

The Junction City Planning Commission met in regular session on Wednesday, August 16, 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 Commission Chair Jeff Haag, Commissioners, James Hukill (Vice-Chair), Jim Creech; Chris Miles; Jesse Newman; and Jack Sumner; Public Works Director Gary Kaping; Gary Darnielle, Principal Attorney, Lane Council of Governments, contracted Planning services; Chloe Trifilio, Planner, Lane Council of Governments; City Attorney Armand Resto-Spotts; Dawn Northey, Planning Commission Secretary; and Tere Andrews Administrative Aide.

**ABSENT:** Commissioner Doug Easterday and Alternate, Vanessa Brown

### **1. Open Meeting**

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

### **2. Changes To The Agenda**

The conditional Use Permit application for 805 W 17<sup>th</sup> (CUP-23-30) was withdrawn per the applicant's request.

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

Chair Haag opened comments for items not already on the agenda.

- Commissioners Hukill and Miles stated that they both live in Phase 1 of the Reserve. Commissioner Hukill wished to be excused from voting as he felt it was a conflict of Interest.
- Kate Garvey (94705 Oaklea Drive) – Concerned that fields have not been mowed in the Rolling Meadows. Feels this is a real fire hazard.

### **4. APPROVAL OF MINUTES**

- **June 20, 2023**

**MOTION:** Commissioner Hukill made a motion to approve the June 20, 2023, Planning Commission minutes as written. Commissioner Miles seconded the motion.

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

### **5. PUBLIC HEARING: ROLLING MEADOWS PUD MAJOR MODIFICATION (PUD-23-24)**

Chair Haag opened the public hearing for Rolling Meadows PUD Major Modification (PUD-23-24) at 6:34 PM.

Chair Haag called for the staff report:

The Proposal: Attorney Darnielle explained that the Rolling Meadows subdivision was a six-phase PUD whose master plan was approved in 2020. A major modification to the PUD process was treated as a new PUD under the code. The code provides that the approval of a major modification or PUD was done in three stages.

- *Stage one:* Was the pre-application or preliminary conference that occurred in May with the staff
- *Stage two:* Was where the Planning Commission reviewed the approval criteria which was done at the July meeting where the Commission found that the PUD appeared to meet the three criteria that were required which were one consistency with the comprehensive plan, two that the PUD could be developed in harmony with the surrounding area, and internally within the PUD modification, and third that there was a timetable for the completion of the PUD. Those findings were made last month which allowed the Commission to move to stage three.
- *Stage three:* A hearing on the application

Summary of Findings: There were only two issues before the Planning Commission in terms of modification to the PUD. One area is to all the properties within the PUD that are zoned R2, and those changes were the minimum lot area for attached single-family dwellings reduced from 3,500 square feet to 3,000 square feet. The minimum lot Width and frontage were reduced from 50 feet to 34 feet, and the minimum lot depth was enlarged from 70 feet to 90 feet. The second change was the intersection of Farmington Drive and Fourth Avenue. It was re-aligned, so they no longer needed a 90-degree angle. No other changes to the PUD were proposed in this modification.

The staff received comments from Wayne Earnshaw and Mary Whitlock regarding notice was insufficient because it referred to Phase One which was true going into the July meeting. In transition, it became clear that the modification was no longer limited to phase one but applied to all the PUD. The notice for this hearing did not limit the breadth of the modification to phase one so essentially that procedural error was secured by the notice for this hearing. There was concern about congestion, but the applicant discussed this at the last meeting that there should not be more congestion between two attached single-family and a duplex. There was concern about the townhouses becoming rentals. The city has no control over whether those units become rentals or are owner occupied. Attorney Darnielle stated that the purpose of the changes to the zoning ordinance to create single attached dwellings was to encourage lot ownership in the PUD.

Attorney Darnelle asked to make a slight Modification to the Proposed Final Order on page 1 A(4) which states The Junction City Planning Commission followed the required procedure of approving a conditional use permit and it should read a PUD Modification as required by Chapter 17.130 of the Junction City Municipal Code.

Commissioner Hukill asked for clarification on page 41 Paragraph 17.15 Finding # two – applicants have applied to partition for eight lots in phase one zoned R2 to allow attached single-family dwellings. They anticipate the same request will be made for the remaining lots zoned R2 within the PUD; does this means all of them? Yes, it applies to all fifty-four lots.

Chair Haag invited the Applicant or others in favor of the proposal to speak:

Lani Hickey - Rhine-Cross Group, LLC (Klamath Falls OR. 97601) Recapped a little bit of the meeting from last month. The single family attached dwellings would increase the frontage, they are asking for 34 feet of frontage width on the duplexes which was already permitted. They are permitted at 50 feet. They are increasing the frontage which allows for additional parking, as shown in their displays and schematics from the last meeting. Each unit will sit on 34 feet singularly and then they will be attached. Allowing for 68 feet of frontage which is more stringent than the duplexes at 50.

Lani Spoke with the landowners and developers and they are drawing up CCNR's that would address roof replacement as individual units, the even colors of the homes, the shared driveway agreements, along with multiple other issues that could come up with shared units and individual ownership. Whether they are rented or owned this gives people the opportunity to own the land and home at somewhat of a more affordable price.

Commissioner Miles asked if the CCNR's will outlay the parking rights for each home. Lani explained that their code outlays the parking for each individual unit, there will be two parking spaces, garage parking and parking outside in front of the garage. Street parking would be public parking.

Chair Haag invited those who had neutral testimony to speak:

None

Chair Haag invited those Opposed to the proposal to speak:

None

Chair Haag asked if applicant wished to waive or limit the time in which to submit final written argument, applicant said yes. Public Hearing was closed at 6:58 PM. No discussion to follow.

**Motion:** Commissioner Creech made a motion to approve the Rolling Meadows PUD major modification (PUD-23-24) with findings as amended to correct A.4 to read PUD (Public Utility Development) and finding two to clarify it pertains to all R2 lots within the PUD. Commissioner Newman Seconded the motion.

**VOTE:** Passed by a vote of 5:1:0. Chair Haag, Vice-Chair Hukill, Commissioners, Creech, Newman, and Sumner voted in favor. Commissioner Miles voted against.

## **6. CONTINUED PUBLIC HEARING AND COMMISSION DELIBERATIONS: THE RESERVE PH 3-5 (SUB-22-16)**

On June twentieth, 2023 during the public hearing for The Reserve phases 3 to 5 the applicant requested additional time to hold the record open for applicant to review and respond to engineering comments as well as other public testimony as it may pertain to the proposal.

The Commission granted applicants request to temporarily keep the record open, and set responsive deadlines for the applicant and the public or interested parties to provide final written comment for the record as follows:

- **July 4, 2023** – Applicant’s response to new information raised shortly before the June 20, 2023 meeting date.
- **July 18, 2023** – Deadline for final public or interested parties to respond to Applicant’s new written information.
- **July 25, 2023** – Deadline for Applicant’s final rebuttal, which shall be limited to the public comment received by July 18, 2023.
- And with that final submittal, **the record was closed on July 25, 2023**

In that same motion, the Commission moved to continue the public hearing on this matter until August 16, 2023.

Pursuant to ORS 197.797 and Junction City Municipal Code 17.150, the Commission had offered the applicant and all interested parties the opportunity to submit their additional written evidence, arguments, and testimony into the record, and the City did not receive any requests to again extend the open record period before July 25, 2023. Accordingly, Chair Haag opened tonight’s meeting by clarifying that at 7 PM on August 16, 2023, the public hearing for SUB-22-16, The Reserve Phases 3-5 was closed.

The Planning Commission resumed the review of land use proposal (SUB-22-16). The Planning Commission may only ask questions for clarification from city staff at this point.

Chair Haag opened discussion up to the Commission for discussion and deliberations.

Commissioner Haag asked the Public Works Director Gary Kaping a question regarding a comment submitted from a resident concerned about the elevation of the road that would dead-end into their property. By Public Works design standards, a barricaded reflective sign would be posted saying "barricaded for future use," does not mean the future use would happen. The barriers would be required by public works design standards. The city would not allow for a blockade or pole because city would be liable should someone crash into it.

Chair Haag asked Attorney Darnielle for the staff report:

Staff Summary: Attorney Darnielle highlighted some of the issues that the Planning Commission would need to decide on.

- the extension of Jasmine Street, a concern from the resident just to the north.
- Lots 212-215 off 12<sup>th</sup> Ave are butt lots and the code says there should not be any butt lots unless authorized by the Planning Commission where necessitated by unusual topographic conditions or previous adjacent layout.
- Staff noticed that the extension of 15<sup>th</sup> Ave the plan comes in and then there is a jog with lots in between the two portions of the road otherwise W 15<sup>th</sup> Ave abuts the urban growth boundary and will develop in the future and if so it will be served by W 15<sup>th</sup>. We do not want W 15<sup>th</sup> to come down and jog through the subdivision, staff is proposing that you name that jogged portion W 15<sup>th</sup> Place. In the future if it were to be applicable W 15<sup>th</sup> Ave could be extended.
- Water Availability and pump station capacity – If you look at Conditions of approval 3-6 those have been addressed. It was Attorney Darnielle's understanding that the Conditions of approval have been reviewed by the City Engineer, Public Works Director, and the applicant and they are in agreement. There were some minor changes.
- Comments from Lane County transportation, which indicated they wanted more transportation related improvements. The Applicant's Attorney did not hear back from Lane County staff, so staff assumed that the conditions

had been satisfied by the applicant, and that Lane County agreed. No further improvements were needed.

Two minor changes to the proposed conditions of approval suggested by the applicants engineer.

**Condition of approval # 1:** All easements must be recorded on the face of the plan, that was a typographical error it should have said plat. They added another sentence that stated public utility easements should be recorded on the final plat and not before.

**Condition of approval # 13:** States prior to final plat approval the applicant shall hold a pre-construction meeting with Public Works staff and the City Engineer. Prior to the pre-construction meeting the applicant shall provide construction drawings that comply with the Public Works Design Standards for the current phase of the project and gain approval from Public Works and the City Engineer. The point of the applicant's engineer was that the pre-construction meeting was required and does not need to be associated with final plat approval stating that the first sentence of that condition was irrelevant.

Chair Haag asked for any Comments:

Commissioner Hukill – Regarding the reservoir how will that be determined; we are concerned about the water. The Public Works Director stated that it would be determined by the council.

Commissioner Sumner: Wished to clarify the changes to the conditions of approval for number 1 and 13.

**Motion:** Commissioner Newman made a motion to approve with conditions to The Reserve at Junction City Phases 3-5 preliminary subdivision application, File # SUB-22-16 with findings as amended to one of the conditions of approval change plan to plat, and condition thirteen exclude first sentence, as well as approve the butt lots, and change the jog of W 15<sup>th</sup> Ave to W 15<sup>th</sup> Place. Commissioner Sumner seconded the motion.

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

**7. PUBLIC HEARING: 1520 JUNIPER STREET (CUP-23-29)**

Chair Haag opened the public hearing on CUP-23-29, 1520 Juniper Street on August 16, 2023, at 7:28 PM.

Chair Haag asked for the staff report:

Chloe Trifilio introduced herself to the Commission as an assistant planner to Lane Council of Governments, and that she would be taking over as Junction Cities contracted planner.

She brought Conditional Use permit (CUP-23-29) for a dwelling at 1520 Juniper Street before the Commission. The applicant and their builder were present to speak about the proposal.

The proposal was to take a legal non-conforming dwelling that was in the general commercial zone and demolish the existing attached garage and replace it a little bit bigger, and build a second residence on the second floor.

It was in the general Commercial zone and there are restrictions on uses that are not commercial however it states residential dwellings shall not be allowed on the ground floor of the General Commercial zone. However, existing dwellings and their accessory uses that were legally established prior to the effective date of the ordinance codified in this chapter may be used for residential purposes, and may be maintained, expanded, constructed or reconstructed in conformance with the development standards as established in the R3 Zone and the nonconforming use standards in Chapter 17.125 JCMC. In summary they are allowed to keep the dwelling, they are allowed to expand it as long as it would be legal non-conforming but it does need to meet the development standards of a residential zone even though it is in a general commercial zone. We did find that it was a legal non-conforming dwelling built in 1925 according to tax records and we did not adopt zoning until 1940, there was no indication that that use ceased for over a year during that time which was another criteria of a non-conforming use section. They will eventually be required to get a development review permit due to the size of the proposal.

Commissioner Sumner asked why this application was not an administrative decision, Planner Trifilio stated that a major alteration would be a proposal greater than 10 percent of the total square footage of a nonconforming use or structure, and may be approved by the planning commission subject to the provisions for conditional use permits. Because they wanted to build more than

10 percent that automatically requires them to have a conditional use permit and all conditional use permits are a type III land use procedure here in Junction City and require a public hearing.

The residential structure on the upper floor was also an allowed use in the general commercial zone and they generally prefer this as mentioned in the earlier code that residences be on the second floor so that would be how we would move forward with the second unit in one structure. It states it is an allowed outright use in the general commercial zone.

One issue Planner Trifilio would like to bring up was that she aired in that they had provided information stating there was a 530-square-foot addition and she said that was an addition onto just the house and not the attached garage. There are a couple of findings where it states that the existing structure was 974 square feet, and they were adding 530 when in reality the existing structure was 1374 square feet with a garage that was being demolished and replaced, and then they are adding 530 square feet onto that. If she had gone with the original size of 974 square feet, then it would have been a 930 square foot addition. The important part was that this does not change any of the criteria. The final total will be 1904 square feet including the dwelling and addition after they demolish the garage.

Planner Trifilio mentioned that code 17.20.090 Building Height transition stated that in an R3 zone, new buildings, or portions of new buildings exceeding one story in height that abut an existing one-story single-family detached residential or duplex building shall not exceed a building height greater than one foot for each foot of horizontal distance from the property line. This was a new building of two stories. There was a single story just to the north of the subject property so she finds this criteria to be applicable. Planner Trifilio will ask them at the time of development review and building permit to submit a new site plan that shows that they meet this criteria which would be to shorten the building a little bit or to set it back further. Planner Trifilio does not think it will change the non-conforming use criteria; the structure should still match the feeling of the residential area.

Commissioner Haag asked if they could use a minor variance to allow for them to add the five feet. Planner Trifilio said they would need to change the setback or reduce the building height, because it was supposed to be one foot setback for every foot high.

Commissioner Creech asked how far they would need to set it back to make it work, response was 5 or 6 feet. The applicant said it would be feasible but very expensive as plans have already been drawn. Commissioner Creech asked if we



could do a variance, Attorney Darnielle stated they could do an administrative variance which is 10 percent of a variance to a code standard.

Possible solution: 17.140.030 provided authorization to grant or deny minor variances, section A minor variance is one variance involving the following may be granted by the city administration after a thorough examination and upon presentation of evidence that the variance requested involves one of the issues listed please direct your attention to number three which would be an extension or restoration of a nonconforming structure, it could potentially be an extension of a non-conforming structure and come as a minor variance that way.

Attorney Armand Resto-Spotts clarified that there are additional notice requirements if we were to go forward with this variance option in reading that subsection C, a notice would need to be mailed out to property owners abutting the property and if anyone were to object in 10 days we would need to have another public hearing. Commissioner Haag stated that we could approve this with a modified condition, and it would sort of be on hold. There is an appeal period after the Planning Commission's decision. The decision would become final after the appeal period which is 12 days.

Chair Haag invited the applicant and others in favor to speak:

Connie and Daryl Madsen, 92540 Chardonnay Way, Cheshire, OR 97419 – When they started this project, they checked that the lot was general commercial, and they got the specifications and began planning. They were not aware of the R3 zoning. In preparation, they drove down Juniper Street and took pictures showing a duplex that was two stories and it was approximately 6 to 8 feet from the property lines on each side, and they found another situation very similar to theirs, an older home at the corner of 9<sup>th</sup> and Juniper. On ninth street, they constructed a two-story garage with an apartment above. In seeing what was already done they assumed that this was going to work. The single-story just to the north of their property was mostly a garage with a flat roof so we do not see that there would be any encumbrance to them. Their plan would be to have a handicap-accessible garage that would be bigger and easier to get into. They would be able to live there in their later years and the apartment above would be for a caregiver.

Chair Haag invited those who had neutral testimony to speak: None

Chair Haag invited those opposed to the proposal to speak: None

Chair Haag closed the public hearing at 7:58 PM

**Motion:** Commissioner Sumner made a motion to approve the proposed Conditional Use File # CUP-23-29 ,1520 Juniper Street based on the findings as modified on finding number 10 and finding number 25 as stated in the final order. Additionally, we will add the administrative minor variance 17.20.090 with a ten-day notice. Commissioner Miles seconded the motion.

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

#### 8. PLANNING COMMISSION AGENDA FORECASTER

The Commission reviewed the agenda forecaster.

#### 9. COMMISSIONER COMMENTS

None

#### 10. ADJOURNMENT

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

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

The meeting was adjourned at 8:45 PM

The next Standing Planning Commission meeting was scheduled for Tuesday September 19, 2023, at 6:30 p.m.

Respectfully Submitted,

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Dawn Northey, Planning Commission Secretary

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Jeff Haag, Planning Commission Chair