

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M.

AUGUST 10, 2021

The Planning Commission of the City of Silverton met in person at the Silverton High School Library, located at 1456 Pine Street with a Teleconference option through the virtual meeting platform, Zoom on August 10, 2021 at 7:00 p.m. with Chairman Flowers presiding.

I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Vice-Chairman Ammon Saboe
<u> X </u>	<u> </u>	Morry Jones
<u> X </u>	<u> </u>	Micole Olivas-Leyva
<u> </u>	<u> X </u>	Tasha Huebner
<u> X </u>	<u> </u>	Peter Matzka
<u> X </u>	<u> </u>	Rich Piaskowski

STAFF PRESENT:

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

II. APPROVAL OF THE MINUTES:

None.

III. BUSINESS FROM THE FLOOR:

There were no comments.

IV. AGENDA ITEMS:

1. Case: Planned Development Application for the 13960 Hobart Road, Silverton, OR 97381
Filed by: Invictus Global Group, PO Box 396, Silverton, OR 97381
Planning Department File No.: PD-21-02

Chairman Flowers opened the hearing at 7:10 p.m., after outlining the public hearing guidelines for the audience. No Commissioners abstained or declared conflicts of interest or ex parte contacts. The Chair disclosed that he has viewed the site.

Director Gottgetreu presented the application for a Planned Development application to divide

13960 Hobart Road, a 20.6 acre parcel, into 40 lots ranging in size from 5,400 square feet to 9,548 square feet. Located on the south side of Hobart Road east of N 2nd Street, Marion County Assessor's Map 061W26B, Tax Lot 03602. The application will be reviewed following the criteria found in Silverton Development Code sections 4.5.150 & 180.

Commissioner Jones asked how many lots were approved on the previous planned development approval from 2004. Director Gottgetreu responded that 40 lots were approved in 2004.

Commissioner Matzka asked if the earthen dam and berm referenced by Director Gottgetreu are the same thing. Director Gottgetreu responded by showing where each area is on the map.

Commissioner Piaskowski asked and Director Gottgetreu reviewed the comprehensive plan density for this parcel and the setbacks for new houses.

Commissioner Saboe asked if there is an HOA proposed for the neighborhood. Director Gottgetreu responded that the question is a better question for the applicant. Commissioner Saboe asked for confirmation that there will no homes built in the water. Director Gottgetreu responded that the houses are being proposed to be cantilevered over the water, but not built into the water.

Chairman Flowers asked questions to clarify the traffic impact analysis and staff report. Director Gottgetreu responded to his questions.

Commissioner Piaskowski asked what percentage of the City's water is currently being used, since we are currently in a water curtailment. Director Gottgetreu responded that the City has a significant right to water on both the Abiqua River and Silver Creek, but the specifics of how much water we have access to is a question for the public works department. Commissioner Piaskowski's concern is that the City cannot meet all of the water needs of Silverton as it is

Applicant Testimony:

Gene Pfeifer, Applicant's Representative, 1392 S. Water Street, Silverton, OR 97381

Gene Pfeifer, stated that he is representing Invictus Global Group and gave some background information on the Invictus Global Group and his own background.

Mr. Pfeifer outlined the style of homes that he intends to build in this development. He also discussed the lack of maintenance of the ditch, which causes the water to run over the ditch onto the property. He further stated that the wetlands on the property are artificial and caused by the unmaintained ditch.

Mr. Pfeifer explained differences and improvements between his project and the previously approved development in this location.

Commissioner Matzka asked for the public benefits of this development. Mr. Pfeifer responded that this will generate tax revenue and infill lots already in the UGB. Commissioner Matzka asked for clarification about the ownership of the lake. Mr. Pfeifer responded that the lake is

owned by the property owners surrounding the lake.

Commissioner Olivas-Leyva asked if there is any plan to develop duplexes, triplexes or quads in this development. Mr. Pfeifer responded that they do not intend to build any of those housing types. The houses will range between 1500 to 3000 square feet and he is trying to keep the upstairs sections minor and include roof patios.

Commissioner Piaskowski asked if it is possible for public shoreline access. Mr. Pfeifer responded that there are some small areas where that might be possible for individuals or a few people.

Commissioner Piaskowski asked if the applicants would be willing to work with property owners and the City to extend the sidewalk along Hobart to Second Street. Mr. Pfeifer responded that he would be willing to work with others to enable connectivity.

Commissioner Saboe asked how Mr. Pfeifer's plan to re-direct water if the dam were to fail would affect the property owner's across the road. Mr. Pfeifer responded that the water would go to the creek that runs across the road.

Public Testimony:

Proponent Testimony:

Dean Oster, 239 Rock Street, Silverton, OR 97381

Mr. Oster stated that he is very familiar with this subdivision because he knew the original developer and represented the development of the first 48 homes. There was a lot of skepticism about the Webb Lake developments because of small lots, but it became very popular. He thinks this phase of the development is a good proposal to finish Webb Lake.

He further stated that he does not think that the lake should be public because one of the things that the people who are members of the HOA get for their membership is exclusive lake access. In addition to lake access, the HOA maintains the lake and docks.

Commissioner Jones and Commissioner Matzka asked which property owners' have lake access. Mr. Oster responded that none of the first 48 homes have lake frontage, but they have access to the open area and the lake. Mr. Oster stated that he understands that anyone who owns property in the subdivision have access to Webb Lake.

Mr. Oster gave a history of the lake, which was asked earlier by a commission member.

Opponent Testimony:

JoAnn Stone, 603 Lincoln Street, Silverton, OR 97381

Ms. Stone read a letter that she previously provided to Director Gottgetreu.

Chairman Flowers asked if Ms. Stone was aware of previous approval of a similar sub-division. Ms. Stone responded that she opposed it then.

Linda Jacobson, 712 Pintail, Silverton, OR 97381

Ms. Jacobson stated that she provided a letter regarding this application. She stated that her house is along the water. Her concern is about the dam bank. She stated that her neighbors have lost one half to one foot per year of their property. She put in rocks along her property to prevent this.

Commissioner Jones asked if Ms. Jacobson was a member of the HOA and if she has lake access. She stated that she does have an access to the lake and that all homeowners along Webb Lake do have access to the lake.

Malissa Lashley, 900 Mallard St, Silverton, OR 97381

Ms. Lashley explained concerns she has about the wetlands that are adjacent to her property.

Neutral Testimony:

Holly Byram, 1704 Merganzer Street, Silverton, OR 97381

Ms. Byram thanked staff for their diligence in initiating the discussion with adjacent property owners to try to connect to Second Street.

Ms. Byram listed several questions she has about the development.

Director Gottgetreu responded to Ms. Byram's question about lighting on the foot path. Director Gottgetreu stated that there is not a current condition of approval addressing lighting. However, there are code requirements regarding lighting along pedestrian walk-ways.

Written Testimony: None.

Rebuttal:

Chairman Flowers stopped the meeting for a five minute break at 9:27 p.m.

The meeting resumed at 9:35 p.m.

Mr. Pfeifer showed the members pictures of homes and buildings that have cantilevers and responded to comments made during public testimony about wildlife and lighting.

Commissioner Matzka asked what the estimated home cost will be in this subdivision. Mr. Pfeifer responded that he expects that it will be between \$450,000 - \$750,000.

Commissioner Matzka made a motion to close the public hearing. Commissioner Saboe seconded the motion and it passed unanimously. The meeting was closed at 9:51 p.m.

Chairman Flowers asked for clarification about the open space requirement. Director Gottgetreu responded that open space does not have to be publicly accessible.

Commissioner Matzka stated that his hang-up on this application is on the open space. The commission members discussed the open space topic.

Commissioner Olivas-Leyva stated that she is also struggling with the open space issue and she does not see a benefit to this development.

Commissioner Piaskowski stated that his interpretation is different than the concerns brought up by other members. He explained that this is a space that was planned for houses and thinks this is reasonable because even though the access to the open space is limited, people using the private open spaces reduce stress on public open spaces. He also added that his concern is on the requirement for a geotechnical engineer.

Commissioner Matzka stated that he is disappointed in the lack of diversity in housing types in this development.

Commissioner Saboe stated that he supports this development that was already planned and doesn't require adding land to the city, there is willingness to work on the connection to Second Street and if it wasn't for the previous economic down-turn, this would be done.

Chairman Flowers asked Director Gottgetreu to add a condition for the lighting on the pedestrian path. Chairman Flowers stated that he thinks this is a natural decision to put back in place this development with the added condition of approval for the lighting.

Commissioner Saboe stated that he would like to add a condition of approval that the applicant explore the possibility of connecting the sidewalks to Second Street.

Commissioner Matzka stated that he does not see the benefit to the public of this project unless you live around the lake. Other than the sidewalk connectivity in the area, he does not think there is a lot of use for this type of development and he does not think that it will attract many families, which would minimize the effects on the schools.

Commissioner Piaskowski made a motion to approve the application PD-21-02, planned development application to divide 13960 Hobart Road, a 20.6 acre parcel, into 40 lots ranging in size from 5,400 square feet to 9,548 square feet with two amendments to the conditions of approval. Commissioner Saboe seconded the motion. The motion passed 5-1 with Commissioner Olivas-Leyva voting against the application.

Amendments to conditions: Provide appropriate lighting consistent with the code on the pedestrian way to Lincoln; and, to explore the possibility of connecting the sidewalks to Second Street.

V. REPORTS AND COMMUNICATIONS

Director Gottgetreu announced that the Garden Grove subdivision has appealed the Planning Commission decision.

There is not currently anything submitted for the September 14th meeting.

Commissioner Piaskowski stated that he would like to consider a work session or information from staff on the City's water capacity because we are now at level two water conservation.

Commissioner Piaskowski asked for page numbers on the commission packets in the future.

The group agreed on a tentative work session date to come up with goal recommendations for city council prior to their goal session.

VI. ADJOURNMENT

Chairman Flowers adjourned the meeting at 10:41 p.m.

Respectfully submitted,

/s/ Kate Schlee,
Planning and Permit Assistant