

The Junction City Planning Commission met in regular session on Wednesday, January 18, 2023, at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon and remotely via internet and phone.

**PRESENT WERE** Planning Commissioners, Jeff Haag (Chair), Jim Hukill (Vice-Chair), Jim Creech, Chris Miles, Jesse Newman, and Jack Sumner; Gary Darnielle, Principal Attorney, Lane Council of Governments, contracted Planning services; City Attorney, Rebekah Dohrman; Public Works Director, Gary Kaping; and Planning Secretary/Technician, Tere Andrews.

**ABSENT:** Commissioner Doug Easterday

**1. Open Meeting**

Chair Haag opened the meeting at 6:30pm and ledge the Pledge of Allegiance.

**2. Changes To The Agenda**

None.

**3. Public Comment (for Items Not Already on The Agenda)**

None

**4. Approval of Minutes**

- **December 21, 2022**

**MOTION:** Commission Hukill made a motion to approve the December 21, 2022, Planning Commission minutes as written. Commissioner Miles seconded the motion.

**VOTE:** Passed by a vote of 6:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Sumner, and Miles voted in favor.

**5. Public Hearing: Zoning Code Amendment (File # AMD-22-37)**

Chair Haag opened the public hearing on AMD-22-37, Zoning Code Amendment on January 18, 2023, at 6:32p.m.

The Planning Commission was required to disclose conflicts of interest and ex-parte contacts they had with the proposal or the applicant. Planning Commissioners participated in the public hearing only if they could do so without bias either for or against the application.

Chair Haag asked if any Planning Commissioners wished to make a disclosure.

There were none.

Chair Haag asked, if there were any challenges from the audience as to conflicts of interest, *ex parte* contacts, or bias related to any member of the Planning Commission.

There were none.

Chair Haag called for the Staff Report.

Attorney Darnielle stated The applicant had an approved Planned Unit Development (PUD–19–01) called Rolling Meadows, which was located on tax lots 2400 and 2500 of Lane County Assessor’s Map 15–04–31–00. Phase 1 of the PUD had been approved. The approved Master Plan addressed the entire PUD, which contained one acre of high density residential (R3), nine acres of duplex residential, (R2) and about 38 acres of single–family residential (R1). The remainder was streets, wetland, and open space.

The applicant was asking for an amendment to Title 17 of the municipal code, the Zoning Ordinance, to allow two–unit attached residential dwellings on the nine acres zoned R2. Currently, R2 zoning allowed duplexes, which were 2-unit dwellings with a single owner. The proposal would permit two–units with separate ownership of each dwelling unit.

Initially, the applicant requested a density of one unit per 2,500 square feet. Currently, a duplex required a minimum of 7,000 square feet per lot, or 3,500 square feet per dwelling unit.

Subsequently, the applicant submitted a request to change that to 3,500 square feet per dwelling unit which was the same density as duplexes.

There were several places in the Zoning Code which were proposed for amendment by the applicant. Those changes were as follows:

- The addition of a definition for attached single family dwelling to 17.05.020  
*“Dwelling single–family attached” means a building containing two dwelling units that share a single wall but are located on separate lots. Single family attached dwellings:*
  1. *Shall conform to all residential use development standards for single–family dwellings.*
  2. *Shall be constructed or installed in accordance with the State Building Code, as adopted by the city or as defined within the statutes of the State of Oregon.*
  3. *Shall have a pitched roof of at least one foot in height for every three feet in width.*
  4. *Exterior siding and roofing shall be similar in color, material, and appearance to that of surrounding buildings.*

*5. The dwelling shall provide on-site covered parking consistent with the predominant construction patterns of immediately surrounding dwellings.”*

- Specification of minimum lot size under 17.15.010(A).  
*“In the R2 zone, only the following uses and their accessory uses are permitted outright:*

*A. Attached and detached single family dwellings and two-family dwellings (duplexes).*

- Lot size requirements of 17.15.030.

The initial request from the applicant was found to be inconsistent with the Zoning Code because the minimum lot depth under 17.15.030.D was 75-feet, and lot width, 50-feet, unless on a cul-de-sac (35-feet). The stated dimensions meant a minimum lot size over 3,700 square feet. Thus a proposal of a 2,500 square foot lot was not consistent with what the Code currently said. The Commission may hear from another party later a proposal to change the minimum lot depth or width to arrive at the 2,500 square foot lot minimum. However, the proposal before the Commission did not currently amend the minimum lot width or depth, therefore, the applicant moved the minimum lot size up to 3,500 square feet.

*In an R2 zone, the minimum lot size shall be as follows:*

*B. The minimum lot area for single-family attached dwellings shall be 3,500 square feet.*

- Under the provisions of 17.20.010.D attached single family dwellings would be permitted outright:

*In an R3 zone, only the following uses, their accessory uses, and uses determined to be similar are permitted outright. Other uses are expressly prohibited.*

*D. Duplex (two-family attached dwelling on one lot) and single-family attached residences, which shall comply with the standards in the R2 zone.*

- Section 17.65.060.C.1.a would be amended to read:

*C. Upon receiving the preliminary plan map and program, the planning commission shall review the proposed planned unit development and shall seek to determine that all of the following conditions are met:*

*1. The planned unit development will be consistent with the*

*comprehensive plan of the city. Specifically, this includes:*

- a. Information indicating how the housing provided in the PUD relates to Junction City area housing needs. All PUD proposals may, consistent with the density allowed by underlying zoning, propose housing concepts including attached and detached single-family dwellings, townhouses, condominium-owned multifamily units, mixtures of housing types and lot sizes, multiplex construction, mobile homes or other kinds of dwellings manufactured off site.*
- Parking requirements under 17.90.010.E.1.a would be amended to read:
    - a. Single-family attached and detached, and two-family dwellings.*

Amendments to the Municipal Code had no specific criteria in either the city's Comprehensive Plan or Municipal Code. However, because the request was to change a portion of the city's land use code, those changes had to be consistent with the city's Comprehensive Plan. The changes also had to be consistent with the Statewide Planning Goals, and Oregon Administrative Rules (ORS) adopted by the Department of Land Conservation and Development (LCDDC).

Proposed changes needed to be internally consistent with the zoning ordinance. The proposed density of 2,500 square feet was inconsistent with the current minimum lot dimensions as noted by staff previously.

Applicable elements of the Junction City Comprehensive Plan Included Section II of the Land Use Element which stated that the medium density residential designation of the Plan's Land Use Map provides for "detached and attached residential uses at a typical density of 8 to 12 dwelling units per acre." A 2,500 square foot lot density would probably be a little closer to high density. The proposed change was not explicitly inconsistent with the medium density residential density which is framed as being 'typical' for that designation.

Section C of the Plan's Urbanization Element noted that the City encouraged "the compatible integration of different land uses such as single- and multi-family dwellings." Staff would argue that allowing attached single-family dwellings was consistent with this Planning Policy.

Section III, Economic Development Objectives (Plan's Economic Development Element) called for "*Housing that is safe and affordable for Junction City residents at all income levels.*" Again, the proposal would encourage housing ownership and was certainly not incompatible with this policy.

Finally, Goal 3 of the Plan's Housing Element policies was "[T]o lessen the impact

*of rising housing costs by requiring a more efficient use of lands available and buildable for new housing.”* Allowing the proposed change would expand allowable ownership opportunities to individuals in Junction City.

In terms of Statewide Planning Goals, there were really none that were directly applicable. Goal 2, Land Use, required an opportunity for citizens and affected governmental units to review proposed changes to Land Use ordinances. Staff sent out referral notices to all affected governmental agencies, including LCDC which did not comment. There were no negative responses from the (300-foot citizen) notices.

Goal 10 Housing defined “needed housing” to include attached and detached single-family dwellings. The proposal would certainly be consistent with Goal 10.

Staff did not locate any State statutes that were directly applicable to the proposal. But as you may have heard there had been quite a bit of legislation in the last few years which had forced larger cities to increase residential densities for Middle Housing. The definition of “needed housing” had been changed to incorporate all types of housing. In terms of the legislatures desire to increase housing opportunities, the proposal was certainly consistent with that.

In conclusion, the proposed changes to Title 17 were consistent with applicable Statewide Planning Goals, which appeared to be limited to Goals 2 and 10.

Consistency with Title 17 of the Municipal Code required the minimum lot width and depth be consistent with the proposed lot size of 3,500 square feet.

Chair Haag expressed concern that the 2,500 square foot lot minimum in the original proposal was too small. He cited the potential for a lack of parking.

Commissioner Miles asked, under Finding 1 the density per acre was listed as 17.4 dwelling units. That sounded like apartments or condos.

Attorney Darnielle responded the comprehensive plan was not real specific about the borders between Medium Density and High Density. It suggested that 8 to 12 units was Medium Density. He agreed, 17.4 units was approaching High Density. It was a decision of the Planning Commission and City Council in interpretation of the Plan’s policies.

Commissioner Sumner said if approved, a person that owned a lot in town, could tear down the building and build 2-unit attached single family homes provided they met the other criteria.

Attorney Darnielle agreed, under the proposal, if they had 3,500 square feet per unit, 7,000 square feet total, they could place single-family attached dwellings, 2 units separated by a wall. The people on one side would own a part of the structure

and the property on that side and others could own the unit and the property on the other side.

Commissioner Sumner asked what would prevent a duplex owner from doing the same thing.

Attorney Darnielle responded, it would allow the owner of a duplex, that complied with the minimum lot size, lot depth and width standards to convert the structure from a duplex to two single-family attached dwelling units.

Commissioner Creech requested confirmation the updated request from the applicant was a 3,500 square foot lot minimum.

Attorney Darnielle explained, the applicant amended their request the day the staff report came out. Thus, the staff report did not represent the current request from the applicant.

Commissioner Sumner asked with the 3,500 square foot lot size minimum, would the density still be 17.4 units per acre.

Attorney Darnielle replied at 3,500 square feet, the density would be that of duplexes. The 17.4 dwellings per acre could only be achieved if the lot minimum were 2,500 square feet.

### **Applicant and Others in Favor May Speak**

Chair Haag invited the applicant and others who wished to speak in favor of the application to speak.

Lani Hickey, 24241 Old Malin Highway, Merrill Oregon with Rhine-Cross Group, the applicant's representative concurred with the staff report as given by Attorney Darnielle. She added the single-family attached dwellings would offer greater opportunities for homeownership.

She offered that another amendment would be needed for JCMC 17.15.030.D, lot dimensions. She proposed a minimum lot depth of 70-feet rather than the existing 75-feet. That change would create minimum lot dimensions that would equal the proposed minimum lot size of 3,500 square feet ( $50 \times 70 = 3,500$ ).

Commissioner Sumner asked what happen when the roof needed to be replaced.

Ms. Hickey responded it would probably need to be addressed under the Home Owner's Association.

Commissioner Miles commented that in other metropolitan areas with zero lot line homes, they required a 36" parapet for fire separation. He asked if something similar would be required.

Technician Andrews responded the structure would need to meet requirements of the Oregon Building Codes. The Building Inspector would have the exact requirements.

Director Kaping added a common wall in a duplex, triplex, or apartments had to have firewalls (between units).

Commissioner Miles asked for confirmation the minimum lot width would remain 50-feet, and a 35-feet for cul-de-sac.

Ms. Hickey concurred.

Commissioner Hukill asked about parking.

Ms. Hickey answered the density and parking requirements would be the same as a duplex which was already permitted (in R2 zones).

Commissioner Creech asked where in the packet was the change to lot depth mentioned.

Ms. Hickey responded the 70-foot lot depth minimum was a request being made this evening. There would be no change in the density, or parking. The change would be in the fact that you could split the property and people could own each unit (individually) and the property it sat on.

Rick Satre, Satre Group, 375 W 4<sup>th</sup> Avenue, Eugene Oregon spoke as an independent Land Use Consultant and Landscape Architect. He was not affiliated with Rolling Meadows PUD, the applicant, or their representative. He spoke in support of the proposal because it addressed housing, and it increased the opportunities for homeownership.

Townhomes were currently permitted in R2 zones with a Conditional Use Permit. Townhomes were permitted on lots of 2,500 square feet in R2 zones under the Conditional Use process. That equated to a density of 17.4 dwelling units per acre. However, that could only occur if there were no corner lots with a 15-foot setback on the street side, no land dedicated to open space, stormwater management, or rights-of-ways for streets.

A friendly amendment was offered to the proposal for Commission consideration, in favor of 2,500 square foot lots because, as noted, that lot size was already permitted in the Code.

Mr. Satre referenced a document he prepared and gave copies to Secretary Andrews, and Attorney Darnielle.

He thanked the Commission for their time.

Attorney Danielle requested of Chair Haag, the opportunity to ask a question Mr. Satre.

Chair Haag allowed the question.

Attorney Darnielle asked Mr. Satre, if he believed this public hearing to be a legislative or quasi-judicial process.

Mr. Satre offered a friendly retort that the question was above his paygrade.

Attorney Darnielle agreed, it was a gray area. If the public hearing was legislative, a friendly amendment could be considered by the Planning Commission. However, if it was a quasi-judicial public hearing he did not think a friendly amendment could be considered by the Commission. An interpretation of the process as either legislative or quasi-judicial needed to come from the City Attorney. The process had characteristics of both. There was a single applicant, certain property was involved, however, the amendment would affect all R2 zoned property in the City.

City Attorney Dorhman responded, since the proposal for a code amendment was applicant initiated, the city needed to provide the procedural protections for the application and applicant. Although, per the City Code, the application was a Type IV, Legislative process. Since protections were provided via the use of the quasi-judicial script used by Chair Haag, she felt friendly amendments needed to be sifted through for an opinion from the applicant.

Chair Haag thanked Attorney Dorhman. He then asked if there was anyone else who wished to speak in favor of the proposal.

Kanndice McLean, 26398 Richardson Lane, Junction City OR 97448, voiced her support of the proposal. As a Realtor she saw the proposal as a real opportunity to get more people into homeownership with a product that was not currently available.

No one else wished to speak in favor of the proposal.

### **Neutral Testimony**

Chair Haag invited those with neutral testimony to speak.

No one wished to offer neutral testimony.

### **Those Opposed May Speak**

Chair Haag invited testimony in opposition to the application.

No one wished to speak in opposition.

Commissioner Sumner asked Mr. Satre if his friendly amendment included the previously mentioned modification of the lot depth minimum from 75-feet to 70 feet.

Mr. Satre replied he was not advocating a change to the lot depth, just the minimum lot size of 2,500 square feet.



Chair Haag asked if the applicant wished to waive or limit the time in which to submit final written argument.

Attorney Dohrman asked if the applicant had any final words to offer the Planning Commission after the friendly amendment discussion.

Ms. Hickey could support the friendly amendment, so long as it did not jeopardize her client's proposal.

Chair Haag closed the record and public hearing at 7:28 pm.

### **Deliberations**

Commissioner Miles stated he was all for someone to own their own home. He also did not want to see Junction City lose its attractiveness (increased density).

Chair Haag asked if owners of an existing duplex that met the lot standards, could convert their duplex to attached single family homes.

Technician Andrews confirmed, they could, through a partition process but added the Building Official would need to be brought into the discussion.

**MOTION:** Commissioner Creech made a motion to recommend approval with modification to the City Council for the proposed amendment to allow as an outright permitted use, 2-unit attached single family homes (Rowhouses) in R2, Duplex Residential zones, file AMD-22-37, based the findings as stated in the staff report, with modifications 1) 17.15.030.B minimum area for attached single-family homes shall be 3,500 square feet per unit 2) 17.15.030.E, the minimum lot depth shall be 70-feet. Commissioner Sumner seconded the motion.

**VOTE:** Passed by a vote of 6:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Sumner and Miles voted in favor.

## **6. Request to Modify Standing Meeting Date**

The agenda item was carried over from the December 21, 2022, Planning Commission meeting. The request, from Commissioner Sumner was to consider changing the standing meeting date for the Planning Commission.

Per the Planning Commission By-Laws, Article V, the standing meeting date was the third Wednesday of each month.

The by-laws could be amended, per Article X, "by an affirmative vote of a majority of members present at any regular meeting, provided notice of such amendment was given at a preceding regular meeting." The possible change was listed on the December 21, 2023 Planning Commission agenda.

**MOTIONS:** Commissioner Miles made a motion to change the standing Planning Commission meeting date to the third Tuesday of each month. Commissioner

Hukill seconded the motion.

**VOTE:** Passed by a vote of 6:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Sumner and Miles voted in favor.

**7. Planning Commission Agenda Forecaster**

The Commission reviewed the agenda forecaster.

Secretary Andrews announced her duties would be changing as of July 1, 2023 and her co-worker Dawn Northey would be taking on the Planning duties, including Planning Commission secretary.

**8. Commissioner Comments**

Commissioners thanked Secretary Andrews for her work with the Planning Commission.

**9. Adjournment**

**MOTION:** Commissioner Hukill made a motion to adjourn the meeting. Commissioner Creech seconded the motion.

**VOTE:** Passed by a vote of 6:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Sumner, and Miles voted in favor.

The meeting adjourned at 7:55 p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday February 21, 2023, at 6:30 p.m.

Respectfully Submitted,

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Tere Andrews, Planning Commission Secretary

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Jeff Haag, Planning Commission Chair