

CITY OF JEFFERSON
Planning Commission Meeting
September 16, 2021
6:30 PM

COMMISSIONERS PRESENT: Dave Jones, Joseph Moore, Bruce Forbes,
Edie O’Neil, Ron Gilles, Jacqueline Deeds

COMMISSIONERS ABSENT: None

COUNCIL LIASION: David Watkins

STAFF PRESENT: Deanna Donato & Kiel Jenkins, COG Planner
via Zoom

I. **Call to Order:** Ron Gilles called the meeting to order at 6:30 PM.

II. **New Business:**

1 Land Amendment 2021-01 Ron stated the new business was regarding Land Amendment 2021-01. This was a Type D public hearing, and Ron then went on to read the Declaration and Order of the hearing, there were no objections to any of the declarations, he then turned it over to Kiel Jenkins for the Staff Report.

1.1 Background & Summary Staff Report: Kyle stated that the amendments proposed would make modifications to 12.72.060.E and 12.92 of the Jefferson Development Code. This was brought to him by some citizens within the affected area of N. 3rd St that has their homes zoned as Commercial rather than Residential. The intent of the proposal is to allow property owners to make reasonable alterations or expansions to non-conforming uses through a Type B process before the Planning Commission. Kiel went on to state that the current code states the residential homes in that area of N 3rd St. are considered a non-conforming use as they are residential within a commercial zone. The Jefferson Development Code (JDC) 12.92.050A currently states that “a non-conforming use may not be structurally altered in any way that does not change the use of the structure to a use permitted in the zone.” This means that the code currently does not allow the home owners to make any additions to buildings considered to be nonconformities, including minor expansions to existing homes to existing homes located in zones where single-family residences are not a permitted use. The only development allowed on these non-conforming lots is under the circumstance the home is involuntarily damaged. He again stated the intent of the proposed amendments is to allow the City to review applications for expansions or alterations of nonconforming uses while removing the outright prohibition of such alterations.

Based on a discussion with the City Manager and consensus of the Planning Commission, he looked for similar examples of code

provisions in other small cities and prepared a text amendment to the JDC that would allow the Planning Commission the authority to review alterations or expansions to nonconforming uses. Kiel used examples from the Cities of Carlton, Dayton, Falls City, and Mt. Angel.

Kiel stated there were several Criteria involved in order to change the code. In JDC Section 12.92 alteration or expansion of a non-conforming use or structure must be authorized by the Planning Commission in accordance with the provisions of Section 12.92.080 of this title. These provisions state that the alteration or expansion of a non-conforming use may be authorized by the Planning Commission subject to a Type B review provided that applicant provides evidence that the proposed change will satisfy the following criteria:

A. The alteration of the structure will not expand a non-conformity by more than twenty (20) percent of floor area or site area as applicable.

B. The change in the use, structure or physical improvements will have no greater adverse impact to the neighborhood than the existing use, structure, or physical improvements.

C. The alteration or expansion shall not create a violation of any provision of this title.

D. No existing violations exist on the subject property.

Kiel recommended based on the findings of the Staff Report that the Planning Commission recommend approval of LLA 2021-01 to the City Council. He then asked for questions from the Commission.

Ron asked if a single-family home wanted to expand the most it could be is the 20%. Kiel stated that was correct and that this 20% is for non-conforming properties only.

Ron asked if they could convert it to a duplex and Kiel said no as a duplex is a prohibited use in that zone and would not be allowed. Bruce Forbes thought the application was pretty straight forward and well explained and had no questions.

Jacquelyn Deeds asked Kiel for an example. Kiel stated that a couple had come in wanting to add another bedroom to their home; under the current code, this is not allowed as it is a commercial zone and they are non-conforming which means they can not expand the current buildings nor can they build a new home. The changes the Planning Commission is considering would change the "blanket" no answer and allow for additions as long as all conditions were met.

There were no other Commission questions, so Ron asked the visitors if they had any questions.

James Jones-806 N 3rd St- wanted to know why the whole zone was being changed so people could expand if they wanted. Edie

O'Neil stated that the changes being discussed would allow homeowners the opportunity to expand if they chose to. Ron also added that the Commission had asked Kiel to look into a solution for this problem a couple meetings back and the Commission is just now seeing the options he has added. Kiel also added that changing the zone is an expensive and lengthy process; the proposal allows for this to happen much quicker. Mr. Jones stated the commercial zone is affecting the resale value of the home. Kiel double checked the code and shared that nothing in the code says the home has to be demolished, if the home was currently used as residential it can be sold as a residential; now if the home were abandoned then it would need to be torn down and replaced with commercial. Kiel stated the effects of resale would be by allowing these homeowners to make improvements, it could raise the value through this process. Mr. Jones was satisfied with that answer.

Ron added that this is at least a step forward in helping the homeowner to be able to expand if they wanted.

Kiel also shared that if someone wanted to change the zoning, the application would need to be submitted to the city and the change has to apply with the Development Code. The city then has 30 days to respond and it is not an automatic change.

John Miller-824 N 3rd St- asked why the zone was changed in 2015. Ron gave history on that zone, the zoning on that area had been done in the 1970's because of the bus barn and has never been changed since then. Ron agreed that the commercial zoning did make homes less sellable, but these changes are an attempt to make current owners to have more use of the property. John then asked if they could go up instead of out with an expansion. General discussion on the wording of the proposed changes before it was decided that Criteria A states "...non-conforming expansions will not expand more than 20% of floor area OR site area as applicable."

With that all Commissioners were satisfied and there were no further questions.

Ron closed the hearing at 7:24 pm.

1.2 Decision: Ron asked if any Commissioners had questions or comments regarding what was discussed.

Bruce said all his question had been answered in previous discussion.

Eddie felt this was a decent compromise.

Ron stated it is a 20% increase as opposed to nothing.

Eddie asked Kiel to verify about the second floor and Kiel stated he is interpreting to be either out or up.

Jacquelyn felt that by leaving the discretion up to the Planning Commission would be best because if they dictate the regulations then the more rules there would be. Some thought that more

clarification needed to be added and Kiel explains the definition and this is the clarification they all wanted and all were good with that explanation.

No further questions or comments.

Eddie moved to adopt the findings from the staff report and recommend the City Council approve LA 2021-01.

Jacquelyn seconded. All were in favor. Passed unanimously.

- III. Old Business: none
- IV. Approval of Minutes: September 2, 2021:
All agreed the minutes were good summary of what happened. Eddie moved to approve the minutes as written and Bruce seconded. All were in favor, passed unanimously.
- V. Visitors: Mr. Miller and Mr. Jones had no further questions.
- VI. Commissioner Questions & Comments: Deanna informed them of the upcoming joint Council & Planning meeting next Thursday, September 23 at 6:30. This meeting would have a presentation from DKS Consultants regarding an update on Jefferson Transportation System Plan (TSP) project. Visitors were also interested in this as well.
Deanna also informed the Commission of a training opportunity and for those that were interested a confirmation was needed to get them registered. All were interested in the Zoom training and Deanna said she would make sure Sarah knew they were all interested.
- VII. Adjournment: Eddie moved to adjourn and Bruce seconded. Meeting ended at 7:35 PM.

MINUTES APPROVED THIS 7 DAY OF January 2022.

Ron Gilles
RON GILLES, CHAIR

ATTEST:
Deanna Donato
Deanna Donato, Deputy City Recorder