



JUNCTION CITY PUBLIC WORKS DEPARTMENT
1171 Elm Street / P.O. Box 250
Junction City, Oregon 97448
Ph: 541.998.3125
jcplanning@ci.junction-city.or.us
www.junctioncityoregon.com

FINDINGS OF THE JUNCTION CITY PLANNING DEPARTMENT:

STAFF REPORT: 805 W. 17th CONDITIONAL USE PERMIT (FILE # CUP-23-30)

Application Summary:

Conditional Use application to allow a major alteration of a nonconforming single family detached dwelling in the Multi-Structure Residential Zone (R4).

Owner(s)/Applicant(s):

Applicant: Eleazar Arrebollo, PO Box 713, Stayton, OR

Owner: Nancy Sabin, 805 West 17th Avenue, Junction City, OR

Report Prepared by:

Chloe Trifilio, Assistant Planner, Lane Council of Governments on behalf of Junction City Planning Department, 541-682-4247

Date of Report:

August 4, 2023

Subject Property/Zoning/Location:

The subject site is at 805 West 17th Avenue, and further identified as Tax Lot 04700 of Lane County Assessor's Map 15-04-32-22. The site is zoned R4, Multi-Structure Residential.

Relevant Dates:

The application was submitted on June 22, 2023, deemed incomplete on June 26, 2023, and deemed complete on July 12, 2023. Notice of Public Hearing was mailed July 25 and published in the Register Guard newspaper on July 31, 2023. The staff report was issued on August 4, 2023, for the August 16, 2023 public hearing.

Associated Files:

A building permit has been submitted and is in-review, Record Number 467-23-000218-STR. A review of files for the subject site identified various water service and electrical permits, and approved building plans from 6/30/1997, but no application numbers were identified for the permits listed (Attachment A.4).

REQUEST

The applicant and owner are proposing a major expansion (over 10% of the square footage) of a nonconforming single-family detached dwelling in a Multi-Structure Residential Zone (R4). The proposed expansion on the south side of the dwelling is for the purpose of making the bathroom more accessible for the owner. The proposed expansion is in the rear yard.

Junction City Municipal Code Section 17.125.030 (B) permits, subject to the provisions for conditional use permits, a major alteration of a nonconforming structure. Junction City

Municipal Code 17.130.030 authorizes the Planning Commission to act upon a request for a conditional use permit.

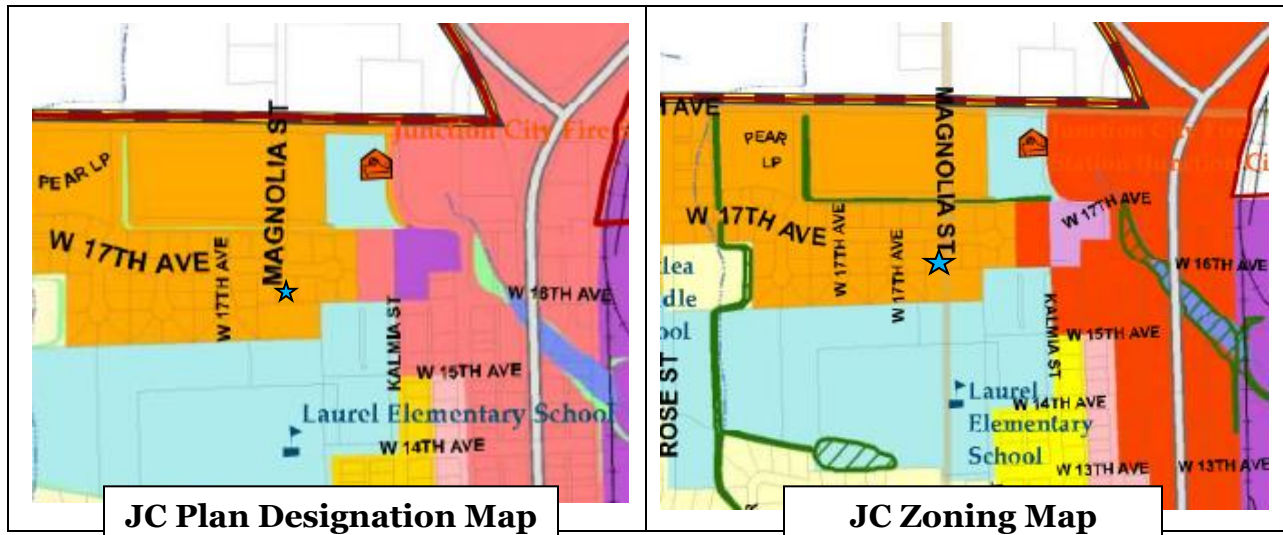
PUBLIC NOTICE AND REFERRALS

Per JCMC 17.150.080 (B), “with the exception of Type IV applications, notice of hearing or contemplated land use action shall be mailed to the applicant and to all owners and abutting property owners, including owners of property which would be abutting if there were not intervening streets, of the property which is the subject of the notice. In addition, notice shall be provided to all owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property. Notice shall be mailed at least 20 days before the date of the hearing or review.”

On July 25, 2023, staff mailed a notice of public hearing to the applicant, property owners and residents within 300 feet of the subject site. As of the date of this report, three public comments have been received (Attachment A.2). A copy of the notice is included as Attachment A.3.

Referral comments on the application were also requested from various affected service providers and City departments on July 20, 2023. A copy of the referral is included as an attachment to this staff report (Attachment A.2) and located in the application file for reference. As of the date of this report, no comments have been received from affected service providers and City departments.

GENERAL PROPERTY INFORMATION



The applicant submitted a land use application for a proposed dwelling expansion at 805 West 17th Avenue, in the Multi-Structure Residential zone. The proposed use is regulated as a major expansion of a nonconforming under JCMC 17.125.030(B), subject to provisions for conditional use permits. The subject site is designated High Density Residential on the City’s Comprehensive Plan Designation Map. Properties to the north, south, east and west are also designated High Density Residential, and zoned Multi-Structure Residential (R4). The surrounding properties are developed with single-family homes occupying properties to the north, east, and west of the

subject site. A city-owned park called Toftdahl is located on the property to the south. The subject site encompasses .23 acres of land and is Lot 39 of the Chapel Creek Estates – First Addition. There is an existing single-family dwelling that has been assessed since 1998.

The subject site is on the edge of the FEMA 100-year flood plain as shown on Flood Insurance Rate Map # [41039C0602F](#). A small portion of the eastern side of the subject property appears to be within the Special Flood Hazard Area Zone A. Staff has addressed floodplain requirements separately from this application. The [Local Wetland Inventory Map](#) shows the subject site is also outside any locally identified wetlands.

The subject property takes access off of West 17th Avenue, on a cul-de-sac that spurs to the east. West 17th Avenue is listed as a Local Street in the City's 2016 Transportation System Plan. There is an existing shared use path along the western side of the subject property that leads to the public park. A fence separates the subject property from the shared use path.

Public utilities are available to the subject site. Emergency response vehicles can access the site via West 17th Avenue. A records search did not locate any easements on the property nor did the applicant indicate such in their submittal materials.

Additional details of the proposal are included in the applicant's Conditional Use file and are further addressed in the applicant's supporting documentation (Attachment A.1). All submitted materials are included as part of the public record and located in the application file for reference. The following evaluation addresses details of the proposal in the context of compliance with the applicable approval criteria and related standards.

EVALUATION

The following findings demonstrate that the proposed development can comply with all applicable approval criteria and related standards as set forth in the Junction City Municipal Code (JCMC). Relevant application requirements and approval criteria are addressed in JCMC 17.25 Multi-Structure Residential, JCMC 17.20 Multiple-Family Residential (for development standards), JCMC 17.125 Nonconforming Uses and Structures and 17.130 Conditional Uses. The following evaluation includes findings of compliance with the applicable criteria and related standards as provided in the JCMC, with informational items noted where appropriate. The approval criteria and related standards are listed below in **bold**, with findings addressing each.

CHAPTER 17.125 Nonconforming Uses and Structures

17.125.010 Continuation of nonconforming uses and structures.

Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of the ordinance codified in this chapter or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this chapter. [Ord. 950 § 91, 1991.]

Finding: According to the Regional Land Information Database, the dwelling has been assessed every year since 1998. There is evidence of building plans being approved for a dwelling in 1998,

although Staff could not identify a permit number. At the time of construction, the zoning was, and remains R4, Multi-Structural Residential. At the time of construction, uses permitted outright in R3, Multi-family zones were permitted outright in R4 zones. Thus, the single-family home at 805 W 17th Avenue was permitted outright. However, in 2003, [Ordinance 1116](#): was adopted by the City Council, which removed single family dwellings as outright permitted uses in R3, and thus in R4 zones. Therefore, the existing single family detached dwelling is a lawfully existing nonconforming use and may be continued.

17.125.030 Alteration of nonconforming use or structure.

As used in this section, “alteration” of a nonconforming use or structure includes:
(A) a change in the use of no greater adverse impact to the neighborhood; and/or
(B) a change in the structure or physical improvements of no greater adverse impact to the neighborhood.

A. Minor Alteration. For any given nonconforming use or structure, the city administrator may approve as a minor variance to the provisions of this chapter one or more alterations up to the point where a cumulative alteration of 10 percent or less of the total square footage of that nonconforming use or structure has occurred.

B. Major Alteration. A proposal for the alteration greater than 10 percent of the total square footage of a nonconforming use or structure may be approved by the planning commission subject to the provisions for conditional use permits. [Ord. [1037](#) § 1, 1997; Ord. [950](#) § 93, 1991.]

Finding: According to the Regional Land Information Database, the existing single-family dwelling is 1,412 square feet. The applicant’s site plan shows the proposed addition to be 264 square feet. This is an increase of 18.7%, which means the proposal is a Major Alteration of a nonconforming use and may be approved by the planning commission subject to the provisions for conditional use permits. The provisions for conditional use permits are evaluated later in this staff report.

17.125.050 Discontinuance.

If a nonconforming use involving a structure or property is discontinued from active use for a period of one year, any subsequent use of the property or structure shall be a conforming use. The planning commission may, however, permit a use for which the structure was originally designed or similar thereto, through the conditional use process. [Ord. [950](#) § 95, 1991.]

Finding: According to Assessment and Taxation records accessed through the Regional Land Information Database, the dwelling has been continuously assessed annually since its construction in 1998. There is no evidence of the use being discontinued for active use for a period of one year.

17.125.060 Criteria to grant or deny.

When reviewing any request to alter or restore a nonconforming use, in addition to the conditional use criteria, it shall be determined that all of the following are found to exist:

A. The nature and character of the proposed use are substantially the same as that for which the structure was originally designed;

Finding: According to the applicant's statement the nature and character of the proposed addition will not substantially change the nature and character of the existing residential use. The proposal is a simple expansion of the master bedroom to make the bathroom more accessible. The dwelling will remain a single story, and according to the Elevation Views it will extend the existing roof line and continue the existing siding pattern of the dwelling. Staff finds this criterion met.

B. There is no material difference in the quality, character, or degree of use; and

Finding: According to the applicant's statement, the exterior siding will be the same as the existing home and the roofline will follow the same pitch. Staff finds this criterion met.

C. The proposed use will not prove materially adverse to surrounding properties. [Ord. [950](#) § 96, 1991.]

Finding: According to the applicant's statement, the proposed dwelling expansion will not be materially adverse to surrounding properties. The proposal will exceed setback requirements (discussed later in the staff report). The proposal is a continuation of a residential use and the subject property is surrounded by other single family dwellings. According to Lane County 2021 GIS Aerial imagery, there appears to be a line of trees and shrubs that make the back yard of the subject property not visible from the Toftdahl public park. Staff finds this criterion met.

17.125.070 Compliance with state and local codes.

The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or health codes. [Ord. [950](#) § 97, 1991.]

Finding: It shall be made an informational condition of approval that all other state and local codes shall be met. This criterion is conditionally approved.

CHAPTER 17.25 Multi-Structure Residential Zone (R4)

17.25.030 Supplemental standards.

All uses and structures in the R4 zone other than manufactured dwelling parks shall comply with all of the standards listed in the R3 zone, Chapter [17.20](#) JCMC. [Ord. [1116](#) § 1, 2003; Ord. [950](#) § 29A, 1991.]

Finding: The proposed dwelling expansion shall comply with the standards listed in the R3 zone, Chapter 17.20 JCMC. The applicable criteria are evaluated below.

CHAPTER 17.20 Multiple-Family Residential Zone (R3)

17.20.050 Setback requirements.

This standard applies to multifamily dwellings, townhomes, neighborhood commercial developments, and residential care homes and residential care facilities. Except as provided in JCMC 17.95.060, in an R3 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in JCMC 17.20.060, shall be as follows:

A. A minimum front setback of 15 feet is required for multifamily dwellings and townhomes except that a covered (but not enclosed) porch may be within 10 feet of the front line. A minimum front setback of 10 feet is required for a neighborhood commercial building.

Finding: The proposal would not expand the dwelling towards the front line; therefore, this criterion is not applicable.

B. Each side yard setback shall be a minimum of six feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet measured from the foundation. Townhomes shall have no setback requirement where they share common walls.

Finding: According to the applicant's site plan, the proposal is 19 feet and 1 7/8 inches from the western property line, and over 30 feet from the eastern property line. Staff finds this criterion to be met.

C. The back yard shall be a minimum of 15 feet. An exception shall be permitted where a townhome, garage, or other accessory structure is located adjacent to an alley, in which case the back yard (alley facing) setback shall be a minimum of four feet.

Finding: According to the applicant's site plan, the proposal is over 34 feet from the rear property line; therefore, Staff finds this criterion met.

D. In the case of a duplex residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard with appropriate front yard setbacks. Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see Appendix A, Diagram 2).

Finding: This criterion is not applicable.

E. All buildings shall be sited to ensure they do not encroach into a public utility easement or the vision clearance areas (JCMC 17.95.090). [Ord. 1278 § 2 (Exh. B), 2023; Ord. 1242 § 1 (Exh. A), 2016; Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 24, 1991.]

Finding: The applicant's site plan does not indicate the presence of any public utility easements and the rear yard does not include a vision clearance area. A review of deeds and records file did not uncover any easements. This criterion will be included as an informational condition of approval. Staff finds this criterion conditionally approved.

17.20.060 Setback exceptions.

In an R3 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs and similar architectural features may encroach into setbacks by up to three feet; provided, that the State Fire Code is met. Walls and fences may be placed on property lines, subject to the standards in JCMC [17.95.020](#). Walls and fences within front yards shall additionally comply with the vision clearance standards in JCMC [17.95.090](#). [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [950](#) § 24A, 1991.]

Finding: The applicant is not proposing any architectural encroachments or walls and fences in the front yard. Therefore, the criteria above are not applicable.

17.20.070 Height of buildings.

In an R3 zone, no buildings shall exceed a height of 35 feet. Building height may be restricted to less than the maximum when necessary to comply with the building height transition standard in JCMC [17.20.090](#).

A. Applicability. This standard applies to townhomes, multifamily buildings, and neighborhood commercial buildings.

B. Method of Measurement. The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [950](#) § 25, 1991.]

Finding: As shown on the submitted elevation drawing, the maximum height is 11 feet 6.13 inches, less than the maximum height of 35 feet. Therefore, the criteria are met.

17.20.080 Lot coverage.

In an R3 zone, the building(s) shall not occupy more than 60 percent of the lot area. [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [950](#) § 26, 1991.]

Finding: As proposed, the dwelling with the proposed expansion will be a total of 1,676 square feet. The lot is 10,018.8 square feet. Thus, as proposed, the lot coverage would be 16.7 percent, less than the 60 percent maximum stated above. Therefore, the criterion is met.

17.20.090 Building height transition.

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. [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [950](#) § 26A, 1991.]

Finding: The proposal is not a new building and will not exceed one story in height. Therefore, this criterion is not applicable.

17.20.100 Building orientation.

In an R3 zone, all buildings that abut private, local, or collector streets shall have their primary entrance(s) oriented to the street. Multifamily and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances. Alternatively a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. This section does not apply to buildings with the sole purpose of housing mechanical equipment.

A. Off-street parking lots and driveways shall not be placed between buildings and streets. [Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [950](#) § 26B, 1991.]

Finding: The existing dwelling is oriented to West 17th Avenue, a local street. No new buildings are proposed. Therefore, this criterion is not applicable.

CHAPTER 17.130 Conditional Uses

17.130.030 Public hearing on conditional use.

A. Before the planning commission may act on a request for a conditional use, it shall hold a public hearing. The hearing shall be held within 40 days after the application for the conditional use is filed. Notice of the hearing and criteria for granting or denying a permit shall be as follows:

See JCMC 17.150.080, Notice.

Finding: The application was submitted on June 22, 2023, and deemed complete on July 12, 2023. The Public Hearing is being held on August 16, 2023. Staff has provided notice in compliance with the standards at JCMC 17.150.080, as noted previously in this report. Therefore, this criterion has been satisfied.

B. Based on the testimony provided at the hearing, the planning commission shall develop findings of fact to justify either approving or denying a conditional use permit. The planning commission may approve such requests when it is determined the request is in conformance with all the following requirements:

- 1. The proposal is in conformance with the zoning ordinance;**
- 2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission;**
- 3. Public facilities are of adequate size and quality to serve the proposed use; and**
- 4. The proposed use will prove, or can be made to be through imposing conditions, reasonably compatible with surrounding properties. [Ord. 1037§ 1, 1997; Ord. 950 § 100, 1991.]**

Finding: As stated within the findings of this report, as conditioned, the proposal is in conformance with the applicable zoning Code criteria.

The proposed development site consists of one legal lot, approximately .23 acres in size. Therefore, the parcel is adequate in size and shape to accommodate the proposed dwelling expansion.

Public facilities are in the area and are adequate to serve the proposed use.

As conditioned within this report, the proposal can be made compatible with the surrounding properties.

Therefore, as conditioned, the proposal satisfies these criteria.

STAFF RECOMMENDATION

Planning staff recommends Planning Commission approval of the Conditional Use Permit application to allow a major expansion of a nonconforming dwelling in the Multi-Structure Residential Zone based on the findings listed above and subject to the following conditions.

CONDITIONS OF APPROVAL - INFORMATIONAL ITEMS

1. The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or health codes. [Ord. [950](#) § 97, 1991.]
2. All buildings shall be sited to ensure they do not encroach into a public utility easement or the vision clearance areas (JCMC [17.95.090](#)). [Ord. [1278](#) § 2 (Exh. B), 2023; Ord. [1242](#) § 1 (Exh. A), 2016; Ord. [1116](#) § 1, 2003; Ord. [1037](#) § 1, 1997; Ord. [950](#) § 24, 1991.]

ATTACHMENTS

1. Application Materials
2. Referral and Comments Received
3. Public Hearing Notice
4. Previous Permits issued for subject site