

CITY OF JEFFERSON
Council Worksession
April 14, 2022
6:30pm

COUNCILORS PRESENT: Dave Beyerl, Keonali Hutley, David Watkins, Walt Perry, Mayor Michael Myers, Bob Rossiter, David Kellogg (zoom)

COUNCILORS ABSENT: None

STAFF PRESENT: Sarah Cook, CM/R; Jeff Buskirk, PWD

OTHERS PRESENT: Ross Williamson, Attorney; Kiel Jenkins, COG Contract Planner (zoom); Steve Ward, Westech Engineering (zoom)

I. CALL TO ORDER/FLAG SALUTE – Mayor Myers opened the meeting at 6:30pm and led in the flag salute, followed by the reading of a Proclamation in support of Ukraine.

II. WORKSESSION TOPICS

A. Land Use Appeal Hearing (LUA 2022-01) Re: SPR 2021-03, CUP 2021-01, VAR 2021-01, 02, 03

Mayor Myers opened the hearing at 6:35pm and read the required language for such a hearing, explained the rules and procedures for the hearing, and the order in which the hearing would take place. After calling for conflicts of interest, ex-parte contacts, or bias, Councilor Watkins declared contact with the parties involved, in that he was the liaison to the Planning Commission and had attended the original hearing. Councilor Rossiter declared the same, noting his attendance at the PC meeting as well, and both stated they were not impartial or biased on the subject based on anything they heard previously. Mayor Myers stated he had driven to the site to help him better understand the geography, and had no bias. Before moving to the presentation of the staff report, Mayor Myers cited ORS 197.797 5b, and others, in relation to the type(s) of land use actions being considered.

Contract Planner, Kiel Jenkins presented the staff report in summary, explained the process the Planning Commission had taken, described the lot area, zoning, reviewed all the criteria within the Jefferson Development Code, and identified all included exhibits. He pointed out minor alterations had been made to Exhibit C since packets were prepared, noting that the applicant had addressed concerns expressed from the PC meeting and resubmitted. The proposal was for a 7 building, 84-unit apartment complex, which included parking, landscaping, drainage, and sidewalks along the 2nd St. frontage. The Conditional Use Permit (CUP) was in reference to the code language about utilizing 50% of the ground floor for commercial, with the ability to convert between both residential and commercial as the market called for. He noted the originally requested Variance (VAR) #2 was no longer needed and the applicant had requested denial. Additionally, Kiel noted the applicant indicated VAR #3 could also be removed if the Council deemed, or it could be tweaked. Kiel explained all conditions of approval had been considered and reviewed by public works, ODOT, City Engineer, and the Fire Marshall. Since ODOT was responsible for the highway, the City could not require the applicant to make changes to it, and added ODOT commented that no additional mitigation was necessary for the project, in relation to the traffic impact analysis that was done. There would be no on-street parking proposed, as the proposal exceeded the code requirement of 126 spaces by providing 156. He continued through the report, commenting that the landscaping requirements, drainage, utilities, and buffering had all been met. There was a proposed tot park, as well as 10 foot sidewalks along the highway frontage where there were currently none, and one of the seven buildings seeking a variance to minimize the distance to 7.5 feet. In closing, it was the staff recommendation to approve the SPR, CUP, and VAR #1 and #3 with conditions, and to deny VAR #2.

Applicant Presentation: Property owners and K & D Engineers were introduced by the project manager, Lyle Hutchens. Mr. Hutchens spoke on the application and provided a visual diagram of what the property would look like with the placement of the buildings. He summarized the criteria and findings Kiel had noted, indicating they had revised the landscaping plan for consistency to the site plan and it provided more parking, the traffic study met ODOT's agency mobility standards, they were providing 18% more parking than the code required, improving pedestrian access by providing sidewalks along the highway frontage, agreed with all the findings noted in the staff report and were seeking approval of the Council. Responding to Councilor Rossiter, Lyle identified the storage area on building A that extended out from the living quarters.

Testimony in favor:

Mike Robbins – owns rental in town and has multiple people on a waiting list because there were not enough rentals in town to accommodate the need. He commented that the proposed apartments would be a great contribution to the town and he didn't see it any differently than if it were 200 houses being built.

Neutral testimony:

Keith Johnston, Sydney Irrigation Co-op, read a statement regarding potential irrigation impacts to the co-op, noting ditch and water right concerns as they related to Morgan Creek drainage. He pointed out the organizations involved including DEQ, ODF&W, Dept. of Ag, etc. and was concerned about the construction and permanent units damaging the creek. Mr. Johnston noted he was not for or against the apartment complex in general, but requested that diligence and care be taken and perhaps increase the setbacks.

Testimony in opposition:

Jeff Paige – a local farmer who had lived in Jefferson his entire life. He was not happy about having the large development right on the edge of his property and expressed concerns about the tenants playing in his fields and the run off created by the size of the development.

Jann and Bob Reichenburg, Julia Lane – felt there were many creek and drainage issues on the property, and that the 4+ acre lot was not all buildable. They were also concerned about families living in the ground floor units and asked the Council to deny the application and uphold the development code.

With no further testimony, Mayor Myers called upon the City Engineer, Steve Ward, to address the drainage concerns that were raised. Mr. Ward noted detention and water quality were requirements of the public works design standards (PWDS), as was stormwater treatment, to mitigate drainage issues, all of which were normal standards in most all cities. He was not concerned about flooding or water quality issues when they met the City standards.

Applicant rebuttal:

Lyle Hutchens commented, with respect to the site during construction, all erosion control would be enforced and adhered to. The applicant was willing to work with the irrigation district, if desired. He added, as may come to pass regarding conversion of the ground floor to commercial, they would be happy to work with the City to ensure the proper fit and parking when that time came. In response to Councilor Perry, Lyle explained they very intentionally included a mix of parking stall sizes to accommodate even large trucks, and further pointed out the proposal exceeded the City's parking standards, and also included the fire access turn-around. To answer Councilor Hutley's question, Lyle noted the proposal included 42 2bd units, 28 1bd units, and 14 3bd units.

With no further questions of the Council, Mayor Myers closed the hearing at 7:52pm and read the options to close or continue the record, and all Council agreed to close the record. The applicant noted their desire to waive their final argument option so the Council could move on to deliberation and a decision immediately. Councilor Beyerl moved to deny VAR 2021-02 and VAR 2021-03, and to approve VAR 2021-01, CUP 2021-01, and SPR 2021-03. Councilor Perry seconded. Discussion: Councilor Kellogg commented that he would rather

grant the request to the one VAR to keep the parking, and deny the CUP because he felt livability would be impacted if ever converted to business. Roll Call Vote: Watkins – yes, Perry – yes, Rossiter – yes, Hutley – yes, Beyerl – yes, Kellogg – no. Ayes – 5, Opposed – 1, **APPROVED**.

In closing Councilors and the Mayor briefly explained the limits the land use laws placed on the City and the very distinct reasons applications could be denied legally. It was not an easy decision for all of the Council, but the town was growing, and they all wanted it to be in a safe and manageable way. Mayor Myers spoke on when the mixed-use zone came to be and thought perhaps it was time to have another look at it to address the changes they knew were coming for Jefferson. He thanked everybody for coming and called a short break. Break: 8:02pm; Reconvene: 8:09pm

B. Council Discussion & Decision on Funding 3rd Deputy

Sarah Cook noted there were no packet materials for the discussion and summarized the steps the City had taken to spread the word to the public about the consideration of a safety fee, noting mostly positive feedback had been received at the 3 forums that were held, as well as what she had read on local social media pages.

Councilor Beyerl agreed, noting some people had even offered to pay double if it meant 2 more deputies could be added. He felt they should move forward with the fee. Councilor Rossiter added he had spoken to several people and business owners and all but one person thought it was a positive move for the City. There was a consensus of the Council to move forward with a Public Safety Fee and Sarah would prepare the necessary materials for adoption at a future meeting.

III. **ACCOUNTS PAYABLE** – Councilor Beyerl moved to approve, seconded by Councilor Watkins. Councilor Kellogg confirmed the expense for the Santiam St. waterline project. All in favor: Ayes – 6, Opposed – 0. **APPROVED.**

IV. **VISITORS** – none

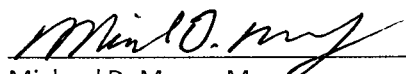
V. **COUNCIL & STAFF COMMENTS**

Jeff Buskirk said the bioswale project was on hold until better weather and all the meters had been switched to radio reads. Sarah Cook reminded all of the upcoming budget season getting ready to commence.

Mayor Myers shared he had been in conversation with Brad Capener from the School District regarding the green space next to the parking lot at the elementary school, which he thought could be a great location for a park, to include a splash pad. He noted it was all just conversation at the time, but, if both the City and the School Board were interested, he thought it could be managed through a long-term lease agreement and be a great addition to the community. Bob Rossiter noted that Brad had mentioned it to the School Board at their last meeting and they all expressed interest.

VI. **ADJOURNMENT** – Walt Perry moved to adjourn, seconded by Councilor Beyerl. All were in favor and the meeting closed at 8:30pm.

MINUTES APPROVED this 26th day of May, 2022.



Michael D. Myers, Mayor

ATTEST:



Sarah Cook, City Manager/Recorder