

The Planning Commission for the City of Junction City met on Tuesday, December 17, 2013, 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 James Hukill ; Planning Commission Alternate, Robert Solberg; Planner, Nicole Peterson; City Administrator, Melissa Bowers; and Planning Secretary, Tere Andrews; **ABSENT:** None

**1. OPEN MEETING AND PLEDGE OF ALLEGIANCE**

Chair Thiesfeld opened the meeting at 6:30p.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**

**●OCTOBER 15, 2013**

**Motion:** Commissioner Hukill made a motion to approve the October 15, 2013 minutes as written. Commissioner Sumner seconded the motion.

**Vote: 7:0:0**

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

**5-a. PUBLIC HEARING- PRELIMINARY SUBDIVISION: THABET SUBDIVISION – 540 CEDAR STREET**

Chair Thiesfeld opened the public hearing for SUB-13-02, Thabet Subdivision and asked if any Commissioner had a bias, ex parte contact or conflict of interest to declare. There were none.

**Staff Report**

Planner Peterson stated the preliminary subdivision application was for four (4) residential lots. It was located at 540 Cedar Street, which was the southwest corner of West Sixth Avenue and Birch Street. The property was zoned R3 (Multi-Family Residential) and designated high density residential in the City's Comprehensive Plan.

Staff recommended approval with conditions as stated in the Staff Report.

Commissioner Haag asked Planner Peterson about the side yard setback on the east side of Building 'A'.

Planner Peterson responded the setback in that location did not meet City code provisions. However, there was a condition in the Staff Report, which addressed this issue. The options were; the applicant could request a variance to the setback requirement or modify the proposed property line to meet the side yard setback.

Commissioner Phelan asked if the existing sidewalks were accessible per the Americans with Disabilities Act (ADA).

Planner Peterson replied she would look in to this.

The Commissioners held a short discussion on the possible need for ADA accessible corners. It was noted the sidewalks were under City control. The Public Works Department was in the process of replacing sidewalk corners with ADA sidewalks.

Chair Thiesfeld asked if it had been determined, which entity had responsibility and/or control of the corner at West 6<sup>th</sup> Avenue and Birch Street.

Planner Peterson replied no written record had been located regarding this question.

The Commission discussed a suggested condition for a non-buildable easement in relationship to the northwest side of Building 'D'.

Planner Peterson stated the Applicant had reviewed the conditions as set forth in the Staff Report and had no objections.

### **Testimony**

Chair Thiesfeld asked if there were audience members who wished to make remarks.

There were none.

Chair Thiesfeld closed the public hearing.

●**Motion:** Commissioner Haag made a motion to recommend to City Council approval of the preliminary Thabet Subdivision, file number SUB-13-02, with the conditions listed below:

1. The applicant/surveyor shall submit a paper copy of the final plat for review to the Lane County Surveyor's Office along with processing fee and other submittal requirements as noted in the "Plat Submittal Checklist" on the Lane County Surveyor's website. The final plat must be prepared by a land surveyor registered in the State of Oregon and conform to ORS Chapters 92 and 209.250.
2. Prior to final plat approval, the applicant shall work with the Building Official to obtain a non-buildable easement in order to comply with the fire-resistance rating requirements for exterior walls based on fire separation distance per OSSC Table 602 (Building D will be closer than 10' to the proposed property line and will require fire rated construction).

3. Prior to final plat approval, the applicant shall install, or show proof of, building address numbers and building identification placed in a position that is plainly legible and visible from the street fronting the property to show compliance with 2010 OFC Section 505.
4. The applicant must submit the Final Plat within two years of the preliminary partition approval in accordance with JCMC 16.05.040.D.2.
5. At the time of Final Plat, the applicant shall submit common area easement agreements that address at a minimum the following shared matters (current and possible future re-development of each lot): parking use and maintenance, landscaping use and maintenance, sidewalk use and maintenance, garbage collection, laundry facility (Lot 3) use and maintenance, and access drive use and maintenance.
6. This subdivision approval is contingent on the approval of a variance for the east side setback of building A (Lot 4) or the reconfiguration of the lot line to meet the standard.

Commissioner Hukill seconded the motion.

**Vote: 7:0:0**

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

**5-b. PUBLIC HEARING- PRELIMINARY PARTITION: MP-13-01, PADDOCK PARTITION – CHICK LANE**

Chair Thiesfeld opened the public hearing for MP-13-01, Paddock Partition and asked the Commission if there were any ex parte contacts, biases or conflicts of interest to be declared.

Commissioners Haag and Sumner noted they had been by the subject site.

**Staff Report**

Planner Peterson stated the preliminary partition application would create three (3) parcels from a single existing lot. It was located at 40 and 70 Chick Lane, which was the southeast corner of West Sixth Avenue and Oaklea Drive. The property was zoned R1 (Single Family Residential) and designated as low density residential in the Junction City Comprehensive Plan. The property was annexed into the city limits in 2007. One building was proposed to be removed; the other five (5) existing buildings would remain.

Staff recommended approval with conditions. Planner Peterson reviewed the proposed conditions:

1. The applicant must submit the Final Plat within two years of the preliminary partition approval in accordance with JCMC 16.05.040.D.2.

2. Prior to Final Plat approval, the applicant shall work with the City to review the 2007 Walsh annexation agreement and if found by the City that the existing document is inadequate to address the future improvements to the subject site (including but not limited to the extension of City utilities and improvements to Chick Lane), the applicant shall revise and sign an agreement that addresses said improvements.
3. The applicant shall work with the City to propose a suitable street name to replace 'Chick Lane' that meets the City's street naming convention prior to Final Plat approval (Reference JCMC 16.05.050).
4. The final utility and grading plan must be approved by the City Public Works Department prior to building permit.
5. This subdivision approval is contingent on the approval of a variance for the east side setback of Parcel 3 or the reconfiguration of the lot line to meet the standard.
6. The applicant shall apply for separate permits for the development of structures and private utilities for each new lot.

Chair Thiesfeld asked about the stormwater report, he asked if it pertained only to parcel number one.

Planner Peterson replied the report was for the overall property.

Commissioner Haag asked about street connectivity. He noted there were comments from neighboring property owners about the proposal to align Chick Lane with Walnut Street.

Chair Thiesfeld said there was a pump station there, which might hinder a connection of the two (2) streets.

Planner Peterson said the pump station was at the end of Walnut Street. The applicant proposed to dedicate a portion of Chick Lane near Walnut Street for possible future connectivity.

Chair Thiesfeld asked if the applicant was present.

### **Applicant Testimony**

Mr. Scott Goebel, Goebel Engineering, 25469 Highway 26, Veneta Oregon, the applicant's representative responded. He stated the current Transportation System Plan (TSP) showed a connection of Walnut Street and Chick Lane. He said Goebel Engineering worked with City Staff and provided an alternative to the connectivity shown in the current TSP. The drawing as shown in the application was conceptual only. The intent was to show that the connection could happen without interfering with existing

houses. The applicant voluntarily offered to dedicate a portion of Chick Lane on the easterly side of the parcel for connectivity.

Commissioner Sumner stated he spoke with Public Works Director, Jason Knope about this issue. The pump itself was the only equipment in the way. It was possible for the pump to be moved.

### **Public Testimony**

Mr. Chauncey Freeman, 75 Chick Lane, Junction City OR 97448, stated the property owners in the neighborhood had submitted a joint letter in response to the proposal. Their concern was the possible connection of Chick Lane with Walnut Street. He noted there was a five (5) foot grade difference between Walnut Street and Chick Lane.

In addition, the proposed roadway came within five (5) feet of a residence. The proposal also affected another residence. They recommended that Walnut Street and Chick Lane not be connected in the future as it substantially affected neighboring properties.

The neighboring property owners also requested the three (3) proposed parcels be restricted from subdividing further.

The Commission did not think they could prevent a future property owner from subdividing. However, provisions such as density, lot size and setback requirements as stated in the Junction City Comprehensive Plan, Zoning Code and Subdivision Code might impact possible future division of the proposed parcels.

Staff did not find provisions that would specifically prohibit the properties from being divided in the future.

Ms Kathleen Nord, 55 Chick Lane, Junction City OR 97448, did not object to the partitions. Her concern was the existing lane was a single lane driveway with two (2) large old maple trees that bordered Chick Lane. The proposed improvements to Chick Lane as stated in the application would affect her property, as the proposed roadway would be within five (5) feet of her home.

Planner Peterson suggested they remove sheet 4 of 5 of the proposal, as this sheet showed the dedication of Chick Lane. Removal of Sheet 4 ensured it would not be recorded or become part of official records. She also noted the TSP was in the process of being updated. The provision in the current TSP for Walnut Street to connect with Chick Lane may come under discussion as review of the TSP moved forward.

Staff did not recommend connection of Walnut Street with Chick Lane.

Planner Peterson said there were two (2) concepts under discussion. The 30-foot dedication around the existing Chick Lane, which was being proposed through the subdivision.

Mr. Freeman noted it was owned by the applicant however, there were easements for 55 and 75 Chick Lane. He added the future development called for 50-feet of right-of-way when the lane became a city street. The applicant was proposing a 30-foot dedication. He asked where the additional 20-feet would be located.

Ms Nord suggested the 50-feet be dedicated as part of the application rather than the 30-feet proposed.

Commissioner Haag said Planner Peterson suggested removal of sheet 4. He asked her to expand on this suggestion.

Planner Peterson responded there were two (2) items to address. First removal of sheet 4 thus it would not be recorded with Lane County and would not become a legal document, which could be referenced in the future. The second would be the deletion of the 30-foot dedication of Chick Lane as proposed.

### **Rebuttal**

Mr. Geobel responded he too would suggest the dedication be removed. He suggested a reserve strip to allow the City to acquire a right of way in the future. Connection of Chick Lane with Walnut Street was proposed in the application only to address statements in the TSP.

Mr. Bill DiMarco, 1780 Rose Street, Junction City OR, said, as he understood the current TSP, Walnut Street was to connect to Walnut Street.

Planner Peterson agreed.

Mr. DiMarco responded if that was the case, why was a connection between Walnut Street and Chick Lane being discussed.

Planner Peterson responded about the TSP the text talked about connecting existing streets were possible. The proposal by the applicant to connect Chick Lane with Walnut Street was in response to the portion of text in the TSP.

Mr. DiMarco commented Chick Lane was not a street.

Planner Peterson replied the applicant proposed it become a street thus the proposed connection to Walnut Street.

Mr. DiMarco indicated that he did not feel that gave it any validity with the current TSP.

Planner Peterson suggested removal of sheet 4 from the preliminary partition plan and removal of the dedication of Chick Lane prior to the final plat.

Mr. Freeman asked that Condition #3 also be removed. The condition required the renaming of Chick Lane.

Planner Peterson noted items #3 and 5 would be null with the removal of sheet 4 from the applicant's proposal.

Chair Thiesfeld asked staff to restate the changes.

Planner Peterson reviewed conditions with changes discussed. Conditions 1, 4 and 6 as stated in the Staff Report would remain:

1. The applicant must submit the Final Plat within two years of the preliminary partition approval in accordance with JCMC 16.05.040.D.2.
4. The final utility and grading plan must be approved by the City Public Works Department prior to building permit.
6. The applicant shall apply for separate permits for the development of structures and private utilities for each new lot.

The following two (2) Conditions would be added:

1. Prior to Final Plat, the applicant shall remove page 4 of the preliminary submittal (that illustrates a proposed future street plan) from the Final Plat drawings.
2. Prior to Final Plat, the applicant shall remove the dedication of Chick Lane and any reference to the dedication from the Final Plat drawings.

Mr. Goebel asked if a portion of Condition 2 of the Staff Report would remain.

Planner Peterson responded Condition 2 as stated in the Staff Report would be removed.

Mr. Goebel agreed.

Chair Thiesfeld asked if there were further comments from the Commission.

There were none.

Chair Thiesfeld closed the public hearing.

●**Motion:** Commissioner Haag made a motion to approval the proposed Paddock Partition, file number MP-13-01, with the conditions previously stated by Planner Peterson. The conditions were:

1. The applicant must submit the Final Plat within two years of the preliminary partition approval in accordance with JCMC 16.05.040.D.2.
2. The final utility and grading plan must be approved by the City Public Works Department prior to building permit.
3. The applicant shall apply for separate permits for the development of structures and private utilities for each new lot.

4. Prior to Final Plat, the applicant shall remove page 4 of the preliminary submittal (that illustrates a proposed future street plan) from the Final Plat drawings.
5. Prior to Final Plat, the applicant shall remove the dedication of Chick Lane and any reference to the dedication from the Final Plat drawings.

Commissioner Haag seconded the motion.

Chair Thiesfeld called for a vote.

**Vote: 7:0:0**

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

**5-c. O'REILLY AUTO VARIANCE/DEVELOPMENT REVIEW – EXTENSION/UPDATE**

Planner Peterson stated Staff recommended the item be tabled until the applicant submitted additional information.

**By a consensus** of the Commission Agenda Item 5-c was tabled until the applicant submitted additional information regarding a possible request for an extension of DEV-13-02/VAR-13-02.

**5-d. JUNIPER STREET MINI-STORAGE – WORK PLAN ITEM RESEARCH**

Planner Peterson stated Staff researched the history of the mini-storage facility located on Juniper Street. She said the existing use on the property became non-conforming with a change in the zoning code in 2003. In order to come into conformance two (2) processes needed to take place.

Chair Thiesfeld and Commissioner Haag both felt it important to move forward.

●**Motion:** Commissioner Haag made a motion to recommend to the City Council that staff initiate the processes necessary to bring the subject property into compliance with City standards as stated in this Agenda Summary.

**Vote: 7:0:0**

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

**5-e. PLANNING COMMISSION WORK PLAN**

Planner Peterson reviewed the Work Plan. She said staff requested the Commission provide staff with a prioritization of the items on the work plan. Staff would take the top three (3) items to the Council for approval.

Commissioner Dunn said the Planning Commission By-Laws needed to be updated to include a more extensive Planning Commissioner application and require an applicant to attend a few meetings before submitting an application.

Commissioner Haag asked Administrator Bowers for her input.

Administrator Bowers suggested the Commission consider items under 13-02a-e, addressing inconsistencies in the zoning and Comprehensive Plan maps. She suggested a sense of the scope of work be gathered prior to any decisions to proceed.

Chair Thiesfeld suggested they request Staff to estimate time and cost of each of items under 13-02. He asked for Commissioners for their feedback.

Commissioner Haag asked about item 13-09.

●**Motion:** Commissioner Sumner made a motion that the Planning Commission choose the following work plan priorities: 13-02a-e, Comprehensive Plan Map and Zoning Map inconsistencies; and 13-07, Planning Commission By-Laws, and direct staff to provide estimated time and cost for each item at the next available meeting. Commissioner Hukill seconded the motion.

**Vote: 7:0:0**

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

#### **5-f. PLANNING COMMISSION RECRUITMENT AND APPOINTMENT**

●**Motion:** Commissioner Dunn made motion to recommend to City Council approval of Commission Alternate, Robert Solberg to fill the vacant Planning Commission seat. Commissioner Phelan seconded the motion.

**Vote: 7:0:0**

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

#### **6. PLANNING ACTIVITY REPORT**

Planner Peterson reviewed the Planning Activity Report with the Commission.

#### **7. PLANNING COMMISSIONER COMMENTS**

Commissioner Haag thanked the Commission for their consideration of testimonies given this evening.

#### **8. ADJOURNMENT**

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

**Vote: 7:0:0**

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

The meeting adjourned at 8:32 p.m.

The next regularly scheduled Planning Commission meeting was scheduled for Tuesday, January 21, 2014 at 6:30 p.m.

Respectfully Submitted,

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Tere Andrews, Planning Secretary

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Jason Thiesfeld, Chair