



Planning Commission Minutes

September 25th, 2017

Members of the Planning Commission met this day in regular session at City Hall, Brownsville, Oregon at 7:00 p.m.

Present: Commissioners Don Andrews, Gary Compton, Tricia Thompson, Josh Kometz, Rob Wingren, Mike McDaniel, Planning Consultant Dave Kinney, City Administrator Scott McDowell, & Administrative Assistant Elizabeth Coleman.

Absent: Bryan Wyant.

Public: Suzanne Henshaw Ross, Bruce Landon, Jed Truett, Scott Morris, Stephan Smith.

Presiding: Gary Compton.

The Pledge of Allegiance was recited.

The meeting was called to order at 7:00 p.m.

PUBLIC HEARINGS

900 Depot Avenue – Planned Unit Development -River's Edge

Chair Compton explained the required statutory statement regarding appeals. Commission Chair Compton asked if there were any conflicts of interest, biases, or ex parte contact. There were none.

Chair Compton explained the process of the hearing. Planning Consultant David Kinney summarized the Staff Report. Stephan Smith of Progressive Design Builders submitted an application for an 85-lot Planned Unit Development & Subdivision on 27.73 acres west of Depot Avenue. A Planned Unit Development provides land development flexibility, mixed use options, encourages the conservation of natural land features and efficient use of common open space, both private and public. Mr. Kinney explained how the proposal fit the criteria and requirements of the Brownsville Comprehensive Plan.

Approximately 18.61 acres of the proposed development is located inside the City limits of Brownsville, the remaining 10.34 acres are located on Linn County EFU (Exclusive Farm Use) zoned land. All of the land is located in the 100-year floodplain. A Planned Unit Development requires a common open space; there are two ponds located in the EFU area that are to be designated for this requirement as well as storm water detention. The developer will be required to address maintenance of the two ponds, wetlands, prevention of flood damage to the development and preventing encroachment into the floodway. The common open space will be maintained by a Homeowners Association. In 2007 the Planning Commission approved the 27.73 acres for residential use. The previous developers made some progress, clearing the area and locating the ponds but were unable to complete the project.



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The current proposal consists of up to 4 phases of development providing approximately 67 single family residential lots, 3 common space areas and a 10.34 acre open space. Phases 1 – 3 propose a mixed density residential development of approximate lot sizes between 4,443 square feet & 9,882 square feet. The developer plans to complete Phases 1 & 2 simultaneously. Completion of Phase 3 will depend on the market at that time. Phase 4 option will be determined at a later date, and will require a new hearing with the Planning Commission for approval. The developer stated the proposed homes will be marketed to small family home buyers & seniors.

As the proposed development is accessed by Linn County Roads Henshaw Drive & Seven Mile Lane, access permits and road improvements must be based upon Linn County Road Department requirements. Water, Sewer & Storm will be upgraded to City of Brownsville Public Works Standards and inspected by Public Works Superintendent Karl Frink & the City Engineer. Off-site easements will be obtained by the developer for storm drainage.

The property is located within the 100-year floodplain and the developer will be required to comply with FEMA Standards as well as requirements of Brownsville Municipal Code Special Flood Hazard Areas Chapter 15.05. Staff & City Engineer strongly recommended a base floor elevation of at least 2ft, providing a margin of safety for the developer and potential homebuyers. Current standards require 1 foot above Base Flood Elevation.

Chair Compton inquired about sidewalk connection from the west side of the subdivision to the street (Depot Avenue). Depot Avenue is in the process of being extended by the developer of the mini-storage facility, a sidewalk along the south side of Depot Avenue is required by that development. A sidewalk will likely be required when the north side of Depot Avenue is developed. Mr. McDowell explained the extensive process developers are required to go through in terms of civil engineering, planning, public works, floodplain, etc.

Commissioner Wingren asked about timelines for phasing projects. Mr. Kinney explained the applicant informally indicated completing Phase 1 & 2 as quickly as possible. Phase 3 may depend on market conditions, and Phase 4 will depend on the type of development (single family, townhouses, etc.). Typical development of an 85-unit development could be between three and five years. Phase 1, however must be completed within a year of final development approval. A financial guarantee will be required prior to recording of each section of the plat, unless the development is completed prior to the final plat. Commissioner Andrews asked about the percentage comparison between sizes of the proposed lots and an ordinary lot, Mr. Kinney answered between 75% & 100%.

Chair Compton provided the applicants an opportunity to speak about the proposal. Scott Morris of Olson & Morris Consulting Engineers confirmed though the ponds & open space will be owned and maintained by a Homeowners Association (HOA) that area will also be open to the public. The common open space is intended to have a



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concrete area for ADA access as well as a wildlife area with benches. Additional guest parking will be located on the south side of Depot Avenue.

Mr. Morris asked for re-consideration of Condition of Approval C. 2. Access Easements: i & ii. The recommended Condition of Approval required the access easements between lots 2 & 3, 12 & 13 to be a minimum of 30'. The applicant asked to reduce the minimum to 20', which would provide ample space for vehicles and pedestrian traffic. Discussion ensued.

Developer/Builder Stephan Smith of Progressive Design Builders provided pictures of the tentative designs for the homes in the subdivision. Mr. Smith explained that the work from excavating to building and finish work is completed in house. Mr. Smith's focus is on entry level homes. CC & R's will be incorporated into the development plan and will require RV's, boats, garbage receptacles, etc., to be located behind fences to keep the street free of excess vehicles. Most of the homes will be single story with two car garages. Upgrading to ADA access can be accommodated. Mr. Smith explained he is not interested in building a large number of 2-story homes and prefers to design with continuity but not a "cookie cutter" style.

Mr. Smith would like to begin Phase 1 as soon as possible and has a three-tier loan process set up. Discussion ensued. Commissioner Andrews asked if the Homeowners Association would have the authority to change the allowance of public access to the open space area. Mr. Smith said the potential property owners would know ahead of time that the pond area will be open to the public but privately maintained.

Chair Compton opened the public hearing for opponents and proponents. Mrs. Suzanne Henshaw Ross of Henshaw Drive was not opposed to the project but was concerned about issues like the development causing damage to her property in the case of a flood, fencing around the development to deter trespassing, & unnecessary removal of trees within the riparian buffer. Mrs. Henshaw also felt the 10.34 acres should not be factored into the development because it is EFU land and cannot be developed.

Mr. Landon of North Main was concerned that there was evidence of an Indian Campground, primarily near the river. Broken stone and tools have been found by kids in the area. Chair Compton closed the public portion of the hearing for Commission discussion.

Chair Compton mentioned that people are interested in affordable, entry level homes which require a smaller footprint. Larger lots will increase the cost of the homes. This is a unique piece of property and the developer has been creative in making it appealing to small families and retirees. The area seems desirable with the ponds and open spaces. Commissioner Thompson mentioned the homes are quite close together, potential property owners will be aware of the limited space prior to purchasing. Discussion ensued.



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Several Commissioners were concerned that the small lot sizes would affect the parcel's Low-Density zoning minimum of 7,500 square feet. Mr. Kinney explained that although the 18.61-acre parcel is located in the Low Density Residential Zone, each lot in a Planned Unit Development is not required to meet the Low Density Residential minimum lot size of 7,500 square feet. The Planning Commission has the purvey to determine that the 7,500 square feet minimum need not be applied per lot, but can be applied to the parcel overall. The Comprehensive Plan provides specific policy for the Planning Commission to determine whether the standards apply (such as preserving natural resources, wetlands, etc.).

The Planning Commission also has quite a bit of flexibility in terms of lot size and protecting natural elements like the Calapooia River when reviewing a Planned Unit Development. His staff report stated the PUD meets the criteria set forth in the Comprehensive Plan and the PUD standards of the Zoning Code. Mr. McDowell mentioned the 10.34 acres could possibly be annexed into the City.

Mr. Kinney also clarified that if during construction the developers find Indian artifacts of a highly significant nature it is their responsibility to contact the Historic Preservation office to evaluate the site and determine the best course of action. Mr. McDowell mentioned a consultant from the Calapooia Tribe in Toledo, Oregon may have visited the proposed site during excavation in 2007.

Commissioner McDaniel asked if the developer was responsible for making sure the ponds don't overflow and cause flooding issue to the neighboring farm. Mr. Morris said the developer is responsible to a certain storm event. The engineer will need to analyze the flow from their ponds and send the overflow towards the river and not toward the neighboring property. Those calculations will have to be determined and addressed. Mr. Morris said the two ponds are approximately five to six times the requirement for a development of this size.

Mr. McDowell mentioned storm calculations and storm water design is based on a 25-year event, rather than a 100-year event which could require a 42" sewer, rather than an 18". The Commission discussed the 30' access easement requirements for lots 2 & 3, 12 & 13 and unanimously agreed to reduce the access to 20'.

Mr. Kinney addressed the location of the riparian area near the west edge of the property in relation to the ponds. The site plan shows a short distance between the edge of the ponds and the riparian. The developer can look at that area in terms of providing some security and discuss options when the landscaping plan is brought before the Planning Commission.

Commissioner Andrews moved to approve the application for the RIVER'S EDGE PUD/SUBDIVISION, subject to the modified conditions of approval C. 2, reducing the recommendation from 30' to 20' and to adopt the findings of fact and conclusions in the staff report as amended to reflect the Planning Commission's deliberations. Commissioner Kometz seconded and the motion passed unanimously. Mr. Kinney explained the Notice of Decision and right to appeal.



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Commissioner Andrews moved to approve the minutes, Commissioner Thompson seconded and the motion passed unanimously.

Upcoming Hearing October 16th, 2017

620 Oak Street, Conditional Use Permit for a Home Occupation at 620 Oak Street.

Secondary Lot Usage

Chair Compton, Commissioner Andrews, Mrs. Coleman & Mr. McDowell met recently to discuss possible options for the use of adjacent lots that do not have a primary structure but have the same owner. The outcome of the discussion was to limit accessory structures to 200 square feet for the adjacent lot. An ordinance will be prepared for this purpose and brought before the Planning Commission prior to approval from the City Council. A Secondary Use fee will be proposed at the next Council meeting.

There being no further business to discuss, the meeting was adjourned at 8:50pm.

ATTEST:

Elizabeth E. Coleman
Administrative Assistant

Gary Compton
Commission Chair