



**Planning Commission Minutes
Willamette Activity Center Room 8
March 18, 2014
7:00 P.M.**

1.0 Open Meeting

7:00 P.M.

Commissioners Present

George Custer, Chairperson
Keith Brown, Vice Chair (absent)
Amy Kordosky
Matt Altemus
Teresa Freborg
James Affa
Gary Carl (absent)

Staff Present

Louis Gomez, City Administrator
Jackie Taylor, Assistant Planner

Commissioner Custer said it is important that unless you have an excuse you attend all meetings and be on time and ready to go at 7:00.

2.0 Citizen Input

Ron Freborg – Side yard setbacks; when he built his home he went to the City Planner to find out about city codes. He would like the City should have the side setbacks specified where the 5 feet starts. (See attached picture)

Commissioner Custer said regardless what the code says this should have been double checked. Sometimes these things fall through, there could have been a disconnect. The contractor does pretty much what he is told. This is on our work list and we will address this issue.

3.0 Consider Approval of Minutes

Motion: Commissioner Freborg moved to approve the February 18, 2014 meeting minutes. Commissioner Affa seconded the motion.

G. Custer (Aye), M. Altemus (Aye), T. Freborg (Aye), J. Affa (Aye), A. Kordosky (Aye). Motion carried 5-0

4.0 Action/Discussion Items

**4.1 Variance and Temporary Use Permit submitted by Donald Barber, 47788
Fairy Glen 21-35-17-43 01007**

Open Public Hearing at 7:10 P.M.

- a) Conflicts of Interest/Exparte Contacts –

Commissioner Affa has talked to Larry Phipps about both of these issues.

- b) Staff Report

No changes

Open Public Hearing at 7:10 P.M.

- c) Statements in Favor

Bob Yoder, he is the pastor at the church Don and Mildred attend, they both need 24/7 medical care.

Laura Dockery, lives next door to Don and Mildred, she would like to see this granted so they can continue to live in their home together and not have to go to a nursing home.

- d) Statements in Opposition

None

- e) Statements in General

None

- f) Close Public Hearing

Close public hearing at 7:13 P.M.

- g) Commission Discussion

Commissioner Freborg said it states specifically that it must be a family member, that comes from State Code. That is what the Variance is for.

Louis said this is their code, not state code.

Commissioner Freborg asked if this is a professional caregiver.

Mr. Barber said she has worked as a caregiver and a CNA.

Commissioner Custer asked if they already have the motor home there or is this something that will need to move in.

Mr. Barber said the motor home is already there.

Commissioner Kordosky asked if they will have to come back in two years?

Louis said yes they will have to come back but we don't charge a fee for a renewal.

h) Finding of Fact

Commissioner Custer read the findings of fact

i) Commission Action

Motion: Commissioner Kordosky moved that after a public hearing and approval of the findings of fact, I move to approve the application for the Hardship Mobile Temporary Use Permit and Variance for a caregiver at 47788 Fairy Glen. Commissioner Freborg seconded the motion.

G. Custer (Aye), A. Kordosky (Aye), J. Affa (Aye), M. Altemus (Aye), T. Freborg (Aye).
Motion carried 5-0

LID – Recommendations from the U of O Community Planning/DEQ

Section 6.02 Uses and Structure

Commissioner Freborg said this is for a neighborhood commercial district, the way she understands it is if a property is zoned that, they can use it simply for a rain garden. Is that correct?

Commissioner Custer said yes, these are suggested measures.

Louis asked if they are talking green material roofs?

Commissioner Custer said no, they are talking growing a lawn up on your roof.

Louis said he likes 90% of this, we are doing most of it already, except the green roof piece having it so close to commercial.

Commissioner Freborg said it says including but not limited to, so if we exclude the green roofs then it can be including but not limited to everything except that. Then they can say we meant green roofs too.

Commissioner Custer said if we don't like green roofs then we can certainly exclude them. Anyone who wants to put on a green roof better have deep pockets, it is not an easy thing to do but, you are seeing them more and more all over the country.

Motion: Commissioner Altemus moved to accept section 6.02 Uses and Structures sub paragraph one permitted uses and structures to add paragraph (m). Commissioner Affa seconded the motion.

A.Kordosky (Nay), G. Custer (Aye), J. Affa (Aye), T. Freborg (Nay), M. Altemus (Aye).
Motion failed 3-2

Commissioner Altemus asked to bring back 6.02 for discussion.

Commissioner Altemus said from his understanding is that stormwater mitigation measures are just defining encouragements to manage stormwater runoffs, it's not limited to, not saying what you can and can't do.

Commissioner Freborg said amended compost could be a problem.

There was discussion on what a green roof really is. Another term is living roof.

Commissioner Freborg said in the larger scheme of things, we are improving our tax base by making sure what goes in there is highest and best use, thereby ensuring a higher tax base and more livability and access to appropriate land use for those businesses that wish to grow in that area. You cannot put a business just anywhere so we have a limited inventory of property that meets this requirement and by allowing raw land, we are reducing that inventory and the tax base, we are also crowding out some businesses that may be viable in that particular zone.

Motion: Commissioner Altemus moved to reconsider 6.02 Uses and Structures. Commissioner Affa seconded the motion.

M. Altemus (Aye), J. Affa (Aye), T. Freborg (Aye), G. Custer (Aye), A. Kordosky (Aye).
Motion carried 5-0.

Motion: Commissioner Freborg moved to amend the previous motion that section 6.02 (1) paragraph (m) be amended to structures may contain stormwater mitigation measures including but not limited to, rain barrels and green or living roofs. Seconded by Commissioner Affa.

G. Custer (Aye), M. Altemus (Nay), T. Freborg (Aye), J. Affa (Aye), A. Kordosky (Nay).
Motion failed 3-2

Commissioner Custer said we will table 6.02 and come back at another time.

Commissioner Affa moved to table section 6.02. Commissioner Freborg seconded the motion.

G. Custer (Aye), A. Kordosky (Aye), J. Affa (Aye), M. Altemus (Nay), A. Kordosky (Aye).
Motion carried 4-1

Section 6.06 Fences Walls and other Structures

Motion: Commissioner Affa moved to accept section 6.06 Fences Walls and other Structures. Commissioner Kordosky seconded the motion.

Louis said we have had complaints about neighbors with hedges over six feet or three feet; this is normally not an issue.

This is for an area like behind Les Schwab's, if there isn't an alley there would have to be a fence; where commercial meets residential.

This amendment is just saying they can use a hedge instead of a fence.

A.Kordosky (Aye), G. Custer (Aye), J. Affa (Aye), T. Freborg (Aye), M. Altemus (Aye).
Motion carried 5-0

Section 6.09 Landscaping

Commissioner Custer said to remember the key word here is "preferably".

Motion: Commissioner Affa moved to accept section 6.09 Landscaping. Commissioner Altemus seconded the motion.

Louis wanted to look at the landscape standards.

Commissioner Custer said you can't say zero dirt is your landscaping scheme because it is going to become a problem.

Louis said exactly, they have to plant something.

M. Altemus (Aye), J. Affa (Aye), T. Freborg (Aye), G. Custer (Aye), A. Kordosky (Aye).
Motion carried 5-0.

Section 7.02 Uses and Structures

Motion: Commissioner Affa moved to accept 7.02 Uses and Structures. Commissioner Altemus seconded the motion.

This all ties in with DEQ.

Commissioner Freborg said it also says that any use allowed must not be objectionable

G. Custer (Aye), M. Altemus (Aye), T. Freborg (Aye), J. Affa (Aye), A. Kordosky (Nay).
Motion carried 4-1

Section 7.08 Landscaping and Lighting

Motion: Commissioner Freborg moved to accept Section 7.08 Landscaping and Lighting to exclude green roofs. Commissioner Affa seconded the motion.

Commissioner Altemus asked if the previous items in black have already gone through the Planning Commission.

Louis said yes it has. The reason we are going through this again is because the DLCD has certain benchmarks they want to meet statewide and one of them is we have to take this process through Planning Commission, then City Council and then bring it back to them and let them know what changes we want to make. They still have to bless it even after the Council does it.

G. Custer (Aye), A. Kordosky (Aye), J. Affa (Aye), M. Altemus (Nay), T. Freborg (Aye).
Motion carried 4-1

7.0 Positive Comments and Constructive Input

None

8.0 Announcements

None

Meeting Adjourned

Chair Custer adjourned the meeting at 8:33 p.m.

Signed:

George Custer Chairman Date

Attest:

Susan LaDuke, City Recorder Date