

The Junction City Planning Commission met in regular session on Tuesday, March 21, 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, Jim Hukill (Vice-Chair), Doug Easterday, Jesse Newman, Jack Sumner, and Albert Williams; Gary Darnielle, Principal Attorney, Lane Council of Governments, contracted Planning services; City Attorney, Carrie Connelly; Dawn Northey, Building and Planning Secretary; and Planning Secretary/Technician, Tere Andrews.

ABSENT: Commissioners, Jeff Haag (Chair), Jim Creech, and Chris Miles

1. Open Meeting

Vice-Chair Hukill opened the meeting at 6:32pm and said 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

• **February 21, 2023**

MOTION: Commissioner Sumner made a motion to approve the February 21, 2023, Planning Commission minutes as written. Commissioner Easterday seconded the motion.

VOTE: Passed by a vote of 5:0:0. Vice-Chair Hukill, Commissioners, Easterday, Newman, Sumner, and Williams voted in favor.

5. Public Hearing: Preliminary Subdivision, The Reserve at Junction City Phases 3-6 (File # SUB-22-16)

Vice Chair Hukill opened the public hearing for the preliminary subdivision, file # SUB-22-16, The Reserve Phases 3-6 on March 21, 2023, at 6:34 p.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.

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

There were none.

Technician Andrews asked if there were any challenges as to conflicts of interest, ex parte contacts, or bias related to any member of the Planning Commission.

There were none.

Vice Chair Hukill asked for the staff report.

Attorney Darnielle explained there were a number of issues that had yet to be resolved between the applicant, the city engineer, and Lane County Transportation. The applicant made a formal request that the Planning Commission continue the hearing to the April meeting. If that were done, no testimony would be taken at the meeting. The Commission would continue the hearing to a time and place certain and close the public hearing.

Commissioner Sumner asked how many times the application could be postponed.

Attorney Darnielle responded that the city needed to make a decision within 120 days after the application was deemed complete. The applicant could waive the timeframes up to a total of one year. After one year, the application would be void, unless the applicant waived the entire process of the 120-day rule. In the current case, the applicant had waived 60 days, ample time for the Commission to continue the hearing without worry of the timeframes.

Commissioner Williams' understanding was that the applicant had a lot of outstanding issues and that was the request for the request.

Attorney Darnielle replied the applicant had disagreements with the city engineer, and Lane County Transportation related to the transportation impact study, and compliance with Junction City Public Works Design Standards. Some of the issues may be able to be addressed in conditions of approval. The applicant, the city engineer, and the Public Works Director needed to meet and discuss the Design Standards in quite a bit of detail.

Commissioner Williams asked if the applicant could request a continuance at the April meeting.

Attorney Darnielle said yes, they could.

Vice Chair Hukill called for a motion to continue the public hearing.

MOTION: Commissioner Easterday made a motion to continue the public hearing for SUB-22-16, The Reserve Phases 3-6 to the standing April 18, 2023 Planning Commission meeting. Commissioner Newman seconded the motion.

VOTE: Passed by a vote of 4:0:1. Vice-Chair Hukill, Commissioners, Easterday, Newman, and Sumner voted in favor. Commissioner Williams voted against it.

City Attorney Connelly offered to answer questions before she signed off Zoom.

Attorney Darnielle asked could the Commission deny a request for a postponement.

City Attorney Connelly responded while the Commission could push forward that would not be in anyone's best interest because there was an applicant who was trying to provide more information. The commission did not, essentially, have a complete record in front of them. Therefore, it was really in everyone's best interest to continue the hearing.

Commissioner Sumner commented Attorney Darnielle's point was well taken.

Attorney Darnielle replied it was a question that had come up before. The consensus was under the 120-day rule, a commission may not be able to legally deny a valid request if a waiver was granted. Although they had not been able to locate any case law, either way, on that issue.

City Attorney Connelly speculated because the record was not complete, a decision to deny would be remandable as the applicant was trying to provide that information to the Commission.

6. Minor Partition, 93998 Prairie Rd. (file MP-23-01)

Vice Chair Hukill asked for the staff report for the minor partition, file MP-23-01, 93998 Prairie Road.

Attorney Darnielle stated the applicant, John Gambee, was requesting a minor partition of tax lot 401 on assessor's map 16-04-06-11, file # MP-23-01. The property was located south of West 1st Avenue, on the west side of Prairie Road, at 93998 Prairie Road. The property was 1.39 acres, and zoned R2, Duplex Residential.

The applicant proposed to partition the property into three parcels. Parcel 1 was proposed to be 23,480 square feet, parcel 2, 18,452 square feet including the panhandle, and parcel 3, 19,000+ square feet with the panhandle.

Parcel 1 is occupied by an existing residence and a shed. Parcel 2 is occupied by an existing garage and swimming pool, and parcel 3 by an existing accessory structure.

There were three main areas of the municipal code that applied to a minor partition. The first would be the zoning, in the current application the property was zoned Duplex Residential, R2. In that regard, the proposed parcels met the minimum lot area, depth, and width standards of the R2 zone. The only minor issue where there was not consistency was the accessory structure on parcel 3 did not appear to meet the minimum setback of six feet. However, the structure was existing and thus a legal nonconforming structure could remain. The second area of review was in the Subdivision portion of the municipal code, 16.05.030

addressed the general subdivision provisions. It outlined the contents the preliminary plan needed to include and the approval criteria. In most cases the contents of a preliminary plan met the requirements of the section. In the few cases where not all the information was shown on the plan, that could be addressed with conditions of approval and shown on the final plan. Staff did not feel that was an issue. Approval criteria listed under JCMC 16.05.030.D.2.b. required the Planning Commission must make affirmative findings to approve a preliminary plan.

- The first criteria were “approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.

The parcels were fairly large. In most cases they could be subsequently re-partitioned. However, there was so much existing development and spaced in such a manner and size, staff did not believe additional partitioning was practical. The proposed partitions could result in stopping further partitioning. Also, the access was off Prairie Road through panhandles and did not interfere with any existing or potential access within the area. Staff would recommend the criteria had been satisfied.

- The second criteria stated, “The minor partition complies with Junction City policies and plans as well as the intent and purpose of the municipal code.” The city’s comprehensive plan did not have policies that directly impacted the proposed. The designation of Medium Density Residential (MDR) called for a higher density than that proposed but by partitioning the property, the applicant was moving closer to what the Comprehensive Plan designation stated as the density for MDR land.
- Section 16.05.010 of the municipal code was the purpose statement, and in part stated it was to carry out the development plan Junction City. Staff pointed out the proposed partition would allow an infill in an area that was already pretty well developed. Most of the adjacent lots were developed with residences. Secondly, the use of panhandles for access was an established development pattern in the area. Finally, the partition would create parcels similar in size to existing parcels on the west side of Prairie Road.
- Another policy was section 13.20.130 required that all residences within 150-feet of the sanitary sewer shall connect with the sanitary sewer system. Section 13.05.020 required all residences within 300-feet of a city water line must connect. In the current case, the city water line was located on the east side of Prairie Road, and the sewer line ran down the middle of the road.

Parcel 1 would be required to connect, that was made a condition of approval. Parcels 2 & 3 would be required to connect at the time of development. The Public Works Director pointed out that the connections would be fairly expensive propositions. The sewer line was approximately 20-feet below ground.

- The third area of review, 16.05.050, set the platting and mapping standards required for the proposal. The only section that stood out to staff was the panhandle. In this regard, the width of the panhandle was 25-feet through the width of Parcel 1, then immediately dropped to 16-feet to Parcel 3. The code stated if there was only one parcel served by the panhandle, the minimum panhandle width was 15-feet. If there were two rear parcels, the minimum width would be 25-feet. The applicant argued that the 25-foot width went to Parcel 2, therefore, Parcel 3 was the only rear lot, and only needed to be 15-feet wide. Unfortunately, that was not the way the code read. The code basically said, the width was determined without considering whether or not a parcel actually relied on the panhandle. Parcel 1 did not take access off of the panhandle, only Parcels 2 & 3 but it had to be counted. That meant Parcel 1 was the first parcel and Parcels 2 & 3 were rear lots. Therefore, there were two rear lots, and a 25-foot minimum width was required.

Commissioner Easterday confirmed, for the entire length.

Attorney Darnielle concurred.

Commissioner Newman commented that the constraint was the pre-existing garage.

Attorney Darnielle agreed. However, the code provided that the Planning Commission could modify some of the standards, included under 16.05.050, for the panhandle width. The modification provisions were found in 16.05.070.A.2 which permitted a modification under certain conditions. The Planning Commission could modify if the provision caused unique and unnecessary hardship to the petitioner. In the current case, if the modification were not made, the Planning Commission would have to either deny the application or require the applicant to tear down the garage. Staff believed that was a hardship for the petitioner. Quite frankly, the garage pre-existed not only the applicant's ownership of the property but previous owner as well.

The second standard for modification, there were unusual topographic conditions or previous layout of the partition area that reasonably required a modification. Again, the garage was there.

Finally, the modification would not be substantially injurious to the best use and value of the property in the neighboring area. Staff would point out again that panhandle lots existed in the area. Staff would support the Planning Commission in allowing the modification to the width standard so the applicant could proceed, and the Commission could, if they so choose, approve the preliminary minor partition.

Most of the conditions of approval centered around items to be completed for final plat approval. Condition 11 was slightly different. It read, prior to final plat approval, and consistent with 16.05.050.E.6.i, the applicant shall erect a sight obscuring fence or landscaping that along the southern border of the panhandle adjacent to tax lots 405 and 404. The applicant could eliminate that condition if they received a written sign off from the neighbors which stated they did not care if there was a sight obscuring fence or landscaping along that border.

Commissioner Sumner asked if the neighbors to the south had been notified of the proposal.

Technician Andrews responded they had been sent a notice. No comments were received.

Commissioner Williams asked why the minimum width was 25-feet.

Attorney Darnielle answered there would be at least two residences using the access with cars going, possibly, both ways.

Commissioner Williams asked about fire vehicle access.

Attorney Darnielle replied that one of the conditions stated no parking would be allowed in the panhandle. Additionally, the fire district reviewed the application. Their only comment was the preliminary plan needed to better identify the hammerhead length at the end of Parcel 3 but there was no objection to the 16-foot width.

The applicant's representative, Jed Truett, Metro Planning, 846 A Street, Springfield OR 97477, thanked Attorney Darnielle for the comprehensive staff report. The applicant has reviewed the proposed conditions of approval. He had nothing to add to the staff report and offered to answer any questions the Commission had.

Commissioner Williams asked Planner Truett for confirmation that the applicant understood the extent of the work required for sewer connection.

Planner Truett confirmed the applicant was aware of the conditions.

MOTION: Commissioner Easterday made a motion to approve with conditions as stated in the final order the preliminary Minor Partition for Tax Lot 00401 of

Assessor's Map 16-04-06-11, File # MP-23-01. Commissioner Newman seconded the motion.

VOTE: Passed by a vote of 5:0:0. Vice-Chair Hukill, Commissioners, Easterday, Newman, Sumner, and Williams voted in favor.

7. Planning Commission Agenda Forecaster

The Commission reviewed the agenda forecaster.

Commissioner Williams asked if there was a way to forecast a more concrete public hearing for the subdivision proposal.

Attorney Darnielle replied in terms of notice, staff urged the applicant, Public Works, and the city engineer to meet and work out the issues. There had been a week prior to release of the staff report and it did not happen. Then, at the last minute, Lane County Transportation issued some pretty sever comments on the Transportation Impact Study which required the applicant and city engineer to discuss those comments, and a meeting just had not happened.

Those who submitted written comments were notified.

Commissioner Sumner asked that housing and anticipated code changes as the city approached a population of 10,00 be added to the Agenda Forecaster.

8. Commissioner Comments

There were none.

9. Adjournment

MOTION: Commissioner Easterday made a motion to adjourn the meeting. Commissioner Newman seconded the motion.

VOTE: Passed by a vote of 5:0:0. Vice-Chair Hukill, Commissioners, Easterday, Newman, Sumner, and Williams voted in favor.

The meeting was adjourned at 7:28 p.m.

The next Standing Planning Commission meeting was scheduled for Tuesday April 18, 2023, at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Commission Secretary

James Hukill, Planning Commission Vice-Chair