

**CITY OF SILVERTON
CITY COUNCIL MINUTES**

Silverton Community Center – Council Chambers – 421 South Water St.

January 6, 2020, 6:00 p.m.

I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call

Mayor Palmer called the meeting to order at 6:00 p.m.

| Present | Absent | |
|----------------|---------------|---------------------------------------|
| X | _____ | Mayor Kyle Palmer |
| X | _____ | Council President Jason Freilinger |
| X | _____ | Jim Sears |
| X | _____ | Matt Plummer |
| X | _____ | Dana Smith |
| X | _____ | Laurie Carter |
| X | _____ | Crystal Neideigh |

Staff Present:

City Manager, Christy Wurster; Chief of Police, Jeff Fossholm; Public Works Director, Petra Schuetz; Community Development Director, Jason Gottgetreu; Assistant to the City Manager/HR Coordinator, Elizabeth Gray; and Assistant to the City Manager/City Clerk, Angela Speier

II. APPROVAL OF MINUTES

Councilor Freilinger made a motion to approve the minutes from the Regular Meeting held on December 2, 2019 and the Work Session held on December 16, 2019. Councilor Smith seconded the motion. Councilor Carter will send staff suggested changes to a grammatical error in the minutes. There was no further discussion and the motion passed unanimously (7-0).

III. OATHS OF OFFICE/PUBLIC RECOGNITION

3.1 Recognize Gus Frederick – Outgoing Planning Commission Member

Mayor Palmer recognized Gus Frederick for his eight years of service on the Planning Commission.

3.2 Proclamation – Recognizing Climate Change Awareness

Mayor Palmer read the proclamation recognizing climate change awareness and presented a copy to Charles Baldwin with Sustainable Silverton.

IV. PUBLIC COMMENT

Karen Hatteberg, 835 Shelokum Drive. Ms. Hatteberg spoke on behalf of the Silverton Pickleball Association and urged City Council to include constructing pickleball courts (inside or outside) to their goals for next fiscal year. There are 76 active players in Silverton and 97 people who are occasional players. Currently the players are utilizing the Community Center gym which provides two courts, but it is not enough. They can play outside when weather permits and only when they do not conflict with school

uses. Ms. Hatteberg explained why pickleball exemplifies what the Silverton community is about and how it promotes tourism. Councilor Carter inquired about the size of the courts and how the court reservations work at the gym. Councilor Smith explained players who are members of the YMCA and/or the Senior Center do not have to pay the drop-in fee. Councilor Carter asked about the fees associated with the School District facility usage. Ms. Hatteberg explained the rental fees have escalated, but she has contacted the School District to see if something can be worked out.

Therese Gerlits, 503 Adams Avenue. Ms. Gerlits is concerned with the safety of pedestrians and drivers on Adams Avenue, especially because one new home is being constructed and two additional homes are approved to be built on the street. She explained there is inadequate signage that can result in unsafe situations. She would like to see an additional no parking sign at the end of the street, because cars are parking there which is not allowed due to it being very narrow. When people park there the residents cannot safely enter and exit their driveways and it impedes emergency vehicle access. She would also like to see an additional dead end or a no exit sign. When drivers miss the dead end sign they are forced to use the resident's private driveways, because there is no turnaround at the end of the street. The street is too narrow for commercial vehicles to turnaround, so they also use the driveways. Ms. Gerlits stressed there is not enough adequate parking for the current residents and the road is in poor physical condition. She also requested the construction company give residents advanced notification when their vehicles will need to block driveways. She requested the City check back in with residents within one to five years after a land use change is approved to review neighbor's concerns. In addition to the requested signage, she would like to see a yellow stripe to restrict parking near the stop sign. Lastly, she would like to see a turnaround constructed for emergency vehicles.

V. SCHEDULED PRESENTATIONS

5.1 Expansion Proposal for Judy Schmidt Memorial Skate Park

Dakota Becerra, Cash Miranda and Ethan Piaskowski spoke about Jason Franz who was one of the driving forces behind Phase I of the skate park. They would like to honor Mr. Franz through a Phase II expansion and memorial at the Judy Schmidt Memorial Skate Park. Phase II would include lighting, a ditch feature with a roller for beginners, a flat rail, and a memorial for Jason Franz. The Silver Fox Foundation has agreed to continue as the non-profit for money collection and payment to vendors. City Council thanked the speakers for their activism and expressed their support for the expansion.

5.2 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Stacy Palmer, Silverton Chamber of Commerce Executive Director gave her monthly report. She reviewed the monthly visitor numbers for December and announced the Chamber will be launching a new website in the coming weeks. The Chamber raised \$2,750 at Judy's Party for a memorial to honor Jason Franz. In addition, the Chamber received 34 applications requesting a total of \$57,018 for Judy's Party funds. She provided a recap of the Shop Hop. The Chamber will be working on legislation around workforce housing, daycare for employers and a Ready Workforce during the upcoming legislative session. Lastly, she congratulated Becky Ludden who was named the 2019 First Citizen and the Pill Box the 2019 Business of the Year. The First Citizen Banquet is scheduled for Saturday, February 8, 2020.

VI. PUBLIC HEARINGS

Quasi-Judicial Review – Application Number SU-19-01

6.1 Consider an appeal of a Subdivision approval to divide 931 Oak Street into 59 lots with 4 lots being designated as duplex lots for an overall density of 4.6 units per acre

Mayor Palmer reviewed the public hearing process and opened the public hearing regarding the appeal of a subdivision approval to divide 931 Oak Street at 6:47 p.m. No member of City Council wished to abstain or declare a conflict of interest. Mayor Palmer reported the applicant reached out to him on how to file an appeal and he referred them to the City. He also reported he read a number of social media posts regarding the issue, but they would not create bias or prevent him from participating. No member of the audience wished to challenge the jurisdiction of the City Council to hear the matter or to challenge an individual councilor for bias or a conflict of interest.

Community Development Director Jason Gottgetreu said the City Council must determine the scope of the review, because it is an appeal. Councilor Freilinger made a motion to hear the appeal restricted to the record made on the decision being appealed and to allow oral argument. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Director Gottgetreu explained City Council is hearing an appeal of a subdivision to divide 931 Oak Street into 59 lots. The site contains a total of 13.52 acres and will be divided into lots ranging in size from 7,000 square feet to 13,085 square feet with four lots being designated as duplex lots for an overall density of 4.66 units per acre. He reviewed the location of the property and proposed site plan for the subdivision. He explained the appeal focused on four areas: 1) Landscape Conservation; 2) Wetlands; 3) Transportation; and 4) Block Length.

1) Landscape Conservation

The appellant said the City's findings note "the site primarily consists of Cottonwood trees" and that assessment is incorrect, as there are numerous birch trees on the property as well. Director Gottgetreu explained the City did not proclaim all trees on the property were Cottonwood, but noted most of the trees on the site were Cottonwood. In the staff report to the Planning Commission staff conditioned that the 40" pine tree along the site's western boundary near the 287' elevation line is outside of a building envelope and shall be retained, illustrating the awareness of other tree species present on the site. He explained the code allows trees to be removed for the development of public streets and within the building envelopes as defined by the required yard setbacks. Further, Cottonwoods are not subject to protection standards as they are defined as prohibited and are unlawful to plant in the city. The condition was modified to include all non-prohibited trees in the rear yard setbacks need to be retained and the development of the site requires 90 street trees and 59 front yard landscaping trees to be installed.

2) Wetlands

The appeal states the City Code reads that no development shall result in the elimination of a wetland area, yet the proposal has not evaluated the wetlands on the site itself. Director Gottgetreu explained the development has been conditioned that prior to construction, the developer shall submit evidence that a Wetland Determination Report has been submitted to the Department of State Lands (DSL) and that a Wetland Fill Permit and the proposed Wetland Mitigation Plan have been approved by DSL. The review criterion regarding obtaining state permits for a subdivision is that evidence must be provided showing any required state and federal permits have been obtained, or shall be obtained before approval of the final plat. Notice was sent to DSL and the response was placed in the staff report and a condition was placed on the development. The City of Silverton does not administer the wetland removal or fill process but ensures the applicant follows applicable state regulations.

3) Transportation

Director Gottgetreu explained the two main concerns regarding transportation was the Traffic Impact Analysis (TIA) and the Liberty Street Connection. The TIA was scoped with input from ODOT and the point of a TIA is to ensure intersections will meet the level of service standards after the proposed development occurs. The City's Transportation System Plan (TSP) provides guidance that impacts to surrounding residential areas should be analyzed if the proposed project would increase volumes on a local residential street by more than 25 vehicles in a peak hour. This development did not exceed that threshold for the Norway Street area.

With regards to the Liberty Street Connection the Development Code states the location of streets in a development shall either: a) provide for the continuation and connection of existing streets in the surrounding area, conforming to the street standards of this section; or b) conform to a street plan adopted by the City if it is impractical to connect with existing street patterns because of existing conditions of the land. In this case the connection to Liberty Street was practical and it does provide for the continuation and connection of existing streets in the surrounding area. Director Gottgetreu explained ways to minimize through traffic on connecting streets, which include traffic calming devices. He also reviewed the TSP goals regarding street connectivity and explained allowing a barricade or gate to be constructed in the middle of a public street is not contemplated in the Development Code or the Transportation System Plan.

4) Block Length

Director Gottgetreu explained the code has a standard minimum of a 100-foot block length and a maximum 600-foot length with a desired block length of 500 feet. The appeal states this development would have a block length of approximately 1,600 feet, significantly above the maximum block length stated in the code. The appellant further explains the code states a pedestrian access way must be provided in lieu of a street connection. Director Gottgetreu explained a condition was placed on the development that “a pedestrian access easement per SDC 3.4.100.G.5 be recorded centered on the common property line of lots 50 and 51 with the intent that it will be utilized upon an access easement being created at the western terminus connecting to a City right of way. As such, the easement could be fenced until the time the easement is connected to the west to a City right of way.” He reviewed the code language related to pedestrian access ways. City Council has the option to require a public access right of way to be constructed prior to the signing of the final plat. He reviewed the proposed area for the pedestrian access and which property lines would need to be shifted.

Councilor Freilinger asked about the required street improvements for the end of the subdivision off Sage Street. Director Gottgetreu said the condition was for it to be constructed as a three-quarter street improvement or as a half street improvement with a fee in lieu of. The developer has requested the half street improvement with a fee in lieu of the difference between the two, but City Council could require the three-quarter street improvement. Director Gottgetreu said the half street improvement would have to be built to allow for a fire turnaround. He explained the issues with connecting to Sage Street and how requiring the connection would be considered an off-site improvement. The area is an abandoned railroad right of way and was never developed. In addition, the wetlands to the north also pose an issue to the connection to Sage Street due to a conservation easement. Councilor Carter voiced her concern with the lack of neighborhood parks in the area. Councilor Plummer asked if the current plan is a pedestrian linkage to Sage Street and Director Gottgetreu indicated that is correct.

Appellant’s Testimony

Donna Zeigler-Wood, 531 Norway Ave.

Donna Zeigler-Wood said this development would not be neighborhood friendly to the residents on the other side of the development. Liberty Street is not constructed for through traffic, there are no sidewalks, no street lights, and it is not a well paved road. She challenged the TIA, because she feels this development will bring more than 25 additional cars on the road. She said the TIA is fairly old and there has been more development since it took place. She also feels there must be a lack of understanding of what constitutes a block, because there is no break in the block until the development hits Liberty Street. She said there are several key points in this development that are not considerate of the people already living in the neighborhood. Lastly, she requested the City Council make Liberty Street a fire lane only, because there is no stub at the end. The developer was agreeable to this at the Planning Commission.

Subdivision Applicant’s Testimony

Gene Oster, 6182 Cascade Highway and Natalie Janney, Multi Tech Engineering Services, Inc.

Ms. Janney said staff provided a good overview of the appeal. The applicant would be opposed to a requirement by the City to change the conservation easement on Sage Street in order to develop a connection, because it would cause an undue cost and delay to the project. They do understand the need for the pedestrian connection for the residents in the Monitor Road area. Ms. Janney said the City has two conflicting standards regarding block length, so in those cases where the standard is not clear and objective it cannot be applied. They are agreeable to add the pedestrian access at lot 51. Mr. Oster referred to a map he provided City Council and said he is agreeable to chain off Liberty Street and allow emergency access only. The map provides the measurements of the streets in the area. He said his opinion is there will be little traffic coming from this subdivision on Norway Street, because a person would have to travel 600 feet further. Councilor Carter stated it is a long block. Ms. Janney explained this is an infill development surrounded by an existing development on one side and Olson Ditch on the other side. The applicants further explained the TIA shows the Oak Street intersection will still function at Silverton’s standards with this development.

Testimony in favor of the appeal

Carlos Flores, 533 Liberty Street. Mr. Flores is concerned with safety and the additional traffic this development would add to Liberty Street. Liberty Street does not have street lights or sidewalks and he thinks the additional traffic could lead to someone getting hurt. He would prefer to have an emergency access only on Liberty Street.

Monica Hanson, 517 Norway Avenue. Ms. Hanson is against the Liberty connection. Norway Street is very narrow at the top and people currently use Norway to avoid Church Street when they are dropping their children off for school. She said the streets in the area are angled making it hard to turn left. When cars are parked on Norway it becomes a bottle neck, because the street is narrow. She would like to see the City focus on safety and livability by building more walking paths, bike paths, and green spaces. She said the wetlands in the area have been reduced over the years, so the only open space is at the school.

Charles Baldwin, 3301 Seminole Road. Mr. Baldwin provided an overview of the recommendations from the Bike Committee which includes extending a circular trail around the city for biking purposes. He said one of the bottlenecks in the plan was this piece of property, because it was undeveloped. This property would connect the route from the Abiqua Heights neighborhood to the industrial park and downtown. He applauded the design for connecting to the Sage neighborhood, because it would help the residents in the Sage neighborhood get to the school and downtown.

Sylvia Long, 1015 Oak Street #102. Ms. Long is against the development and is concerned with the continued maintenance of Olson Ditch. Director Gottgetreu said the easement for the storm ditch and sanitary sewer will still be in existence and the City will still have access to the ditch. He said there is a restriction that no structures or buildings can be built within 25 feet of the ditch.

Nancy Hitch, 330 Norway. Ms. Hitch has lived on Norway for 20 years and said the traffic has tripled on the street. During school hours it can take 10-20 minutes to get out of her driveway and the street is not wide enough for two-way traffic due to the number of cars parked on it. The street lacks a sidewalk which creates a safety concern for pedestrians and school aged children. The residents left the Planning Commission thinking Liberty was not going to be a through street and didn't like the fact the Planning Commission voted to change that after everyone left. Mayor Palmer said until the Planning Commission votes on a matter nothing is really finalized.

Jeff Hanson, 517 Norway Avenue. Mr. Hanson reiterated on his end of Norway there are no sidewalks and it is a problem with people parking on the street. He said he does not want Liberty Street to come through, because of the safety issues.

Testimony in opposition to the appeal

Mike, Ashland, 816 Liberty Street. Mr. Ashland said his children have been looking for a house in Silverton and they discussed this development. A through connection on Liberty would allow greater connectivity and a way for garbage trucks to get through without having turnaround issues. He does not want to see his street closed off from this neighborhood because of traffic concerns. He sees this development as an ideal thing for the area and it will help bring new people (his children included) into Silverton.

Ammon Benedict, 717 Thyme Loop. Mr. Benedict travels on Norway every day to drop his child off at school. He said the code is crystal clear and streets are supposed to connect for a reason. Traffic flows both ways and there is nothing to stop residents on Norway from using the street in the new subdivision. He further stated people chose to buy homes in this area knowing the vacant land was zoned for residential purposes and their house would be located near a school. The pedestrian access from Sage Street will reduce traffic, because the new subdivision will allow for a safer route for children to walk to school.

Neutral Testimony: None.

Appellant rebuttal: None.

Subdivision Applicant rebuttal

Ms. Janney clarified the traffic counts were performed while school was in session and the peak hour was determined to be between 7:15 – 8:15 a.m. which is when Mark Twain is in the middle of their drop-off. So school traffic was taken into account. Mr. Oster said he brought up the possibility for the emergency access off Norway and said the street would still be developed to standards. He sees Liberty Street as the main issue the neighbors have with this new subdivision.

Councilor Sears made a motion to close the public hearing. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0). Mayor Palmer closed the public hearing at 8:15 p.m. City Council took a break at 8:15 p.m. and returned to regular session at 8:22 p.m.

Councilor Plummer reviewed the four appeal points and said the tree issue was more about semantics and the correct trees will be saved. The wetland issue is about timing and when the City will receive feedback from DSL. He said the gate or chain prohibiting through traffic on Liberty Street is not feasible, but he supports the installation of additional traffic calming measures. The shape and surrounding area of this property does not allow for a lot of options regarding the length of the block. There is a need to make the most of what is available which would be creating the through street off Liberty with the traffic calming measures. The pedestrian access between lots 50 and 51 is a good solution and the developer is on board with it. He would like to see the City be proactive in talking with the land owners on the other side so it does not just lead to a dead end but is a linkage for pedestrians in the near term. He did not hear anything that convinced him the Planning Commission made a bad decision approving this subdivision and would like to deny the appeal.

Councilor Sears said he lives on Mill Street and is sympathetic to an increase in traffic. He is concerned with the Liberty connection, because the right of way width is not conducive to make the connection now. There is a private lot that intrudes into the right of way which means there is only 20 feet of right of way to allow the connection between the new development and the existing Liberty Street. He said due to the engineering concerns he would feel more comfortable at this time using it as an emergency access only until such time additional right of way can be obtained. He would like to see the pedestrian access as a full width dedicated public right of way in order to ensure the future property owner knows it is there. He also voiced his support for the three quarter street improvement on Sage Street.

Councilor Carter understands the concerns from people living on Liberty and Norway, but she believes there should be a second access off Liberty due to the number of lots. This would be vital for evacuations and to help with the flow of traffic. She is concerned with the length of the block and would be supportive of two pedestrian access easements.

Councilor Smith is a strong advocate for connectivity and feels Liberty Street should be connected now. She said when the Steelhammer neighborhood was developed she was disappointed there was no other outlet. If there is ever a need to be evacuated it is important to have multiple ways out of the area. She does not think there will be regular vehicle traffic on Liberty. The issue of there being a lack of street lights and how dangerous it is without them was brought up and asked if there would be a new street light installed at the Liberty Street connection. Director Gottgetreu said the spacing is one for every 300 feet, so it would be likely. She said the proposed location for the pedestrian access makes complete sense, but if it is put in as a dedicated right of way the City would have to maintain it. If it is conditioned as a pedestrian easement then the property owner would maintain it. She would be open to requiring an additional set back in that area to ensure a structure isn't built on top of the easement. She would support the Sage Street improvement to be developed to a width adequate enough for a fire truck turnaround.

Councilor Freilinger asked if there would be a possibility in the future to build a road connecting this development to Sage Street or if a pedestrian connection is the only allowable connection. Director

Gottgetreu said there is 30 feet of unencumbered right of way outside of the conservation easement. He said it will be difficult to have the conservation easement removed. Public Works Director Petra Schuetz said it is possible to perform wetland mitigation; it is just a matter of cost and an elevated roadway could also be an option. Councilor Freilinger sees pedestrian connections as an option moving forward. He asked about the Liberty Street connection and if there is a feasible way to develop it with the property impeding into the road. Director Gottgetreu said one of the traffic calming measures is a reduced street width. Councilor Freilinger voiced his support for pedestrian walkways and said they get used a lot in his neighborhood.

Mayor Palmer said there is no other practical place for the pedestrian access and agrees with the suggested location. He voiced his support for making the Liberty Street connection an emergency access only street at this time and he provided other examples of similar situations in the community. He is troubled by the extension of the property into the right of way. He feels the Planning Commission made a good interpretation of the code.

Councilor Smith said just because something does not make sense today does not mean that piece of right of way might not somehow be acquired. The City Council should not be doing planning for today; it needs to be setting up subdivisions for the future and the connection should be planned now. She said a street light could be conditioned at the narrow location. Council discussed the difficulties with the Liberty Street connection and how the street would be developed until the necessary right of way could be acquired.

Councilor Freilinger made a motion to deny the appeal with three changes to the Planning Commission's approval. The first change is Liberty Street would be a full street improvement to the next property (lot 538) and then it would be a half street improvement and closed for emergency access only to be opened when the right of way is acquired and a full street improvement can be made. The second change would be a dedicated public right of way would be built between lots 50 and 51 and would be fully completed to match up to the north side of the property (lot 408). The third change is to designate a street light to be built at the end of Liberty Street on the edge of the west side of the development. Councilor Sears seconded the motion. Councilor Smith asked clarifying questions related to the maintenance responsibilities of the dedicated public right of way and if the motion should include the width of Sage Street. Councilor Freilinger said the Sage Street connection is not within the appeal purview. The motion passed 6-1 (Yes: Mayor Palmer and Councilors Sears, Plummer, Smith, Freilinger and Neideigh and No: Councilor Carter).

Councilor Smith said there was a statement in the appeal that suggested malfeasance on part of staff. She said Director Gottgetreu has a long and exemplary history with the City and she does not feel there was any intention of impropriety on his part. Mayor Palmer agreed and such statements have been made elsewhere and he feels it is incumbent for City Council to stand up for staff. He understands this is a passionate issue, but both staff and the Planning Commission acted appropriately throughout this process.

Mayor Palmer reviewed the conditions that City Council applied to the development and the process for appealing City Council's decision.

Quasi-Judicial Hearing – Application Number CP-19-03 & ZC-19-04

6.2 Ordinance No. 20-01 – Denying a request to change the Comprehensive Plan designation of 801-809 Davenport Lane from Public to Multi-Family Residential with a concurrent Zone Change to change the base zone to RM-10

Mayor Palmer opened the public hearing regarding Ordinance No. 20-01 at 9:18 p.m. No member of City Council wished to abstain or declare a conflict of interest. Mayor Palmer declared he discussed this matter after the public notice was mailed and attempted to clarify the facts of the matter and did not express his opinion. These discussions will not preclude him from proceeding in an unbiased manner for this hearing. No member of the audience wished to challenge the jurisdiction of the City Council to hear the matter or to challenge an individual councilor for bias or a conflict of interest.

Director Gottgetreu explained this application would change the Comprehensive Plan designation of 801-809 Davenport Lane, an 11.63 acre site, from Public to Multi-Family Residential with a concurrent Zone Change to change the base zone to RM-10 which would allow residential densities from 10-20 units per acre. The Dog Park and Skate Park are to remain on the Westfield Property. The pending land use application is to change the underlying zoning to potentially facilitate development of the vacant portion of the site. He reviewed the property boundaries and noted the current comprehensive plan designation is public. The property is owned by the City of Silverton and is under the Public Overlay designation. This designation means when the public ownership is rescinded the property would revert to the R-1 designation.

He described the review criteria and how this zone change would help to meet one of the City Council and Urban Renewal Agency goals for this fiscal year. The goal is to develop the scope of the redevelopment of the Westfield property, including possible use as affordable housing and/or assisted living, and to further develop and implement strategies for affordable housing. The City is entertaining proposals for the development of affordable housing on this site; however, the City Council is under no obligation to accept any of the proposals if it is determined that none are in the City's best interest. He explained affordable housing projects typically require grant funds to make the project financially feasible. Grant applications for these types of projects require the property be the appropriate zone in order to be considered for funding. There is a round of funding for affordable housing projects running from January to March 2020. The current application to designate the land as Multi-Family is to allow a potential project to submit for grant funding to develop an affordable housing project should a proposal the City finds advantageous be submitted. The existing Public Overlay allows the site to be developed with densities from 10-20 units per acre. This change would be to allow the existing allowable density to remain upon transfer rather than it reverting to the R-1 Zone which would allow two to six dwelling units per acre.

The Comprehensive Plan calls for Multi-Family development to be scattered throughout the community and not be concentrated in one particular area and smaller developments that fit into existing neighborhoods are preferred. This is one of the points the Planning Commission felt the proposal did not meet. Their recommendation to the City Council is to deny the zone change and the proposed Comprehensive Plan change. The Planning Commission felt the eight developable acres was too large in scale and did not meet the policy calling for Multi-Family development to be scattered throughout the community. In addition, the property is identified in the Parks and Recreation Master Plan for a recreation center and the location is not conducive for the proposed Multi-Family designation.

He reviewed the public facilities located on the site and the history and past proposed uses of the site. Changing the underlying zoning does not change the actual zone of the property and it will remain Public Overlay until the City decides to surplus the property. He explained an identified public need will be met by the proposed change that is not already met by other available property. The housing element of the Comprehensive Plan indicates Silverton has a shortfall of land zoned Multi-Family.

Councilor Sears asked about the process to amend current plans that call for other uses of the site. Director Gottgetreu explained the process and how the plans are folded into the overarching Comprehensive Plan which this application proposes to amend. Mayor Palmer clarified City Council has never specified how big the project would be, it could only be one acre of the site. The RFP was to get ideas on what could be developed on the site. He stated his preference for a small pilot project of some sort.

Testimony in Favor of the Planning Commission Denial

Ammon Benedict, 717 Thyme Loop. Mr. Benedict explained his opposition to the application at this point and said there is a misconception in the community on what City Council's intent is. Affordable Housing is needed in Silverton, but City Council has not done a good enough job explaining what is actually proposed for the site. He described the public process when the West Side Land Use and Transportation Plan was adopted and noted there has been a lack of public involvement this time around. The City Council has said they do not want to see large scale apartment complexes, but this zone change would allow exactly that. This zoning would allow for 160 units to be placed on the site. He would like to see the

rezoning restricted to a smaller portion of the site. He reiterated his concern with the lack of public involvement and the speed at which this is taking place. The City Council should wait for the Affordable Housing Task Force to complete their work before changing the Comprehensive Plan.

Mayor Palmer explained amendments to the Comprehensive Plan are not unheard of and explained the public meetings that have occurred to-date on the topic. Mr. Benedict said City Council should have asked the citizens what they want to see on the site prior to requesting proposals. Discussion ensued about the timing and allowing the public to weigh-in on actual site proposals and Mayor Palmer stressed that nothing would change on the site until after many opportunities for public input. This application was to allow for grant money to be pursued. City Council and Mr. Benedict discussed the need to better communicate their goals with the Planning Commission. Director Gottgetreu explained City Council could do a zone change for a smaller piece of the property and reviewed the timeline of when the proposals will be made public and reviewed by the Urban Renewal Advisory Committee and the Urban Renewal Agency.

Testimony in Opposition to the Planning Commission Denial: None.

Neutral Testimony

Terry Caster, 11990 S. Butte Creek Road, Scotts Mills. Mr. Caster said when he asked for a zone change for the Jefferson and James property he was told to have engineered drawings so the people making that decision would see what was planned for the property. He asked if City Council is going to ask for engineered drawings prior to the approval for this zone change and if not it is almost like a double standard.

Dean Oster, 239 Rock Street. Mr. Oster has an issue with the process which has been put into place to benefit City Council's goals. He feels City Council has already decided the zone change is going to happen, because the City released a RFP in early October asking for proposals for affordable housing. He said the RFP implies the zone change will happen if their proposal is accepted. The public had an opportunity to comment on the zone change at the November 12 Planning Commission meeting, but it already seemed like City Council was going to approve it, because the RFP had already been released. The RFP ensures they would have the zoning changed if their plan is approved. Mayor Palmer said when City Council pursued this idea he did not realize the process would require a zone change for the entire property and agrees the process could have been done better. It comes down to the timing of the grant applications. There is nothing guaranteed at this point. Director Gottgetreu explained the RFP was developed by staff after a Work Session with the City Council and City Council did not review it prior to it being released. The RFP did indicate the property would be zoned RM-10. Mr. Oster said a public hearing should have been held prior to the release of the RFP.

Councilor Carter reiterated the City Council is not committed to any of the proposals received and each Councilor likely has a different vision on what they would like to see on the site. Mr. Oster said it looks as if the City is guaranteeing the developer will get the zone changed.

City Manager Christy Wurster apologized on behalf of the staff for the oversight on staff's part that the property had not gone through the formal zone change. Councilor Smith explained the whole idea with issuing the RFP was to get ideas from developers who have done these types of projects and see if the City Council thought they would even be appropriate for Silverton.

Councilor Sears made a motion to close the public hearing. Councilor Smith seconded the motion. There was no discussion and Mayor Palmer closed the public hearing at 10:18 p.m.

Councilor Sears asked if City Council could review the proposals prior to making a zone change. Staff would like to confirm with the City Attorney to ensure the proposals can be released and by doing that it would not create a bias toward the Council's decision making. City Council discussed the possible ways to move forward on this issue. Councilor Freilinger said he has envisioned this property zoned as R-5 and

would be willing to uphold the Planning Commission decision. Councilor Plummer explained why he supports the Planning Commission's decision to deny the zone change.

Councilor Sears made a motion to have the first reading of Ordinance No. 20-01, by title only. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 20-01 by title only.

Councilor Sears made a motion to pass Ordinance No. 20-01 on its first reading. Councilor Carter seconded the motion. Councilor Smith said she will be voting no, not because she disagrees with the Planning Commission's decision, but in order to hear the legal questions answered. The motion passed 6-1 (Yes: Mayor Palmer and Councilors Sears, Plummer, Freilinger, Carter and Neideigh and No: Councilor Smith). The second reading of the ordinance will occur at the February 3rd meeting.

Councilor Sears made a motion to extend the meeting past 10:00 p.m. Councilor Freilinger seconded the motion. There was no discussion and the motion passed 6-1 (Yes: Mayor Palmer and Councilors Sears, Smith, Freilinger, Carter and Neideigh and No: Councilor Plummer).

VII. DISCUSSION/ACTION ITEMS

7.1 Ordinance No. 19-13 – Annexing 148 Cambridge Avenue into the City Limits and zoning the property R-1, Single Family Residential with a concurrent partition application to divide the site into five parcels in two phases

Mayor Palmer explained this is the second reading of Ordinance No. 19-13. Councilor Carter made a motion to have the second reading of Ordinance No. 19-13 by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed 6-1 (Yes: Mayor Palmer and Councilors Sears, Smith, Freilinger, Carter and Neideigh and No: Councilor Plummer). City Manager Wurster provided the second reading of Ordinance No. 19-13 by title only.

Councilor Carter made a motion to adopt Ordinance No. 19-13 on its second and final reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed 5-2 (Yes: Mayor Palmer and Councilors Sears, Smith, Freilinger and Carter and No: Councilors Plummer and Neideigh).

7.2 Ordinance No. 19-19 – Denying a request to change the Comprehensive Plan designation of Marion County Assessor's Map 061A26CD05500 from Industrial to Multi-Family Residential with a concurrent Zone Change to zone the property RM-10

Mayor Palmer explained this is the second reading of Ordinance No. 19-19. Councilor Sears made a motion to have the second reading of Ordinance No. 19-19 by title only. Councilor Smith seconded the motion. There was no discussion and the motion passed 7-0. City Manager Wurster provided the second reading of Ordinance No. 19-19 by title only.

Councilor Sears made a motion to adopt Ordinance No. 19-19 on its second final and final reading. Councilor Smith seconded the motion. Councilor Freilinger said he still thinks this a perfect zone for Multi-Family and it could be a good location for a R-5 designation. There was no further discussion and the motion passed 6-1 (Yes: Mayor Palmer and Councilors Sears, Plummer, Smith, Freilinger and Neideigh and No: Councilor Carter).

7.3 Ordinance No. 20-02 – Amending and extending the duration of the Solid Waste Management Ordinance and declaring an emergency

Councilor Freilinger made a motion to have the first reading of Ordinance No. 20-02 by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 20-02 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 20-02 on its first reading. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to have the second reading of Ordinance No. 20-02 by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 20-02.

Councilor Freilinger made a motion to adopt Ordinance No. 20-02 on its second and final reading. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

VIII. CONSENT ITEMS

Councilor Freilinger made a motion to pass the consent agenda consisting of agenda items 8.1 and 8.2. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.1 Resolution No. 20-01 – Adopting an updated Transportation Capital Improvement Plan and approving SDC credits

8.2 James Street Liftstation Controls Upgrade

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

9.1 Appointments and reappointments to various boards and committees

Mayor Palmer provided his recommended appointments to the various boards and committees.

Councilor Freilinger made a motion to appoint Morry Jones, Rich Piaskowski and Ammon Benedict to the Planning Commission for terms expiring on December 31, 2023. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to appoint Micole Olivas-Leyva and Gregory Chase to the Budget Committee for terms expiring on December 31, 2022. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to appoint Eric Druliner to the Urban Renewal Advisory Committee for a term expiring on August 31, 2021. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to appoint Molly Ainsley to the Transportation Advisory Committee for a term expiring on December 31, 2022. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to appoint Councilor Jim Sears to the Mid-Willamette Valley Area Commission on Transportation for a term expiring on December 31, 2021. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

X. CITY MANAGER UPDATE

City Manager Wurster asked City Council to reserve February 4 and February 25, 2020 on their calendars for their potential Goal Setting meeting. An update to the current goals is located in the packet. Also located in the packet is a letter from the City Attorney regarding a donation the firm made to the Oregon Energy Fund on behalf of their clients. City Manager Wurster said the RFP for architectural services for the Police Station/Civic Center is still in legal review. After the staff review it will be emailed to City Council for feedback. She thanked Angela Speier for her work on the Annual State of the City Report. The City is not grandfathered into the statewide plastic bag regulations and staff would like to know if City Council would like to amend the current municipal code to mirror the state law or repeal that section of the code and enforce the state law. City Council would like to see the ordinance repealed. She invited City Council to the SCYP Kickoff Celebration at the Silverton Senior Center on January 16, 2020.

XI. COUNCIL COMMUNICATIONS

Councilor Plummer said he would like to add pickleball courts to the list of possible goals for next fiscal year and he is supportive of the skate park expansion.

Councilor Freilinger gave kudos to City Council and encouraged his fellow Councilors to keep doing great things and to stay excited about the future.

Councilor Carter would like staff to follow up with Ms. Gerlits regarding her request for additional signage on Adams Avenue. City Manager Wurster said staff will follow up with Ms. Gerlits. Councilor Carter voiced support for discussing options for pickleball. Lastly, she commended the Silverton Police for their fast response to a fight that broke out on New Year's Eve.

Councilor Neideigh said she would like to see at least the no parking signage and an additional dead end sign installed on Adams Avenue.

Mayor Palmer congratulated Becky Ludden for being awarded First Citizen. He is also amazed by City Council's ability to politely disagree with each other and thanked staff for their continued efforts.

XII. ADJOURNMENT

Councilor Smith made a motion to adjourn and Mayor Palmer adjourned the meeting at 11:14 p.m.

Respectfully submitted by:

/s/Angela Speier, Assistant to the City Manager/City Clerk