

City of Talent
Planning Commission Meeting Minutes
Talent Community Center
206 East Main St. Talent, Oregon
November 19, 2013

I. Call to Order/Roll Call 6:30 P.M.

Members Present:

Acting Chair Heesacker
Commissioner Abshire
Commissioner McDonald-Gibson
Commissioner Reid

Members Absent:

Chair Wise
Commissioner Hazel

Also Present:

Zac Moody, Community Development Director
Betsy Manuel, Minute Taker

II. Brief Announcements

There were none.

III. Consideration of Minutes for October 24, 2013

Motion: Commissioner Reid moved to postpone consideration of minutes for October 24, 2013 until the next regularly scheduled meeting. Commissioner McDonald-Gibson seconded and the motion carried.

IV. Public Comments on Non-Agenda Items

There were none.

ACTION ITEMS:

- V. Public Hearing (quasi-judicial) (CUP 2010-001) A Conditional Use Permit request to establish a pre-school on the property located at 417 James Circle (381W26BD TL110) The purpose of this hearing is to allow both the applicant, and the public to provide comments that were accepted after the close of the Public Hearing on October 14, 2013. The request is subject to TMC 8-3L.244. Applicant Ariel Pavlak.**

The opening statement was read. There were no ex parte communications.

Staff report:

Director Moody highlighted additional discussion regarding moving pre-school recess grounds from the backyard to the front, after the Public Hearing of October 24, 2013 closed. The Planning Commission approved the application at that time, but the decision was vacated due to procedural errors.

Moody briefly reviewed the findings, noting that the October approval included conditions. One condition (moving preschool recess to the front yard) came with a mandate to add fencing for safety. Moody recommended excluding the condition as it would create an undue burden for the applicant.

Moody explained that the Talent municipal code allows 3-foot fencing only for front yards, a restriction that would jeopardize the children's safety. To insure proper containment, an exception to the code would be necessary, resulting in an additional application for a variance. Approval would require a quasi-judicial review and Public Hearing.

Moody also recommended that the Commissioners re-visit the hours of operation, noting that the Commissioners had expressed concern with the projected hours of 8:30 to 12:30. Moody reminded the Commission that there was no allowance for delivery and pickup of the children in the original proposal. He stated that the hours of 8:00 a.m. to 1:00 p.m. would be adequate, should the Commission decide to address the issue.

PUBLIC HEARING OPENED.

Applicant Ariel Pavlak of 4320 Omaha Rd. Medford OR. was called forward.

Ms. Pavlak restated that the proposed preschool would operate during the hours of 8:30 am to 12 :30 pm. She noted that the requirement to limit students to 12 only for a home-based pre-school, was mandated by state law, and that the preschool would comply. Pavlak relayed that both herself as applicant, and the property owner, had researched fencing. She stated that liability coverage would not be extended by their insurance carrier because 3-foot fencing was considered inadequate for a play area with a front yard access. She noted that keeping the children safe was a primary goal.

Pavlak stated that higher fencing would impact the look and feel of the neighborhood, as well as constrain the availability of play space. She noted that only a portion of backyard could be used for play, although the space was larger. Students would be monitored during recess limiting noise. Pavlak noted the difference between a daycare and a preschool, stating that preschool was a more structured environment.

Finally, Pavlak noted a willingness to remain sensitive to the creation of excess noise and other disturbances the preschool might cause. She stated that she would like to begin the program as soon as possible, and pledged to actively address any issues that might come up.

Kari Miller of 417 James Ave, Talent was called forward.

Ms. Miller appealed to the Commission's sense of fairness, emphasizing that her need to supplement her income and care for her family was also important. She stated that there should be a reasonable compromise between her rights as a property owner and the rights of her neighbors.

Member McDonald-Gibson clarified that the amount of time outdoors for recess would be no more than 20 minutes per day. In response to a question by Reid, Miller indicated that gardening activities could be substituted for recess so as not to extend the amount of time spent outdoors. Reid also asked whether trees could be planted to mitigate noise. Miller replied that there was some bamboo screening that would help to mitigate sound but that she would be amenable to additional plantings if it could be done without compromising the pool infrastructure.

Hecaker asked whether she would be willing to decrease the recess time to one 15 minute period, if needed. Miller replied that she would be amenable if it would result in a better

outcome for the neighbors. She stated that she would remain flexible when addressing any concerns that arise once the pre-school is in session.

Suzie Stotler-de Ruyter of 319 ½ 1st. St. Talent was called forward.

Ms. Stotler-de Ruyter stated that she would prefer recess in the front yard because it would substantially mitigate noise generated by the children at play, thereby improving her own livability. She stated that she remained concerned about the (negative) impact a pre-school would have, given her need for a quiet environment to facilitate recovery from serious health issues. (Stotler-de Ruyter referenced a letter written October 15, 2013, submitted for the record). Stotler-de Ruyter noted that she preferred that recess be conducted in the front yard, with the addition of plantings that would help to dampen the noise.

Director Moody highlighted additional written comments received, since October 24, 2013 noting that two were in favor of the application with a third in favor as long as idling vehicles did not become problematic.

Ms. Miller noted that recess in the front yard would impact all neighbors residing in the cul-de sac. She reiterated her openness to addressing issues as they arise, rather than attempting to mitigate a potential problem that might not occur.

Miller suggested other options for minimizing noise, such as limiting outside playtime to 6 children concurrently rather than 12. Miller noted that until the preschool was up and running, it would be difficult to assess the actual impact. Once in session, if a problem did arise, she would commit to working toward a mutually beneficial compromise.

PUBLIC HEARING CLOSED.

Hecksaker called for comments, or discussion regarding the staff report or testimony. Hearing none, he called for a motion.

Director Moody interceded, noting that the conditions in the staff report might need to be amended depending upon direction by the Commission. He recommended that the second condition be restated to clarify that children on site at any given time, during preschool hours do not exceed 12 without approval from the Community Development Department either by a new conditional use permit or through administrative review.

Moody explained administrative review, noting that an in-house review could be sufficient if there were no substantive changes. He detailed examples of both substantial and non-substantial changes, noting that a new application and public hearing would be required for major changes in preschool operations. He stated that complaints would be handled on a case by case basis.

At the request of Acting Chair Hecksaker, Moody reviewed the language for each of the proposed conditions. A third condition was suggested stating that pre-school operations be conducted between the hours of 8:00 am and 1:00 pm.

Motion:

Member McDonald-Gibson moved to approve the application as presented with the addition of the three conditions as discussed. Member Reid seconded. Discussion followed.

Abshire asked about verification of state provisions regarding requirements for operating hours and attendance limitations. Moody replied that the purview of the Commission was limited to Talent's own codes and ordinances, with the State providing oversight for their own laws.

Heesaker stated that in his opinion, recesses should not be conditioned by the Commission. He referred to testimony by the applicant, noting that she had stated issues would be addressed as they arise.

Moody reviewed the conditions as follows:

1. That all submittals of the applicant shall be conditions of approval unless modified herein.
2. Children on site during preschool hours shall not exceed 12 at any given time, without approval from the Community Development Department either by a new conditional use permit or through administrative review.
3. Preschool operations will be conducted during the hours of 8:00 am and 1:00 pm.

Motion:

Member McDonald-Gibson moved to approve the application as presented with the addition of three conditions as listed above. Member Reid seconded and the motion carried.

VI. Next Meeting: January 23, 2014.

Moody noted that there would be an open house slated for November 20, 2013 for review of the City's Transportation Systems Plan. The meeting would be held in the lobby at City Hall between the hours of noon and 4:00. He stated that consultants for the TSP update would be available at that time with a visual presentation.

Moody provided an update of activities within the Planning Department, as follows:

1. Building permit fees were currently under review. Moody noted that Jackson County had serviced building permits for Talent without an increase in fees for the past three years. He stated that per the intergovernmental agreement with the County, fees would be adjusted to match those of the County. The new fee schedule would result in an increase of approximately 10%. He stated Talent was preparing to service the building permits internally – thereby retaining 100% of the fees and improving efficiencies.
2. All City Master Plans were currently being updated for posting to the City's website, allowing easier access by the public.
3. The Director plans to present to the Commission, an approved but incomplete 2008 zoning code change creating a Public Facilities Zone. Once completed, identified lands could be so designated.
4. The Parks Master Plan was under review and once updated, would be added to current mapping for a more accurate view of existing parks and proposed improvements.
5. The Planning Commission's approved Accessory Dwelling Ordinance is slated for final approval by the City Council on the 20th.
6. Talent is striving to complete a Tree City USA application. Acceptance would mark the 14th years of a Talent designation as a Tree City.
7. A TSP grant has been approved to update urban growth management with conceptual planning for Talent's urban reserve areas. (TA4 and TA5).
8. The City is working on implementing an on-line building permit application. Moody stated that completion was slated for January 1, 2014. He noted that the online application process would ensure easier public access.

VII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:35 PM.

Submitted by: Betsy Warner

Date: 1/23/14

Attest:
Zac Moody
Zac Moody
Community Development Director

Eric Heesaker
Acting Chair Heesaker