

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

7:00 P.M. **November 14, 2023**

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 November 14, 2023 at 7:02 p.m. with Madam Vice-Chair Kaser presiding.

I. PLANNING COMMISSION ROLL CALL:

Present	Absent	
_____	X	Chairman Clay Flowers
X	_____	Madam Vice-Chair Cara Kaser
_____	X	David Castle
X	_____	Peter Matzka
X	_____	Rich Piaskowski
X	_____	Morry Jones
X	_____	Randell Walling

STAFF PRESENT:

Community Development Director, Jason Gottgetreu, Associate Planner Shauna Godlevsky, Planning and Permit Assistant, Cleone Cantu.

II. MINUTES: None.

III. BUSINESS FROM THE FLOOR: None.

IV. AGENDA:

4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City Limits and zone the property GC, General Commercial. The total area of the annexation request is 1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to the City sewer and water system. The application will be reviewed per Silverton Development Code sections 4.10.140.

4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area and is currently vacant. The application will be reviewed per Silverton Development Code sections 4.7.300.

4.1 File Number AN-23-01. Annexation application to annex 827 Railway Avenue NE into the City Limits and zone the property GC, General Commercial. The total area of the annexation request is 1.48 acres. The purpose of the annexation is to allow the existing building to be able to connect to

1 **the City sewer and water system. The application will be reviewed per Silverton Development Code**
2 **sections 4.10.140.**

3
4 Madam Vice-Chair Kaser reviewed the Public Hearing procedures for a formal Quasi-judicial
5 meeting and opened the public hearing at 7:04pm.

6
7 No Commissioners abstained, claimed conflict of interest, or declared ex parte contact for the
8 application before them. No member of the audience wished to challenge the jurisdiction of the
9 Planning Commission to hear the matter at hand. No member of the audience wished to
10 challenge the Planning Commission for bias, or conflict of interest.

11
12 Director Gottgetreu presented the annexation application to annex 827 Railway Avenue NE into the
13 City Limits and zone the property GC, General Commercial. The property is near an acre and a half and
14 the annexation would allow the existing building and potential future buildings to connect to City water
15 and sewer. The subject property is currently surrounded by the City limits on all sides classifying the
16 location in the unannexed enclave. The site is currently developed for a manufacturing and production
17 use, and a masonry business is on site. Director Gottgetreu referred to the City's Comprehensive Plan and
18 provided the current zoning of the site and adjacent sites in the area; with this the annexation was a
19 logical allowance. The public facilities, transportation network, and utilities were then provided. Director
20 Gottgetreu outlined the historical use of the property which created consistency if the property were to be
21 annexed. The urbanization of the subject property was iterated along with potential economic impacts.
22 The applicant had submitted a conceptual site plan of the property providing potential expansion, a visual
23 example was provided.

24
25 **Director Gottgetreu opened the floor for questions.**

26
27 Commissioner Piaskowski inquired about utility capacity versus current utilization.

28
29 Director Gottgetreu provided the process for the current sewer and water lines on the property.

30
31 Commissioner Matzka inquired about the water quantity use, will there be a higher demand.

32
33 Director Gottgetreu stated generally industrial manufacturing uses are not a high demand on water
34 systems.

35
36 Commissioner Piaskowski and Director Gottgetreu discussed future application for the site and design
37 review requirements.

38
39 Commissioner Jones and Director Gottgetreu discussed the zoning for the property.

40
41 Madam Vice Chair Kaser provided the parameters for public testimony.

42
43 **Applicant(s) Testimony:**

44
45 **Steve Kay, applicant representative of Cascadia Planning and Development Services, PO**
46 **Box 1920 Silverton, OR 97381.**

47 The applicant stated the property owner currently operates Kaufman Masonry within an existing
48 warehouse structure near nine thousand square feet. The business is a multi-generational
49 business and has been a piece of the Silverton community since 1956. Kaufman Masonry

1 specializes in fireplace, concrete block, brick, and stone construction. The company has
2 completed notable public projects around Silverton, including the Veteran Memorial at Town
3 Square Park, and the mosaic fountain in Coolidge McClaine Park. A portion of the warehouse is
4 leased to Tiny Mountain Homes, which construct homes in entirety. The subject property is a
5 small island within Marion County, however parcels to the East, West, and South are all
6 currently within City limits. Use of the property is currently constrained by the reliance on a well
7 on the site, and a septic holding tank which needs to be pumped every couple weeks. The
8 proposed annexation will allow the existing warehouse to connect to City water, and sanitary
9 sewer services within Railway Avenue. The submitted concept plan illustrated the property has
10 potential to develop a secondary warehouse would provide additional manufacturing and
11 production companies in Silverton. Future development would then be subject to City standards
12 with upgrades to the existing parking lot and landscaping. The applicants have reviewed the staff
13 report and do not have any concerns; they feel it is a cohesive representation of how the
14 application meets criteria for approval.

15

16 **Steve Kay opened the floor for questions.** There were none.

17

18 **PROPONENT TESTIMONY:** There were no comments.

19

20 **OPPONENT TESTIMONY:** There were no comments.

21

22 **NEUTRAL TESTIMONY:** There were no comments.

23

24 **STAFF FOLLOW UP:** There were no comments.

25

26 **REBUTTAL:** There were no comments.

27

28 Commissioner Matzka moved to close the Public Hearing, Commissioner Walling seconded the
29 motion and the hearing was closed by consensus at 7:19pm.

30

31 **DISCUSSION:**

32 Commissioner Piaskowski stated they do not have any concerns regarding the application, it
33 meets the criteria for annexation. Their questions had been answered regarding utility capacity
34 and can be revisited during design review. Commissioner Piaskowski would vote to approve the
35 application.

36

37 Commissioner Matzka concurred with Commissioner Piaskowski and stated they do not see any
38 issues with the application. It made logical sense.

39

40 Commissioner Jones was in favor of the application.

41

42 Madam Vice Chair Kaser stated the application made logical sense as the property was an island
43 of County jurisdiction in the middle of the City.

44

45 Commissioner Walling motioned to recommend approval of the application to the City Council.
46 Commissioner Matzka seconded the motion, and it passed unanimously.

1
2 **4.2 File Number ZC-23-01. Zone Change Application to change the zoning of 602 Eureka Avenue**
3 **from R-1, Single Family Residential to R-5, Low Density Residential. The site is 5.15 acres in area**
4 **and is currently vacant. The application will be reviewed per Silverton Development Code sections**
5 **4.7.300.**
6

7 No members of the Planning Commission wished to abstain or declare conflict of interest.
8

9 Commissioner Jones declared ex parte contact. They reside near the property and drive by it
10 every day. They received a phone call from a citizen regarding the application and
11 Commissioner Jones recommended they attend the meeting. Commissioner Jones stated they are
12 willing and able to make a decision solely based on evidence.
13

14 No member of the audience wished to challenge the jurisdiction of the Planning Commission to
15 hear the matter before them. No member of the audience wished to challenge any individual
16 member of the Planning Commission for bias or conflict of interest.
17

18 Madam Vice-Chair Kaser reviewed the guidelines for public testimony.
19

20 Director Gottgetreu reviewed the zone change application for 602 Eureka Avenue. The
21 application requested a zone change from R-1, Single Family Residential to R-5, Low Density
22 Residential. The site is located on the South side of Eureka Avenue and South of Keene Avenue,
23 the property is 5.15 acres and currently vacant. The site underwent a previous land use decision
24 by the Planning Commission in 2021 and was approved by the City Council for a 21-lot
25 subdivision under the R-1 zoning district designated single family on the City's Comprehensive
26 Plan. The R-5 zone is listed as a compatible zoning district with the single-family residential plan
27 designation. Density requirements for R-5 zoning are development between five and ten units per
28 acre; comparatively the R-1 zone requires properties to develop at densities between two and six
29 units per acre. With this, theoretically, under R-1 zoning, density for the property has potential to
30 develop between ten and thirty-one units. Per State law House Bill 2001 the property may be
31 developed to the approved 21-lot subdivision with duplexes resulting in 42 dwellings. Under the
32 R-5 zoning, the property would have the potential to develop between 26 and 52 dwellings on
33 the site.
34

35 Director Gottgetreu addressed the Comprehensive Plan from an alternate point, which indicates
36 multifamily development should be encouraged, especially, but not limited to, areas close to the
37 central business district, or the walking districts to neighborhood commercial areas, or areas of
38 mixed-use designation. Additionally multifamily development should be scattered around the
39 community and not concentrated in any one area, preferably scattered within existing
40 neighborhoods.
41

42 Director Gottgetreu referred to the City's Housing Needs Analysis which was adopted as a
43 support document to the Comprehensive Plan in 2020. The document identified a deficit of
44 housing for low-income households indicating a need for a wider range of housing types for
45 renters and homeowners. The Housing Needs Analysis additionally indicated a deficit of land for
46 three hundred and four multifamily style dwelling units; not necessarily affordable units, but
47 multifamily style units; over the twenty-year planning period. Since the housing needs analysis

1 in 2020, ninety-seven multifamily units have been approved for development.

2
3 Director Gottgetreu presented the maximum traffic impact potential of the development. The
4 data was gathered from the Institute of Transportation Engineer Trip Generation Manual and
5 provided PM peak trips with differential between single family occupancy and multifamily
6 occupancy. R-1 single family occupancy for the site would add 21 PMPHT power trips to the
7 transportation system, duplexes would add an estimated 42 PMPHT trips to the transportation
8 system. If the site were developed under the 51-unit multifamily development proposal (with an
9 assumption of apartments) 31 PMPHT trips would be added to the transportation network; there
10 is a possibility for flexibility with this assumed amount as R-5 zoning allows for a variety of
11 uses.

12
13 Director Gottgetreu then displayed a visual example of the previously approved subdivision site
14 plan and informed the Planning Commission of the available utilities on the site. The differential
15 between R-1 and R-5 zoning was then provided with development housing options for each
16 category. Altering the current zoning for the site to R-5 would allow multiple styles of
17 development. Approval would depend on the development application displaying code
18 compliance and require additional public process and review. Director Gottgetreu then
19 summarized the potential density options for the site with comparison of R-1 and R-5 zoning.
20 They then addressed the drainage for the site as public comment had initiated concern.
21 Topography maps were displayed to the Planning Commission to illustrate the specifications of
22 the area along with the development standards for stormwater detention and retention and
23 potential flood events. Director Gottgetreu then elucidated the applicants previous plan for
24 stormwater. Public comment had additionally iterated concern for wetlands on the property to
25 which Director Gottgetreu confirmed the applicant had proposed to protect the wetlands.

26
27 **Director Gottgetreu opened the floor for questions.**

28
29 Commissioner Walling requested clarification on the drainage for the property.

30
31 Director Gottgetreu and Commissioner Walling discussed the proposed plan for stormwater.

32
33 Commissioner Jones and Director Gottgetreu discussed the water on the site and the possible
34 water usage if the application were approved and 51-units were developed. Updating the water
35 treatment plan was then discussed, there is not a current timeline. Commissioner Jones inquired
36 about density development for the site and if the Master Plan had indicated a need for housing
37 development in the area. Director Gottgetreu referred to the Housing Needs Analysis and
38 provided elucidation. Commissioner Jones and Director Gottgetreu then discussed the landscape
39 conservation standards for the site and the Oregon Garden access easement and water line use.
40 Pedestrian connectivity for the site was then discussed.

41
42 Commissioner Matzka asked for clarification on the current subdivision approval and the
43 potential buildable lot/units if the zoning change were allowed.

44
45 Director Gottgetreu outlined the approved lot potential and the possible development under R-5
46 zoning.

1 Commissioner Matzka and Director Gottgetreu discussed design criteria, density, and structure
2 standards, for R-1 and R-5 zoning.

3
4 Commissioner Piaskowski referenced the wetlands on the property in correlation with drainage
5 volumes and requested clarification on the proposed drainage location for the site.

6
7 Director Gottgetreu and Commissioner Piaskowski discussed guidelines and process for
8 development near wetlands. Drainage capacity was then spoken about in relation to R-1 and R-5
9 zoning. Commissioner Piaskowski mentioned a four hundred- and fifty-year-old Oak tree in the
10 wetland area. Director Gottgetreu conveyed general sustainability for Oak trees and direction of
11 drainage on the site.

12
13 The Planning Commission collectively discussed the modification of subsurface water flow on
14 the site.

15
16 Madam Vice Chair Kaser and Director Gottgetreu discussed the applicant's capability of
17 beginning the development process for the current approved application. Discussion was then
18 had on the zoning approval retainment with the land and the extension process for the application
19 and the applicants current request for extension.

20
21 Madam Vice Chair Kaser stated per the code the applicant is not obligated to present a
22 development plan for rezoning consideration.

23
24 Director Gottgetreu elucidated the review criteria for the application.

25
26 Commissioner Piaskowski asked if there were water pressure issues in the adjacent residential
27 areas; additionally, they inquired about the available utility capacities.

28
29 Commissioner Walling and Director Gottgetreu discussed the current subdivision approval
30 regarding drainage and the wetlands with the potential of revisiting the topics if a new
31 development plan were submitted.

32
33 Commissioner Piaskowski inquired about the design review process and minimum development
34 densities.

35
36 Commissioner Jones and Director Gottgetreu discussed current developable lots within the City
37 of Silverton and the housing deficit.

38
39 Madam Vice Chair Kaser asked for clarification on conditioning the application for approval and
40 the process for encumbrance on the previous approval.

41
42 Commissioner Walling and Madam Vice Chair Kaser discussed the process for disapproval of
43 the application.

44
45 **APPLICANT(S) TESTIMONY:**

46

1 **Britney Randall with Brand Land Use, representing the developer and property owner,**
2 **1720 Liberty Street SE, Salem Oregon 97302**

3 Britney stated they have reviewed the staff report and concur with the findings. They noted the
4 applicant prepared and provided a detailed narrative addressing the criteria to uphold the
5 required burden of proof for the application; specifically highlighting pages nine through twelve.
6 Britney referenced a subsection of page ninety-three: *“the requested designation for the site has*
7 *been evaluated against relevant comprehensive plan policies and on balance could be found to*
8 *be more supportive of the comprehensive plan as a whole than the current designation”* and
9 stated the staff report did an excellent job of going through and itemizing the housing needs
10 analysis and how the [proposed zone change] could fill a deficit in the City for alternative
11 housing types. Under the current subdivision approval generally single-family homes are
12 developed, after further review the potential for R-5 zoning was considered to fill the void. The
13 applicant(s) had a pre-application conference with City staff where a presentation was given for
14 the high [density] designation; with this, the applicants took consideration for feedback from
15 staff and community input from the previous application. Britney stated the applicant(s)
16 reevaluated their development plan after review of the Housing Needs Analysis and the City’s
17 Comprehensive Plan. Future development other than the approved subdivision would be before
18 the Planning Commission again and be subject to public process and development standards.
19 Britney addressed the public comment that stated the entire property was wetlands, the applicant
20 wished to clarify there is a small area on the site designated as wetlands and it would remain and
21 be protected, any change from the current subdivision approval would be subject to the rules and
22 regulations of the Department of State Lands. Britney then went over the minimum density for
23 the site. They addressed concern over utility capacities and stated the development would be
24 connected to City services. The applicant had minimal focus on presenting a development design
25 as there had not been a decision made; future development design will be to City standards.

26
27 **The floor was opened for questions.**

28
29 Commissioner Matzka and Britney clarified the minimum density for the site currently is ten
30 units.

31
32 Commissioner Piaskowski asked if the applicant is potentially moving forward with the current
33 approved lot layout.

34
35 Britney stated the 21-lot subdivision would meet the criteria for R-5 zoning, should the
36 application be approved it affords flexibility for a new plan to be presented to the City.

37
38 Commissioner Piaskowski and Britney discussed the flexibility options if the zone were
39 changed. There was not a solid design to present.

40
41 Commissioner Jones referenced the minutes from the previous application meeting and stated the
42 architect had relayed there had been a typo for duplex development, and the proposal intention
43 was for single-family homes. With this, Commissioner Jones asked why the applicant changed
44 their mind to switch to R-5 zoning.

45
46 Britney stated they were not included in the original approval, they were unaware of which

1 architect made the statement, and iterated the R-5 zone change is to allow flexibility and
2 different housing types. They want to fill the gap that is seen in Silverton's Housing Needs
3 Analysis and reiterated over and over in the Comprehensive Plan. The applicant may still move
4 forward with the development of 21 single-family dwellings as currently approved; R-5 zoning
5 affords more flexibility.

6
7 Commissioner Jones referred to the minutes from the previous meeting and iterated comment of
8 economics determining the number of lots. They stated an assumption for economics being the
9 driving force behind the zone change request.

10
11 Britney stated it is the flexibility of being able to develop the property appropriately with what
12 the housing need shows Silverton need.

13
14 Commissioner Matzka asked for clarification on the wording of *gap in housing* in Silverton; how
15 will the zone change fill the gap.

16
17 Britney stated the gap is shown in the staff report and is shown in the Housing Needs Analysis.
18 There is a surplus of single-family homes and a lack of differentiated housing types like
19 duplexes, tri-plex's, townhomes, cottages, multi-family apartments. The zone change would
20 continue to allow the 21 single-family dwellings but would afford the ability to fill the gaps of
21 the missing housing types in Silverton.

22
23 Commissioner Matzka and Britney discussed the potential of changing the lot design for the
24 property.

25
26 Commissioner Piaskowski asked if there was a timeline to develop conceptual design.

27
28 Britney stated there was not a current timeline for conceptual design, there is a deadline for the
29 subdivision of 2025.

30
31 Commissioner Piaskowski stated general process for zone change applications, typically the
32 Planning Commission is provided with design to assist in the decision-making process for the
33 application to ensure it meets the required criteria.

34
35 Britney stated if the design changed from the current zone approval, it would be presented once
36 again to meet the criteria for approval.

37
38 Madam Vice-Chair Kaser inquired about the driver for zone change.

39
40 Britney stated the ability to diversify the housing type [in Silverton] and have more flexibility.

41
42 Madam Vice Chair Kaser asked for description of the community outreach the applicant had
43 completed to assist in their request for zone change.

44
45 Britney stated there had not been community outreach. Based on information they gathered from
46 City staff at the pre-application conference their proposal was revised to R-5 zoning which falls

1 under the current Comprehensive Plan designation and meets statewide planning goals.

2
3 **PUBLIC TESTIMONY:**

4
5 **Proponent Testimony:** There was none.

6
7 **Opponent Testimony:**

8 **Dean and Lauren Christensen, owners of 110 Jade Hills Silverton, Oregon 97381 & 412**
9 **Eureka Silverton, Oregon 97381**

10 The two properties are downstream from the property in question. Dean stated they were not
11 necessarily speaking against the development. They had concerns and questions related to the
12 drainage. Dean relayed the previous plan addressed stormwater management by hitting the
13 southerly drainage way as it moves past the Oregon Garden and their properties, and not the
14 northerly drainage way. If the developer were to move forward and submit additional revised
15 plans and receive approval, they would continue to meet the criteria for stormwater management
16 from the City of Silverton. Additionally meet the criteria through drainage easements or
17 whatever needn't be sure charging the southerly drainage way with their stormwater and not
18 impacting their properties below with additional stormwater runoff. Lastly, Dean stated as
19 property owners downstream it is important, they do not receive negative impact from
20 stormwater in annual or an one-hundred-year event.

21
22 Commissioner Matzka asked about water flow near their property, has there been changes within
23 the last ten years on their property or near the wetland area.

24
25 Dean stated they had not noticed changes within the last ten years, there were significant changes
26 with the development of the Oregon Garden in the wetland area.

27
28 **Jenny Siewell, 847 Woodland Drive, Silverton Oregon 97381**

29 Jenny relayed concern for the families who live on Eureka and Edison Road; It was their
30 understanding that the water that feeds the properties is gravity fed. There have been water
31 pressure issues, and they have run out of water in the past. With the addition of 21 to 51 homes
32 Jenny stated they were concerned about the people's water capability with the gravity being fed
33 on Edison.

34
35 Director Gottgetreu clarified the proposed development would be on a separate system and
36 provided information on the utilities.

37
38 Jenny reiterated the potential number of homes on the property and relayed concern for increased
39 traffic in the area directly related to a nearby church and school. Jenny has witnessed children
40 and pedestrians' traffic in general in the area and inquired if speed zones would be altered.

41 Director Gottgetreu inferred the developer would be required to install sidewalks on the frontage
42 of the property near eleven-hundred feet, but they do not have to connect to existing systems on
43 Eureka. In terms of traffic and pedestrian crossings, these elements are addressed as development
44 is constructed.

45
46 Lastly, Jenny asked for clarification on the process if the R-5 zoning were approved and what the

1 design criteria would be with public process.

2
3 Madam Vice Chair Kaser clarified the processes and criteria for zone changes, and stated the
4 applicant would need to return to the Planning Commission if they proposed design other than
5 the approved 21-lot subdivision.

6
7 **Stephen Purdy, 884 Woodland Drive, Silverton Oregon 97381**

8 Stephen relayed concern for the flexibility the applicant referred to in terms of site development.
9 They asked if the zone change would allow for manufactured homes.

10
11 Director Gottgetreu stated there is a State law that cites any lot that allows a single-family home
12 must also allow a manufactured home.

13
14 Stephen iterated confusion and frustration toward the applicant for not providing a direct answer
15 on future design yet requesting the zone change. The flexibility comments did not provide
16 clarification.

17
18 **Neutral Testimony:**

19 **Mike Bliss, 879 Woodland Drive, Silverton Oregon 97381**

20 Mike inquired about the process for denial of the application and what the criteria are.

21
22 Madam Vice-Chair Kaser referenced page 89 of the staff report and stated the decision is a
23 Quasi-Judicial zoning amendment. They then summarized the eight criterium the Planning
24 Commission must utilize for consideration of the application to remain in compliance with the
25 statewide planning goal and relevance to the Comprehensive Plan of the City.

26
27 Director Gottgetreu and Mike discussed density potential and the applications compatibility with
28 the City's Comprehensive Plan and Housing Needs Analysis.

29
30 Madam Vice-Chair Kaser provided elucidation on the process for consideration of the
31 application.

32
33 **Rebecca Murphy, 614 Keene Avenue, Silverton Oregon 97381**

34 Rebecca stated they are a lifetime Silverton resident and they have four young children. Their
35 main concern is traffic and safety, with pertinence to the approved subdivision and the
36 application. Rebecca asked the applicant to keep children in mind and consider provisions for
37 sidewalks and a turn lane. They asked for consideration on moving the forty-five mile an hour
38 sign located in the area, currently the area is not safe.

39
40 Director Gottgetreu provided information on how community members can request a speed limit
41 change.

42 **Written Testimony:** See attached.

43
44 **Rebuttal:**

45 Britney stated regarding the unknown for development, it will be submitted in the future. To
46 determine feasibility is very expensive. To state putting the cart before the horse to approve the

1 zone change, prior to seeing what would be proposed, in Britney’s opinion, was the opposite.
2 They relayed coming to the [Planning Commission] with the 21-lot subdivision previously was
3 putting the cart before the horse before exploring all the opportunities that could be available on
4 the site. Britney iterated the applicant was not putting effort into being untransparent, they are
5 simply unaware of what the recommendation will be. If the application were to be approved then
6 the next step would be to develop feasibility and determine what sort of development makes
7 sense; then it would go through the same process of public hearings etc. depending on what is
8 proposed. Britney wanted to reiterate that any future development must happen for the frontage
9 of the site to be improved, meaning sidewalks etc. if the 21-lot subdivision continues, those
10 improvements would be made under approval. The applicants recognize and understand the
11 concerns surrounding neighbors and citizens. They have taken it into consideration and will
12 continue to if a different proposal is brought forward.

13
14 Commissioner Piaskowski stated concern for being unaware of the future development plans.
15 They asked if the Planning Commission extended the review period, was there potential for the
16 applicant to return with conceptual designs.

17
18 Britney said providing a conceptual design is not a part of the criteria, therefore they did not
19 think they could do that. It would be an additional investment, especially if the applicant was
20 unaware of the direction the [Planning Commissions decision was leaning] for any future
21 proposal to be subject for review.

22
23 Commissioner Piaskowski agreed in the accuracy of Britney’s statement, and added conceptual
24 designs would assist in the decision-making process to ensure congruency with the
25 Comprehensive Plan for the City.

26
27 Britney stated they believed they submitted supporting evidence and the staff report was clearly
28 directed at the criteria; they thought the application displayed satisfactory criteria and upheld the
29 burden of proof.

30
31 Commissioner Matzka iterated in the initial approval of the 21-lot site, there were discussions
32 about constructing a sidewalk across Eureka avenue. There was not a determination on whether
33 it was possible due to unconstructed sidewalks in the area. Commissioner Matzka asked if there
34 was a required crosswalk for the 21-unit approved development for pedestrians.

35
36 Commissioner Jones recalled discussion on safe routes to school with an island community on a
37 busy forty-five mile an hour road.

38
39 Commissioner Matzka iterated the applicant is asking for freedom to develop without confirming
40 the pedestrian safety for the current 21-lot subdivision approval.

41
42 Director Gottgetreu stated previously John Rasmussen an engineer with Marion County
43 commented on the crosswalk initiation, Eureka avenue is Marion County jurisdiction.

44
45 Britney added there are proportionality laws, should a greater density development be proposed,
46 the proportionality improvements could go up, therefore there could potentially be additional

1 requirements.

2
3 Commissioner Matzka added they were stating there was no confirmation for successful
4 pedestrian crossing for the current approved development at its density.

5
6 Commissioner Walling asked for clarification on the potential approval of the R-5 rezoning, the
7 applicant had stated they were unaware if they would continue to move forward with the 21-lot
8 subdivision or develop an alternative. If the R-5 were approved, the minimum density would be
9 twenty-five units, therefore Commissioner Walling added the 21-lot subdivision would not be
10 developed.

11 Britney disagreed.

12
13
14 There was collective discussion on the potential development of the site under R-1 and R-5
15 zoning. Additionally, discussion was had on if the R-5 zoning were approved and if it is not
16 congruent with the approved site plan, what the next steps would be.

17
18 Commissioner Walling iterated, the applicant is asking for an opportunity to develop either R-1
19 or R-5 zoning because the [Commission] cannot encumber a previously granted approval [the
20 21-lot subdivision). Commissioner Walling asked if the applicant would be agreeable with
21 maintaining the R-1 zoning and returning with a plan displaying the need for R-5 density in the
22 community.

23
24 The Commission considered continuing the hearing to receive additional information.

25
26 Director Gottgetreu provided clarification on code allowance for the development situation.

27
28 Commissioner Matzka moved to close the public hearing, Commissioner Walling seconded the
29 motion and it passed unanimously.

30
31 **The Public Hearing was closed at 9:20pm. The Planning Commission recessed until**
32 **9:33pm.**

33
34 **DISCUSSION:**

35 The Planning Commission considered the unique position they were in with the approved
36 subdivision and requested R-5 zoning. There was collective discussion on the previous
37 application meeting and the process that led to approval from the City Council.

38
39 Madam Vice-Chair Kaser read the eight criterion for the application consideration.

40
41 Concern was relayed for lack of information and insight into the applicants motive for rezoning
42 and their plan for development. Additional information was preferred to ensure the rezoning for
43 R-5 density aligned with the City's Comprehensive Plan and met the criterium. The Planning
44 Commission reviewed page ninety-two of the staff report which did find the R-5 zoning to be
45 compatible with the Comprehensive Plan designation. Pedestrian safety and connectivity to
46 schools was considered with a higher density for the property.

1 Commissioner Piaskowski asked Director Gottgetreu for clarification on the Comprehensive
2 Plan identifying the area as single-family, within the staff report criterion two, single family
3 would include R-1, R-5 and others. Commissioner Piaskowski requested confirmation if R-5 was
4 included.

5
6 Director Gottgetreu stated R-1 and R-5 are compatible zoning districts for the property within the
7 Comprehensive Plan.

8
9 The Planning Commission considered negative impacts if the application were approved. They
10 referred to the eight criterion and found inconsistencies. Under House Bill 2001 the applicant can
11 develop 42-units on the property. There was discussion on the applicant satisfying the burden of
12 proof to increase the density from what had been previously approved.

13
14 Madam Vice-Chair Kaser stated the Planning Commission is restricted on their process for
15 consideration of the application. They believed the application met the criteria. Negative impacts
16 can be subjective, the applicant has shown they meet the requirements needed; Madam Vice-
17 Chair Kaser stated they could not find constraints that were within what was allowed for
18 consideration.

19
20 Commissioner Walling motioned to recommend the City Council approval of the proposed zone
21 change as it meets the criteria, Madam Vice-Chair Kaser seconded the motion.

22
23 Commissioner Piaskowski reiterated for Commissioner Jones the following: The Housing Needs
24 Analysis summarized in the report identifies that there is a deficit. There is a benefit of making
25 the zone change, however as reported there are ninety-seven lots approved for multi-family, so
26 the City has several years to meet the housing need; therefore, Commissioner Piaskowski stated
27 they do not believe it is critical for the property to be designated as R-5 for purposes of meeting
28 the Housing Needs Analysis. An additional inconsistency lay with the Comprehensive Plan,
29 number two, four, and five do not align in their opinion.

30
31 Commissioner Matzka agreed with Commissioner Piaskowski and stated the application did not
32 align with having additional housing in an island community targeting needed housing that will
33 have school aged children in the household. If the location had connectivity, it would be feasible,
34 but [if approved] the creation of an island community with higher density outside of the walking
35 ability into the infrastructure of our community is not agreeable. With this, Commissioner
36 Matzka stated, the [application] does not meet the comprehensive goals, plans of the school
37 district, the City, or the transportation network.

38
39 Madam Vice-Chair Kaser stated they do not view the property as an island, the site has an
40 approved plan currently. Frontage and sidewalks will be developed, unfortunately with County
41 roads some infrastructure is not the City's jurisdiction. The property is near a neighborhood, it is
42 not segregated. The differential between R-1 to R-5 zoning is the shortest route to increasing
43 housing, the Planning Commission and the City Council will be reviewing future site-plans for
44 code compliance, Madam Vice-Chair Kaser believed the application met criteria looking strictly
45 at what the Planning Commission was legally allowed to consider.

1 The Planning Commission considered the adjacent properties and future frontage requirements.
2 Lack of information from the applicant was reiterated.

3
4 Commissioner Matzka relayed additional concern for approving the application.

5
6 The motion did not pass, 1:4

7
8 Commissioner Piaskowski motioned to recommend to the City Council the denial of the
9 proposed zone change as it does not meet the review criteria, Commissioner Walling seconded
10 the motion and it passed, 4:1.

11
12 **IV.REPORTS AND COMMUNICATIONS:**

13 Director Gottgereu informed the Planning Commission of upcoming meetings.

14
15 Commissioner Matzka requested new public notice signs.

16
17 **V. ADJOURNMENT:**

18 The meeting was adjourned at **10:22pm**

19 /s/ Cleone Cantu,

20 Planning and Permit Assistant.