

**SILVERTON PLANNING COMMISSION
REGULAR MEETING
SILVERTON COMMUNITY CENTER
421 S. WATER STREET
November 12, 2013 - 7:00 PM**

AGENDA

I. ROLL CALL:

II. MINUTES:

Approve Minutes from the March 12, 2013 meeting.
Approve Minutes from the August 27, 2013 meeting.

III. BUSINESS FROM THE FLOOR:

Items not on this Agenda.

IV. AGENDA ITEMS:

4.1 PUBLIC HEARING

Variance Application VR 13-01, 269 Silver Loop Fisher Garage Addition

Variance application for a garage addition to encroach 8' into the required 20' front yard setback to create a 12' setback from the property line. The garage will be 20' from the edge of sidewalk. Zoning is R1, Single Family Residential. Located on the southeast side of Silver Loop at 269 Silver Loop; Marion County Assessor's Map 7-1W-02AC, Tax Lot 03400. Applicant is Monty Fisher, 269 Silver Loop, Silverton, OR 97381

V. REPORTS AND COMMUNICATION:

VI. ADJOURN:

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

AMERICANS WITH DISABILITIES ACT: The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as an interpreter for the hearing impaired or other special accommodations. To participate, please contact the Community Development Department Administrative Assistant at 503-874-2207 at least 48 hours prior to the meeting.

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

7:00 P.M.

March 12, 2013

The Planning Commission of the City of Silverton met at the Silverton Community Center on March 12, 2013 at 7:02 PM with Vice-Chairman Flowers presiding.

I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> </u>	<u> </u>	Vice-Chairman
<u> </u>	<u>Excused</u>	Jeff DeSantis
<u> X </u>	<u> </u>	Stacy Posegate
<u> X </u>	<u> </u>	Van Khieu
<u> X </u>	<u> </u>	Gus Frederick
<u> X </u>	<u> </u>	Joseph Pelletier

STAFF PRESENT:

Interim Community Development Director, Jason Gottgetreu; Public Works Director, Gerald Fisher, and Administrative Assistant/City Clerk, Lisa Figueroa

II. APPROVAL OF THE MINUTES FROM THE MEETING HELD , FEBRUARY 12, 2013:

COMMISSIONER GUS FREDERICK MOVED TO APPROVE THE MINUTES FROM THE MEETING HELD FEBRUARY 12, 2013 AS PRESENTED. COMMISSIONER STACY POSEGATE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

III. BUSINESS FROM THE FLOOR:

There was no public comment.

IV. AGENDA ITEMS:

4.1 Appoint a Chairman and Vice-Chairman

COMMISSIONER GUS FREDERICK MOVED TO APPOINT CLAY FLOWERS AS THE PLANNING COMMISSION CHAIRMAN. COMMISSIONER STACY POSEGATE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

COMMISSIONER GUS FREDERICK MOVED TO APPOINT JEFF DESANTIS AS THE PLANNING COMMISSION VICE-CHAIRMAN. COMMISSIONER JOSEPH PELLETIER SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

4.2 Public Hearing

1. Case: Silverton Storage Depot

Filed by: Scott Lepman

Planning Department File No.: CU 13-01

Chairman Flowers opened the Public Hearing at 7:04 pm and asked for declarations of ex parte contacts, conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of interest and they all viewed the site. Chairman Flowers reviewed the Public Hearing procedures.

Interim Community Development Director Jason Gottgetreu presented the Staff Report. He said the enclosed storage is allowed outright subject to the review criteria. He said they are proposing three buildings and reducing the landscaping by 20' on the South side. He said the west side is designated for a future roadway in accordance with the Transportation Plan and will not need any screening. They are proposing a 45' setback and indicated the proposed use would not have any adverse impacts affect the residentially zoned lands adjacent to the property. He noted the metal buildings are not fronting a public right-of-way. He said there will be a tiered buffer with security fencing. He said there would be an eight-foot tall berm on the East side with a six-foot tall masonry wall. He said there was one written testimony received, which indicated it did not meet with the West Side Land Use and Transportation Plan and he read it to the Commission. He stated the West Side Land Use and Transportation has not been adopted yet.

Commissioner Posegate said there could be groundwater decontamination and expressed concern. She asked if there is any access to groundwater from the RV/Boat Storage and wants to know why it was not addressed. Community Development Director said one of the conditions is that the applicant is required to obtain all Department Environmental Quality permits. Commissioner Posegate questioned whether the City has dealt with an issue like this before and stated she is inclined to deny the application in an effort to protect the groundwater sources. She said feels she needs more information regarding the environmental impacts before she can make a decision. She asked if any of the surrounding areas are proposed to be residential in the West Side Land Use Plan. Interim Community Development Director Gottgetreu said the property to the South is currently public.

Commissioner Pelletier referenced Parcel 1, and asked if there is anything that may have an unanticipated affect on the future development. Interim Community Development Director Gottgetreu said the applicant own that property and has indicated they would be able to develop it. Commissioner Pelletier supported Commissioner Posegate's concerns regarding groundwater contaminants.

Applicant Testimony:

Scott Lepman, 100 Ferry St. Albany, OR, addressed the Commission. Chairman Flowers asked if the storage units were already on the property when they purchased it. Mr. Lepman said yes. He said they are trying to follow the original developer's intent regarding traffic flow. He said the buffer on the East side prohibits the adjacent properties from seeing the Storage units and

they plan to continue that buffer. He said the gravel storage is an interim use only. He addressed the concerns regarding the contaminants and indicated that he has never heard of any issues at other properties he has. He said Bi-Mart has shown interest in Parcel 1, but there have been questions regarding the railroad that is near the property. Commissioner Posegate referred to the buffer and asked why they decided to make it 30'. Mr. Lepman said it would compromise traffic.

Mr. Lepman said they are burying the building into the hill and trees would be planted on the south side. Commissioner Posegate asked if there is a way to appease the concerns of the letter that was submitted. Candace Ribera said there would be a sight-obscuring fence in the interim. She indicated they are only extending 20' on the South side because of the slope of the hill. She said it is temporary because it may be part of the future development or it could be addressed if Bi-Mart decides to locate there. Commissioner Posegate said she is concerned because that could mean several years. Mr. Lepman said they did attend the West Side Land Use and Transportation Plan meetings and understood that the public preferred larger retail. Interim Community Development Director Gottgetreu said if the site were to change its use, then it would come back to the Planning Commission for review.

Chairman Flowers said the applicant is proposing an exception to the standard, and asked why they should deviate from the standards. Mr. Lepman said that they were able to give the community what they wanted in Corvallis and is willing to cooperate with Silverton. Ms. Ribera said when the property was purchased they did not know that there had been changes in the Code. Chairman Flowers said he is concerned with the parking lot and asked if they could they make the building sizes shorter. Mr. Lepman said there are large trucks that need to maneuver through the property to access the buildings. Commissioner Posegate asked if they would remove the buildings if Bi-Mart decided to locate on Parcel 1. Ms. Ribera said no, but indicated that they submitted an alternative plan. Commissioner Posegate asked the applicant how they can assure that there would not be any contaminants. Mr. Lepman said it has never been an issue at any of his other facilities. He said he would be willing to conduct an annual environmental report and submit it to the Planning Commission.

TESTIMONY:

Proponent Testimony: None

Opponent Testimony: None

Neutral Testimony: None

Written Testimony: None

REBUTTAL:

Chairman Flowers closed the Public Hearing at 8:16

DISCUSSION:

Commissioner Frederick said the rules are used as guidelines. He concurred with the concerns regarding groundwater. Chairman Flowers asked if there have been any similar issues at the Silver Spur RV Park. Public Works Director Fisher said it is not within the City limits so they would report to the County or the Fire District. Commissioner Khieu said he would agree to the setback exception and at this point and supports the suggested annual evaluations. Commissioner Posegate said she would like the applicant to consider solutions that are economically feasible. Interim Community Development Director Gottgetreu suggested that any stipulated conditions should be included in the motion. Public Works Director Fisher indicated as an example the Commission could require all the vehicles have drip pans, which are monitored regularly. Public Works Director Fisher said that a gravel overlay could be required where the vehicles are parked.

Commissioner Pelletier said he still has some reservations on the East side, but said he could approve the Conditional Use with the gravel overlay. Chairman Flowers said that could be a condition of approval and it would be up to the applicant to pursue that. Interim Community Development Director Gottgetreu said if the Commission placed a condition of approval, they would have to come back to the Planning Commission for review in a public hearing. Chairman Flowers said the design review could move forward. Interim Community Development Director noted criteria 5, which indicated the condition would require the applicant satisfies the Commission that there is not an environmental impact. He said the condition would be specifically vague so they would have to come back.

COMMISSIONER STACY POSEGATE MOVED TO APPROVE THE CONDITIONAL USE APPLICATION FOR THE CONSTRUCTION OF THREE ADDITION SELF STORAGE BUILDINGS AND 67 RV/BOAT SPACES WITH THE CONDITIONS PROPOSED BY STAFF AS WELL AS TWO ADDITONAL CONDITIONS: 1. THAT ALL REQUIRED LANDSCAPE AREAS ADJACENT TO THE PERIMTER OF THE SUBJECT PROPERTIES BE IN CONFORMANCE WITH LANDSCAPE PLANS AND 2. THE APPLICANT HIRE A QUALIFIED PERSON TO EVALUATE AND DETERMINE IF THERE IS A SIGNIFICANT ENVIRONMENTAL IMPACT OF HAVING THE 67 RV/BOAT SPACES AND PROVIDE THREE OPTIONS TO MITIGATE THE ENVIRIONMENTAL IMPACT. COMMISSIONER GUS FREDERICK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

The Meeting recessed at 8:36 pm and reconvened at 8:41 pm.

2. Case: West Side Land Use & Transportation Plan Filed by: City of Silverton

Chairman Flowers opened the hearing at 8:41 pm and asked for declarations of ex parte contacts, conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of interest.

Interim Community Development Director Jason Gottgetreu presented the Staff Report noting

that the West Side Land Use and Transportation Plan (WSLP) is a Strategic Plan consistent with the goals of the Comprehensive Plan and the statewide planning goals. He said it was updated.

Jennifer Mannhard from OTAK, Inc. and Chris Maciejewski from DKS Associates presented an overview of the WSLP. Ms. Mannhard described the area and indicated that the Plan is to ensure that development does not occur in piecemeal parts. She said a Project Advisory Committee was established and community meetings were held to develop and review alternatives. She said some uses such as schools, fire districts and cemeteries will not change within the next 20 years.

Mr. Maciejewski reviewed the Transportation Analysis. He said there was a bridge crossing in the existing Transportation System Plan (TSP), but noted further analysis was needed. He said during the analysis, they found that they did not meet the mobility standards at C street and McClaine.

Commissioner Frederick asked if that would affect any residential properties. Mr. Maciejewski said yes. Ms. Mannhard described the Framework of the WSLP. She said the edge of the City transitions from agricultural to higher density. She said the community felt strongly about keeping the retail in commercial areas where it already existed, but they did not want it to compete with downtown stores. She mentioned the development program and noted the housing types that would fit in with Silverton. Mr. Maciejewski said there are off street trails to encourage bike and pedestrian travel. He noted a trail component across Westfield near Safeway Shopping Center that would enhance pedestrian crossing over to the hospital. He said Monson Road would align with a collector roadway with a stoplight and the rest would be a stop sign. He said the Brown Street re-route would be an arterial corridor with landscape requirements between the road and the curb. He said there are right of way impacts if they created a roundabout or an intersection. Ms. Mannhard said the Vision Statement would serve as the policy to the Comprehensive Plan. She noted the industrial property on the west side of town would change designation to residential. She said the community preferred that because it enhances the small town characteristics of Silverton as future development occurs. Mr. Maciejewski reviewed the TSP Implementation measures.

Commissioner Frederick asked if they have estimated how much property would have to be purchased for the Brown Street re-route. Mr. Maciejewski said there is not any detailed information but noted there may be at least two properties. Public Works Director Fisher asked how the community felt about James Street improvement. Chairman Flowers said a traffic study could be performed if the school is moved to that area, which would require the City to make improvements sooner than later.

Public Works Director Fisher said bicycle amenities are needed. He said there are trails identified in the Parks Master Plan. Mr. Maciejewski said they could still show trails, but notate that they are part of the Parks and Recreation Master Plan. Commissioner Posegate questioned if the City took the trail system out, would it eliminate funding for that component.

TESTIMONY:

Proponent Testimony: None

Opponent Testimony: None

Neutral Testimony: None

Written Testimony: None

REBUTTAL:

Chairman Flowers closed the Public Hearing at 9:35 p.m.

DISCUSSION:

The Commission commended the report. Commissioner Pelletier said he was glad to see there was community involvement. Chairman Flowers said (54:55)

COMMISSIONER FREDERICK MOVED TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT THE WEST SIDE LAND USE AND TRANSPORTATION PLAN AS A SUPPORT DOCUMENT TO THE SILVERTON COMPREHENSIVE PLAN. COMMISSIONER PELLETIER SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

Interim Community Development Director Gottgetreu said this may go to the Council for adoption in April.

V. REPORTS AND COMMUNICATIONS:

Interim Community Development Director Gottgetreu indicated the Commission may not meet in April, but there will be a Joint Work Session with the City Council on May 20.

VI. ADJOURNMENT

The Meeting adjourned at 9:46 p.m.

Respectfully submitted,

/s/Lisa Figueroa,
Administrative Assistant/City Clerk

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

Drafted for approval; subject to change and/or correction

7:00 P.M.

August 27, 2013

The Planning Commission of the City of Silverton met at the Silverton Community Center on August 27, 2013 at 7:00 PM with Chairman Clay Flowers presiding.

I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Vice-Chairman Jeff DeSantis
<u> X </u>	<u> </u>	Stacy Posegate
<u> </u>	<u>Excused</u>	Gus Frederick
<u> X </u>	<u> </u>	Joseph Pelletier
<u> X </u>	<u> </u>	Van Khieu
<u> X </u>	<u> </u>	Phillip Appleton

STAFF PRESENT:

Jason Gottgetreu, Community Development Director

II. MINUTES:

There were no Minutes presented.

III. BUSINESS FROM THE FLOOR:

There was no public comment.

IV. AGENDA ITEMS:

Chairman Flowers updated the Commission on the status of the Development Code amendments. Community Development Director Jason Gottgetreu noted that the Commission has reviewed most of the amendments. He said that once the final process starts, a public notice will be mailed out to all the residents with all of the Commission's recommendations to the City Council.

Chairman Flowers said the Commission had a Joint Work Session with the City Council, and indicated there were a couple of issues that the Council asked the Commission to revisit. The Commission reviewed the packet.

Chairman Flowers referred to page 3 and asked for clarification on the statewide mandate. Community Development Director Gottgetreu said the mandate was to permit photovoltaic energy systems on houses outright.

Chairman Flowers proceeded through the packet and indicated there was a consensus regarding Section 1.4.170 Industrial Districts – Performance Standards. Vice-Chairman DeSantis said he preferred that the City not create additional standards for businesses to follow, but rather be welcoming to potential businesses. Chairman Flowers asked if the listed standards are typical in other cities. Community Development Director Gottgetreu replied he did review other municipalities.

They proceeded through the packet and Chairman Flowers noted that the Noise standards would default

to Oregon Administrative Rules (OAR) mandates.

The Commission considered whether Composting businesses should be allowed as an Industrial Use. Community Development Director Gottgetreu referenced the Development Code and stated that commercial composters would be permissible in two of the Industrial Zones. Chairman Flowers asked why it is allowed as a Conditional Use in two zones, but not in the Industrial Park. Community Development Director Gottgetreu said the Industrial Park is the lowest intensity of the Industrial Zones.

Commissioner Posegate noted Item J. on Page 5 and requested they omit the word nuisance, or address it separately. Public Works Director Gerald Fisher suggested replacing the word nuisance with the language from Item D. that reads, "...offensive odorous matter, to a reasonable person of normal sensitivities..." After further discussion, the Commission decided it read as, "...pollution that may cause injury to human..."

The Commission continued to Page 6 and reviewed the Landscaping standards. After some consideration they decided to remove the first sentence in item number 1 and omitted the word "Contiguous" in item number 2.

The Commission proceeded to Section 1.6.300, Heavy Industrial. They discussed the possibility of creating a new Heavy Industrial use category. They reviewed the language and types of users that may be located in the category. Public Works Director Gerald Fisher said he recalled the Commission has examined this section thoroughly so that Industrial users could locate within Silverton while addressing citizens' concerns.

COMMISSIONER POSEGATE MOVED TO TAKE A FORMAL VOTE AS TO WHETHER THE PLANNING COMMISSION WILL ACCEPT SECTION 1.6.300 AS AN AMENDMENT TO THE DEVELOPMENT CODE. COMMISSIONER KHIEU SECONDED THE MOTION AND IT CARRIED FIVE TO ONE. COMMISSIONER JEFF DESANTIS OPPOSED.

Chairman Flowers referred to page 7, Section 2.2.200, Residential Districts – Special Use Standards. There was a consensus of the Commission that favored the proposed amendments. Vice-Chairman DeSantis questioned whether they can implement regulations on manufactured home parks. Public Works Director Fisher said the internal street is on private property, and stated if the City applied standards to those streets the City would have to maintain them as well. Community Development Director Gottgetreu indicated the Commission also considered removing the provision that requires a garage or carport for all new single-family dwellings.

Chairman Flowers directed the Commission to Number 5 on page 10. The Commission reviewed the proposed language. Community Development Director noted that he removed references to the Citizen Involvement Committee. The Commission did not have any additional comments to Number 5 and continued through the packet.

The Commission reviewed Number 8 and briefly considered whether they want to move forward with the proposed amendments. After some discussion regarding state requirements they agreed to stay with the proposed amendments.

The Commission briefly discussed Numbers 9 through 12 and did not have any changes. The Commission deliberated Number 13. Commissioner Posegate questioned whether the Old Oak Oven is still a Mobile Vendor if they have acquired a permanent location for people to sit and eat. Community Development Director said that the unit itself is still a Mobile Vendor by definition because it has wheels on it. Commissioner Posegate asked if that space would have to be licensed. Community Development Director said it was a retail/sales/service area before and it is a retail/sales/service area again. Vice-Chairman DeSantis said he feels there are some issues the Commission needs to reconsider. Community

Development Director Gottgetreu said that the Council previously reviewed proposed System Development Charges for Mobile Food Vendors and they did not approve it. Commissioner Posegate suggested that maybe Mobile Food Vendors need to be listed in a different category, because she said this section was to address festivals. Chairman Flowers proceeded through the packet.

The Commission reviewed Number 17, Section 3.2.400, Street Trees and after some discussion they chose to omit the section from the proposed amendments. They proceeded through the packet to Number 19.

Chairman Flowers clarified that the Good Neighbor Agreements are not required but encouraged. He suggested they include the term “highly encouraged” rather than “may consider”. The Commission concurred with Chairman Flowers’ suggestion. Chairman Flowers briefly recalled the discussion regarding Number 21.

Community Development Director referred to the Conditional Use for the City of Aumsville regarding composting facilities. He said he contacted the Department of Environmental Quality. He said he was told one of the challenges with composting facilities is where to locate them. Chairman Flowers recalled the Joint Work Session between the Commission and the Council, where they considered permitting composting facilities as a Conditional Use. Community Development Director Gottgetreu said they are currently prohibited within Silverton. Commissioner Posegate stated she had done some research and recommended that they be permitted outright in the Industrial Zone, because she indicated all the concerns involving odors and such would be captured under the requirements. Community Development Director Gottgetreu indicated that if it is permitted outright, the City would not be able to regulate the operation. Commissioner Posegate said the facility would have to comply with the Industrial requirements. Community Development Director noted the City of Aumsville conditions of approval and indicated that the City could apply those same types of provisions. Commissioner Posegate asked if the City could permit it outright, but create a set of conditions that require the testing. Commissioner Pelletier clarified that by creating those conditions, it sets parameters which allow the City to work with businesses without being prohibitive. Commissioner Posegate said composting does not present the same kinds of dangers as other industrial uses. The Commission deliberated whether the use should be allowed by Conditional Use. After further discussion, the Commission recommended permitting the use outright and they indicated that they can make any changes if they need to after the Public Hearing.

VICE-CHAIRMAN DESANTIS MOVED TO ALLOW COMPOSTING FACILITIES AS A PERMITTED USE. COMMISSIONER APPLETON SECONDED THE MOTION AND IT CARRIED FIVE TO TWO. COMMISSIONERS FREDERICK AND KHIEU OPPOSED.

V. REPORTS AND COMMUNICATIONS:

Vice-Chairman DeSantis requested the Commission meet in September to discuss Mobile Food Vendors. The Commission agreed to meet on September 10, 2013.

VI. ADJOURNMENT:

The meeting was adjourned at 8:38 P.M.

City of Silverton Planning Commission

Respectfully submitted,

/s/Lisa Figueroa
Administrative Assistant/City Clerk



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

PC STAFF REPORT

PROCEDURE TYPE III

FILE NO. VR-13-01

LAND USE DISTRICT:

R-1, SINGLE FAMILY RESIDENTIAL

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 071W02AC

LOTS#: 03400

SITE SIZE: 7,025 SQ FT

ADDRESS: 269 SILVER LOOP

APPLICANT:

MONTY FISHER

269 SILVER LOOP

SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE

ARLO MANION

CONTACT PERSON:

ARLO MANION, 503-841-3381

OWNER:

MONTY FISHER

269 SILVER LOOP

SILVERTON, OR 97381

LOCATION: LOCATED ON THE SOUTHEAST
SIDE OF SILVER LOOP.

PROPOSED DEVELOPMENT ACTION: VARIANCE APPLICATION FOR A GARAGE ADDITION TO ENCROACH 8'
INTO THE REQUIRED 20' FRONT YARD SETBACK TO CREATE A 12' SETBACK FROM THE PROPERTY LINE. THE
GARAGE WILL BE 20' FROM THE EDGE OF SIDEWALK.

DATE: 11-5-13

Attachments

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

ATTACHMENT A: VICINITY MAP & SITE PLAN

Case File: VR-13-01

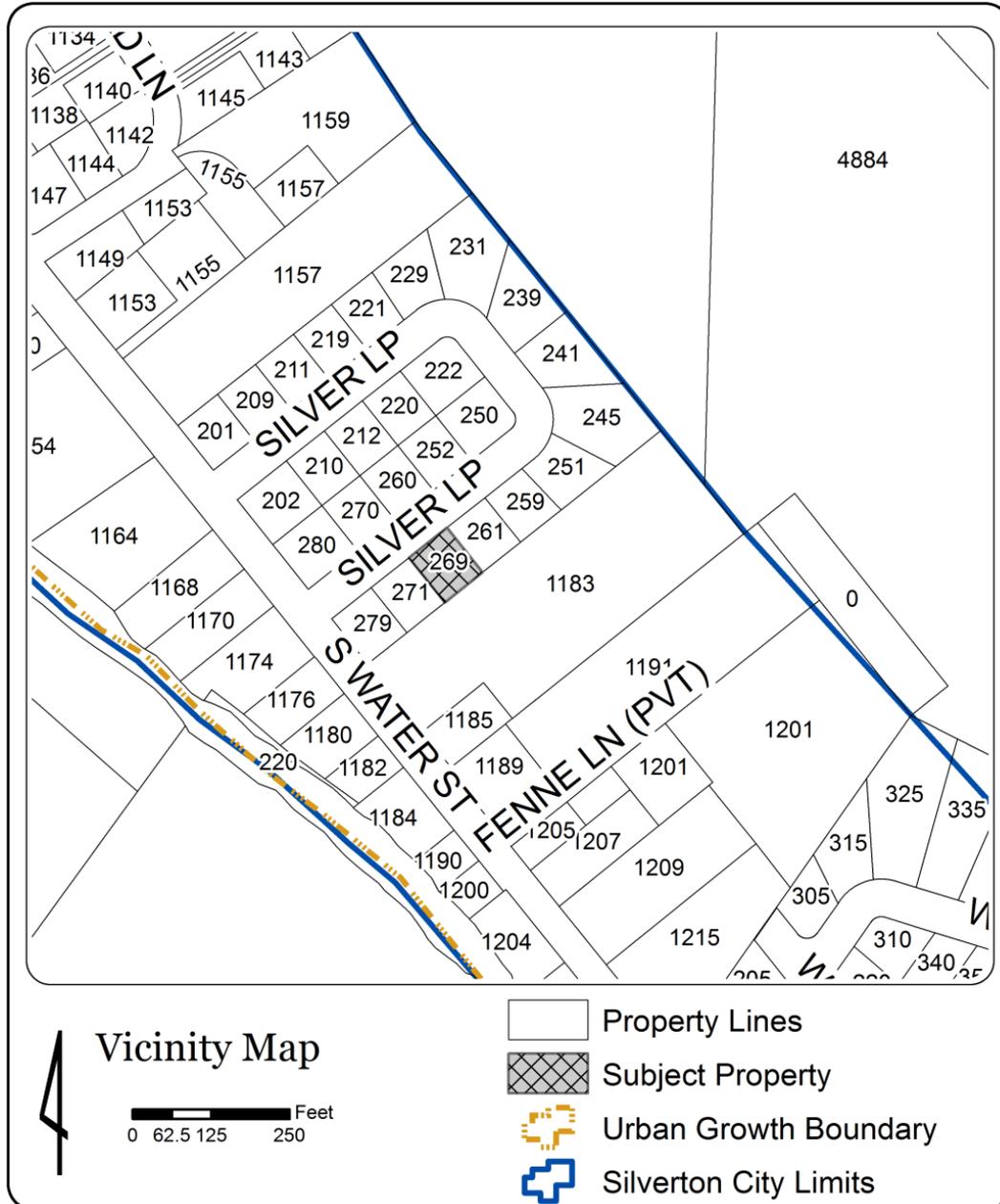
Vicinity Map and Surrounding Land Use Districts

North – R-1, Single Family Residential

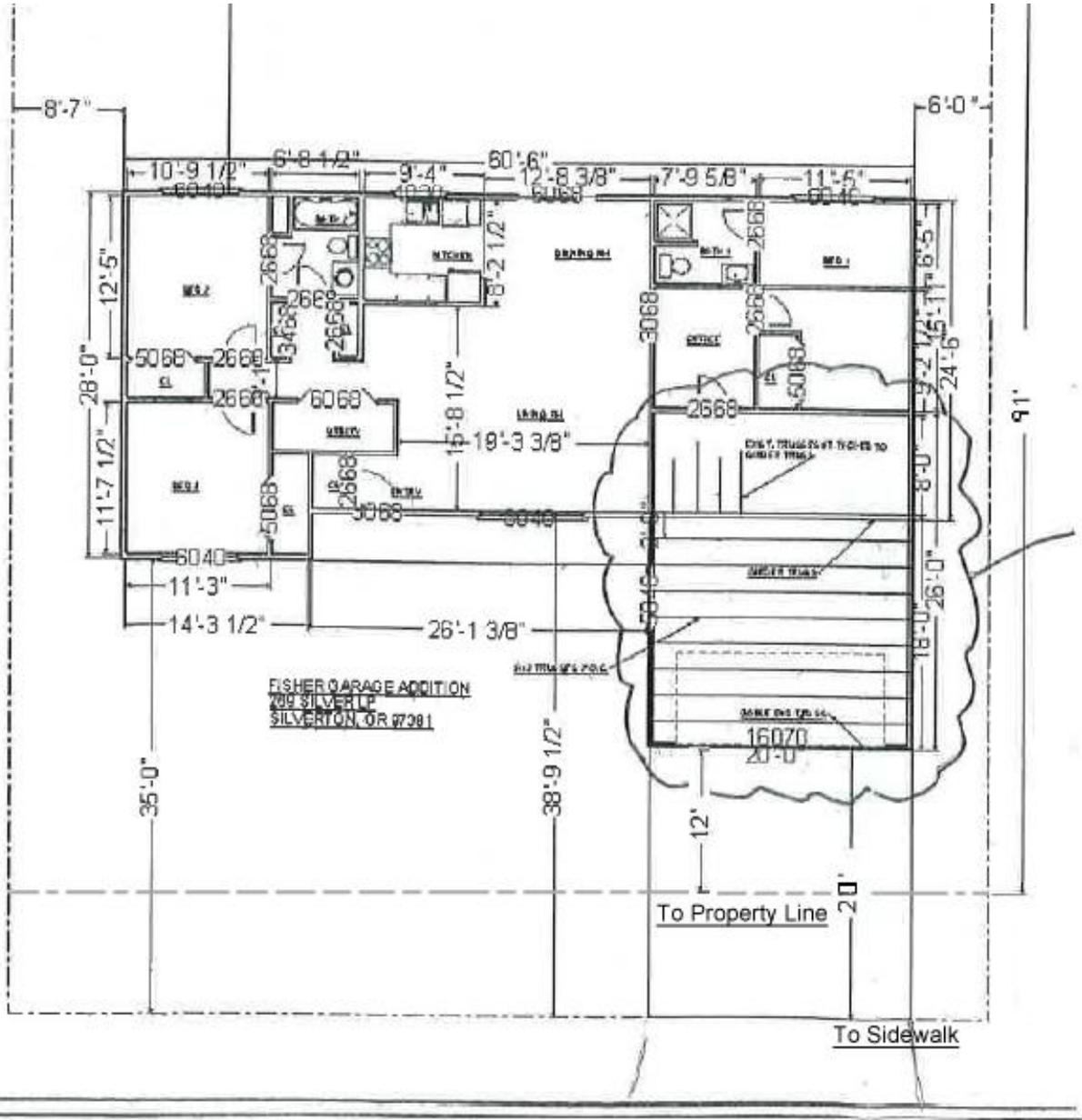
East – R-1, Single Family Residential

South – R-1, Single Family Residential

West – R-1, Single Family Residential



Site Plan



SILVER LP

ATTACHMENT B: APPLICANT'S FINDINGS

To whom it may concern,

This narrative is to explain our need for a variance and to address line items 1-6 in the "Narrative" portion on 2nd page of the Variance Application we filled out through the City of Silverton's permit office. Our request for a variance is to be able to build a garage approximately 18' from the house toward the street leaving us with 20'+ of a driveway left to the sidewalk, leaving plenty of pull up parking and room for pedestrians to pass on the sidewalk. Unfortunately, we were taking our setback numbers off the edge of the sidewalk instead of the actual right of way 4' further toward the house. Now I will answer the line items 1-6 to the best of my ability.

1. The proposed variance will not be materially detrimental to the purpose of this Code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;

Answer: Even though we are encroaching on the setbacks, the proposed garage addition is still 20+ feet back from the sidewalk, very similar to a couple of houses on the other side of Silver Loop that look normal, and unobtrusive.

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

Answer: My client purchased the house with a garage that was only 8' deep. The previous owners of the house added living space in the existing garage and left the last 8', including the garage door, for storage. The only practical thing to do for my client is to add the new garage forward.

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

Answer: Our plans have been approved and stamped by Marion Co., and backed with additional engineering to ensure that we meet and exceed City standards. As the property exists today, it seems like there is a garage behind the door, but only has a storage area behind it. I believe by adding the garage forward, we will make this house and property whole again as it was originally designed.

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

Answer: All items listed above will not be adversely affected in any way if we build the garage forward a couple of extra feet. All City standards will be met and approved via the inspection process.

5. The hardship is not self-imposed; and 6. The variance request is the minimum variance that would alleviate the hardship.

Answer: No parties involved had any idea we were encroaching the front setback. Since our plans were stamped and approved (with engineering), we feel the best way forward is to build our garage as permitted and originally designed.

ATTACHMENT C: CONDITIONS OF APPROVAL

1. All building structures and overhangs shall be a minimum of 10 feet from the right-of-way line, when measured at right angles or perpendicular to the right-of-way line, to remain clear of the public utility easement standards currently in place.
2. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval into account.

ATTACHMENT D: STAFF REPORT, VR-13-01

REVIEW CRITERIA:

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

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

II. FINDINGS

A. Background Information:

1. The applicant submitted an application on October 14, 2013 requesting a Variance to reduce the front yard setback for garages from 20 feet to 12 feet at 269 Silver Loop. The dwelling was constructed in 1980 with an attached garage. At some point, a large portion of the garage was converted to dwelling space, leaving an 8 foot deep garage.
2. Notice of the public hearing was mailed to all property owners and residents within 500' of the site on October 23, 2013. Notice was published in the Appeal Tribune on October 30, 2013. The site was posted on November 1, 2013.
3. The site consists of 7,025 square feet and is zoned R-1, Single Family Residential. The site is developed with a single family dwelling.

B. Silverton Development Code:

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

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

Findings: The proposed variance is to allow a reduction in the front yard setback for garages from 20' to 12' for the expansion of the garage at 269 Silver Loop. In the past, a portion of the garage had been converted to dwelling space which did not leave enough room to shelter a car. The proposal is extend the garage 18 feet toward the street to allow a standard attached garage on the site. The garage would encroach into the 20 foot required garage setback by 8 feet to create a setback of 12 feet. The garage is currently setback 30 feet from the street property line.

Silver Loop is designated as a Local Street and consists of 34 feet of pavement width and 5 foot wide curb tight sidewalks of both sides within 60 feet of right-of-way. Having a curb tight sidewalk adjacent to 34 feet of pavement within a 60 foot right-of-way is not a typical layout, as the 7 foot wide planter strip is behind the sidewalk, indistinguishable from people's front yards. Typically, the 7 foot wide planter strip is separates the roadway and sidewalk, with the sidewalk abutting the property line.

The purpose of the 20 foot garage front yard setback is to allow enough driveway area for a car to park in front of the garage without blocking the sidewalk. Since there is a curb tight sidewalk along Silver Loop, the proposed garage addition will be setback 20' from the edge of sidewalk. This allows cars to park in the driveway in front of the garage without blocking the sidewalk. The 12 foot setback also maintains the required 10 foot public utility easement adjacent to the right-of-way. All building structures and overhangs shall be a minimum of 10 feet from the right-of-way line, when measured at right angles or

perpendicular to the right-of-way line, to remain clear of the public utility easement standards currently in place (**Condition 1**).

The property is surrounded by other single family dwellings. The proposal will increase the amount of off-street parking at 269 Silver Loop by making the garage usable by two cars and maintaining the two parking spaces in the driveway. The garage will be setback 20 feet from the sidewalk which is visually equivalent to many single family residences in Silverton.

Since the purpose of the garage setback is met as well as the required public utility easement, it has been determined that the proposed Variance is not materially detrimental to the purposes of this code or to any other applicable policies and standards. All improvements on the site shall be in substantial conformance to the submitted plans taking all conditions of approval into account (**Condition 2**).

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

Findings: The applicant purchased the property in February 2013. The house was constructed in 1980 with an attached garage and subsequently had a portion converted to dwelling space. A garage is a fairly standard element of a dwelling and is currently a requirement in the Silverton Development Code. The modified 8 foot deep garage does not meet the definition of a garage as it is not designed to provide shelter for vehicles. The proposed development is to re-establish a garage on the site, which is a requirement in the Silverton Development Code. However, an encroachment into the setback is necessary to accomplish this, thereby creating a hardship to development. The applicant did not convert the garage to dwelling space and any purchaser would be subject to a substandard garage. The garage is setback 30 feet from the right-of-way but does need to encroach into the front yard setback to meet the definition of a garage.

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

Findings: The use proposed is to re-establish a garage on the site. A garage is a permitted and required element for dwellings. City standards will be maintained as the off-street parking requirements and public utility easement requirements will be met.

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

Findings: The reduction of the front yard setback will not adversely affect the existing physical and natural systems of the area. The reduction allows additional off-street parking spaces. No additional impervious surface is proposed as part of the application. Traffic is

not expected to increase due to the setback reduction considering garages do not generate traffic.

E. The hardship is not self-imposed; and

Findings: The previous garage conversion was not imposed by the applicant.

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

Findings: The variance request allows a standard attached garage to be constructed on the site and is the minimum necessary to alleviate the hardship.

III. SUMMARY AND CONCLUSION

The required findings have been made for all of the applicable Code sections. The proposal as conditioned meets all applicable Silverton Development Code Review Criteria and Standards. Staff recommends the Planning Commission approve the application as conditioned.



MEMORANDUM
SILVERTON PUBLIC WORKS

DATE: 10/31/13

TO: JASON GOTTGETRAU, COMMUNITY DEVELOPMENT DIRECTOR

FROM: GERALD FISHER, PUBLIC WORKS DIRECTOR

CC: SUE DEVORE, ENGINEERING TECHNICIAN

RE: 269 Silver Loop (VR-13-01)

Based on a review of the materials submitted, Staff has prepared the following comments. These comments are applicable to the subject application; any subsequent modifications may require amendments and/or additions.

CONDITIONS

1. All building structures and overhang shall be a minimum of 10 feet from the right of way line, when measured at right angles or perpendicular to the right of way line, to remain clear of the public utility easement standards currently in place.