The Planning Commission for the City of Junction City met on Tuesday, April 15, 2014, at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

PRESENT WERE: Commissioners, Jason Thiesfeld (Chair), Jeff Haag, Sandra Dunn (Vice-Chair), Patricia Phelan, Jack Sumner, and Robert Solberg; Planning Commission Alternates (Vacant); Contracted Planner, Milo Mecham, Lane Council of Governments (arrived at 6:55 p.m.); City Administrator, Melissa Bowers; and Planning Secretary, Tere Andrews; ABSENT: James Hukill (excused)

1. OPEN MEETING AND PLEDGE OF ALLEGIANCE

Chair Thiesfeld opened the meeting at 6:32 p.m. He then led the Pledge of Allegiance.

2. REVIEW AGENDA

Chair Thiesfeld reviewed the agenda.

3. PUBLIC COMMENT (FOR ITEMS NOT ALREADY ON THE AGENDA)

None

4. APPROVAL OF MINUTES

●FEBRUARY 12, 2014

Motion: Commissioner Haag made a motion to approve the February 12, 2014 minutes as written. Commissioner Dunn seconded the motion.

Vote: 6:0:0

Chair Thiesfeld, Commissioners, Haag, Dunn, Phelan, Sumner and Solberg voted in favor.

5-a. PUBLIC HEARING- MOODY VARIANCE (VAR-13-04)

Chair Thiesfeld opened the public hearing for VAR-13-04, Moody Variance and asked if any Commissioner had a bias, ex parte contact, including conversations about this application or site visits, or actual or potential conflict of interest to declare.

Commissioner Sumner stated he had passed by the site on his way elsewhere.

The staff report for VAR-13-04 was held for a few minutes to allow Planner Mecham time to arrive. The Commission accepted public comment in the interim.

<u>Opponent Testimony</u>

Chair Thiesfeld asked if there were audience members who wished to offer testimony.

Mr. Darrel Doorman, 1221 Juniper Street, Junction City OR 97448, said he lived on the corner of 12th & Juniper. They had two (2) lots. He noted the lots were small and

expressed concern about the implications of a decision to approve the variance (overcrowding, noise). The turnover of the rentals in the area was high. The applicant had never mowed the lawn and he doubted that the landscape would be maintained properly. The lot had been an eyesore for the nine (9) years Mr. Doorman had lived in the neighborhood.

He pointed out that according to the municipal code; the minimum lot width for a single family home was 10-feet wider than the subject property. The minimum lot size for a duplex was 6,000 square feet. The subject property was less than 5,000 square feet. The proposal was to build a duplex, with six (6) bedrooms, on two (2) narrow lots. The traffic was going to increase noticeably.

A short discussion took place on the difference between a duplex and a townhome. A lot for a duplex had to be at least 6,000 square feet. Townhome lot dimensions were 25-feet wide by 100-feet deep. Both types of dwellings were attached units.

Mr. Doorman felt a practical approach to the proposal was not being taken. For a duplex or townhome there would be two (2) units on a less than 5,000 square feet.

Mrs. Mary Jamieson, 1250 Kalmia Street, Junction City OR 97448, said the proposal was listed as a minor variance. It was not minor to the neighboring property owners. Mr. Moody, the applicant, had choices about what to do with the lot. He could request the city reverse the zoning to allow a single-family dwelling. She had no objections to a single-family home on the lot. There was a home at 937 Juniper Street, which was 13 lots south; it was in the Duplex Residential zone. The house was built in 2005. The zoning of Juniper Street should be the same from one end to the other. It did not make sense to have different zones along the same street.

The homeowners did not have a choice if the townhomes were allowed to be built. The height of the building would block neighboring views. The proposal was for two (2) townhome units, each with three (3) bedrooms. The number of bedrooms would allow numerous individuals to live there with numerous cars. As proposed, there would not be enough room for children living in the proposed townhomes to play outside and they would likely play in the alley.

The atmosphere of a quiet residential neighborhood, which it had been for many years, would change with the construction of the proposed townhomes. There was also the possibility of decreased home values and increased property taxes. The applicant's lifestyle would not change; he would not be living in the area. However, with construction of the proposed townhomes her neighborhood and its lifestyle would be changed forever.

Mrs. Debbie Caswell, 1247 Kalmia Street, Junction City OR 97448, lived next door to the subject property. She said they had lived in their home nearly 26 years. The two (2)

unit townhomes would ruin their quality of life. She asked the Commission to consider denying the two-unit townhome proposal.

Commissioner Haag asked how the townhomes would change the view, or the neighborhood, more so than two single-family homes.

Ms. Caswell responded the rentals, including a 2-story duplex, across the street had created many problems. Her own lot was 50-feet by 100-feet. It was small. She could not imagine two townhomes on a 5,000 square foot lot.

Applicant Testimony

Mr. John Moody, 1002 Yew Street, Junction City OR 97448, responded to the comments. He hoped to explain that he was following what the law said was a permitted use on the property. He did not know that the lot was Commercial when he purchased it. Mr. Moody thought it was residential. City staff at the time of his purchase, informed Mr. Moody that a single family home could not be build on the lot but the zoning would permit townhomes. He would prefer to build a single family home but was not a permitted use. He was open to the lot being rezoned to allow a single family home. He added that part of the requirements from the 2010 variance (which expired) included paving a portion of the alley.

He did not set out to make a bad neighbor; he apologized for the plastic and gravel on the lot. The project had been delayed by impacts from the downturn in the economy. They were now ready to move forward.

Commissioner Solberg asked Mr. Moody if the requirement to pave the alley meant the whole alley or his portion of it.

Mr. Moody answered he was responsible to pave 100-feet the 50-foot width of his property and an additional 50-feet north of his property up to W 13th Avenue. The city's intent was to asphalt the whole alley. He would be financially responsible for his 100-feet.

Chair Thiesfeld asked if there were any other questions for the applicant.

There were none.

Opponent Testimony, continued

Mrs. Marian Doorman, 1221 Juniper, Junction City OR 97448, said her biggest concerns were the increased traffic and noise in the alley, paved or not. The townhomes would overcrowd the neighborhood.

Staff Report

Planner Mecham offered his apology for being late. He stated there were two (2) related applications one application for a variance and one for a partition. The partition would

only move forward if the variance were approved. The application for the variance was necessary because the lot as surveyed was smaller than the apparent size of the lot on the plat. If divided in half as proposed by an application for a partition the resulting lots would be a few square feet smaller than the minimum required.

The standards for a variance were, *"owing to special and unusual circumstances strict application of this title would cause undue or unnecessary hardship".* The variance (File # VAR-13-04) was originally granted as a staff decision per the Junction City Municipal Code. Neighboring property owners appealed that decision to the Planning Commission. Thus, the Commission was considering the original (2014) Planning decision on this application.

As had been mentioned, the variance was granted once before in 2010. That variance expired. The applicant had to submit a request for a new variance. Staff review of the variance request (VAR-13-04) found that the variance met the criteria set forth in the Code. It was an unusual circumstance where the lot was platted too small, instead of a 25-foot width; the lot was 24.94-feet wide.

Regarding the neighbor's concerns, Planner Mecham stated they were of relevance to the application because one of the criteria for the variance is, *"conditions may be imposed which are necessary to protect the best interests of the surrounding properties or vicinity or otherwise achieve the purpose of the Planning and Zoning laws."* Concerns of the neighbors can be taken into account by the imposition of conditions on the variance. There were some conditions proposed in the staff report and proposed findings. One of those was that the alley would be paved. Paving was a requirement for townhomes that took access from an alley. Other conditions could be reasonably imposed in order to protect those public concerns as the variance moved forward.

If the Commission chose to approve with the staff report, which was based on staff's original assessment and allowance of the variance, the proposed findings could be adopted or different findings could be made.

If the variance was granted the Commission then had a request for a partition of the subject property before them. The partition was to divide the lot into two (2) lots. The lots would be of equal size, 24.94-feet by 97-feet (99.97-feet per survey). The variance was approved administratively but was appealed to the Planning Commission.

The testimony taken into consideration had to be directed toward the code criteria for minor variances.

Commissioner Sumner said Mr. Moody had wanted to build a single family home on the lot. The lot was too small for a single family home, a variance would be necessary. Minimum lot size for a single-family home was 6,000 square feet. He added Mr. Moody was requesting the same action as was requested and approved in 2010. If the variance

was granted and the applicant constructed townhomes, he was within code. There were certainly several people who were not happy about that.

A short discussion took place about the land use actions that would need to be completed in order to place a single family home on the property. Among the land use actions that would be needed were a change of zoning and a variance.

Commissioner Dunn understood the concerns about the lot being too small for the proposed townhomes and speculated a single family home might be a better fit.

Commissioner Haag said the zoning was C/R (Commercial/Residential) to allow for business use on that street. Technically, a drive-thru could be a permitted use. He added that a zone change, as suggested earlier, would also require an amendment to the Comprehensive Plan. That was a major undertaking. The task in front of the Commission was a request for a minor variance of a few inches.

Planner Mecham summarized the Code sets out the criteria for the decision. In terms of the variance the criteria to be used was whether or not there were special or unusual circumstances that strict application of the code would create an undue hardship. Planning Staff found the hardship existed because through no fault of the property owner the property was some 6-1/2 inches too small. That created a hardship because the use of the property was limited. Once the Commission had established those things, the Code says conditions could be imposed. The first question would be did the request meet the criteria for a variance. If so, the second question would be what are the neighbors' concerns and what if any criteria-based conditions could be imposed.

Commissioner Sumner noted the single-family homes in the C/R zone were non-conforming uses and subject to code provisions for non-conforming uses.

Planner Mecham said denial of the variance needed to meet the criteria of the code.

Commissioner Haag offered a scenario in which the property could be rezoned to allow a single family home. Minimum lot size for a single family home was 6,000 square feet. The lot was less than 5,000 square feet. He asked Planner Mecham what the criteria would be for a variance of this nature.

Planner Mecham replied a minor variance would be a 10% deviation from a property development standard. If the variance were more than a 10% deviation, it would be a major variance. Major variances had different criteria.

Commissioner Haag said even if there was a rezone it would still require a major variance. There would still be a huge obstacle. He felt the property was best suited to fit the C/R zone.

Chair Thiesfeld asked Planner Mecham if he had any other comments.

Planner Mecham said if the Commission wanted to disallow the variance, it needed to be based on a conclusion that there was not an undue hardship or special circumstances. A decision needed to be based on the criteria set forth in the Code. He submitted, unless the Commission could formulate criteria-based Findings that showed there were no unusual circumstances or undue hardship, the proper course was to affirm Planning staff's decision to allow the variance.

Mr. Doorman commented the reason they had not appealed the 2010 decision was because it was cost prohibitive.

Chair Thiesfeld closed the public hearing.

Planning Commission Deliberations

Commissioner Haag, in response to concerns of up-keep and maintenance, said once a property owner built on a piece of property they were more apt to maintain it. A townhome or duplex would not be as bad as a hamburger stand, which was within the code. He did not see that as a reason to deny the variance. Regarding concerns of the structure being too large or unattractive, Mr. Moody's construction was quality work. He thought the variance should be granted. He did not find anything in the code to the contrary.

Chair Thiesfeld polled the Commissioners for additional comments.

Commissioner Sumner's opinion was that the variance should be granted.

●**Motion:** Commissioner Haag made a motion to grant the Moody Variance, file number VAR-13-04 with conditions as stated in the proposed final order. Commissioner Solberg seconded the motion.

Vote: 4:2:0 Chair Thiesfeld, Commissioners Haag, Solberg and Sumner voted in favor, Commissioners Phelan and Dunn voted against the motion and abstained. The motion achieved a majority and passed.

5-b. PUBLIC HEARING- MINOR PARTITION (MP-13-03)

Chair Thiesfeld opened the public hearing for VAR-13-04, Moody Variance and asked if any Commissioner had a bias, ex parte contact, including conversations about this application or site visits, or actual or potential conflict of interest to declare.

There were none.

Staff Report

Planner Mecham reviewed the criteria for a minor partition. The applicant wished to divide the property in half, which would allow him to build townhomes on the property. Townhomes require a smaller lot. Townhomes sat on their own lots and made it possible

to have different owners for each lot. The Commission granted the variance (VAR-13-04), thus the property was divisible into two (2) legal lots.

The criteria required that the Planning Commission find the partition complied with statutes of the state and all ordinances of the city. If in compliance, the Commission shall approve the request. The approval can be made subject to conditions to be fulfilled by the petitioner.

The proposed final order contained conditions of approval. These included requirement for utility easements and completion of Development Review before submitting for building permits.

There were no questions from the Commission for Staff.

Opponent Testimony

Chair Thiesfeld asked if there were audience members who wished to offer testimony.

Mr. Carl Caswell, 1247 Juniper Street, Junction City OR 97448, asked how close the proposed structure would be to his property line. He felt it would be too tight.

Mr. Moody responded the side yard setback was 6-feet from the foundation to the property line.

Mr. Caswell asked about overhangs.

Mr. Moody responded there could be 1-foot of overhang.

Mr. Caswell was very concerned about the lack of space for this proposal and the impact it would have on his quality of life.

Chair Thiesfeld thanked Mr. Caswell for his testimony.

Applicant Testimony

Mr. Moody explained he had not paved the alley in 2010 for financial reasons. The City would be laying pipe in the alley, and the alley would be paved after that work was completed. A proposed condition required Mr. Moody to reimburse the City for his share of the expense to pave the alley. He asked, should the Commission grant the partition, with the condition to pave the alley, what would happen if the partition approval expired before the city paved the alley.

Planner Mecham responded coordination with Public Works would be important if Mr. Moody wanted to move forward with his project prior to Public Works paving of the alley. He added any proposal would have to comply with setback requirements.

Commissioner Solberg asked if the sewer work had been done.

Mr. Moody replied it had not. He added he already had an easement with Pacific Power to bring the power across the property, underground and across the alley. He said Public

Works Director Knope asked him to do that work when the sewer lines are replaced by Public Works.

Planner Mecham said it would need to be coordinated with the city. He suggested if Mr. Moody wanted to move forward before the sewer line work was done in the alley to work with Director Knope to find the best way to accommodate both projects.

Mr. Moody said the requirement stated the alley had to be paved before building permits would be issued.

Chair Thiesfeld closed the public hearing.

Planning Commission Deliberations

Commissioner Haag noted there was already multi-family housing in the neighborhood. He did not see a reason to deny the partition request. He added that he felt for the neighbors and had been on both sides of property disputes.

Commissioner Solberg did not see a reason to deny the partition either.

Commissioner Sumner responded to concerns about closeness of the building the side yard setbacks were 6-feet. The structure could not be built on the property line.

●**Motion:** Commissioner Sumner made a motion to grant the preliminary partition with conditions as stated in the final order (file # MP-13-03). Commissioner Haag seconded the motion.

Vote: 4:1:1 Chair Thiesfeld, Commissioners Haag, Solberg and Sumner voted in favor, Commissioner Dunn voted against and Commissioner Phelan abstained. A majority was achieved and the motion passed.

5-b PLANNING ACTIVITY REPORT

The Planning Commission reviewed the Planning Activity Report for the month of March 2014.

City Council approved the Ivory, LLC Annexation.

The city received applications for the half-time Planner position. The first review deadline had passed. The city would be conducting interviews later in the week with a decision in the next few weeks. The Commission would be updated with that staffing decision. Chair Thiesfeld agreed to serve on the interview panel.

The Future Action items were sent for Council direction were scheduled for review by the Council at their Meeting on April 22, 2014

The City Council approved the draft intergovernmental agreement with Lane Council of Governments (LCOG) for review of the first draft of the Transportation System Plan

(TSP). Based on review of the first draft, the Council would make a determination about the citizen committee reconvening.

In response to Commissioners' inquiry about group annexations, the LCOG contracted planning staff and the city's legal council reviewed the Code. Group annexations were acceptable under the current code. There were some considerations as far as how fees would be collected from the applicants, how the applicants would represent themselves and how they would be billed. There was also the question, if individual annexation agreements had to be put in place how would those be negotiated under a group annexation.

Commissioner Haag asked why the city required an annexation agreement. The City of Eugene did not.

Administrator Bowers said the agreement was in the Code. A future Council discussion may occur on the existing code and the requirement of an annexation agreement. That discussion had not occurred to date.

Commissioner Haag said if someone wanted more information they would go to the Finance and Judiciary committee meeting

Administrator Bowers agreed or to Council and provide testimony at Council. If Council directed that the Code be reviewed, that revision would come through the Planning Commission.

6. PLANNING COMMISSIONER COMMENTS

Commissioner Haag said it was tough to tell someone that even though they do not like what their neighbor is building, it was in the Code.

Commissioner Solberg said he hoped property values would increase and neighbor concerns would not be realized.

Commissioner Sumner thanked staff for reviewing a previous variance approval from 2006 about side and back yard setbacks. He felt the Commission needed to review the code for possible updates.

Chair Thiesfeld asked that at the future meetings the Commission review portions of the Codes identified for updates, possibly one per month or a work session.

Commissioners Dunn and Haag agreed.

7. ADJOURNMENT

Motion: Commissioner Solberg made a motion to adjourn the meeting. Commissioner Haag seconded the motion.

Vote: 6:0:0

Chair Thiesfeld, Commissioners, Haag, Dunn, Phelan, Sumner and Solberg voted in favor.

The meeting adjourned at 8:05 p.m.

The next regularly scheduled Planning Commission meeting would be Tuesday, May 20, 2014 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Secretary

Jason Thiesfeld, Chair