

The Junction City Planning Commission met in regular session on Wednesday, March 16, 2022, 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 Creech, James Hukill (Vice-Chair), Chris Miles, and Jack Sumner; Planning Alternate, Jesse Newman; Public Works Director, Gary Kaping; Planners, Henry Hearley, and Paula Taylor; City Attorney, Carrie Connelly; and Planning Secretary, Tere Andrews

**Absent:** Commissioners, Cindy Montgomery, and Doug Easterday

#### **1. OPEN MEETING**

Chair Haag opened the meeting at 6:30 p.m. and led 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**

- **October 20, 2021**

**Motion:** Commissioner Hukill made a motion to approve the October 20, 2021, Planning Commission minutes as written. Commissioner Newman seconded the motion.

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

#### **5. PUBLIC HEARING: ANNEXATION AND REZONE APPLICATION, FILE # A-21-20/RZ-21-21 29133 MILLIRON RD**

Chair Haag opened the public hearing for an annexation and rezone request on 29133 Milliron Road, file # A-21-20/RZ-21-21 at 6:32 p.m.

Commissioners participated in the public hearing only if they could do so without undue bias either for or against the application.

Chair Haag asked Commissioners if there were any disclosures of conflicts of interest, ex-parte contacts, or bias related to the proposal or applicant.

Commissioner Newman expressed a potential conflict of interest in that the subject site was next his own property. He explained his own property was in a rural commercial zone (outside city limits) and the applicant was requesting a City zoning of General Commercial.

Chair Haag noted he too owned property along Highway 99sS near the subject site and met the applicant several years ago during the Junction City Comprehensive Plan update process. Chair Haag stated he was able to make an unbiased decision.

Chair Haag asked staff to review the staff report.

Planner Hearley reviewed the staff report. Paula Taylor, from Lane Council of Governments was also on the line and would be presenting the staff report at the City Council public hearing.

The application was submitted on November 19, 2021. Notices of the public hearing were mailed out on February 14, 2022, and published in the Register Guard newspaper on February 14, March 10, and March 14, 2022.

Since the application was for a plan amendment, DLCD (Oregon Department of Land Conservation and Development) received notice of impending amendment on January 21, 2022.

The application was reviewed under the following criteria:

- Junction City Municipal Code 17.145, 17.165
- Applicable chapters of the Junction City Comprehensive Plan
- Applicable goals from the Oregon Statewide Planning Goals

As summarized by Planner Hearley, the applicant was requesting annexation and rezone of their property (29133 Milliron Road). The property was 5.12 acres in size. The current zoning was Rural Residential 5-acre minimum (Lane County RR5). The property was within the City's UGB (Urban Growth Boundary) and designated as Commercial on the City's Comprehensive Plan Designation map. The property was adjacent to Highway 99s, and fronted Milliron Road, a Lane County road. Currently on the site was a single-family home and a detached garage.

Planner Hearley reviewed the City's Comprehensive Plan map and the location of the city limits as it related to the subject site. The city limits were parallel to Highway 99s along the east boundary of the subject site. The property was contiguous to city limits which was one of the main approval criteria for annexation. As shown on the Comprehensive Plan map, the subject site was in the City's UGB. There were no adjacent rights-of-ways associated with the application. It was also noted that Milliron Road was outside the City's UGB, not within the City, and under the jurisdiction of Lane County. Properties to the north and south also had commercial uses.

The annexation would result in a boundary in which key urban services could be provided. Public Works communicated that the applicant would not be required to

connect to City water immediately upon annexation. However, water and sewer were available. The lines ran parallel to the property along Highway 99s, a 24" water line, and a 21" sewer line. At the time of connection, the property owner was responsible for all costs associated with extension of those service lines. The property owner would be required to sign a nonremonstrance agreement which guaranteed they would pay all costs associated with extension of the service lines. The Public Works Director would work with the property owner to get the agreement signed prior to the effective date of the annexation ordinance if City Council approved the request.

As written in Chapter 4 of the City's Comprehensive Plan, the City required two commercial zones ranging in size from two to four acres by 2029. By the end of 2029, the City needed 11 sites total. The proposed annexation added one five-acre parcel which added in reaching that need. Any future proposed uses would be required to comply with the underlying zone.

Junction City Comprehensive Plan Chapter 6, and Statewide Planning Goal 12 both dealt with transportation planning. The City's TSP (Transportation System Plan) addressed the intersection of Highway 99s and Milliron Road, thus, no traffic study was required however, upon development, Lane County may require a traffic study be conducted by the applicant.

Junction City Comprehensive Plan Chapter 7, Public Facilities, required development on the site demonstrate availability of adequate water supply, and sewer treatment and disposal capacity. As mentioned previously, there was a 24-inch water line and a 21-inch sewer line that ran parallel to the property along Highway 99s.

Junction City Police, and Fire reviewed the proposal and commented that upon annexation services would be available to the property.

Agency referral comments included two of note. The first was from Lane County Transportation, Milliron Road was a Lane County road. Review for compliance with Lane County Transportation requirements would take place at the time of development. The requirements were outlined in Lane Code, Chapter 15, and were included in the Planning Commission packet. The applicant was advised to work closely with Lane County to meet the requirements at the time of development.

DSL (Oregon Department of State Lands) was involved as there was a wetland inventory feature on the property. The wetland was identified as FC-02 and ran along the northern portion of the property. The City sent the application to DSL for review and comment. DSL commented that portions of the site were paved/graveled in 2019/2020. The activity appeared to have impacted wetlands

above the 50 cubic yard permitting threshold. The applicant was aware of this and had been in contact with DSL. The applicant and DSL would work closely at the time development was proposed. The property owner may be subject to fill/removal permit requirements upon development. The site was in Flood Plain Zone A. Flood Plain development regulations may apply to the property at the time of development.

Information items staff wished to bring to the Planning Commission attention but were not in themselves conditions of approval. These included that the applicant would coordinate and work with DSL upon development. Compliance with Lane Code, chapter 15 at the time of development was required, and traffic study may be necessary. A nonremonstrance agreement shall be signed, executed, and recorded at Lane County Deeds & Records prior to the annexation ordinance effective date.

Planner Hearley reviewed options with the Planning Commission:

- Close the public hearing and record, hold deliberations, and make recommendation to City Council.
- Leave the record open if the Commission is felt more information was needed.

Staff recommendation was that the Planning Commission close the public hearing and record, hold deliberations, and make recommendation to the City Council.

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

Chair Haag asked if the applicant or their representative, or others, wanted to speak in favor of the proposal.

Kristen Taylor, TBG Architects & Planners, 132 E Broadway, Suite 200, Eugene OR 97401, the applicant's representative, thanked the Commission for their review of the application. The applicant concurred with the staff report and agreed to the conditions of approval. They did not have any further comment and recognized and understood the recommendations. With regard to the wetlands, prior to the fill work being done on the property, the applicant contacted Lane County Planning and worked with staff there. Direction was to check the County plans for identified wetlands, there were none. The applicant was unaware there would be additional steps with State and Federal agencies. They followed up with DSL. The applicant was now more informed on how to address, and what would be required, as part of development and planned to follow those requirements.

There were no questions for the applicant or their representative from the Planning Commission.

***Neutral Testimony***

Chair Haag asked if there was anyone who wished to offer neutral comments.

There were none

***Those Opposed May Speak***

Chair Haag asked if there was anyone who wanted to speak against the proposal.

There were none

***City Staff Summary/Response to Public Testimony***

Chair Haag asked if there was any additional testimony from staff.

There was no additional information from staff.

***Applicant Rebuttal***

There was no rebuttal.

Chair Haag opened the deliberations for A-21-20/RZ-21-21.

Commissioner Sumner stated he contacted Technician Andrews as to why the information, beginning on page 69 of the Planning Commission packet had been included.

Technician Andrews relayed the question to Kristen Taylor, the applicant's representative. Commissioner Sumner contacted Technician Andrews asking why the staff report for the Booth Street annexation had been included with the applicant's materials.

Kristen Taylor responded the staff report for the Booth annexation included information that the Junction City Transportation System Plan studied the intersection of Highway 99s and Milliron Road. The intent was to show consistency.

Chair Haag noted, in the response from Public Works, they stated they did not serve Milliron Road. Chair Haag took this to mean the site address was on Milliron, but the property abutted Highway 99s and met the criteria.

Technician Andrews responded at the time of connection, services would come from the Highway 99s side, not Milliron Road.

Chair Haag concurred.

Commissioner Hukill asked for confirmation the driveway would remain on Milliron Road.

Chair Haag responded currently the site showed the driveway off Milliron Road and there was not a development plan yet. He was unsure if ODOT (Oregon Department of Transportation) would permit an access from Highway 99s.

Chair Haag asked if there were any requests to keep the record open.

There were none.

Chair Haag closed the public hearing and record at 6:55pm.

### ***Deliberations***

Commissioner Miles inquired if development plans for the site were known.

Chair Haag replied it would be known at the time a development application was submitted by the applicant but any development on the site needed to comply Commercial (General Commercial) guidelines for the City.

Commissioner Newman asked about the requirements that may need to be addressed at development such as building/site appearance criteria.

Chair Haag was aware of “eyes on the street” requirement for the downtown corridor but was not sure if that would apply at the subject site. He asked Technician Andrews for additional information.

Technician Andrews answered it did apply to commercial properties to a degree. However, there were examples such as the auto parts store which received a variance to offer visual interest by other means.

Commissioner Newman asked if that applied to any property along Highway 99s.

Technician Andrews responded, it applied to those commercial properties in the city limits.

Chair Haag asked if there were any additional discussion from the Commission.

There was none.

**Motion:** Commissioner Hukill made a motion to recommend approval to the City Council for the proposed annexation and concurrent rezone; file # A-21-20 and RZ-21-21 based the findings presented. Commissioner Sumner seconded the motion.

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

## **6. MINOR VARIANCE EXTENSION REQUEST: VAR-21-01, 1627 W 13<sup>TH</sup> AVE**

Technician Andrews explained a minor variance was a staff level decision. That meant the applicant requested a variance from a property standard that was less than 10 percent, anything over that would have come before the Planning Commission.

The applicant and property owner at 1627 W 13<sup>th</sup> Avenue requested a variance to the side yard setback of six feet in the amount of one foot to construct a carport. The variance only applied to the area of the proposed carport, not the entire length of the side property line. Thus, the variance was a 3.5 percent variance from a property standard and was approved by staff on February 14, 2021. Variances were expired after one year. Due to unforeseen circumstances, the applicant had not been able to construct the carport. The minor variance expired on February 14, 2022. They were seeking an extension of their minor variance to complete the work. If approved, the extension would be in effect until February 14, 2023.

**Motion:** Commissioner Hukill made a motion to approve the extension request for file # VAR-21-01, 1627 W 13<sup>th</sup> Avenue. Commission Creech seconded the motion.

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

## **7. DISCUSSION: FILLING OF UNEXPIRED PLANNING COMMISSION TERMS OF OFFICE.**

This was a discussion requested by the Planning Commission about the filling of vacancies for unexpired terms. Specifically, whether it was possible to fill the vacancy with a full four-year term rather than the unexpired term of the predecessor. This was part of a discussion on how to encourage community members to apply for Planning Commission vacancies. Staff was asked to bring back information on the topic.

*Staff research found the following:*

***OREGON REVISED STATUTES (ORS) CHAPTER 227 — CITY PLANNING AND ZONING 2021 EDITION - CITY PLANNING COMMISSION. 227.030 Membership.***

*(3) Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office.*

***JUNCTION CITY MUNICIPAL CODE 2.50.010(D)***

*Any vacancy shall be filled by the mayor for the unexpired portion of the term.*

***JUNCTION CITY MUNICIPAL CODE 2.50.020 POWERS AND DUTIES.***

*Said planning commission shall be organized in the manner prescribed by the general law of the state of Oregon governing city planning commissions and shall be bound by and governed by all the rules and regulations prescribed by such general law. Also its powers and duties shall be the same as are prescribed by law pertaining to such city planning commissions. [Ord. [1237](#) § 1 (Exh. A), 2016; Ord. [220](#) § 2, 1939.]*

***JUNCTION CITY PLANNING COMMISSION PROCEDURES AND BY-LAWS, ARTICLE IV: MEMBERSHIP AND VOTING. SECTION 4.***

*The Planning Commission shall review applications for membership to the commission and make recommendations concerning the filling of vacancies on the commission to the mayor and city council. Any vacancy shall be filled upon appointment by the Mayor for the unexpired term of the predecessor in office.*

As the filling of unexpired terms was governed by State statute, there was no additional discussion.

**8. PLANNING COMMISSION FORECASTER AGENDA**

Technician Andrews reviewed the forecaster with the Commission.

**9. COMMISSIONER COMMENTS**

There were none

**8. ADJOURNMENT**

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

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

The meeting adjourned at 7:15 p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday April 20, 2022, 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