations. In the review, the Planning Commission will look at  
25 any evidence of negative impacts of this use on the surrounding residential neighborhood.  
26 There would then be an annual review starting 12 months from the six month review.  
27 Additionally, a bond is required in the event that the commission decides not to extend the use  
28 and the building has to be removed from the site by the city. If the applicants remove the  
29 buildings when directed the bond will be returned to the applicants.

30  
31 At the reviews, the Planning Commission will have the option to put additional conditions on  
32 the use, approve it as is or deny the use. Chairman Flowers asked if Director Gottgetreu would  
33 have access to public safety information if there were police incidents in the first six months  
34 that would be presented to the commission. Director Gottgetreu responded that he would have  
35 access and present those reports to the commission for consideration.

36  
37 As part of the application process requirement, the applicant submitted a Client Manual for the  
38 tenants that include the code of conduct and the operations plan for both the on-site services  
39 and services they are coordinating with other organizations. The specifications required for the  
40 Client Manual were included in the development code.

41  
42 Notice to all property owners and residents within 500 feet of the site will be provided by the  
43 applicant in case of any issues that arise.

1 **Applicants Testimony:**

2 **Name:** Shana McCauley, Vicar of St. Edward's Episcopal Church

3 **Address:** 1217 Elm Street SW, Albany, OR

4  
5 **Name:** Carly Sichley, Senior Warden of St. Edward's Episcopal Church

6 **Address:** 918 Oak St, Silverton, OR

7  
8 At 7:24 p.m., Chairman Flowers asked for the applicant's testimony. Vicar McCauley began by  
9 stating that the church has applied for a conditional use permit to stick build four cottages on  
10 the property to provide transitional housing for four single women for 6-18 months so that they  
11 can gain stable housing. They will have a unit that will be approved by the building inspector  
12 and will contain a bed, desk and storage. They will have access to restrooms, a kitchenette  
13 and kitchen inside of the church. There are also plans for a community garden. Currently, there  
14 are no showers inside of the church, but the women will be able to go to the YMCA to shower.  
15 The church is researching whether or not they can put in a shower.

16  
17 The church is working with Silverton Sheltering Services and they have a few women who  
18 have potential to be successful in the proposed setting, but no residents have been chosen at  
19 this time.

20  
21 Chairman Flowers asked if there were any other issues tied to the application and staff report  
22 to address. Vicar McCauley stated that they are not asking for any exceptions to the code and  
23 that there were no additional issues.

24  
25 Vicar McCauley responded to questions from Commissioners Piaskowski and Matzka  
26 regarding the placement of the units on the site. She stated that placing the units closer to the  
27 pathway that accesses the bathrooms was considered and ruled out because of two large oak  
28 trees that would have been in the way. If they moved them to the other side of the trees the  
29 cottages would have been very close to the parking lot. This was the initial plan for the units  
30 but because the planning commission decided the units needed to be six feet apart, the  
31 applicants decided to move them because the space would have been very tight with the two  
32 existing sheds also in that area. The current proposed site is closer to the bus stop, will give  
33 the residents more privacy and allow for a courtyard area, which will hopefully give the  
34 residents a sense of community. They can still be seen from the street when neighbors or  
35 police drive by, but will have space of their own.

36  
37 The neighbor that will share the fence with the cottages is fully in support of the plan and is  
38 present at the meeting.

39  
40 Commissioner Huebner asked what kind of security and cameras would be at the site. Vicar  
41 McCauley responded that she doesn't believe that the code requires cameras, but the  
42 applicants plan to install multiple cameras, mostly for the safety of the women living there.

43  
44 The buildings will be between 8 x 8 feet and 8 x 10 feet and will be insulated and have a  
45 flameless heat source.

1 Warden Sichley added that the applicants did not want to put the residents on parade after this  
2 issue has been such a hot topic

3  
4 Chairman Flowers asked about the lighting in the area where the dwellings will be located.  
5 Vicar McCauley stated that there might be one light, but they intend to install more lighting and  
6 will probably use motion sensor lights.

7  
8 Chairman Flowers asked Director Gottgetreu if there was code language regarding the lighting  
9 not impacting neighbors and asked if a condition of approval could be added that if a light is  
10 added, it must meet that standard. Director Gottgetreu explained that one of the conditions is  
11 the requirements is that there cannot be any type of glare. He further explained light options.

12  
13 Chairman Flowers further asked about the abandonment policy referred to in the handbook.  
14 Vicar McCauley answered that it means seven consecutive calendar days.  
15 He then asked what the expected response time to any phone call that comes in outside of  
16 business hours because the handbook states that if neighbors call in with a grievance, their  
17 calls will be returned in a “reasonable” amount of time. Vicar McCauley said that it is their  
18 expectation that if there is an emergency that emergency services would be contacted.  
19 Otherwise, phone calls will be returned the next business day.

20  
21 Commissioner Matzka asked for the policy on alcohol, marijuana, & nicotine since they are all  
22 legal substances. Vicar McCauley responded that they will not be allowed on the property.  
23 Commissioner Matzka suggested that clarification on those items be added to the policy.

24  
25 It was also pointed out that the quiet time policy will be more stringent than the parameters set  
26 forth in the city code.

27  
28 **Public Testimony:**

29  
30 **Proponent Testimony:**

31 **Name:** Mersadee Lulay, Neighbor of Proposed Shelter Community  
32 **Address:** 201 W. Center Street, Silverton, OR

33  
34 Ms. Lulay stated to the commission that she is the closest possible neighbor to the proposed  
35 shelter community. She is 100% in favor of the project. This is a personal issue for her  
36 because she has been close to being homeless in her adult life. Ms. Lulay relayed that she  
37 believes that when you lift up the most marginalized people in our communities we are raising  
38 the standard of everyone else.

39  
40 There were no questions from the commissioners.

41 **Opponent Testimony:** None

42  
43 **Neutral Testimony:** None

44  
45 **Written Testimony:** Included as Attachment E to Staff Report.  
46

1 Director Gottgetreu added that if the commission was considering a condition regarding the  
2 lighting he would suggest something along the lines of, “Any lighting installed shall be  
3 designed to prevent glare on adjacent properties.”  
4

5 **Rebuttal: None**  
6

7 Commissioner Frederick made a motion to close the public hearing. The motion was seconded  
8 by Commissioner Jones. The motion carried unanimously. Chairman Flowers closed the Public  
9 Hearing at 7:47 p.m.  
10

11 Commissioner Piaskowski made a motion to add the additional condition that any installed  
12 lighting should meet with existing city code with glare. Commissioner Frederick seconded the  
13 motion. The motion carried unanimously.  
14

15 Commissioner Frederick made a motion to approve conditional use application  
16 CU-18-03. Commissioner Piaskowski seconded the motion. The motion carried unanimously.  
17

18 **Amendments to conditions:**

19 Any installed lighting should meet with existing city code with glare.  
20  
21

22 **5.2 Case: Planned Development Application for Railway Ave Phase I with Land Division**  
23 **Filed by: WestTrend Homes, LLC, 612 E 2<sup>nd</sup> Street, Newberg, OR 97132**  
24 **Planning Department File No.: PD-18-01**  
25

26 Chairman Flowers opened the hearing at 7:52 p.m., and asked for declarations of ex parte  
27 contacts and conflicts of interest. No Commissioners declared ex parte contacts or conflicts of  
28 interest.  
29

30 **Staff Report:**

31 Community Development Director, Jason Gottgetreu used a PowerPoint presentation to  
32 present the staff report. The application submitted is a Planned Development Application for a  
33 three phase development. The property is south of Railway Avenue along Silverton Road,  
34 which is the large vacant property between the RV park and the mini storage.  
35

36 Director Gottgetreu briefly explained the process for planned developments, which is typically  
37 made up of three steps that can either be reviewed separately or combined. The proposal is to  
38 subdivide the 22.66 acre site into 134 dwellings in a mixture of townhomes (26), single family  
39 attached homes (16), single family detached homes (44), and apartments (48). The proposal is  
40 to develop the site in three phases. This review is for the concept plan and detailed  
41 development plan for all three phases and for the subdivision and design review for the first  
42 phase.  
43

44 Phase I includes design review and land division for ten single-family, detached lots; six  
45 zero-lot line, single-family lots; and, 26 single-family, attached townhomes. The requested  
46 planned development approval includes Phase II with an additional 34 single-family, detached

1 lots; 10 zero-lot line, single-family lots; a 3.86 acre public park; and, Phase III with a 48 unit  
2 apartment complex.

3  
4 The property is zoned R-1 Residential Zone, which normally does not allow for townhomes or  
5 apartments, but due to the applicant going through the planned development process, it allows  
6 the Planning Commission some subjectivity to look at the project as a whole and decide if it  
7 meets with the intent of the development plan for the area. The modifications being requested  
8 include lot size, housing types and setbacks, which need to be looked at to see if they are  
9 equal to, or better than, what was intended for the area.

10  
11 The proposed development's smaller lots of 5,000-5,900 square feet for the single family  
12 detached lots, a width of 22 feet for the townhome lots, and three buildings of wood-framed  
13 apartments each with 16 units make for multiple price points in the subdivision. This meets the  
14 goal of the west side plan to provide a range of housing types.

15  
16 There will be one entrance into the development with a secondary fire access through the RV  
17 park. There are some potential issues for the overall site, but for Phase I the access should be  
18 sufficient.

19  
20 Commissioner Frederick asked how the waste from this development would get to the sewage  
21 treatment plant. Director Gottgetreu explained that there is an existing pump station that was  
22 put in as part of the original Silverton Station from 2006, located at the end of Monson Rd. The  
23 sewage would gravity for apportion to be transferred to the sewage treatment plant.

24  
25 The proposed collector street would access off of Railway Ave. One of the conditions would be  
26 for the applicant to place new asphalt at the existing rail crossing. ODOT Rail explicitly stated  
27 that as long as putting down new asphalt was for maintenance and there was no widening or  
28 modifying of the road, the crossing order process does not apply.

29  
30 A potentially big future project would be a new crossing at Railway Ave and Silverton Rd,  
31 which could include a signalized intersection with rail crossing. The development is not  
32 currently anticipated to meet the threshold to require the traffic signal, but the city should start  
33 collecting funds and planning for the upgrades. This could be done by the city applying an  
34 additional transportation fee for the properties that would utilize the road, similar to what was  
35 done with Steelhammer. Additional SDC fees would require City Council action and would  
36 include other future projects in this area.

37  
38 Another condition of the project would be for the developer to finish sidewalks along Railway  
39 Ave, up to McClaine St and for sidewalks and streets within development. There would then be  
40 a SDC reimbursement to the developer/applicant for the improvements outside of the  
41 development. Director Gottgetreu explained how the SDC reimbursement process works.

42  
43 There was discussion about possible locations of a future traffic signal and the estimated costs  
44 associated with that process.

45  
46 Commissioner Huebner voiced her concern about installation of a stop light creating a "free for

1 all” for additional houses being built when the city is already growing so quickly.

2  
3 The impact on the school district was brought up and Director Gottgetreu explained that the  
4 superintendent was given notice and did not respond. He also explained that there is a  
5 construction excise tax paid for all new homes based on the livable square feet.

6  
7 At 8:50 p.m., Chairman Flowers proposed a five minute break. Commissioner Huebner  
8 seconded the motion.

9  
10 The meeting resumed at 8:55 p.m.

11  
12 Chairman Flowers reviewed the Public Hearing procedures and asked for public testimony.

13  
14 Chairman Flowers noted the review criteria pertinent to conditional use applications, as listed  
15 in the staff report.

16  
17 **Applicants Testimony:**

18 **Name:** Steve Kay with Cascadia Planning and Development Services

19 **Address:** PO Box 1920, Silverton, OR 97381

20  
21 The West Side plan identifies this area as an important gateway into Silverton. This is a unique  
22 project for Silverton. The applicants analyzed the housing needs of Silverton and identified the  
23 preferred housing types for this area through community input. The property will help address  
24 transportation improvements, provide better connectivity without routing thru downtown and  
25 provide alternate commuter routes to schools, and shopping areas.

26  
27 The development will be generously landscaped with walking paths and benches. Phase I  
28 includes the clubhouse, which can be used by all single family residents in the area and will  
29 have restrooms and kitchenette; Phase II includes a 3.77 acre park dedicated to city and  
30 accessible to anyone; and, Phase III, which is expected to be built in three to five years will  
31 have an additional acre of open green space. There will be several types of fencing for  
32 buffering. The public park along the creek can be extended later to accommodate a dog park,  
33 skate park with a half basketball court and bathrooms. The park will be dedicated to the city  
34 once park improvements meet city standards.

35  
36 The apartments will be between 800 and 1200 sq. ft.

37  
38 The applicants have contacted the surrounding property owners who have stated they are  
39 willing to consider extending the right of way in order for sidewalks to be installed.

40  
41 When asked by Commissioner Mayou about the size of the single family lots and placement of  
42 the garages, Mr. Kay responded that the housing types selected were chosen to accommodate  
43 people who don't want to maintain yards and would elect for the HOA to take care of open  
44 spaces. He added that having garages in rear creates a better streetscape and there are no  
45 savings on pavement if the driveways are in the front versus the back. This also allows for a  
46 parallel spot by the garage in addition to parking on the street.



1  
2 **Public Testimony:**

3  
4 **Proponent Testimony:** None

5  
6 **Opponent Testimony:** None

7  
8 **Neutral Testimony:**

9 **Name:** Rayna Ludeage

10 **Address:** 307 Monson, across Railway from this area

11  
12 Ms. Ludeage expressed a concern about drainage from this new development because of  
13 current issues in the area where she resides. She says that the water run-off runs on the back  
14 of her neighbor's property and then runs down Monson Rd towards the creek. When there is  
15 heavy rain it fills the ditch and often overflows and goes across the road. If there is additional  
16 cement, she is concerned that it will make this situation worse. Chairman Flowers responded  
17 that there will be engineering that will be reviewed as part of this project and that this  
18 development will have to meet the city's engineering standards.

19  
20 **Name:** Bill Miles, Fire Chief

21 **Address:** Fire Station at 819 Railway

22  
23 The volunteer firefighters have to get to and leave the station on Railway and there can be up  
24 to 10 cars at a time.

25  
26 Chief Miles stated that he likes the project, but has concerns about access to area and good  
27 fire response access because the secondary access is so close to the main access and will  
28 become more of a problem as the project expands.

29  
30 He would prefer to see residential sprinklers for fire safety. Chairman Flowers explained that  
31 unless there is something in the fire code that says that sprinklers are mandatory it is up to the  
32 developer.

33  
34 Commissioner Piaskowski asked if there is the possibility of an access thru the area near the  
35 clubhouse and was told that Marion County resisted the idea of a secondary access thru the  
36 RV park.

37  
38 **Written Testimony: None**

39  
40 **Rebuttal: Applicant:**

41 In response to the drainage issue brought up by Ms. Ludeage, Mr. Kay explained that there  
42 are existing large vaults underground that will release the water over time to prevent it from  
43 causing flooding and that the drainage goes down Railway towards Silverton Rd, which is  
44 away from the area of concern.

45  
46 Commissioner Frederick made a motion to close the public hearing. Commissioner

1 Piaskowski seconded the motion. The motion passed unanimously.

2  
3 Chairman Flowers closed the Public Hearing at 9:38 p.m.

4  
5 Commissioner Piaskowski stated that he supports the proposal.

6  
7 Commissioner Huebner expressed concerns about the additional students in the area's  
8 already crowded schools because there are already students in trailers because the schools  
9 are over capacity. Also, she has heard from community members that the city is growing too  
10 fast and the infrastructure cannot keep up.

11  
12 Commissioner Jones stated that the schools have a lot of kids from Salem but as more kids  
13 come in from Silverton, Salem kids get transferred out. He also stated that he thinks it is a  
14 good plan

15  
16 Commissioner Matzka said that he calculated an addition of approximately 80 additional  
17 students. He also loves the concept and diversity of housing, but he has concerns about  
18 infrastructure, safety and the number of students in our schools.

19  
20 Commissioner Mayou state that the school system is notified and never responds to the  
21 notices about these developments and the traffic study seems to indicate that this is  
22 accessible. She supports the project overall.

23  
24 Commissioner Frederick stated that he likes the project with the variety of choice and stated  
25 that we need more housing.

26  
27 Chairman Flowers stated that he is in favor of the project and that nowhere in code does it  
28 state that the Planning Commission is to take into account the schools or transportation in  
29 development. He also stated that this is good result of what was envisioned.

30  
31 Commissioner Mayou made a motion to require the developer to meet the 50% impervious  
32 surface standard for the rear-accessed townhomes, which is discussed on page 101 of the  
33 West-Side Gateway Planned Development Application.

34 Commissioner Piaskowski seconded the motion. The motion passed 5-2 with Commissioners  
35 Mayou, Piaskowski, Matzka, Huebner and Frederick in favor and Chairman Flowers and  
36 Commissioner Jones against.

37  
38 Commissioner Frederick moved to approve the application for PD-18-01. Commissioner  
39 Mayou seconded the motion. At 10:05 p.m., the motion passed 6-1 with Chairman Flowers and  
40 Commissioners Frederick, Jones, Mayou, Piaskowski and Matzka in favor and Commissioner  
41 Huebner against.

42  
43 **Amendments to conditions:**

44 The developer is to meet the code standard of 50% impervious surface standard for the rear-  
45 accessed townhomes.

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**VI. REPORTS AND COMMUNICATIONS**

Director Gottgetreu announced to the commission that the fences have gone up around the Eugene Field School site. The city has received money from state for a public outreach project. Stakeholders meetings will take place on Thursday January 10, 2019 and will consist of small group discussions about the future of the site.

The annexation legal path is on hold waiting for a decision at circuit court level.

The attorneys have submitted briefs for the appeal of James Street and are awaiting the decision from the land use court of appeals.

Chairman Flowers and Commissioner Mayou announced they will not be present at the February Planning Commission meeting.

Director Gottgetreu announced that he is planning a Planning Commission Work Session on January 22<sup>nd</sup>, at 7 p.m.

**VII. ADJOURNMENT**

Commissioner Flowers adjourned the meeting at 10:18 p.m.

Respectfully submitted,

/s/ Kate Schlee,  
Planning and Permit Assistant