

The Junction City Planning Commission met in regular session on Wednesday, August 17, 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), Cindy Montgomery, Chris Miles, and Jack Sumner; Commission Alternate, Jesse Newman; Public Works Director, Gary Kaping; and Planning Secretary/Technician, Tere Andrews.

Absent: Commissioner Doug Easterday

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

• **July 20, 2022**

Motion: Commissioner Hukill made a motion to approve the July 20, 2022, Planning Commission minutes as amended. The vote count on page 12 was incorrect stated as 5:0:0, it should read 5:2:0. Commissioner Creech seconded the motion.

Vote: Passed by a vote of 6:0:1. Chair Haag, Commissioners, Hukill, Creech, Newman, Miles, and Sumner voted in favor. Commissioner Montgomery abstained.

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

Chair Haag stated for the record, he was opening the continued 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.

Commissioner Montgomery declared a potential conflict of interest as one of her employees lived at 815 Deal Street.

Commissioner Montgomery also declared an ex parte contact in that she attended a Chamber of Commerce event at which the applicant, Celtic Homes, was also in attendance.

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 staff report was the same as was presented at the July 20, 2022, meeting. The proposal was for a Conditional Use. Conditional uses were those uses which may be appropriate, desirable, convenient, or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort, and convenience unless appropriate conditions are imposed. Uses designated as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures in the municipal code.

In permitting a conditional use, the city may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which the city considers necessary to protect the best interests of the surrounding property or the city as a whole. The conditions may include, but were not limited to, increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of vehicle access points; increasing the street width; increasing the number of off-street parking and loading spaces required; limiting the number, size, and location of signs; requiring screening and landscaping to protect adjacent property; and recording such conditions on the property with the county clerk.

In the case of the proposal, the use was permitted in the R2 zone, however the application had to go through the Conditional Use Permit process which included the public hearing.

Commissioner Montgomery asked for the City Attorney response to the Commission question, posed at the July 20, 2022, meeting, which was, "what was the point of coming here if the Commission's hands were tied?"

Chair Haag added; the applicant had clearly met the criteria to get a Conditional Use Permit. However, it was not one neighbor but many who were not in favor of the proposal. He asked, did the testimony of the neighbors have any bearing?

Attorney Dorhman explained the proposal was for needed housing. The City was required by State law to approve applications that involved needed housing if they met the applicable criteria.

Chair Haag asked, even if the application was for a Conditional Use Permit?

Attorney Dorhman responded, Cities were, essentially, prohibited from applying any discretionary criteria, and arguable the Conditional Use process for this slightly more intense residential development, was discretionary and there could be some criteria that was not clear and objective. The Commission needed to be cautious in applying the criteria in the first place, and then to put any additional criteria, or conditions, could put them on dangerous legal footing based on the protections for housing development in State law.

Commissioner Montgomery said the city population was under 10,000, and as she understood it, the needed housing did not apply. She asked, if they (the applicant) met the criteria, what were the legal requirements, according to the City of Junction City ordinances for a Conditional Use?

Technician Andrews responded the code section read earlier from the staff report (JCMC) 17.130.010, Authorizations to Grant or Deny Conditional Uses, and asked Attorney Dorhman if conditions, such as those mentioned in the City Code could be applied in light of the new State housing laws.

Attorney Dorhman stated she conferred with City Attorney Connelly, and they concluded that the city should apply only the criteria that applied to Conditional Use Permits, and if the proposal met those criteria, the Commission should not impose additional conditions.

Chair Haag said the Commission did not want to apply additional criteria, they wanted to know if they were required to approve a Conditional Use permit if it met criteria. He asked if Statewide Planning Goal 1, Citizen Involvement, applied here if the surrounding neighbors opposed the proposal.

Director Kaping responded, as he understood it, if the application met the criteria for the Conditional Use, the Commission must approve. If the Commission did not approve, the City of Junction City could be open to legal action by the applicant.

Commissioner Montgomery said the Conditional Use Code language mentioned the comfort of neighboring properties.

Technician Andrews replied, it did but the Code did not say the Commission could deny the application if it met the criteria but that the Commission could set additional conditions to address concerns raised.

Chair Haag asked what the purpose of the 300-foot notice was, if the testimony of people affected by the proposal was not heard.

Attorney Dorhman understood what Chair Haag was saying. The legislation being handed down by the State was taking local control away in regard to housing. She agreed there were somethings that needed to be worked out by the State related to Goal 1, when there was a mandate from the State to allow housing and not impose criteria that was not clear and objective, or not to have any discretionary say in what was approved, and not approved, at the local level.

Commissioner Montgomery asked if the concerns raised about the parking for the 4-plex being located in the alley, could the Commission require the parking be off Elm Street?

Director Kaping answered Junction City has allowed parking access from the alley in the past. To deny that design with the current application would place the City in legal action.

Commissioner Sumner felt the discussion was getting off-topic.

Commissioner Miles asked, if staff had already determined that the criteria had been met, why were they jumping through these hoops if staff has already found it met the criteria?

Attorney Dorhman said the needed housing and clear and objective standards has been interpreted in somewhat recent LUBA (Land Use Board of Appeals) cases that did not always make sense as it had historically, related to public involvement, in these types of applications. It was a matter of local procedures getting caught up with state law related to current interpretations of needed housing and what could and could not be applied.

Chair Haag thanked Attorney Dorhman.

As there were no further questions for Attorney Dorhman, Chair Haag called for the remainder of the staff report.

Technician Andrews stated all land use applications (Types I – IV) had to have written findings of fact as part of the staff report. Should a decision be a denial of a land use application, there needed to be findings written that supported the denial. It would be up to the Planning Commission to determine the findings that supported the denial as it applied to the proposal.

Chair Haag added, which there were none as the application met the criteria.

Technician Andrews said the proposal as conditioned in the staff report could meet the applicable criteria.

Commissioner Montgomery asked where the tenant trash enclosures would be located.

Technician Andrews responded the trash enclosures were at the rear of each unit off the garage

Applicant and Others in Favor May Speak

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

The developer and applicant, Jason Flores, Celtic Homes, 1101 Chemawa Rd N, Salem, OR 97303, introduced himself and thanked the Commission for their review. Celtic Homes had a history in Junction City as they built several homes in the area and recently, Celtic Storage located across the street from the subject site. It was important to invest in in-fill, not just the newer parts of town. He heard and understood the concerns raised about the proposal but also knew from experience that investment in an area increased the health of the community. He assured the Commission, the project would be a quality build, just as Celtic Storage had been. Celtic Homes was invested in Junction City and took pride in the continued care and success of their developments.

There were no questions from the Planning Commission.

Chair Haag thanked Mr. Flores.

There was no additional testimony in favor of the proposal.

Neutral Testimony

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

Sandie Thomas, 1225 Kalmia Street, Junction City OR 97448, commented we needed to take care of our community before it gets any bigger, we need to be able to take care of what we have.

There was no additional neutral testimony.

Those Opposed May Speak

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

Christina Montgomery, 815 Deal Street, Junction City OR 97448 asked why Mr. Flores was so stuck on a quad-plex. Why could he not build a duplex that would fit into the neighborhood? She noted he did not live in Junction City. She did not feel the proposal fit in with the neighborhood.

Applicant Rebuttal

Chair Haag offered Mr. Flores an opportunity for rebuttal.

Mr. Flores stated he respected Ms. Montgomery's concerns. He too had some concern about the alley access for the garages, however it was a city ordinance. He explained other configurations such as partitioning the lot and placing a duplex on the corner and single-family home with an accessory dwelling unit on the interior lot would create the same density as that proposed.

Commissioner Montgomery asked if the alley would be asphalt or concrete.

Director Kaping replied, Public Works would allow either asphalt or concrete so long as it met the drainage criteria.

Commissioner Montgomery asked if the property owner would be responsible for the alley maintenance.

Director Kaping responded maintenance of the alley would be the responsibility of the city.

As there were no further questions from the Commission, Chair Haag closed the record and public hearing at 7:43p.m.

Deliberations

There was not further discussion.

Motion: Commissioner Creech made a motion to conditionally approve the proposed Conditional Use, File No. CUP-22-15, Celtic Homes, based on the findings as presented in the Final Order. Commissioner Hukill seconded the motion.

Vote: Passed by a vote of 6:1:0. Commissioners, Creech, Montgomery, Hukill, Newman, and Miles voted in favor. Chair Haag voted against.

6. REVIEW OF PLANNING COMMISSION APPLICATIONS

MOTION: Commissioner Creech made a motion to recommend to the Mayor, with Council approval, James Hukill be appointed to fill the expired term of Commissioner Hukill. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 7:0:0. Chair Haag, Commissioners, Creech, Montgomery, Hukill, Newman, Hukill Creech made a motion to recommend to the Mayor, with Council approval, Chris Miles be appointed to fill the expired term of Commissioner Miles. Commissioner Sumner seconded the motion.

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

7. DISCUSSION: REDESIGNATION & REZONING CITY OWNED PROPERTIES TO PUBLIC

Technician Andrews explained this was the second group of city-owned properties that should have a Plan Designation of Public and a zoning of Public Land but currently were Designated and zoned otherwise. This was a group of eight properties.

MOTION: Commissioner Creech made a motion to initiate amendments to the Comprehensive Plan map, and Zoning map to re-designate to Public and rezone to Public Lands City owned properties which were not currently designated or zoned Public/Public Lands respectively per Table 1, page 2 of 3 in the agenda item summary. Commissioner Hukill seconded the motion.

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

8. PLANNING COMMISSION FORECASTER AGENDA

The Commission reviewed the agenda forecaster.

9. COMMISSIONER COMMENTS

Commissioner Montgomery expressed frustration with the public hearing process as it related to the impact public testimony had on the outcome with a proposal that was found to meet applicable criteria. Other Commissioners voiced agreement.

8. ADJOURNMENT

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

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

The meeting adjourned at 8:04 p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday September 21, 2022, at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Commission Secretary

Jeff Haag, Planning Commission Chair