

The Junction City Planning Commission met in regular session on Wednesday, December 16, 2020 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 Creech, Doug Easterday, James Hukill, Cindy Montgomery, Jack Sumner, and Brian Wells; Commission Alternates, Beverly Ficek, and Ken Wells; Public Works Director, Gary Kaping (Hearing Officer), and Planning Technician/Secretary, Tere Andrews

Absent: Commissioner Jeff Haag (Vice-Chair)

1. OPEN MEETING

Technician Andrews opened the meeting at 6:33 pm. Vice-Chair Haag was not able to attend the meeting. Therefore, the Commission would need to elect a Chair Pro-Tem to lead the December 16, 2020 meeting.

Motion: Commissioner Hukill nominated Commission Alternate Beverly Ficek as Chair Pro-Tem for the December 16, 2020 meeting. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 6:0:0. Commissioners Creech, Hukill, Easterday, Montgomery, Sumner, and B. Wells voted in favor.

2. PLEDGE OF ALLEGIANCE

Chair Pro-Tem Ficek led the Pledge of Allegiance.

3. CHANGES TO THE AGENDA

Chair Pro-Tem Ficek asked if there were any changes to the agenda.

There were none.

4. PUBLIC COMMENT (FOR ITEMS NOT ALREADY ON THE AGENDA)

Chair Pro-Tem Ficek asked if there were any comments for items not already listed on the agenda.

There were none.

5. APPROVAL OF MINUTES

- September 16, 2020
- October 21, 2020

Motion: Commissioner Hukill made a motion to approve the September 16, 2020 Planning Commission minutes as written. Commissioner Montgomery seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Pro-Tem Ficek, Commissioners, Creech, Hukill, Easterday, Montgomery, Sumner, and B. Wells voted in favor.

Motion: Commissioner Hukill made a motion to approve the October 21, 2020 Planning Commission minutes as written. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Pro-Tem Ficek, Commissioners, Creech, Hukill, Easterday, Montgomery, Sumner, and B. Wells voted in favor.

6. PUBLIC HEARING: MAJOR VARIANCE, 1231 QUINCE (FILE #VAR-20-31)

Chair Pro-Tem Ficek asked Director Kaping to proceed with the public hearing as the Hearing Officer.

Hearing Officer Kaping stated the public hearing for a Major Variance, VAR-20-31, at 1231 Quince was opened on December 16, 2020 at 6:38 p.m.

Hearing Officer Kaping introduced himself and stated he was the Hearing Officer for the public hearing. The public hearing would be conducted in accordance with the Junction City Municipal Code and state law (ORS 197.763).

Staff would first present the staff report and applicable criteria and recommendations. The applicant then had the opportunity to present their proposal and associated information. Next public testimony would be taken. If members of the public intended to testify, it was requested that they please speak clearly, and state their name and address for the record.

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

Hearing Officer Kaping asked if any Planning Commissioners wished to make a disclosure.

Commissioner Montgomery made a potential conflict of interest disclosure due to her customer base. Her company installed the heating system at 1231 Quince Drive for a previous owner. Several of the people who submitted written testimony had also been customers of her company. No work was currently being conducted, nor were there open contracts for any of those mentioned. It

did not prevent Commissioner Montgomery from participating in the public hearing or making a decision.

Hearing Officer Kaping asked if Commissioner Montgomery could make an unbiased decision.

Commissioner Montgomery affirmed her ability to make an unbiased decision.

Commissioner Sumner stated he spoke with a neighbor. Commissioner Sumner and the neighbor lived in the area of 1231 Quince Drive. To his recollection, the conversation was prior to the request for a variance. It would not prevent Commissioner Sumner from participating in the public hearing or making an unbiased decision.

There were no other disclosures.

Hearing Officer Kaping 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.

A member of the public pressed *6 to comment however it was done in error.

There were no challenges.

Hearing Officer Kaping invited Technician Andrews to review the staff report.

Technician Andrews reviewed the subject site was Lot 11, Block 2 of the Stanley Hall Subdivision. The existing home was a single-story structure constructed in 1973 and situated on the north side of the only cul-de-sac within the subdivision and neighborhood. A recently installed RV cover sat on the south side of the subject site. The RV cover was 18-feet wide and approximately the height of the garage roof peak. The RV cover encroached 11-feet into the 15-foot street side, side yard setback, abutting the Quince Drive cul-de-sac, and approximately 13.5 feet into the rear yard setback.

The applicant was requesting a variance to reduce the street side yard and backyard setback requirements to allow their prefabricated RV cover to remain in its current location.

Relevant dates, the application was submitted on November 12, 2020, and deemed complete on November 20, 2020. The Public Hearing Notices were mailed on November 23, 2020. A referral was sent to other city departments and affected agencies also on November 23, 2020. The Staff Report was issued December 9, and the Planning Commission Public Hearing held on December 16, 2020.

The subject site was zoned R1, Single Family Residential, and identified as Low Density Residential on the City's 2012 Comprehensive Plan Map. The

surrounding properties were also zoned R1 and identified as Low Density Residential.

The subject site was 110-feet long by 75-feet wide. The Front property line faced to the east. The lot lines in question were the south property line, which was the street side yard, and the west property line which was the rear yard property line.

Quince Drive was listed as a local street in the 2016 Junction City Transportation System Plan. The Classification meant the street provided direct property access to Quince Drive.

The RV cover at 1231 Quince Drive came to staff attention via a Citizen Comment form submitted in late July 2020. Code Enforcement in Junction City, for such matters was citizen driven. Building and Planning staff conducted site visits on July 31, 2020. Building staff found no issues related to State Building Code. Planning staff found the street side yard and backyard setbacks were not in compliance. The street side yard did not comply.

Technician Andrews read the four criteria listed in Junction City Municipal Code section 17.140.010, and the associated findings.

“Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control.”

The subject site was on the north side of the only cul-de-sac in an existing subdivision. The Property owner did not have the option to adjust their property lines to create more suitable setbacks. The owners wished to maintain the recently installed RV cover in its current location with a four-foot setback from the south property line, and one and on-half feet from the west property line.

Criteria ‘B’, under Junction City Municipal Code 17.140.010, Authorization to Grant or Deny a Variance. There are four criteria, A, B, C, and D. Criteria ‘A’ was just reviewed. Criteria ‘B’ stated

“The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.”

The accessory structure was installed in good faith by the property owner to City standards, and State Building Codes as known at the time of set up. The applicant noted in their written narrative that other, similar RV covers were located on other properties within the neighborhood.

Criteria ‘C’. *“The authorization of the variance shall not be materially detrimental to the purpose of this title, be injurious to the property in the zone or vicinity in*

which the property is located or be otherwise detrimental to the objectives of any development pattern or policy.”

The RV cover was situated along the south property line, abutting the subdivision's only cul-de-sac, and sat outside of the Vision Clearance Triangle. No development could occur within the cul-de-sac or Vision Clearance Triangle. Setbacks were established to maintain privacy, aesthetics, and fire protection. The development pattern in the area of the subject site was that of a low-density residential neighborhood.

The applicant's written narrative stated there were other RV covers in the neighborhood. There were three comments received. The first public comment received objected to the granting of the variance as the structure was out of place in the subdivision. The second commenter wrote in favor of the RV cover remaining in its current location. They too noted there were other similar structures in the city. The third writer felt the size of the structure did not fit the neighborhood.

The criteria in JCMC 17.140.010(C) stated the variance shall not be materially detrimental to the purposes of Junction City Municipal Code Title 17 (Zoning Code), or injurious to property in the zone (R1). The Merriam-Webster dictionary defined 'materially' as considerable or substantial; and 'detrimental' as harmful, damaging, or undesirable. Therefore, if granted, the variance would not cause substantial harm or damage to the Zoning Code, or the Single Family Residential, R1 Zone.

Criteria 'D',” It is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure as desired.”

The finding, the RV cover cannot be modified to meet the street side yard setback and meet the needs of the homeowner because the distance from the existing home to the required setback area was seven feet. It may be possible to move the structure forward to offer a more acceptable rear yard setback and remain outside of the Vision Clearance Triangle. The applicant stated they placed 26 tons of rock along the south side of their property to create the RV/boat parking, along with a retaining wall near the corner. According to the Zoning Code, if a Variance were not granted, the structure would have to be removed.

Variance Procedure (JCMC 17.140.020), *“the procedure to be followed in applying for and acting on a variance shall be substantially the same as those provided in Chapter [17.130](#) JCMC for the case of a conditional use.”*

Procedures were followed in applying for and acting on the major variance application, File # VAR-20-31, were substantially the same as those listed in JCMC Chapter 17.130. An application, on a form provided by the city, was

submitted by the property owner on November 12, 2020. A public hearing was scheduled and held within 40 days per JCMC 17.130.030.

Junction City Municipal Code section 17.140.030, Authorization to Grant or Deny a Minor Variance demonstrated the applicant's request was indeed a Major Variance rather than a Minor Variance as the request was more than a 10% deviation from the setback standards for street side yards and rear yards in the R1 zone.

Attachments to the staff report included copies of the comments received by the deadline as stated in the notice of public hearing. There were two additional comments received after the deadline, one on December 15, 2020 and a second on December 16, 2020. These comments were emailed to the Planning Commission and posted, as addendums to the Planning Commission packet, on the Planning Commission page of the City website.

Commissioner Montgomery asked for confirmation that the Building Department did not require permits for the RV cover.

Technician Andrews concurred. The Oregon State Building Codes looked at the building differently than the City zoning codes.

Commissioner Sumner asked, in the past, his neighbor planned to put up a shed that was over 100 square feet. They were required to get a permit. He asked, why was the RV cover in question not required to get a building permit.

Technician Andrews replied, she was not the Building Inspector, although the shed was most likely an enclosed structure and the RV cover in question was an open-sided structure and may also have had something to do with the foundation of the shed.

Referral sent to City departments and outside affected agencies, which included the Building Inspector. His response was included in the packet and stated he had no comment.

Commissioner Creech asked for confirmation that if not for the setback issues, the structure would be legal.

Technician Andrews responded that was correct.

Commissioner Montgomery asked if the RV cover was considered a temporary structure.

Technician Andrews said her understanding was that from the building codes perspective it was considered a temporary structure. The Zoning Code did not offer a definition for temporary. It offered a definition for a building or an

accessory structure. The staff report reviewed these definitions, and the RV cover met those definitions, and therefore the setbacks applied.

Commissioner Hukill noted the height had also been commented on in the written testimony received.

Technician Andrews replied in the R1 zone, which was where the house was located, the maximum building height was 30-feet. The home was a single-story home. Generally, single story homes were about 15-feet tall. The RV cover was approximately the height of the garage roof peak.

By State Building Code standards, the RV cover was not a building. Thus, there were not issues with the Building Codes. However, under the City's Zoning Codes, the RV cover did meet the definition of a building because it was a structure with a roof supported by columns and intended to shelter equipment, and greater than 120 square feet, and taller than 10-feet. Therefore, it met the City's definition of a building, and fell under the Zoning Code requirements for setbacks.

There were no other questions or comments from the Commission.

Applicant and Others in Favor May Speak

Hearing Officer Kaping asked if the applicant or their representative would like to speak.

Aaron Brahms, 1231 Quince Drive, Junction City Oregon 97448 explained they did a great deal of work to update the property. One thing that was very evident was that they had a large side yard. There were a lot of trees in the front of the house. On the side of the house there were several raised garden beds. When they moved in, they knew they wanted to do something with the side yard. This past summer they began work on the project and pulled out about 100 yards of dirt and excavated down to level the ground and added rock (gravel). Their neighbors knew what they were doing. They came over and asked questions about what was going on. That they planned to put a cover up. As they got closer to putting the structure up, they continued talking with the neighbors. They investigated several options for covers. They wanted it to look nice. The best option, for them, was the RV cover they went with to cover their boat and RV. Their goal was to park the vehicles next to each other. They did not want the cover to go above the roof line. He understood it to be a temporary structure and had no idea it violated any permitting requirements. He looked at building codes and understood a building permit was not needed but did not realize he also needed to look at city zoning codes. He did not know, until the structure was already up, that it was in the setbacks. The next day the building inspector was at the house and spoke with him. He understood from conversations with the

neighbors that from the cul-de-sac view it was large and needed trees or something to cover it. He observed there were many similar structures in town that also did not meet setback requirements.

Hearing Officer Kaping asked if there was anyone else who wished to speak in favor of the proposal.

Nicole Brahms, 1231 Quince Drive, Junction City Oregon 97448, added they were willing to move the structure forward away from their back fence line, and plant some trees. She too had heard from neighbors the side yard was not an issue as the arborvitae grew between the accessory structure and the sidewalk. She noted the structure looked taller because the house and accessory structure sat about three feet above street level.

Tori Thornton, 30325 Maple Drive, Junction City OR 97448 spoke to the character of the applicants, that they took pride in their home and in being good neighbors. She added there were other similar structures in town. She was confident the applicants would do what was needed to make the structure visually appealing for the neighbors.

There were no others who wished to testify in favor.

Neutral Testimony

Hearing Officer Kaping asked if there was any neutral testimony.

There was none.

Those Opposed May Speak

Hearing Officer Kaping asked if there was anyone who was opposed to the proposal.

Cheryl Caughran, 1201 Quince Drive, Junction City Oregon 97448 stated she was aware the applicant planned to put up a structure but did not realize it would block her yard. She no longer had morning sun or sun for her roses. She felt the structure was too close to her property line.

Julie Reed, 1121 Quince Drive, Junction City Oregon 97448 said she lived across the street. she was unaware of the structure being put up. She noted it probably looked bigger because it sat up from street level. The arborvitae did hide a lot of the structure. She agreed there were other similar structures in the neighborhood but added they were more tucked away. She would appreciate some compromise and found the applicants to be good neighbors.

Hearing Officer Kaping asked if there was anyone else who wished to speak.

Richard Locke, 1180 Quince Drive, Junction City Oregon 97448 commented that it was a difficult situation. The neighbors did get along well. The applicants did a great job on their home. From the cul-de-sac view it was large. He appreciated that the applicant was willing to beautify the area but there was not space to plant trees on the back side unless the structure was moved from the back fence line. With that said, there could possibly be a compromise to lower the height and move it away from the back fence.

Hearing Officer Kaping asked if there were any other callers wished to speak in opposition to the variance.

There were none.

City Staff Summary/Response to Public Testimony

Hearing Officer Kaping called for a staff summary or response to testimony.

Staff summarized the variance request was for the street side yard setback and the rear yard setback for a RV cover which was considered an accessory structure in the R1 zone. Staff offered to take questions from the Commission.

Commissioner Sumner asked

Applicant Rebuttal

Hearing Officer Kaping asked if the applicant had anything to add.

Hearing Officer Kaping asked if there was any additional evidence or responses.

They did not.

Hearing Officer Kaping asked if there were any requests to keep the record open.

Hearing none, Hearing Officer Kaping closed the public hearing and record at 8:16 p.m.

Deliberations

The Commission held a discussion on potential options including the homeowner moving the structure away from back property line. However, it was noted the full 15-foot rear yard setback could not be obtained by moving the structure forward.

Motion: Commissioner Montgomery made a motion to deny the Major Variance for 1231 Quince, File # VAR-20-31 with Findings for denial as written.

Commissioner Ficek seconded the motion.

Vote: Passed by a vote of 7:0:0 Chair Pro-Tem Ficek, Commissioners, Hukill, Easterday, B Wells, Creech, Sumner, and Montgomery voted in favor.

7. CODE AMENDMENT DISCUSSION: MOBILE FOOD UNITS (AMD-20-19)

Planning Technician Andrews reviewed the updated sample code which was previously reviewed by the Commission at their standing September 16, 2020 meeting. During review the following comments from the Commission were noted:

- Mobile Food Units for a school event on school property may also need a temporary business license. Staff to follow up.
- Suggested Modification: Section 17.20(5) maximum length for Mobile Food Units was modified to 24 feet.
- Question: Did Lane County licensing for Mobile Food Units regulate vehicle size. Staff to follow up.
- Temporary Business licenses had been renewed in the past with payment of the license fee for an additional 30 days.
- Restroom facilities for longer term placements on private property needed to be provided in some manner. Concern raised about portable restrooms. Staff to research other Lane County communities' approach to providing restroom facilities.

The time was 8:50pm. Per the Planning Commission By-Laws, a motion was required to extend the meeting past 9:00pm.

Motion: Commissioner Creech made a motion to extend the meeting to complete the business at hand. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 7:0:0 Chair Pro-Tem Ficek, Commissioners, Hukill, Easterday, B Wells, Creech, Sumner, and Montgomery voted in favor.

- Staff to bring back information on how other Lane County communities review and approve Mobile Food Unit applications.
- Sample code as proposed to handle trash collections and removal was acceptable to the Commission.
- Question raised; should there be a different set of regulations for Mobile Food Unit pods (i.e., Beer Station) vs. a single food cart. Staff to follow up.

8. PLANNING COMMISSION OFFICER ELECTIONS

Consensus: By a consensus of the Planning Commission, officer elections were postponed until the first in-person Planning Commission meeting.

9. COMMISSIONER COMMENTS

None

8. ADJOURNMENT

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

Vote: Passed by a vote of 7:0:0. Chair Pro-Tem Ficek, Commissioners, B Wells, Creech, Montgomery, Sumner, Easterday, and Hukill voted in favor.

The meeting adjourned at 9:15 p.m.

The next Standing Planning Commission meeting was Wednesday January 20, 2021 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Commission Secretary

Beverly Ficek, Planning Commission Chair Pro-Tem