



**CITY OF SILVERTON – PLANNING COMMISSION
REGULAR MEETING**

Silverton City Council Chambers
421 S. Water Street
March 10, 2020 - 7:00 PM

AGENDA

I. ROLL CALL

II. MINUTES

Approval of Minutes of the Regular Meetings held February 11, 2020.

III. BUSINESS FROM THE FLOOR

Items not on the Agenda.

IV. PUBLIC HEARINGS

4.1 ~~14479 and 14437 Evans Valley Road Annexation AN-19-02~~

~~Annexation application to annex 14479 and 14437 Evans Valley into the City Limits and zone the properties R-1, Single Family Residential. The total area of the annexation request is 8.23 acres.~~

***Application withdrew by applicant**

4.2 490 Lavender Street Variance VR-20-01

Variance application to allow a 5' rear yard (east) setback for an unenclosed porch at 490 Lavender Street. Located on the southeast corner of the Lavender Street and Basil Street intersection.

V. REPORTS AND COMMUNICATIONS

VI. ADJOURNMENT

Written comments may be filed with the Community Development Department, prior to the Public Hearing or you may attend the Hearing and testify in person or in writing on these applications. Additional information and/or review of this application may be obtained at Silverton City Hall, 306 South Water Street or by contacting the Community Development Department at (503) 874-2207. Copies of the staff report will be available seven (7) days prior to the public hearing. All documents will be available on our website at www.silverton.or.us.

AMERICANS WITH DISABILITIES ACT (A.D.A.): The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City Clerk at 503-874-2216 at least 48 hours prior to the meeting.

CITY OF SILVERTON
PLANNING COMMISSION MINUTES
Drafted for approval; subject to change and/or correction

7:00 P.M.

FEBRUARY 11, 2020

The Planning Commission of the City of Silverton met at the Silverton Community Center on February 11, 2020 at 7:00 pm. with Chairman Flowers presiding.

9I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Morry Jones
<u> </u>	<u>Excused</u>	Chris Mayou
<u> </u>	<u>Excused</u>	Rich Piaskowski
<u> X </u>	<u> </u>	Tasha Huebner
<u> X </u>	<u> </u>	Peter Matzka
<u> X </u>	<u> </u>	Ammon Benedict

STAFF PRESENT:

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

10II. APPROVAL OF THE MINUTES:

Commissioner Jones moved to approve the minutes of November 12, 2019. Commissioner Matzka seconded the motion and it carried unanimously. Commissioner Jones moved to approve the minutes of December 10, 2019 as presented. Commissioner Matzka seconded the motion and it carried unanimously.

11III. BUSINESS FROM THE FLOOR:

There were no comments.

12IV. DISCUSSION/ACTION

4.1 Appoint a Chairman

Commissioner Matzka moved to appoint Commissioner Flowers as Chairman. Commissioner Jones seconded the motion. Commissioner Matzka, Commissioner Jones, Commissioner Huebner and Commissioner Benedict voted in favor of the motion. Chairman Flowers abstained.

1
2 **4.2 Appoint a Vice Chairman**
3

4 Commissioner Jones made motion to appoint Commissioner Piaskowski as Vice-Chairman.
5 Commissioner Huebner seconded the motion and it carried unanimously.
6
7

8 **AGENDA ITEMS:**
9

10 **Case: 14479 and 14437 Evans Valley Road Annexation**
11 **Filed by: Ken Roth, 14479 Evans Valley Road, Silverton, OR 97381**
12 **Planning Department File No.: AN-19-02**
13

14 Director Gottgetreu announced that the applicant requested a continuation to the March 10th
15 Planning Commission meeting.
16

17 Chairman Flowers opened the public hearing at 7:09 pm and requested a motion to continue the
18 public hearing to the March 10th.
19

20 Commissioner Huebner made a motion to motion to continue the public hearing for AN-19-02.
21 Commissioner Jones seconded the motion. The motion passes unanimously.
22

23 Chairman Flowers closed the public hearing at 7:11 pm.
24
25

26 **Case: 806 N 1st Street Conditional Use**
27 **Filed by: Ken Roth, 14479 Evans Valley Road, Silverton, OR 97381**
28 **Planning Department File No.: CU-19-02**
29

30 Chairman Flowers opened the hearing at 7:12 pm and asked for declarations of ex parte contacts,
31 conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of
32 interest. Chairman Flowers declared that he has viewed the site.
33

34 Director Gottgetreu presented an overhead presentation of the staff report for the conditional use
35 application to construct a 2,299 square foot retail sales and service building that will be a coffee
36 shop with drive-through and a concurrent partition application to re-plat six lots on the site into
37 two lots. The site is located on the northeast corner of North First Street and D Street at 806
38 North First Street.
39

40 The drive-through component of the site is the cause for the conditional use application and
41 review. There are also special design standards specific to drive-through uses in the drive-
42 through commercial zone.
43

44 Commissioner Benedict brought up a concern about the location of the ordering kiosk because it
45 is only two car lengths in from the access.
46

1 Chairman Flowers asked for the applicant’s testimony at 7:38 pm.
2
3

4 **Applicants Testimony:**

5 **Curt Fisher, AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1, Keizer, OR**
6

7 Mr. Fisher introduced himself and went through a PowerPoint presentation.
8

9 Mr. Fisher addressed comments made by commissioners regarding placement of the ordering
10 kiosk. He stated that they were given feedback by the Starbucks design team instructing them to
11 place the kiosk where it is in the application, but that he did not think they were married to the
12 kiosk placement.
13

14 Mr. Fisher stated that this Starbucks design is similar to one that was recently opened in
15 downtown Salem at Church Street and Ferry Street. The distance between the ordering kiosk and
16 the pick-up window at the Salem location is shorter and does not cause issues.
17

18 Mr. Fisher addressed the applicant’s responses to the conditions of approval.
19

20 Commissioner Matzka asked if Roth’s would maintain their coffee drive-thru. Mr. Fisher
21 responded that Roth’s has an agreement with Starbucks that each business will serve specific
22 items.
23

24 Commissioner Jones asked if the parking lot will be completely done except for the location of
25 the office building. Mr. Fisher responded that it will be done, but he is unsure of whether the
26 office building location will have a concrete slab or dirt until it is built in the second phase of this
27 project.
28

29 Chairman Flowers asked for confirmation that the windows showed in the concepts were actual
30 windows. Mr. Fisher stated that they are going to be actual windows.
31

32 **Public Testimony:**
33

34 **Proponent Testimony:**
35

36 **Gene Oster, 6182 Cascade Hwy NE, Silverton, OR 97381**
37

38 Mr. Oster stated that he thinks this will be a positive addition to the community.
39

40 Commissioner Matzka asked for Mr. Oster’s opinion on potential backup and traffic on D Street.
41 Mr. Oster responded that he doesn’t think that very many people use D Street to begin with.
42

43 **Opponent Testimony:** None
44

45 **Neutral Testimony:** None
46

1 **Written Testimony:**

2
3 Written testimony is included in the meeting packet.

4
5 Director Gottgetreu stated that he would be okay with amending Condition 12 to strike the ten
6 foot number and read “a public utility easement per public works design standards shall be
7 dedicated along the property’s frontage”; and, striking section M.1 in Attachment G.

8
9 **Rebuttal: None.**

10
11 Commissioner Huebner made a motion to close the public hearing. Commissioner Matzka
12 seconded the motion and it passed unanimously. Chairman Flowers closed the public hearing at
13 8:10 pm.

14
15 Commissioner Huebner stated that she is in favor of this application.

16
17 Commissioner Jones stated that he agreed with Commissioner Huebner.

18
19 Commissioner Benedict stated that he thinks that it is going to bring jobs to Silverton, it is going
20 to be attractive and a great location for retail space. He also expressed the concern that the kiosk
21 needs to be moved up to prevent negative traffic impacts.

22
23 Chairman Flowers asked Director Gottgetreu if a modification could be made to the conditions
24 of approval requiring the kiosk be moved to car position number four.

25
26 Commissioner Matzka reiterated the concern about the kiosk placement. His suggestion was that
27 there are two ordering spots if moving the kiosk is a concern.

28
29 Chairman Flowers stated for the record that the comments made by the public about negative
30 effects to other businesses are not something that the Planning Commission can consider.

31
32 Commissioner Matzka made a motion to approve the application, as amended. Commissioner
33 Huebner seconded the motion and the motion passes unanimously.

34
35 **Amendments to conditions:**

36
37 Updated Condition 12 to strike the ten foot number and read “a public utility easement per public
38 works design standards shall be dedicated along the property’s frontage”; Remove section M.1 in
39 Attachment G; and add a condition for moving placement of the kiosk from car position number
40 two to position number four.

41
42
43 **VI. REPORTS AND COMMUNICATIONS**

44
45 Director Gottgetreu welcomed Ammon Benedict as a new Planning Commission Member.

1 The City Council denied the Westfield zone change.

2

3 The City Council approved the annexation and partition for 148 Cambridge.

4

5 The Planning Commission's joint session with the City Council will be April 20, 2020 at 6:00
6 pm.

7

8 Chairman Flowers provided the group with information from recent trainings that he attended
9 and announced that he will not be at the March meeting.

10

11

12 **VII. ADJOURNMENT**

13

14 The Meeting adjourned at 8:44 p.m.

15

16 Respectfully submitted,

17

18

19

20 /s/ Kate Schlee,

21 Planning and Permit Assistant

22

DRAFT



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE III

FILE NO. VR-20-01

LAND USE DISTRICT:

R-1, SINGLE FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W26DC

LOTS#: 10500

SITE SIZE: 8,542 SQ FT

ADDRESS: 490 LAVENDER STREET

APPLICANT:

SARA AND JASON HASTINGS

490 LAVENDER STREET

SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE

JOHN'S DECKS AND FENCES

PO BOX 1064

SILVERTON, OR 97381

CONTACT PERSON:

JOHN MAHAR, 503-752-3384

OWNER:

SARA AND JASON HASTINGS

490 LAVENDER STREET

SILVERTON, OR 97381

LOCATION: LOCATED ON THE SOUTHEAST

CORNER OF THE LAVENDER STREET AND BASIL

STREET INTERSECTION.

PROPOSED DEVELOPMENT ACTION: VARIANCE APPLICATION TO ALLOW A 5' REAR YARD (EAST) SETBACK FOR AN UNENCLOSED PORCH AT 490 LAVENDER STREET.

DATE: MARCH 3, 2020

Attachments

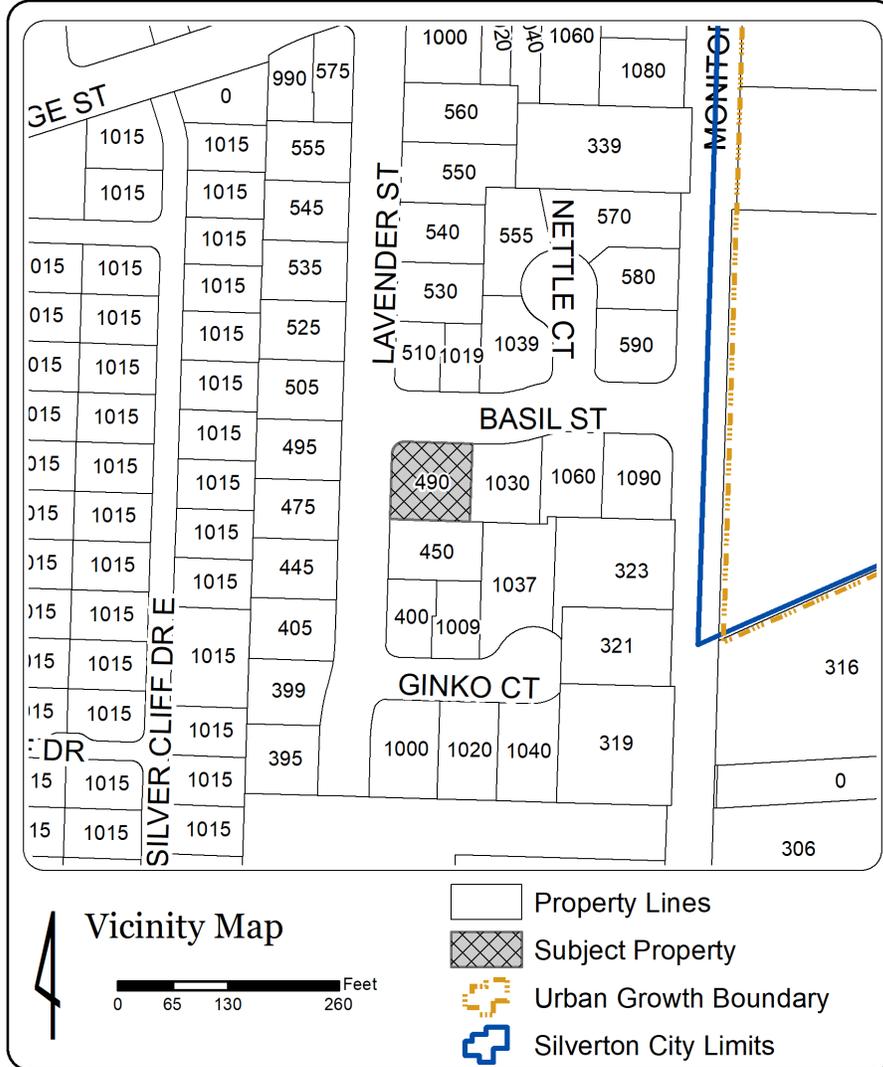
- A. Vicinity Map and Site Plan
- B. Applicant's Findings
- C. Conditions of Approval
- D. Staff Report
- E. Testimony

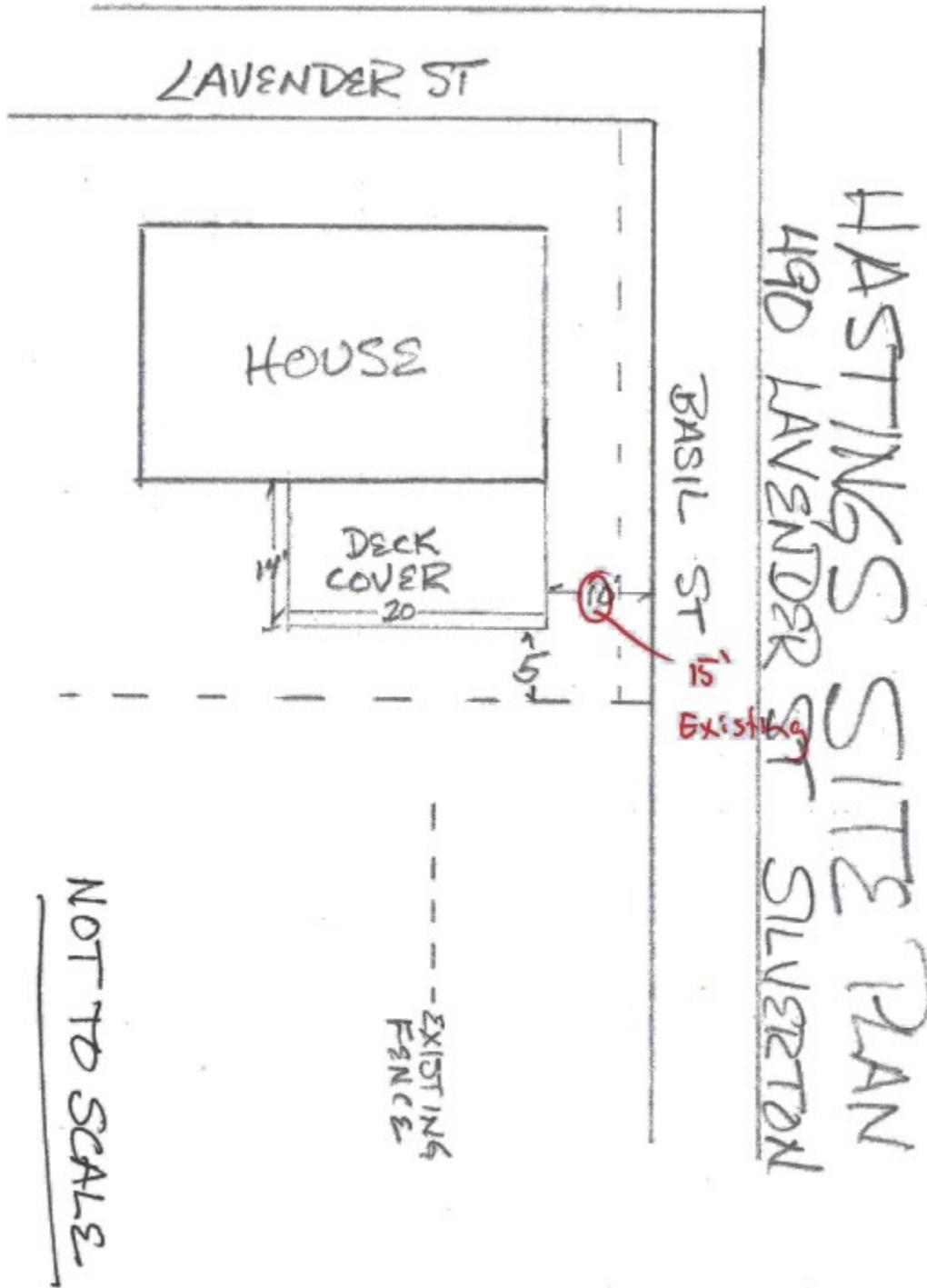
ATTACHMENT A: VICINITY MAP & SITE PLAN

Case File: VR-20-01

Vicinity Map and Surrounding Land Use Districts

- North – R-1, Single Family Residential
- East – R-1, Single Family Residential
- South – R-1, Single Family Residential
- West – R-1, Single Family Residential





ATTACHMENT B: APPLICANT'S FINDINGS

To whom this concerns,

We are requesting a variance to the minimum set back of ten (10) feet from our back yard property line as we only have a six (6) foot distance between our property line and our proposed deck cover.

As our house was built in an offset manner to the property lines and it has created a restrictive situation in our back yard for placing a cover over our deck.

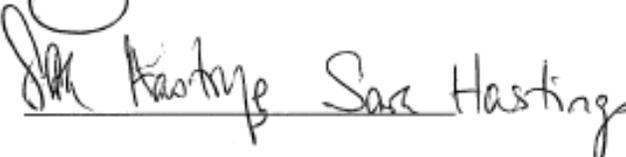
If the house was built with the entrance on Basil St. it would have met code requirements.

All other setbacks and conditions are with in compliance.

The proposed deck cover will not create a visual obstruction to our immediate neighbor in the back yard as there are no windows on the side of their house where the cover will be built.

There are no objections by any of our neighbors, particularly by those who will have a view of our deck cover. The neighbors that will have any view will only have a partial view due to the fence that encloses our back yard.


JASON HASTINGS


Sara Hastings

To Whom it May Concern

January 30th, 2020

This letter supports the fact that I have spoken with Sara/Jason Hastings regarding the proposed construction of a deck covering located in the back yard of 490 Lavender Street, Silverton, Oregon 97381. I am aware of the application for Variance concerning the backyard setback and do not object to approval of the proposed variance to allow for construction.

Robert G. Guenther
Barbara Guenther

Robert G. Guenther
Barbara Guenther

Print Name

Signature

home → 17569 Mt Angel Scotts
Mills Rd NE SILVERTON OR
97381

2-6-2020

Address

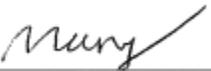
Date

affected property → 450 Lavender
Silverton

To Whom it May Concern

January 30th, 2020

This letter supports the fact that I have spoken with Sara/Jason Hastings regarding the proposed construction of a deck covering located in the back yard of 490 Lavender Street, Silverton, Oregon 97381. I am aware of the application for Variance concerning the backyard setback and do not object to the construction of a deck cover for their back porch or the approval of the proposed variance to allow for construction.



Print Name

1029 basel st-

Address



Signature

1/31/2020

Date

To Whom it May Concern

January 30th, 2020

This letter supports the fact that I have spoken with Sara/Jason Hastings regarding the proposed construction of a deck covering located in the back yard of 490 Lavender Street, Silverton, Oregon 97381. I am aware of the application for Variance concerning the backyard setback and do not object to the construction of a deck cover for their back porch or the approval of the proposed variance to allow for construction.

Henry Gordon and Eric Villarreal

Print Name



Signature

1019 Basil St. Silverton

Address

97381

1/31/2020

Date

To Whom it May Concern

January 30th, 2020

This letter supports the fact that I have spoken with Sara/Jason Hastings regarding the proposed construction of a deck covering located in the back yard of 490 Lavender Street, Silverton, Oregon 97381. I am aware of the application for Variance concerning the backyard setback and do not object to the construction of a deck cover for their back porch or the approval of the proposed variance to allow for construction.

Thomas J Carey

Print Name



Signature

owner of
1030 Basil
Silverton, OR

Address

02-3-2020

Date

ATTACHMENT C: CONDITIONS OF APPROVAL

1. The applicant shall obtain all necessary building permits and pay all applicable fees.

ATTACHMENT D: STAFF REPORT, VR-20-01

REVIEW CRITERIA:

Variance – Review criteria: The city shall approve an application for a variance if the review body finds that the applicant has shown that all of the following criteria have been met:

- A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;
- B. A hardship to development exists that is peculiar to the lot size or shape, topography, wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;
- C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- E. The hardship is not self-imposed; and
- F. The variance request is the minimum variance that would alleviate the hardship.

II. FINDINGS

A. Background Information:

1. The applicant submitted an application on February 12, 2020 requesting a Variance application to allow a 5' rear yard (east) setback for an unenclosed porch at 490 Lavender Street.
2. Notice of the public hearing was mailed to all property owners and residents within 700' of the site on February 20, 2020. The site was posted on February 28, 2020.
3. The site consists of 8,542 square feet and is zoned R-1, Single Family Residential and measures approximately 91' wide and 93' deep. The site is developed with a single family home.

B. Silverton Development Code:

Variance – Review criteria: The city shall approve an application for a variance if the review body finds that the applicant has shown that all of the following criteria have been met:

- A. *The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;*

Findings: 490 Lavender Street is a corner lot on the southeasterly corner of the intersection of Basil and Lavender Street. The dwelling was constructed in 2012. The dwelling is located in the northwesterly corner of the site and is primarily oriented to Lavender Street.

The proposed variance is to allow a 5' rear yard (east) setback for an unenclosed porch. On a corner lot, the front lot line is the shortest of the lot lines that abut a street and the rear lot line is the lot line that is opposite the front lot line. It should be noted that previous corner lots were allowed to determine the front and rear lot lines, based on the property owner's preference.

The Lavender Street lot line is 91' long and the Basil Street lot line is 93' long, thereby making the Lavender Street lot line the front and the eastern lot line the rear. The house is oriented to Lavender Street. Orienting the house to the front lot line is not a standard. At least one primary entrance has to face an adjacent street, or if on a side elevation, not more than 30 feet from a street sidewalk.

The existing dwelling is setback 20' from the front lot line, 15' from the northerly street lot line, 20' from the easterly rear lot line and 29' from the south side lot line. Attached unenclosed porches are allowed to be 10' from the rear property line and 5' from the side property lines and 15' from street property lines. The applicant is proposing a 14' long unenclosed porch, which would be 6' from the rear property line, though the site plan indicates 5'. Unattached unenclosed porches are allowed to be 5' from the rear property line 5' from the side property line and 20' from street property lines.

On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line. If the Lavender Street lot line was 1' longer and the Basil Street lot line was 1' shorter, the applicant could determine which is the front lot line and which is the rear, which would have allowed the property owner to determine the south lot as the rear lot line since the building would meet the applicable rear yard setback on the south lot line. This would make the east lot line the side yard, which would allow the unenclosed porch to be located with a 5' easterly setback.

The purpose of residential setback yards is to provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The applicant submitted testimony from surrounding neighbors, including the owner of the property directly to the east which would be most impacted by the porch, as not objecting to the deck cover or the approval of the proposed variance.

Given the lot lines are so close to one another in length and the fact that the house could also meet setbacks if the south lot line were defined as the rear if the lot were a square, the requested variance is not materially detrimental to the purpose of the code. Given a purpose of residential setbacks is to provide space for private yards and the neighboring properties do not object to the variance, the requested variance is not materially detrimental to the purpose of the code.

The applicant shall obtain all necessary building permits and pay all applicable fees **(Condition 1)**.

B. A hardship to development exists that is peculiar to the lot size or shape, topography, wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;

Findings: The dwelling was constructed in 2012 and the applicant purchased the dwelling in 2019. The other corner lots in the vicinity are more rectangular in nature thereby more clearly defining the logical front are rear yard setback.

C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

Findings: The use proposed is permitted and is reasonable given a detached covered patio could be 5' from the east rear property line, provided it was located 20' from the north street property line.

D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;

Findings: The reduction of the yard setbacks will not adversely affect the existing physical and natural systems of the area. Traffic impacts will not be affected.

E. The hardship is not self-imposed; and

Findings: The applicant purchased the property in 2019 and had no control of the construction of the house in 2012.

F. The variance request is the minimum variance that would alleviate the hardship.

Findings: The variance request allows an enclosed porch to be constructed an area that would meet setbacks if the lot lines were 1% different than they currently exist or if the structure were detached from the primary structure.

III. SUMMARY AND CONCLUSION

The required findings have been made for all of the applicable Code sections. The proposal as conditioned meets all applicable Silverton Development Code Review Criteria and Standards. Staff recommends the Planning Commission approve the request to allow a 5' rear yard (east) setback for an unenclosed porch.

ATTACHMENT F: TESTIMONY

None received.