

The Junction City Planning Commission met in regular session on Wednesday, March 17, 2021 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 (Vice-Chair), Doug Easterday, James Hukill, Cindy Montgomery, and Jack Sumner; Planner, Henry Hearley (joined at 6:56p.m.); Public Works Director, Gary Kaping; City Attorney, Dan Lawler; and Planning Secretary, Tere Andrews

Absent: Planning Commissioners, Jim Creech, and Brian Wells

1. OPEN MEETING

Vice-Chair Haag opened the meeting at 6:30pm 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

- **December 16, 2020**

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

Vote: Passed by a vote of 5:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, and Sumner voted in favor.

5. PUBLIC HEARING: ANNEXATION AND REZONE, 75 CHICK LN, FILE # A-20-38/RZ-20-39

Vice-Chair Haag opened the public hearing for the annexation and rezone request at 75 Chick Lane, file # A-20-38/RZ-20-39 on March 17, 2021 at 6:36 p.m.

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 the proposal, and any additional information.

Next, public testimony would be taken. If members of the public intended to testify, they were requested to 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.

Vice-Chair Haag asked if any Planning Commissioners wished to make disclosures.

There were no disclosures.

Vice-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.

Vice Chair Haag asked staff to review the staff report.

Technician Andrews reviewed the annexation and rezone staff report, file#: A-20-38/RZ-20-39 for 75 Chick Lane.

The subject site was inside the Junction City Urban Growth Boundary and designated Low Density Residential on the City's Comprehensive Plan Designation Map. The site consisted of two legal tax lots, both on Assessor's Map 15-04-31-43. They were tax lots 09100 & 09200. Tax lot 09100 was a vacant parcel located at the terminus of W 3rd Avenue near Walnut Street. Tax lot 09200 was developed with a single-family home and took access from Chick Lane, a private drive off West 6th Avenue.

The proposal before the Planning Commission was for the annexation of the parcels into the city limits of Junction City, and to rezone the subject site to Single Family Residential (R1). This was the corresponding zoning for the Plan Designation of Low Density Residential (L). The current zoning was Lane County RR5 (rural residential, five acre minimum).

The staff report reviewed the proposal for compliance with the Statewide Planning Goals, and local compliance with both the Junction City Comprehensive Plan and Municipal Code. Among the Planning Goals/Elements reviewed were citizen involvement, transportation, public facilities, and housing. The related City policies were Junction City Municipal Code (JCMC) chapters 17.145, Amendments, 17.150, Administration, and 17.165, Annexations.

The application was submitted on December 31, 2020 and deemed complete on January 19, 2021. Referrals to other City departments and outside agencies were sent on February 10, 2021. Public notice to property owners and residents within 300-feet were also mailed on February 10, 2021. Notice was published in the

Register Guard newspaper on February 15, 2021. Notice was sent to the Oregon Department of Land Conservation and Development on January 22, 2021.

The applicant and property owners, Mark and Jacqueline Bess, initiated an amendment to the City of Junction City Zoning Map by submitting an application and paying the application fee on December 31, 2020.

The subject site was within the Urban Growth Boundary and contiguous to the city limits. Thus, the proposed annexation and rezone were consistent with the City's Comprehensive Plan Annexation Policy, and Municipal Code. Sewer, water, storm water, and transportation services could be provided to the subject site. Staff also provided notice of the applicant's proposal to the City of Junction City Police Department and the Rural Fire Protection District, neither expressed concern.

With regard to applicable Chapters of the Junction City Comprehensive Plan and Oregon Statewide Planning Goals, public involvement was achieved through public hearings at the Planning Commission and City Council and the associated public notices sent prior to each of those public hearings.

The subject site did not contain wetlands, nor was it located in a flood zone. Chick Lane was a private road. The property located at 75 Chick Lane (Tax Lot #9200) took access from Chick Lane. The annexation would not change the access for 75 Chick Lane. The private road would remain private, and the dwelling located at 75 Chick Lane would continue to use the private road for access.

The Junction City Transportation System Plan (TSP) did not identify the extension of West 3rd Avenue to the east or Chick Lane becoming a public right-of-way. Future development on Tax Lot #9100 would take access from the stubbed West 3rd Avenue, however that would be confirmed at the time of development.

The proposed zoning and annexation did not include development or land division. At the time of submittal for land division on either lot, the application would be reviewed for compliance with the applicable Junction City Municipal Code land division criteria.

It was the goal of the Junction City Comprehensive Plan to provide public facilities in an efficient and timely manner at levels that exceeded projected demand. At the time development was proposed, key urban services would either be immediately available or be extended in an orderly manner. Any development on the subject sites needed to demonstrate adequate water supply and sewer treatment capacity. There was an existing water line located in West 3rd Avenue, abutting the subject properties. It had adequate capacity to serve the subject properties. There was an existing 8-inch sewer line on West 3rd Avenue with adequate capacity to accommodate the subject properties.

The Housing Element of the Junction City Comprehensive Plan thoroughly detailed Housing Needs for the next 20 years. Junction City needed 1,590 new dwelling units to meet the projected housing need, of which 875 needed to be low density residential. While the proposed annexation and zone change did not authorize the building of any dwellings, it brought into city limits, developable land for the purpose of residential dwellings.

Planner Hearley joined the meeting and provided a recap of the Comprehensive Plan Elements for Transportation, Public Facilities, and Housing. Transportation facilities, as well as public utility capacities were sufficient to meet the proposed annexation and rezone request. The proposal added to the City's stated need for low density residential housing (R1).

Planner Hearley noted public comment received indicated concerns about increased traffic. He responded the existing home at 75 Chick Lane would continue to take access from Chick Lane, a private road. No additional traffic would use Chick Lane. No development would occur because of the proposed annexation and rezone. The Transportation system Plan did not show West 3rd Avenue extending onto the vacant parcel (#9100). Any requirements for roads, streetlights or drainage would be addressed at the time of development proposal.

Applicant and Others in Favor May Speak

Vice Chair Haag asked if the applicant or their representative would like to speak.

The applicant, Mark Bess, stated he had no additional comments at that time.

There were no other comments in support of the application.

Neutral Testimony

Vice Chair Haag asked if there was any neutral testimony.

There was none.

Those Opposed May Speak

Vice Chair Haag asked if there was anyone who was opposed to the proposal.

Alandra Galusha, 322 Walnut Street, Junction City OR 97448 expressed concern about future development on the subject site.

Vice Chair Haag explained the application did not include development plans.

Planner Hearley added future proposals for partitioning or subdividing required neighboring property owners and residents be notified and given an opportunity to comment.

There were no additional comments in opposition.

City Staff Summary/Response to Public Testimony

Vice Chair Haag called for a staff summary or response to testimony.

Planner Hearley reiterated future development on the subject site would need to conform to City Code.

Applicant Rebuttal

None

As there were no requests to keep the record or the public hearing open, Vice Chair Haag closed the record and public hearing at 7:08p.m.

Deliberations

Commissioners Montgomery and Sumner asked for confirmation that future development such as partitioning or subdivision, including street plans, would come before the Planning Commission.

Vice Chair Haag and Technician Andrews confirmed such development plans would come before the Planning Commission.

Motion: Commissioner Hukill make a motion to recommend approval to the City Council of the proposed annexation and concurrent rezone; file # A-20-38 and RZ-20-39 based on the findings as stated in the Final Order. Commissioner Easterday seconded the motion.

Vote: Passed by a vote of 5:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, and Sumner voted in favor.

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

Staff followed up on questions that arose during previous Planning Commission discussions. Research revealed a 2010 Development Review for a Mobile Food Unit. The following points were identified for Commission consideration and possible discussion.

1. Current Code did not define the terms “restaurant” or “mobile food unit/food truck.”
2. No state laws required localities to establish a definition for either term.
3. Definitions could be added to the Zoning Code for one or both of those terms or interpreted informally by the Planning Commission.
4. Junction City Municipal Code (17.150.150), *Interpretation*, did not provide guidance on how to determine the meaning of undefined terms.
5. The City could classify mobile food units as restaurants within the Municipal Code, as was done with the 2010 Development Review.

6. Allowing mobile food units as a permitted use under current Code may have downsides:
 - a. JCMC 17.160.050(G), defined both “Development” and “Development Site” neither of which specifically addressed Mobile Food Units.
 - b. Allowance of Mobile Food Units as permitted uses under current Code prevented the City from regulating:
 - i. Requirements for access, street orientation, screening, setbacks, restrooms, water, utilities, or garbage service;
 - ii. Design requirements for mobile food unit, signage, seating, or awnings; and
 - iii. Potential suspensions on operations to require compliance with City standards.
 - iv. Treating mobile food units as restaurants could lead to confusion. Oregon Health Authority regulated mobile food units under requirements that differed from those for restaurants.
 - v. The City was not responsible for mobile food unit operators’ compliance with state law. However, classification of mobile food units as restaurants was inconsistent with the State regulatory approach.

There were three categories of Mobile Food Units previously identified by the Planning Commission:

1. Mobile Food Units as part of a Special Event
2. Mobile Food Units as a Temporary Business (short-term)
3. Long-term placement of Mobile Food Units

The Commission held a discussion about options. There was general agreement that the Lane County Mobile Food Unit application packet covered many of the concerns previously raised by the Planning Commission related to health and safety.

The Commission reviewed and discussed two examples of Mobile Food Unit applications from the cities of Veneta and Cottage Grove. Both examples used Temporary Use Permits to license Mobile Food Units. The licenses were renewable with annual fees.

Vice Chair Haag summarized, the consensus of the Commission was the Lane County application, which was based on the Oregon Health Authority regulations, sufficiently covered the health and safety aspects of Mobile Food Unit operations. Local regulation of mobile food units could be achieved with an easy-to-use

permit application, such as that of Cottage Grove. The Commission also indicated fees should be limited.

Consensus: The consensus of the Planning Commission directed staff to bring back draft Code language, a sample application that was clear and concise with a nominal fee, similar to that of the City of Cottage Grove.

7. PLANNING COMMISSION ALTERNATE APPLICATION REVIEW

Commissioners expressed a desire to meet applicants in person prior to a recommendation to the Mayor and Council.

Director Kaping stated the City Attorney had explained to the Council, the City had the ability to conduct meetings virtually, in-person meetings could not be held at the present time.

Attorney Lawler concurred, and added it was a current State mandate.

Commissioner Hukill asked if the decision to hold off on a recommendation would be a problem.

Attorney Lawler responded there was no State requirement to make the recommendation now.

Consensus: The consensus of the Planning Commission was to hold off on filling the vacant Alternate seats until it was possible to meet in person.

Vice Chair Haag expressed that some of the Commissioners had not ever met in person. He was of the opinion they should hold off on Officer elections until the Commissioners could all meet in person.

Consensus: The general consensus of the Planning Commission was to hold off on Officer elections until it was possible to meet in person.

8. COMMISSIONER COMMENTS

None

9. ADJOURNMENT

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

Vote: Passed by a vote of 5:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, Sumner, and Wells voted in favor.

The meeting adjourned at 7:53p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday April 21, 2021 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Commission Secretary

Jeff Haag, Planning Commission Vice-Chair