

The Junction City Planning Commission met in regular session on Wednesday, July 20, 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), Doug Easterday, Chris Miles, and Jack Sumner; Commission Alternate, Jesse Newman; Public Works Director, Gary Kaping; and Planning Secretary/Technician, Tere Andrews.

**Absent:** Commissioner Cindy Montgomery

#### 1. OPEN MEETING

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

- **June 15, 2022**

**Motion:** Commissioner Hukill made a motion to approve the June 15, 2022, Planning Commission minutes as written. Commissioner Easterday seconded the motion.

**Vote:** Passed by a vote of 7:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Miles, Easterday, and Sumner voted in favor.

#### 5. PUBLIC HEARING: CONDITIONAL USE PERMIT, FILE CUP-22-15, CELTIC HOMES

Chair Haag opened the public hearing for the conditional use permit, file # CUP-22-15, Celtic Homes on July 20, 2022, 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 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.

Chair Haag 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.

Chair Haag asked for the staff report.

Technician Andrews explained the proposal was a 4-plex on vacant land, in the R2, Duplex Residential zone. A four-plex met the definition of multi-family, which was three dwelling units or more. They were regulated as conditional uses in R2 zones.

The subject site was the northeast corner of Elm Street and East 8<sup>th</sup> Avenue and encompassed 12,197 square feet of Block 35 on the Original Plat of Junction City. A records search found a sewer connection permit for a single-family home in 1949, and a demo permit in 1996 to demo a home. There were no records that indicated anything had been on the property since that time. At the time of the demo permit, the water meter was removed, and sewer disconnected.

The applicable Junction City Municipal Codes were 17.130, Conditional Uses, and 17.15, Duplex Residential (R2). Under the R2 code, townhomes were permitted as Conditional Uses so long as it met the requirements listed under the R3 code.

The subject side was identified as tax Lot 02200 of Lane County Assessor's Map 15-04-32-31. The lot dimensions were 120-feet by 100-feet.

Junction City Municipal Code (JCMC) 17.130.030 authorized the Planning Commission to act upon a request for a conditional use permit.

Notice of the Public Hearing was mailed June 21, 2022 and published in the Register Guard newspaper on June 24, 2022. Referrals to other city departments and outside affect agencies were sent on June 20, 2022. Comment was received from Junction City Public Works that stated, if the alley were used as the driveway access for the units, the alley must be paved the length of the property.

As shown on the city's Comprehensive Plan and Zoning maps, the zoning of R2 corresponded to the Plan Designation of Medium Density Residential.

The property was outside the 500-year floodplain. The city's 2016 Transportation System Plan showed Elm Street was listed as a Local street.

The townhomes needed to comply with the applicable standards listed in the R3 zone. The proposal was for a 4-plex which met the definition of multifamily under JCMC 17.05.020.

Development Review was a requirement. The applicant stated they planned to submit application for Development Review at a later date. A condition was added that the developer would be required to submit application for Development Review.

The minimum lot area (in R2 zones) was 7,500 square feet for multifamily. The lot was 12,197 square feet, and 120-feet wide by 100-feet deep. The minimum lot width at the front building line needed to be a minimum of 50 feet. The lot size criteria were met.

The submitted site plan showed the front yard setback as 15-feet and 10-feet for the open unenclosed porches, as required. The street side yard setback provided for a 15-foot setback, also required. The site plan showed 20-foot-long driveways. The driveways were at the rear of the property and met the rear yard setback. The interior side yard setback was not shown on the site plan. However, it measured six feet. It did meet the side yard setback. Since it was not listed on the site plan, a condition was added that stated, at the time of Development Review, the site plan must show a side yard setback of at least six feet.

Commissioner Easterday asked if the 15-foot setback would be the same as for a single-family home.

Technician Andrews responded, yes in the R1 zone, the street side yard setback was 15-feet. There was also a vision clearance triangle for corners, and the proposal met that as well.

No setback exceptions were proposed as part of the project. However, an informational item was included that should the developer decide to use any of the setback exceptions, they must be in compliance with JCMC 17.20.060.

Chair Haag recognized an audience member and permitted comment.

David Owens, 870 Elm Street, Junction City Oregon 97448 asked if the proposal was one large building.

Technician Andrews answered it was a 4-plex, four units inside the one building.

David Owens then asked about tenant yard access. He asked were would those folks entertain guests.

Technician Andrews would cover those topics as she during staff report review.

Commissioner Miles asked how wide the alley was and if there was enough room for tenants to get out of the alley completely.

Technician Andrews answered the alley was 20-feet wide and was a public-right-of-way. The applicant would not be able to use the alley as part of their parking plan. There was 20-feet from the rear property line to the foundation of the garages (Driveway).

Commissioner Miles asked for confirmation there would be no parking in the alley.

Technician Andrews confirmed and added the applicant was not proposing parking in the alley.

Maximum building height in the R3 was 35-feet. As proposed the building would be 27.04 feet tall therefore, the criterion was met.

Lot coverage was calculated at 56.3 percent. The maximum lot coverage in R3 was 60 percent. The criterion was met.

In an R3 zone, the criteria stated, "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". The lot abutting the north property line of the subject site contained a single-story dwelling. As proposed, the dwelling units on either end of the 4-plex were single story with two 2-story units in the center. The structure was 27.04 feet tall at the highest point. Thus, a distance of 27.04 feet was required from the north property line to the northmost 2-story unit. As shown and measured on the site plan, the distance criteria were met.

The four dwellings would have main entrances facing Elm Street. Driveway access for all four units was proposed from the alley at the rear of the building. The application met the code section for Building Orientation.

Under Building Form, there were a number of requirements to ensure the building had a residential look. Conditions were applied to the proposal that at the time of development review application submittal, elevation drawings had to include at minimum a 4:12 roof pitch, and overhangs (eaves) of a least six inches. The drawings also needed to demonstrate compliance with 'eyes on the street' standards (JCMC 17.20.110(D)) for the street side of the building to add up to 21 linear feet of windows or porches.

New multifamily developments needed to provide common open spaces for developments with 20 or more units. The proposal was a 4-plex, thus the criteria was not applicable. Private open spaces were also required for each unit at a minimum of 96 square feet and not less than six feet deep. All four units had covered porches, each at least six feet deep, with small front yards. The units on either end also had accessible side yards. Each of the units met the criteria.

Commissioner Newman asked if there was an area on the back of each unit as well, and if the driveways were two car one car.

Technician Andrews replied, the site plan showed a screened area at the back of each unit indicating an open space with garbage can storage. The end units had

two-car garages and the middle units, one-car. The requirement for outdoor open space was met.

As proposed, the two 2-story dwellings had interior stairways. No exterior stairways were proposed. The criteria were met.

As proposed, the driveways would be accessed from the alley in Block 35. The off-street parking was for two vehicles per dwelling unit, no parking lots were required or proposed with the development, there were no streets, existing or proposed, within the subject site. Off-street parking requirements were met via the driveways and garages for each dwelling unit. Parking was connected to each dwelling unit with direct access to the unit from the garage.

Trash receptacle requirement were met through the proposed screened areas located in the back of the building for each unit.

At the time of Development Review the applicant would submit plans which demonstrated utilities were in compliance with the Junction City Municipal Code.

Pedestrian Circulation was conditioned. At the time of Development Review application submittal, the Developer needed to specify the type of surfaces to be used and the widths of pedestrian pathways.

A landscape plan was not included with the submitted application materials. A condition of approval was added which stated at the time of Development Review application submittal, the applicant shall submit a landscape plan in compliance with the standards of JCMC 17.20.140(l).

The criteria for a Conditional Use Permit were met through the public hearing process. Staff recommendation was that based on the findings, and as conditioned, the proposed 4-plex, in the Duplex Residential zone, met the applicable criteria.

Chair Haag asked for clarification on the floodplain, 100-year, or 500-year.

Technician Andrews replied the site was outside the 500-year floodplain.

Commissioner Newman asked about stormwater mitigation.

Technician Andrews responded that would be a Public Works requirement during construction and addressed more specifically during Development Review.

Director Kaping added the Developer had already stubbed across a storm drain at the time the one for the storage unit was installed.

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

Chair Haag asked if anyone wished to speak in favor of the proposal.

There were no comments.

***Neutral Testimony***

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

There were no comments.

***Those Opposed May Speak***

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

David Owens, 870 Elm Street, Junction City Oregon 97448 asked how the property line between his property and the subject site would be determined. He also asked where they would get their water, if the space between the driveways was landscaped, and if there was sufficient space for parking without impact to the alley.

Chair Haag explained the Developer would be required to connect to city water (for irrigation as well as household use), and that the alley would not be used for parking, the driveways were 20-feet long for parking.

Director Kaping added the Developer would be required to pave the alley the length of their property and it would be used for ingress and egress (not parking).

Technician Andrews said the Developer would be responsible for a survey to stake the property lines.

Christina Montgomery, 815 Deal Street, Junction City Oregon 97448 read her statement into the record.

*My name is Christina M. Montgomery. I own and live at 815 Deal St. which is directly east of the proposed variance; I have lived in my home and worked in Junction City since 1998. I have many concerns with the proposed development of a two story multifamily rental and the impact it will have on our neighborhood and our ability to enjoy our properties.*

*Privacy: The second story windows (there are 4) will be facing directly over and into my backyard and bedroom windows, as well as both of my neighbors to the North and South of my home. It will also block my view of the old water tower.*

*Alley Usage: The driveways and garages are proposed to be accessed from the common alley. We the current residents use the alley to access our backyards for yard work and yard product deliveries and whatever other needs we have. Having the driveways and garages accessed through the alley will cause congestion, how will this affect my access to my yard? If the tenants are to access their garages and driveways from the alley, how will the alley be improved and will the entire alley be improved or only the portion behind Celtic homes rental property? If the alley is paved or improved behind their rental, how*

*will my side of the alley are effected? Will there be curbs, driveway aprons, sidewalks, what might the alley look like? What barriers will be provided to prevent our fences from being hit and who will be responsible if they are the tenants or the landlords? What about the noise from the traffic of the alley right next to our bedrooms? Why is Celtic homes not wanting the driveway and garages on Elm Street, is it because the extra traffic and vehicles will hinder the access to their newly built storage units?*

*Overcrowding: The proposed variance will be 12 bedrooms and 8 bathrooms and 4 garages, this is a large oversized rental on a block of single story homes with simple small lots. There is a potential for a huge increase in population for this block. I worry my home which is directly to the East of the proposed building will become a nightmare of overcrowded vehicles similar to the building behind Safeway. This is typically caused due to the financial necessity of tenants to have multiple people living in a space to cover the rent. How is Celtic Home going to manage this property so we are not having an excess of noise and inconvenience of vehicles?*

*Property Value: I am concerned that this proposed variance will cause a decrease in my homes property value as it will be a duck out of water and not tie into the neighborhood.*

*Zoning: It is currently zoned for (R2) Duplex Residential; I fully support the building of a home on property as it is zoned. But this property is not zoned for a multi family 4 plex. Lot 4 Block 35 which is 8th to 9th and Deal to Elm has only duplexes on the North end and single family single story homes throughout the rest of the block.*

*Ask yourself, if this was your home/neighborhood, would you want this multi family residence towering into your back yard?*

*I am asking the planning commission to decline this variance to protect and preserve the homes for myself and my neighbors. We live here, Celtic homes does not.*

Christina Montgomery then read a letter from her neighbor, Megan Smith, at 835 Deal Street, Junction City OR 97448, into the record.

*To whom it may concern,*

*My name is Megan Smith and I am writing this as a concerned member of the community. I Currently own the property address 835 Deal St. in Junction City, which is Directly behind where the new quadplex is anticipated to be built. I have some deep concerns regarding this build that I would like to voice ahead of time.*

*My concerns range from things like property values, space, noise, privacy, and the company expected to live in this new building.*

*First let's discuss property value. I was able to purchase my home in the middle of this "Covid" Pandemic, which was when values were at their best! Since then Values :have increased a bit, but are now on the downward slide. There is no reason to believe that values are going to appreciate anymore anytime soon, in fact the opposite is true. If we add another building to the area that will depreciate the surrounding homes even more, and a handful of current tax paying citizens may be forced to leave the area.*

*Another thing I would like to point out is the space. The packet states "The rear yard setback is shown at 20-feet to accommodate the driveways accessed from the alley." This means The Alley which is up against my back fence will be the main driveway for these units. This means more traffic and more noise on a consistent basis. This puts my fence, and my backyard at a higher risk as people will be coming and going from their more often. Also according to the packet there will be single story units on either end, and 2 story units in the middle. This means people will be able to see directly into my backyard. With a unit higher than my fence, they will be able to look down into my yard on a constant basis. I moved to the area, and this house specifically because I felt it was a little secluded while also still in town. I would prefer not have people seeing into my back windows and yard all the time.*

*Lastly, I would like to ask the city what kind of people we are proposing are going to live in a quadplex such as this. We are aware this will be housing renters. Renters who don't care about property values, don't care about upkeep, don't care about upgrades, don't care about cleanliness, or noise, or anything a property owner would. While not all renters are bad, they do/ will not care for a property or the people around it as much as a property owner would. Owners take pride in their investments, renters are not investing in the property. With a handful of young homeowners such as myself coming to the area, I feel like this idea really defeats the community feeling this area has, and why I chose to live here in the first place.*

*I appreciate you taking the time to listen to and or read my concerns regarding this matter, and hope this triggers some deep thoughts/ discussion from our community members. Let's keep Junction City the small community driven town that we all have loved. Let's keep our space, privacy, and the noise down so we all can thrive in our little neighborhood.*

*Thank you,*

*Megan Smith*



Next Christina Montgomery read a letter from Brian and Lucinda Detrick into the record.

*To Whom It May Concern:*

*Concerning proposed project of townhouses on 8th and Elm Street in Junction City Or.*

*We have concerns with the size of the project on such a small lot,*

*The proposed two story does not in with the neighborhood surroundings. Also a four family Dwelling is too large for this lot and this area.*

*We believe it will contribute a less peaceful neighborhood.*

*Thank You,*

*Brian & Lucinda Detrick*

*We are retired and have lived in Junction City for 22 1/2 years at 788 Elm Street*

Chair Haag said provided it was within the Code there was nothing you could do for someone looking over your fence. If someone were to run into the fence, it would be that person's responsibility. The alley would be maintained by the city. You would still have access to your property (from the alley) to get things in and out. He then commented, personally, he was very pro-build. Then stated he was having a bit of heartburn over the application. It did appear to be a pretty large structure for the buildings around it. He noted there were a lot of letters from a lot of neighbors.

Director Kaping offered a reminder that the question before the Planning Commission was, did the application meet the criteria.

Chair Haag responded he understood that.

There was one last letter to be read into the record from David Owens, 870 Elm Street, Junction City Oregon 97448.

*Respected members of the City Council, neighbors and Celtic Homes, we appreciate the opportunity to be heard and speak to proposed changes to our neighborhood. We purchased a home in your city almost 2 years ago. This is our first home and thus our personal and financial investment in our home and property is something we take seriously.*

*A year and a half ago, Celtic Homes came to this Council requesting permission to build a storage facility on property across from our home. Their request related to building a structure on property zoned for the purpose their building, commercial. We submitted concerns according to the rules and requirements of the City of Junction City and participated in the open meeting, like this one, to*

*discuss, clarify and give input. We submitted 9 questions and concerns and were able to discuss each of them. In that meeting we asked if their structure would be one or two stories. We had a concern about a two-story building being unsightly and disruptive to the neighborhood in terms of standing out as distinctly "non-residential". We were aware that the land was zoned for Commercial Use, but because it sits next to residential zoning, we wanted clarification on the intention around their design of the structure. Celtic Homes assured us and the City Council that they had a strong belief in "fitting into the residential nature of the location." They gave specific assurances about light pollution, building materials to be used that would assure the structure "fit in" with the houses west, north, and east of the property. It was specifically mentioned that they would never consider a two-story structure because it would be very out of place and unsightly in a residential neighborhood.*

*From that meeting we understood that Celtic Homes held neighborhood integrity as a foundational value in their work. To emphasize that they would never consider building a two-story structure because it would not fit into the integrity and environment of the neighborhood on one side of the street, and now propose to do that very thing on the other side of the street seems very odd and confusing.*

*The current proposal to change both zoning and easement requirements to allow a fourplex to be built on land zoned for a duplex with adequate easement is unacceptable. Property owners around the site will be highly and negatively affected by this request.*

*I have read the intentions of the city around working to allow development in the city limits. While I appreciate this intention, I also hope that the city values and protects the rights and interests of its citizen and property owners. When we purchased our home, we did so in good faith that the established zoning and other land use regulations would be followed. We purchased with the belief that adequate spacing between buildings and the maintenance of easement requirements would be upheld.*

*We ask that the request to change zoning and easement requirements to build a four-plex on Elm Street would be denied. Celtic Homes has purchased the property and can certainly build units on that land that adhere to pre-determined zoning requirements.*

*We continue to be grateful to be heard and give input as "neighbors". We enjoyed meeting some members of Celtic Homes, family and even their puppy who enjoyed the empty land they have purchased when visiting their construction site. We have tried to be good and supportive neighbors.*

*We are simply asking that the zoning and easement requirements be upheld to protect the "atmosphere" of the neighborhood, as Celtic Homes referred to in their previous construction values. We are hoping to remain residents and property owners in Junction City. Having the city stand by its zoning and easement requirements to protect property owners from changes in their neighborhood they had no way of anticipating because the zoning of the area indicated single level one- or two-unit dwellings. We left a city nearby that seemed to value development over property owners and citizens. We hope that we will continue to experience Junction City as a place that strikes a healthy balance and upholds its intentions and protections.*

*Thank you.*

*David and Christina Owens 870 Elm Street, Junction City*

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

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

There was no additional information or comment from staff.

**Applicant Rebuttal**

Chair Haag asked if the applicant or their representative, had any rebuttal to the testimony.

There was none.

Commissioner Miles said the way he read the materials, there was really no wiggle room for the Commission to say no. He asked if, when the alley was paved, could it be done in a way that addressed neighbor concerns. Would it have curbs?

Director Kaping stated at the time the alley was paved, Public Works required the alley drain to the street, not onto neighboring properties.

Christina Montgomery, 815 Deal Street, Junction City Oregon 97448, said she used the alleyway to have gravel delivered, and blocked the alley for a good 20 minutes while she moved the gravel onto her property.

Chair Haag said he understood her concerns but noted eventually all the alleys around town would be paved.

David Owen, 870 Elm Street, Junction City Oregon 97448, said it sounded like the procedure (public hearing) was a chance for city staff to bring to the Commission the application for the land use and whether the application met the requirements and if it did, the Commission could not say no. Was that correct?

Technician Andrews replied, the way it was designed, the proposal met the code. The public hearing was an opportunity for the public and property owners in the area to offer testimony on the proposal. The Commission could consider that information and could choose to set a condition that addressed some of the concerns mentioned during public testimony.

Chair Haag asked, did the Commission have an opportunity to discuss it, hold the record open, and confer with the City Attorney.

Technician Andrews explained if the Planning Commission set a date certain to continue the public hearing, it could keep both the record and the public hearing open until that date certain. A Commissioner would need to make a motion to continue the public hearing to the August meeting.

**Motion:** Commissioner Hukill made a motion to continue the public hearing and keep the record open for CUP-22-15, Celtic Homes to the August Planning Commission meeting date. Commissioner Newman seconded the motion.

**Vote:** Passed by a vote of 5:0:0. Chair Haag, Commissioners, Hukill, Newman, Miles, and Easterday voted in favor. Commissioners Creech, and Sumner voted against.

Commissioner Sumner asked if the date could be sooner.

Chair Haag responded it could if they called a special meeting.

Several Commissioners voiced they were willing to call a special meeting.

Technician Andrews offered to check the Council Chamber calendar for room availability.

Chair Haag called a break at 8:05pm.

Chair Haag called the meeting back into session at 8:10pm.

Technician Andrews said the next standing Planning Commission meeting was August 17, 2022, not August 18<sup>th</sup> as previously stated. The only other available date was July 27, 2022. That did not, potentially, allow time for response from the city attorney.

**Consensus:** By a consensus of the Commission, the motion to continue the public hearing and keep the record open until the August Planning Commission meeting (August 17, 2022) would stand.

## 6. PLANNING COMMISSION FORECASTER AGENDA

The agenda forecaster was reviewed by the Planning Commission. Staff reviewed responses to Commission questions from the June meeting:

- the alley behind city hall was vacated by the City Council in 2017 (Ordinance 1247).
- Half the alley went to the city the other half went to the property owner on the east. That property owner subsequently signed their portion of the alley over to the city via a quitclaim deed.
- With regard to park land requirements, Junction City Municipal Code 16.05.050(l) required: "1 acre of recreational area per 100 people of the ultimate population in the subdivision."
- The population estimate was an annual report from Portland State University.

## 7. COMMISSIONER COMMENTS

Commissioner Creech asked for guidance with regard to public hearings for conditional use permits.

Commissioner Hukill said he wanted to hear from Celtic Homes (August 17, 2022 continuation of public hearing).

## 8. ADJOURNMENT

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

**Vote:** Passed by a vote of 7:0:0. Chair Haag, Commissioners, Hukill, Creech, Newman, Miles, Easterday, and Sumner voted in favor.

The meeting adjourned at 8:21 p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday August 17, 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