

The Planning Commission for the City of Junction City met on Tuesday, August 19, 2014 at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon.

**PRESENT WERE:** Chair, Jason Thiesfeld, Commissioners, Sandra Dunn (Vice-Chair), James Hukill, Jeff Haag and Jack Sumner; City Planner, Jordan Cogburn; City Administrator, Melissa Bowers; and Planning Secretary, Tere Andrews; **ABSENT:** Robert Solberg

**I. OPEN MEETING AND REVIEW AGENDA**

Chair Thiesfeld opened the meeting at 6:30 pm and led the Pledge of Allegiance. He then reviewed the agenda.

**II. APPROVAL OF MINUTES**

• **JULY 15, 2014**

**Motion:** Commissioner Haag made a motion to approve the July 15, 2014 minutes as written. Commissioner Dunn seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

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

There were none.

**IV. FINAL PLAT: BRENALAIN COURT PHASE 2**

Planner Cogburn reviewed the Brenalain Court Phase 2 final plat application and Conditional approval in the Preliminary Subdivision Plat. The preliminary plan was granted by the Planning Commission in October of 2013. The applicant submitted for Final Subdivision Plat on July 15, 2014.

Commissioner Haag asked for clarification regarding the applicant's response to comment 10 on page 28 of the Preliminary Subdivision Staff Report. The applicant responded 'noted'.

Planner Cogburn responded comment 10 was a recommendation from the City, but was not a requirement.

Commissioner Sumner asked what the street name would be if it was not Ambrosia.

Administrator Bowers replied the developer would propose a street name and the City would respond, to date a name had not been proposed.

Planner Cogburn offered to answer any additional questions from the Commission.

There were no additional questions.

**Motion:** Commissioner Haag made a motion to approve the Final Partition Plat for Brenalain Court Phase 2 as presented. Commissioner Dunn seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

**V. PUBLIC HEARING: ZONING TEXT AMENDMENT (AMD-14-01), ACTA LLC**

Chair Thiesfeld opened the public hearing for Zoning Text Amendment AMD-14-01, ACTA LLC (Guaranty RV) and asked if any Commissioner had a bias, ex parte contact or conflict of interest to declare.

Commissioners Haag and Sumner stated they had driven by the site. They both proclaimed ability to make an unbiased decision.

**Staff Report**

Planner Cogburn reviewed the staff report for a proposed text amendment to the Zoning Code, and the proposed Final Order with the Commission. The proposal would permit Recreational Vehicle (RV) Parks as a Conditional Use in the R2 (Duplex Residential) zoning district.

RV Parks were currently permitted in the General Commercial zone. The standards for RV parks were found in Junction City Municipal Code (JCMC) Chapter 17.105.

Planner Cogburn noted an error in the staff report on page 3 under "Possible Actions by the Planning Commission" number 'a' should read Recommend conditional approval of the Zoning *text* amendment. The sentence had incorrectly referred to a Zoning *map* amendment.

Staff reviewed the application and found the applicant met applicable criteria regarding amendments to the Zoning Code.

He then asked if the Commission had any questions.

Commissioner Haag asked Planner Cogburn to explain the statement that the subject properties were included in the 2012 Urban Growth Boundary (UGB) expansion. He asked if this statement was correct.

Planner Cogburn responded it was incorrect. This was a staff oversight. The subject property was included on the 1982 Plan Designation map. This error was repeated in the two (2) associated land use applications (A-14-01 & RZ-14-02).

There were no further questions from the Commission.

### **Applicant Testimony**

The applicant's representative, Mr. Nick Klingensmith, 375 West 4<sup>th</sup> Avenue #204, Eugene OR 97403, introduced himself and invited the Commission to interject their questions as he reviewed with them his prepared comments. The legal entity that owned the subject properties was ACTA, LLC, commonly known as Guaranty RV.

He referred to the suite of applications submitted by the applicant. They included a request for annexation and zone change as well as a zoning text amendment. Effort had been made to ensure the application for a zoning code amendment was as narrow as possible to limit the potential for adverse impacts and to prevent unintended proliferation of RV Parks in place where they did not belong.

Currently JCMC Chapter 17.105 regulated RV Parks. According to 17.105 an RV Park was a use that allowed temporary occupancy. It was not a Use that allowed permanent residency. This was a distinct and clear difference between RV and Manufactured Home Parks.

He understood there had already been some concerns expressed that the proposed text amendment would allow manufacture home parks in the R2 zone. That was not correct. The proposal was for RV Parks allowed as a conditional use in R2, as regulated by JCMC 17.105.

If approved, the application would not automatically allow an RV Park in the R2 zone, strict approval criteria was proposed, for example, RV Park could not be within 400 feet of a similar use. Under the proposed language, the use would be a Conditional Use requiring approval of the Planning Commission.

There were two (2) letters submitted into the record that raised concerns. He hoped his explanation would help to address those concerns. The first letter

raised concerns about property values, traffic, and safety regarding a transient population. Traffic levels could not be known until a proposal for development was on the table. However Guaranty RV's goal would be to use the existing access points off Highway 99S. Initial conversations with the Oregon Department of Transportation (ODOT) were promising. The vacant land adjacent to Prairie Road was designated Medium Density Residential (MDR).

Medium Density Residential allowed for a zoning of R2 (Duplex Residential). Duplexes were an outright permitted use in R2. This was not Guaranty's preferred approach because it deviated from their central business. They would like to have a high-end RV Park to act as an amenity for their customers. The use of the parcels for duplexes would likely take access off Prairie Road. That likely would create increased traffic impacts on the neighborhood in contrast to a RV Park.

Chair Thiesfeld said he understood that the comment regarding diesel was related to the use of diesel generators for power to the individual RV's. He asked if it was Guaranty RV's intent to supply power to each site.

Mr. Klingensmith responded that should the amendment be approved which would afford Guaranty RV the opportunity to apply for a Conditional Use Permit. The review process for a CUP included a public hearing and noticing of the public hearing to neighboring property owners which offered opportunity to give testimony and the City could address concerns directly by setting conditions of approval.

It was somewhat hypothetical at this point because the current Code did not allow for RV Parks in R2 zones.

Commissioner Dunn asked if a RV Park were proposed would there be restrictions on length of stay. There had been issues with this at other RV Parks in the past.

The applicant, Mr. Marty Nill, 993070 Lone Pine Drive, Junction City OR 97448, said it would generally be for the use of member of affiliated businesses and clients doing business with Guaranty.

Guaranty would police closely. The clients they would attract would not be inclined to stay as long as the Code permitted. It would be one (1) to two (2) weeks. If a RV Park proposal were submitted in the future, it would include landscaping, nice amenities, and be intended as a higher end RV Park. In his conversation with property owners on David Lane there was some support for a proposal of a RV Park rather than the outright permitted use of duplexes. He added it would have aesthetic value and, he felt, be of benefit to the city.

Commissioner Hukill asked about diesel smell and noise.

Mr. Nill said the coaches would enter under their own power however, once in their space, power and water would be provided. They would most likely discourage the use of diesel generators.

Commissioner Sumner asked if a RV Park came to pass, would the access come off Highway 99S.

Mr. Nill said that was the preferred option.

Mr. Klingensmith said they had been in communication with ODOT, the use of existing Highway 99S access points was plausible.

Commissioner Haag said during the Comprehensive Plan update the community visioning included a RV Park. He asked, would any proposed RV Park allow guests other than customers of Guaranty.

Mr. Nill said the policing of that would take some research to figure out how to serve people and to keep standards high.

Chair Theisfeld asked if the Commissioners had any other questions.

There were none.

### **Proponent Testimony**

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

There was none.

### **Opponent Testimony**

Chair Thiesfeld asked if there was opposing testimony.

Mr. Mark Sebring, 461 Lindley Lane, Eugene, OR, 97401, stated he owned the home at 29105 David Lane. He explained that when the water and sewer lines were put in for the State Hospital, there was access for possible future connection by properties on David Lane.

He expressed a concern about the transient population of a RV Park. He felt that Lane County, seeing one side of David Lane being annexed, would think both sides should be annexed. The city services would come off David Lane. He suggested an RV park could be in the Commercial area of the subject sight, toward Highway 99S.

Commissioner Haag noted the park would cause less dust than the RV's being parked on the site currently.

Mr. Nill agreed.

Commissioner Haag asked if Mr. Sebring was on the north or south side of David Lane.

Mr. Sebring said the property was on the north side of David Lane. He asked what the future of David Lane would be if a RV Park came to be.

Commissioner Hukill asked for clarification of Mr. Sebring's concerns.

Mr. Sebring said currently there were easements on both sides of David Lane. He felt the best use was single family homes.

Commissioner Hukill said if not an RV Park there would be apartments and density higher than single-family homes.

Mr. Sebring said he was concerned about the transient nature of the population in a RV Park.

Commissioner Haag asked Mr. Klingensmith if ODOT did not allow access off Highway 99S, would access be off of David Lane.

Mr. Klingensmith said should that happen David Lane was not a consideration. The only fall back would be Prairie Road. David Lane was not suitable for RV access.

Commissioner Haag said the Commission would develop conditions of approval.

Mr. Klingensmith clarified they were not asking for development at this time but the opportunity to consider such a proposal.

Mr. Steve Robinson, 93591 Prairie Road, Junction City OR 97448, had serious concerns about a possible RV Park. He noted there were RV Parks within two (2) miles. He had lived on his property for 10 years and he had seen on two separate occasions a lot of water on the subject property. In addition, the ditch on the Guaranty property created additional flow to his property.

He noted should ODOT not permit Highway 99S access the option would be Prairie Road. He was concerned that RV's on that section of Prairie Road would be tight. There was a concern about homeless and /or transient populations.

Mr. Klingensmith said the storm drainage run off would have to be addressed no matter if there were duplexes built or a RV Park.

Mr. Robinson asked that the drainage and roadway be considered before construction.

Mr. Klingensmith replied Mr. Robinson's concerns would be addressed.

Ms Deana Sebring 29105 David Lane, Junction City OR 97448, asked if RV's would be parked in the spaces over the winter.

Mr. Nill said such details were yet to be formulated but in the winter he thought there would be a lot of vacancies.

Ms Sebring asked if people would be allowed to park their RV in a space as storage.

Mr. Nill said there were other facilities available for RV storage. The RV Park would not be used for storage of RV's.

Ms Sebring's concern was that criminal activity was occurring with people attempting to steal from the RV's and trucks that were currently stored in the field. These people cut through the yards of the homes on David Lane to get to the vehicles in the field. An RV Park might be more enticing. She was also concerned that the number and intensity of security lights would impact their quality life.

Mr. Nill acknowledged Ms Sebring's concerns and noted they would make use of security lighting but they would be considerate of lighting ordinances, and mindful of things that might be a nuisance to their neighbors.

Chair Thiesfeld asked if there were any other comments.

There were none.

Chair Thiesfeld closed the public hearing for AMD-14-01.

**Motion:** Commissioner Hukill made a motion to approve the proposed zoning text amendment ( AMD-14-01) based on the findings as stated in the Final Order and recommended approval to Council. Commissioner Dunn seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

#### **VI. PUBLIC HEARING: ANNEXATION (A-14-01), ACTA LLC**

Chair Thiesfeld opened the public hearing for Annexation request, file number A-14-01, ACTA LLC and asked if any Commissioner had a bias, ex parte contact or conflict of interest to declare.

Commissioner Sumner stated he had been to the site and his ability to make an unbiased decision.

#### **Staff Report**

Planner Cogburn noted there were a couple of corrections to the staff report. First, the staff report incorrectly states the subject site was part of a recent Urban Growth Boundary (UGB) expansion when in fact it was part of the 1982 UGB (Nov. 19 1982). The second correction was on page 3 paragraph 2, the statement said "The transportation improvements will be addressed during the Development Review application process." The statement should read, "Any transportation improvements will be addressed during the Development Review application process."

The annexation request was for multiple properties (13.28 acres) located east of Prairie Road, south of David Lane and west of Highway 99S. The properties are currently zoned with Lane County zonings of C3 (Commercial) and RR5 (Rural Residential, five acre minimum), all with a Commercial Airport Safety (CAS) overlay. A zone change request was submitted with the annexation request and was being processed concurrently. The annexation application met all applicable criteria under JCMC Section 17.165 with a condition of approval, that an annexation agreement be signed prior to the affective date of the annexation.

Commissioner Sumner asked if the annexation agreement would be similar to the agreement used on the most recent annexation.

Administrator Bowers anticipated use of a simplified version for the annexation agreement.

Commissioner Haag asked if the two (2) lots inadvertently divided (split Plan Designations), was addressed in the application.

Planner Cogburn replied the split designation was addressed in the rezone request.

Chair Thiesfeld asked if the Commissioners had any other questions for Planner Cogburn.

There were none.

### **Applicant Testimony**

The applicant's representative, Mr. Nick Klingensmith, Law Office of Bill Kloos, 375 West 4<sup>th</sup> Avenue, Suite 204, Eugene OR 97403 said the two (2) meaningful criteria were, the application must show consistency with applicable policies of the Junction City Comprehensive Plan, and did the proposed annexation result in a boundary in which key urban services could be provided.

Junction City Public Works determined there was capacity in the sewer trunk line on Prairie Road and capacity in the City water line on Highway 99S to serve the subject site. The transportation facilities currently have surplus capacity to serve the subject site should it be annexed. He offered to answer questions from the Planning Commission.

Commissioner Sumner asked if he understood correctly that sewer would come from Prairie Road and water would be from Highway 99S.

Mr. Klingensmith replied, that was his understanding was, the sewer trunk line was along Prairie Road and water service lines along Highway 99S.

Chair Thiesfeld asked if there were any other questions from the Commission.

There were none.

### **Proponent Testimony**

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

There was none.

### **Opponent Testimony**

Chair Thiesfeld asked if there was anyone who wished to speak in opposition of the proposal.

Mr. Mark Sebring, 461 Lindley Lane, Eugene, OR, 97401, owner of the home at 29105 David Lane, Junction City, stated one of the things he read in the reports was that Lane County Public Works Engineer's recommended both sides of David Lane be annexed at the same time. The report also said both water and sewer lines came off Prairie Road, not Highway 99S. He asked if one side of David Lane was annexed, what would happen to the other side.

Chair Thiesfeld asked Mr. Sebring if his concern was that he would be forced to annex his property.

Mr. Sebring felt it should be done as a plan since David Lane was a neighborhood already. He asked as the site was developed, would they be able to continue to use of their well and septic tank.

Commissioner Haag responded as long as the property was in the county they would be able to continue. If he annexed into the City, he would need to get City services.

Chair Theisfeld explained annexation was by property owner request. Should the subject property be annexed, it would only deal with that property and their services.

Mr. Klingensmith offered some clarification, the annexation request was with the goal of obtaining City services, sewer and water to serve the entire property not just a potential RV Park that might be developed in the future. Even if the RV Park conversation never happened, the applicant would still seek City services.

Chair Thiesfeld asked if there were any other comments or concerns.

There were none.

He then asked the Commissioners if they had any comments or questions.

There were none.

Chair Thiesfeld closed the public hearing for A-14-01.

### **Planning Commission Deliberations**

Commissioner Sumner pointed out that the County said sewer and water connection needed to be from Prairie Road. He felt it made more sense to take

water access off the main line going south on Highway 99S rather than basically a return line off Prairie Road.

There were not further comments or questions from the Commission.

**Motion:** Commissioner Sumner made a motion to adopt the Planning Commission Final Order, A-14-01, in the matter of ACTA, LLC, annexation request and forward to the Junction City, City Council with a recommendation for approval. Commissioner Haag seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

## **VII. PUBLIC HEARING: REZONE REQUEST, RZ-14-02, ACTA LLC**

Chair Thiesfeld opened the public hearing for RZ-14-02, ACTA LLC and asked if any Commissioner had a bias, ex parte contact or conflict of interest to declare.

Commissioners Sumner and Dunn stated they had been to the site. They declared ability to make unbiased decisions.

### **Staff Report**

Planner Cogburn noted a correction to the staff report. The subject property was part of the 1982 UGB Nov. 19 1982) UGB, not the recent UGB expansion.

The proposal was to rezone 13.28 acres from Lane County zonings of C3, Commercial district and RR5, Rural Residential, 5 acre minimum to Junction City zonings of GC, General Commercial, R2, Duplex Residential, and R1, Single Family Residential. Tax lots 900, 1004 and 1006 were designated Commercial on the Junction City Plan Designation map. Tax lots 500 and 1002 were designated Medium Density Residential (MDR) and tax lots 509 was designated Low Density Residential (LDR). Tax lots 1000 and 1001 were shown with split designations of Commercial and LDR. The applicant was seeking interpretation on the split designation.

The Junction City Municipal Code did not contain a mechanism for such a process. Staff conducted research on the tax lots in question. The research did not find any indication the split designation was intentional.

A magnification of the 1982 Plan Designation map indicated the boundary between Commercial and LDR designation was the shared property line between tax lots 1004 & 1005 to the west; and tax lots 1000 & 1001 to the east. A Plan Designation map from 1988 used thick black tape to define the Plan Designation

boundaries and again followed the shared property line between 1004 & 1005; and 1000 & 1001. However, the thickness of the black tape obscured the property line thus it appeared that tax 1000 & 1001 held split designations of Commercial and a very small portion designated LDR (west side of tax lots).

Commissioner Sumner asked if the applicant had an opinion.

As the applicant's representative, Mr. Klingensmith responded during the 2012 Periodic Review, tax lots 500 and 1002 were re-designated MDR from LDR. The sliver of LDR on the western edge of tax lots 1000 & 1001 was not included in the re-designation. They thought the Commercial designation was intended to run all the way to the west property line of tax lots 1000 & 1001.

Commissioner Haag observed the area in question was not a big strip and that the tax lots just below were Commercial to their western property lines.

Chair Thiesfeld asked if a motion was necessary.

Administrator Bowers replied no it was represented in the staff report.

Planner Cogburn reviewed the proposed findings. All Statewide Planning Goals were met by the rezone application and JCMC Title 17, Zoning. The City received comment from the Oregon Department of Transportation (ODOT) which stated a facility permit was required (Highway 99S access points) at the time of any development.

Commissioner Haag, returning to the split designation question, commented the 'sliver' was not enough square footage to affect the Comprehensive Plan.

Planner Cogburn directed the Commission's attention to Exhibit VII, page 7 of 8, under Goal 12, Transportation, the second finding read,

*"The determination regarding the significance of the effect that the rezoning will have on existing transportation facilities will not be known until the time a development permit is issued."*

It should read,

*"The determination regarding the significance of the effect of a specific development will not be known until the time a development permit is issued."*

### **Applicant Testimony**

The applicant's representative, Mr. Nick Klingensmith, 375 West 4<sup>th</sup> Avenue, Suite 204, Eugene, OR 97403 made a request in regard to Statewide Planning Goal 12, Transportation. They requested the 'does not significantly affect' language be included in the Final Order. That language was supported by the applicant's traffic impact analysis.

### **Proponent Testimony**

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

There was none.

### **Opponent Testimony**

Chair Thiesfeld asked if there was opposing testimony.

There was none.

Chair Thiesfeld closed the public hearing for RZ-14-02.

### **Planning Commission Deliberations**

**Motion:** Commissioner Hukill made a motion to approve the zone change request from ACTA, LLC, file #RZ-14-02, based on the findings as stated in the Final Order. Commissioner Sumner seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

## **VIII. PLANNING COMMISSION VACANCIES**

The Planning Commission make up was seven (7) Planning Commissioners and two (2) Alternates. Presently there was one (1) opening for a regular Planning Commission seat and two (2) openings for the Alternate positions.

Two (2) applications were submitted prior to the July 21, 2014 deadline, they were from Mr. Ken Wells and Mr. Stuart Holderby.

**Motion:** Commissioner Sumner made a motion to recommend to City Council to appoint Mr. Ken Wells to the Junction City Planning Commission as a regular member, and appoint Mr. Stuart Holderby to the Junction City Planning Commission as an Alternate. Commissioner Dunn seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

**PLANNING AND BUILDING ACTIVITY REPORT**

Planner Cogburn reviewed the July 2014 Planning activity report.

Commissioner Haag asked if a copy of the draft TSP was available for review.

Commissioner Sumner and Planner Cogburn said it was on the City website.

**IX. COMMISSIONER COMMENTS**

Commissioner Haag asked Planner Cogburn about the mini storage facility at 1701 Juniper Street and the zoning conflicts with the current use. The property owner would like it corrected. He asked if a 'common sense' method would work here. He would like to see this addressed.

Planner Cogburn responded he would contact the property owner.

Chair Thiesfeld asked that the issue be made a priority.

Commissioner Sumner thanked staff for their efforts.

**VIII. ADJOURNMENT**

**Motion:** Commissioner Hukill made a motion to adjourn the meeting. Commissioner Sumner seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Thiesfeld, Commissioners Dunn, Sumner, Haag and Hukill voted in favor.

The meeting adjourned at 8:27 p.m.

The next regularly scheduled Planning Commission meeting would be Tuesday, September 16, 2014 at 6:30 p.m.

Respectfully Submitted,

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Tere Andrews, Planning Secretary

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Jason Thiesfeld, Chair