City of Jefferson
Incorporated 1870

PLANNING COMMISSION DECISION

SPR 2021-03, CUP 2021-01, VAR 2021-01, 02, 03

APPLICATION RECEIVED:	December 7, 2021
APPLICATION COMPLETE:	December 30, 2021
DATE OF PC HEARING:	February 3, 2022
DATE OF CONTINUATION:	March 3, 2022
FILE NUMBER:	SPR 2021-03, CUP 2021-01, VAR 2021-01, 02, 03
APPLICANT/OWNER:	Mindy Cordle
REQUEST:	Construction of a 7 building, 84 unit apartment complex
LOCATION:	972 N. 2nd St.
TAX MAP/LOT:	103W02DA01500
AREA:	4.29 acres
DESIGNATION:	C- Commercial
CURRENT ZONE:	MU- Mixed Use
REVIEW CRITERIA:	Jefferson Development Code: 12.88.050, 12.84.050, 12.96.040
EXHIBITS:	A: Vicinity Map B. City Engineer's Comments C. Application Packet D. Wetland Notice Response from DSL E. Fire Comments F. Citizen Comments G. Revised Landscape Plan I. Applicant's Narrative regarding new evidence submitted H. Applicant's Drainage comments J. ODOT TIA Review Comments

I. SUMMARY OF PROPOSAL

SPR 2021-03 is an application for the development of a 7 building, 84-unit apartment complex. The site work will also include construction of the associated parking, landscaping, grading, and drainage work as required by the provisions of the development code, along with a 10-foot sidewalk along the property's 2nd St. frontage.

CUP 2021-01 is a conditional use permit application to allow for the development of a multi-family housing complex of five or more dwelling units on the same lot by showing that 50% of the ground floor units have the potential to be converted to a different permitted use within the MU-H zone.

Variance 2021-01 requests the allowance of a landscape island of 200 SF in size in place of a landscape buffer of 20 feet in width as required by JDC 12.44.050.C.
Variance 2021-02 requests the minimum required distance from a canopy tree from each parking space be increased from 25 feet as required by JDC 12.44.050.C to 60 feet.
Variance 2021-03 requests that the required distance from pedestrian pathways to the building line be decreased from the required 10 feet to varying distances as provided in the table on page 59 of Exhibit C.

II. DEVELOPMENT PROCESS AND TIMELINE

The application was received on December 7, 2021 and deemed incomplete on December 17, 2021. The application was resubmitted on December 21, 2021 and deemed complete on December 30, 2021.

A site plan review is a Type A application. Type A applications are decided by the Planning Commission. No public hearing is required; however, variances and conditional use permits are both Type B procedures which require a public hearing. All five applications will be heard together with a public hearing. The site was posted on January 4, 2022 and notices were mailed to all property owners within 300 feet of the subject property on January 11, 2022. The initial notice incorrectly identified that the project contained 5 buildings instead of 7, and the notice was therefore remailed on January 14, 2022.

The evidentiary hearing for the submitted application took place on February 3, 2022. After closing the public hearing, the Planning Commission voted to leave the record open and continue review of the applications to March 3, 2022. At the continuation, the Planning Commission will disclose any bias, conflicts of interest, and ex-parte contacts which occurred since the Feb 3rd meeting. (If any are announced, the Chair would reopen the hearing for the limited purpose of allowing the applicant to rebut any such declaration in the record. The Chair would then close the hearing and receive no further testimony.) The Planning Commission will then receive an overview of the amended staff report from the City Planner, and continue deliberations before issuing a decision on the applications.

III. EXISTING CONDITIONS

The site is currently developed with a single-family residence and associated accessory structures in the front of the property. The remainder of the site is used as pasture with agricultural fencing and slopes downwards in the SW corner where Morgan Creek is located. A wetland notice was submitted by the

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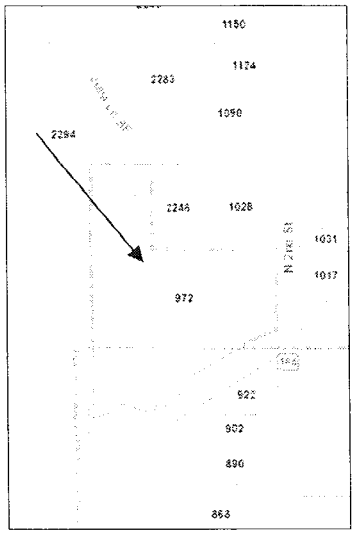
City to the Department of State Lands for review. The notice of response (attached as Exhibit D) does not indicate any wetlands located on the subject property.

Properties to the North of the subject property is zoned Marion County General Industrial and Urban Transition 3. The property to the West and South is split-zoned Marion County EFU, UT-3, and City of Jefferson MU-H. 2nd St. is located along the subject property's Eastern frontage. A request for comment was sent to Marion County. No comments have been received as of the date of this report.

There are no existing code enforcement or other land use actions as relates to the property.

Site Map:



IV. JEFFERSON DEVELOPMENT CODE REVIEW CRITERIA & FINDINGS OF FACT

Site Plan Review

Site Plan Reviews are governed by the Jefferson Development Code (Jefferson Municipal Code, Title 12). Section 12.88 outlines the procedure for a Site Plan Review and Section 12.88.050 outlines the criteria for approval.

12.88.050: Criteria for a Site Plan Review

The review of a site development plan shall be based upon consideration of the following:
Conformance with the general development standards contained in the Development Code including:

A. Streets- Development standards for streets can be found in JDC Section 12.40 and 12.48

12.40.01- Construction Standards: All public improvements associated with this development will comply with the provisions of the code and the City's PWDS.

12.42.210- Trees detrimental to public infrastructure: Any trees proposed in the landscape plan will be reviewed for compliance.

12.48.010- No development shall be allowed unless the development has frontage or approved access to a public street. Streets (including alleys) within a development, and streets adjacent to a development, shall be improved in accordance with this chapter. In addition, any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this chapter.

Where the city engineer determines that a required street improvement would not be timely, or where lack of support by the other property owners would prevent a complete street improvement, the city engineer may accept a future improvement guarantee in a form approved by the city attorney.

12.48.040- Street location, width, and grade-

A. The location, width and grade of all streets shall conform to any approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Street grades shall be approved by the city engineer, who shall give consideration to adequate drainage and traffic safety. Where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:

1. *Provide for the continuation or appropriate projection of existing principal streets in the surrounding areas; or*
2. *Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*

12.48.200.F- Sidewalks adjacent to collector and arterial streets shall be five feet in width. All other sidewalks shall be at least four feet in width. All sidewalks shall provide a continuous unobstructed path. Width of sidewalks shall be measured from the back of the curb. Where obstructions exist or are proposed (including, but not limited to mailboxes, utility poles, trees, planters, fire hydrants, signs, bus stops, etc.), provisions shall be made to maintain a minimum of four feet of unobstructed width;

12.48.120- Access to Arterials

Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:

A. A parallel access street along the arterial;

B. Lots of suitable depth abutting the arterial to provide adequate buffering with frontage along another street;

C. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial;

D. Other treatments suitable to meet the objectives of this

Findings: All public improvements will be made in accordance with the PWDS, as included as a **condition of approval.** The required ROW width for an arterial street is 70 feet with a paved width of 40 feet. Existing conditions along 2nd St. are 38.27 feet of paved width and a 60-foot ROW. The City Engineer has reviewed the proposal and issued approval of the proposed improvements subject to ODOT approval. A non-remonstrance agreement for the pavement widening of 2nd St. shall be recorded as a **condition of approval.** The design of the site includes buffering within the front yard adjacent to 2nd St. as required by Section 12.42 of the JDC. 10-foot sidewalks are provided along the 2nd street frontage, exceeding the 5-foot standard of Section 12.48.200.F.

2nd St. is classified as an arterial and is under ODOT jurisdiction. Development within the 2nd St. ROW is therefore subject to ODOT standards. Comments were received from ODOT on January 14, 2022 as follows:

"The site is adjacent to Jefferson Highway, No. 164 (OR-164), and is subject to state laws administered by ODOT. The site has one highway approach at MP 5.24, which is presumed to be permitted. The proposal will trigger a Change of Use (OAR 734-051) based on the increased trip generation, so a new ODOT approach permit will be required. The frontage improvements and utility connections in the highway can be included as part of the approach permit. The applicant will need to submit civil construction plans to ODOT as part of the permitting process which should include all work in the state right-of-way along with all connections to the highway (vehicular and pedestrian). Design details can be discussed further during the plan review. Storm runoff appears to be headed away from the highway so ODOT will not need to review the storm report. The Traffic Impact Analysis (TIA) that was submitted with the land use application is still being reviewed by ODOT. I will forward comments to the city and the applicant when ready. ODOT may have additional requirements for the applicant, if the TIA shows the need for highway mitigation."

ODOT completed its review of the TIA submitted with the application and submitted additional comments on February 7, 2022, attached as Exhibit J. The review concluded that no additional mitigation measures are necessary. It should be noted that the City of Jefferson is currently undergoing an update to the City's Transportation System Plan. Planning staff has provided input to the consultant working on the plan regarding the need to prioritize improvements along 2nd St. due to recent development.

Per ODOT comments, a **condition of approval** is included requiring an application for a State Highway Approach and to require civil engineering plans to be reviewed by ODOT prior to construction.

Per Exhibit B: Highway 99 is under ODOT jurisdiction. The developer shall obtain necessary permit from ODOT for all work within the ROW. The proposed driveway is acceptable to the City as long as it is acceptable to ODOT. A reciprocal easement shall be granted to the property to the North to allow the property to access the private driveway. This requirement is listed as COA. All work shall be completed in accordance with ODOT standards.

B. *Off-street parking- Standards for parking can be found 12.44 (Parking and Loading Requirements)*

12.44.010- Location

All required off-street parking and loading areas associated with a residential use shall be provided for on the same site as the building or use for which the parking and loading is required. Required parking and loading areas associated with an industrial or commercial use must be provided within four hundred (400) feet of the building or use for which the parking is required.

Findings: All proposed parking is located on the same site as the proposed development. Should any of the ground-floor residential uses be converted to a permitted commercial use, a change of use permit shall be required and parking requirements for changed use shall be reviewed at that time. A **condition of approval** is included requiring a change of use permit to be submitted as applicable. Staff finds this standard is met.

12.44.030- Parking Area Design

A. All public or private parking area and parking spaces shall be designed and laid out to conform with the requirements of the Development Code and the Planning Commission.

B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movements or other maneuvering of a vehicle within a street, other than an alley, shall be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site.

C. With the exception of one or two-family dwellings, parking shall not be allowed within any required setback area adjacent to a street.

Findings:

A. There is no on-street parking proposed for the development. All off-street parking conforms to the requirements of the JDC. Specific requirements and findings related to those requirements can be found under "12.44.040- Mixed-use parking requirements" below.

B. The parking area is served by a 26-foot driveway from 2nd St. The proposed parking layout allows for circulation and no backwards movement with the exception of backing out of a parking space.

C. No parking is provided within a setback area for any of the proposed buildings.

12.44.040- Mixed-use parking requirements:

A. The parking requirements within this section shall apply to all commercial or mixed-use developments within the mixed-use district (MUD). Parking requirements for residential developments within the MUD shall be the same as would apply in residential districts, except as modified by the provisions of Sections 12.30.140 and 12.30.150.

12.44.050- Multi-family parking requirements:

A. Parking Spaces Required. Newly constructed buildings shall provide the number of parking spaces as required in Section 12.44.060.

B. Parking Area and Space Dimensions. All parking area and space dimensions for multifamily development shall be designed to conform to Section 12.44.110.

C. Parking Area Improvements. All public and private parking areas shall be improved to conform to Section 12.44.100. Parking areas shall be no more than seven thousand two hundred and fifty (7,250) square feet in area and shall be physically and visually separated by a landscaped area at least twenty (20) feet in width. Individual parking areas may be connected by an aisle or driveway. Each parking space shall be located no more than twenty-five (25) feet from the trunk of a canopy tree planted within ten (10) feet of the parking area.

D. Pedestrian connectivity shall be provided from the site to the public sidewalk system through the use of paths or easements. Pedestrian pathways shall provide for a minimum of ten (10) feet of separation from dwellings as measured from the pathway edge closest to any dwelling unit.

Findings:

.040.A: This is a proposed mixed-use development. Therefore, the requirements of Section 12.44.040 apply. Sections 12.30.140 and 12.30.140 do not modify the parking requirements of this section.

.050.A: Per JDC 12.44.060 off-street parking spaces must be provided at the following rate:

Multi-family residential: 1.5 spaces per unit, 84 units → 126 spaces required. The revised landscape plan shown as Exhibit G shows the provision of 162 parking spaces, meeting the standard. Staff finds that the excess in provided parking spaces is necessary to accommodate any future parking needed as part of a potential change of use from residential to commercial.

B. The City Engineer has reviewed the submitted proposal. All parking space dimensions will be reviewed at the time of construction plan submittal. Parking spaces are shown as 9.5x19 feet, meeting the standard.

C. The submitted site plan does not meet the standards of this section. The applicant has submitted two variances to the provisions of this section as follows and presented under Section VII of the staff report:

1. The allowance of a 200 SF landscape island in place of a landscape island of 20 feet in width.
2. The applicant submitted a variance with the first submittal of the SPR application for the allowance of an increase in minimum distance from each parking space to a tree from 25 to 60 feet. After the initial hearing on February 3, the applicant has submitted a revised landscape plan (Exhibit G) which provides additional landscaping meeting the requirement.

D. Pedestrian pathways are provided throughout the development and provide adequate access from the parking area to each building. The applicant has submitted a variance to reduce the distance from the pedestrian pathway to each building by quantities varying from 2-8 feet. Approval of SPR 2021-03 is conditional upon approval of VAR 21-03.

12.44.100- Parking Area Improvements

All public or private parking areas, which contain four or more parking spaces, and outdoor vehicle sales areas, shall be improved according to the following:

A. All parking areas shall have a durable, dust-free surfacing of asphalt concrete, Portland cement concrete, or other approved materials.
B. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property. Catch basins and oil/water separators (clarifiers) shall be required as appropriate to each particular use.
C. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
D. All parking spaces shall be appropriately and substantially marked.

Findings: The applicant has indicated that the parking area shall be asphalt, complying with the approved materials. The City Engineer has reviewed the site plan to ensure that stormwater shall not be drained over the public sidewalk or any adjacent properties and will review again at the time of construction plan submittal. No onsite lighting will overflow onto any of the abutting uses. All parking spaces will be marked as indicated on the submitted preliminary site plan.

12.44.105- Parking lot landscaping
Parking lots must be landscaped in accordance with the following minimum standards:
A. Planter Bays. Parking areas shall be divided into bays of not more than ten (10) parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least five feet in width. Each planter shall contain one tree at least one and one-half inches in caliper and decorative ground cover containing at least two shrubs for every one hundred (100) square feet of landscape area.
B. Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian entranceways or loading areas or by a strip of landscaping materials at least five feet in width.
C. Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven eighteen (18) inches into the ground, by large boulders, or by another acceptable means of providing protection.
D. Landscaping Plans. All development applications involving parking areas must include landscape plans to conform to Section 12.42.030.

Findings:

A. There are no more than ten consecutive spaces provided without a curved planter bay of at least 5 feet in width. Each planter bay meets the standards of subsection A as shown on the preliminary landscape plan.

B. The proposed parking area is separated from the exterior wall of all buildings by both a pedestrian path of at least 5 feet.

C. There are no gravel areas proposed, so subsection C does not apply.

D. The applicant has submitted a preliminary landscape plan. A **condition of approval** is included to require the submittal of a complete, detailed landscape plan conforming to section 12.42.030 with the final construction plans.

C. Public Facilities

12.56.010- Water System- Each development site shall be provided with potable water and fire hydrants, and mains shall be installed as required by the city fire marshal.

Findings: Per Exhibit B: Water service is available in an existing 12" water line in 2nd St. The closest fire hydrant is located at Morgan Creek. A double detector check valve shall be located at the property line. The FDC must be located adjacent to a public fire hydrant. The proposed water meters shall be located in the public ROW with a double check assembly located immediately downstream of the meters. Any private fire hydrants shall be located onsite. All public water improvements shall be constructed to the City's PWDS. All private water improvements shall conform to the uniform plumbing code and fire district requirements. A permit from ODOT for work in the Hwy. 99 ROW shall be required prior to approval. All requirements listed above are included as **conditions of approval.**

12.56.020 Sewer required:
A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions of the Standard Specifications Manual.
B. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
C. Proposed sewer system shall include consideration of additional development within the areas as projected by the Comprehensive Plan.
D. Proposed development shall make provisions for any right-of-way, easement, trunk line, or pumping station specifically designated in an approved master sewerage plan or capital improvements plan. The cost for such provisions shall be assessed as specified in the master sewerage plan or capital improvements plan.
E. Development may be restricted by the Planning Commission where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

Findings: Per Exhibit B:
An existing 10" sewer is located on the East side of Hwy. 99. A monitoring MH is required prior to connection into public sewer. All public sewer improvements shall be constructed to the City's PWDS. All private sewer improvements shall be constructed to the uniform plumbing code and reviewed by the City Engineer. All requirements in this section are included as **conditions of approval.**

12.56.030- Storm Drainage: The Planning Commission shall allow development only where adequate provisions for storm and flood water runoff have been made as determined by the city engineer. The stormwater drainage system shall be separate and independent of any sanitary sewerage system. Where possible, inlets shall be provided so surface water is not carried across any intersection or

allowed to flood any street. Surface water drainage patterns shall be shown on every development proposal plan.

Findings: Per Exhibit B:

Detention and water quality is required for the development. All onsite stormwater facilities will be privately owned and maintained. The final design shall demonstrate to the satisfaction of the City Engineer that the proposed grading plan does not block drainage from the neighboring properties. All requirements in this section are included as **conditions of approval.**

D. *Signs- Standards for signs within the Mixed-Use Highway district can be found in JDC Section 12.68.030*

12.68.030.E. One indirectly illuminated sign not exceeding thirty-two (32) square feet on each of a maximum of two sides as part of an apartment complex, as approved in writing by the Planning Commission. Signs attached to a building shall not project above the eaves of the building, and freestanding signs shall meet all fence and vision clearance requirements. Definition of apartment complex as defined for sign purposes only: any housing complex that has more than four self-contained dwelling units on any one nonpartitioned or subdivided property.

Findings: A monument sign is proposed at the frontage of the property. The applicant is required to submit a separate sign permit and any applicable Marion County building permits as listed as a **condition of approval**.

E. *Site and Landscaping Design- Landscaping standards can be found in JDC Section 12.42*

12.42.020- Landscaping Required

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A. Residential-Two Family Dwelling, Two Dwellings on One Lot, or Multi-Family Dwelling.

1. All required landscaping shall be completed prior to issuance of a certificate of occupancy, except that a certificate of occupancy may be issued prior to the completion of landscaping if the developer posts a financial security with the City as provided in Section 12.42.050.

2. All yards adjacent to a street (exclusive of accessways and other permitted intrusions) shall be landscaped according to an approved landscape plan. Guidelines for landscaping these yards are found in Section 12.42.040.

3. All areas designated for open space shall be landscaped according to an approved landscape plan.

4. For every two thousand (2,000) square feet of gross site area there shall be at least one tree either new or existing.

Findings:

1. The requirement to complete all landscaping between a CO is issued is included as a **condition of approval.**

2. The front yard adjacent to 2nd St. is landscaped in accordance with the requirements of 12.42.040 as shown below under findings for "front yard guidelines."

3. No open space is required for multi-family development within the mixed-use district. However, the applicant has submitted a proposed "tot lot" on the Northwest portion of the site in response to comments expressed at the public hearing on February 3rd.

4. The subject property is 187,000 SF in area. Per code, 1 tree is required for every 2000 feet of gross site area. Therefore, 94 trees are required. The revised landscape plan shows 103 trees, with an additional stand of trees maintained on the SW portion of the subject property long Morgan Creek. The quantity of trees provided meets the standard.

12.42.030.C- Landscape plans

Commission Approval. When a development application is reviewed by the Planning Commission, the Planning Commission shall make findings that the landscape plan meets the guidelines or satisfies the purpose and intent of this chapter prior to approving the development application.

Findings: A complete landscape plan has been submitted with the application. Staff finds that the submitted application meets the requirements of the JDC as conditioned.

12.42.040- Front Yard Guidelines

The following guidelines are intended to assist applicants in preparing landscape plans for yards adjacent to streets. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter. Landscaping per one thousand (1,000) square feet of yard adjacent to a street shall include:

A. One tree at least one and one-half inches in caliper.
B. Four one-gallon shrubs or accent plants.
C. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, or evergreen shrubs).

Findings: There is 3912 square feet of front yard area between 2nd St. and the proposed building A and 2nd St. Per the above standard, 4 trees and 16 shrubs are required. The submitted landscape plan shows 6 trees and 22 shrubs proposed, meeting the standard.

12.42.100- Buffering and Screening- General Requirements

Buffer Depth (in feet) & Screening Matrix		Use Applied For		
		Two-Family Dwelling	Multi-Family Dwelling	Manufactured Home Park
Abutting land	Any Residential District (R1, R2, or R3)	0'	10'	10' Screening
	Manufactured Home Park	10'	10'	0'
	Arterial Street (as designated by the Comprehensive Plan)	10' Screening	10' Screening	10' Screening
	Railroad	10' Screening	10' Screening	10' Screening
	Commercial District	10' Screening	10' Screening	10' Screening
	Industrial District	20' Screening	20' Screening	20' Screening
	Mixed Use District	0'	0'	10' Screening

Figure 1

B. The property owner of each proposed development is responsible for the installation and maintenance of the specified buffers and screens.
C. The buffering and screening requirements may be waived in whole or in part where buffering or screening has been provided on the abutting property in conformance with this chapter.
D. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required.

Findings:

A. Per the buffer matrix above, no buffering is required for the abutting mixed used properties. A request for comments was sent to Marion County on December 23, 2021. No comments have been received regarding required buffering for the property to the West as of the date of this staff report. There is a single-family residence located to the NW of the site. The revised landscape plan (Exhibit G) and narrative provides a buffer of a minimum width of 19.5 feet with four trees. A **condition of approval** is included requiring a screening fence along the Northern property line adjacent to the residential dwelling located at 2294 Julia Lane. 2nd St. is designated as an arterial in the Jefferson TSP and therefore requires a 10-foot buffer and screening. The requirement to include the 10-foot buffer and screening in compliance with the provisions of the JDC is included as a **condition of approval**. Staff finds the submitted site plan meets the standard as conditioned. Per code, 20-foot buffer and screening is required along the Northern property line adjacent to the autobody shop. The applicant has submitted a revised landscape plan showing a 20-foot buffer in compliance with the provisions of 12.42.130. Staff finds that the parking lot, screening fence, proposed shrubs, and parking lot landscaping provide a buffer between buildings E and F in compliance with the provisions of 12.42.130.

B. Any screening will be required to be maintained by the property owner. This is included as a **condition of approval.**

C. Screening is required as indicated in subsection A above.

D. The abutting properties to the South and West are undeveloped. No buffers are required for the two properties, so subsection D is not applicable.

12.42.130- Buffer Guidelines
The following guidelines are intended to assist applicants in preparing landscape plans for buffer areas. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter. Landscaping within a buffer areas shall include:
A. At least one row of trees. Deciduous trees shall be not less than one and one-half inches in caliper at time of planting and spaced not more than thirty (30) feet apart. Evergreen trees shall be not less than five feet high at time of planting and spaced not more than fifteen (15) feet apart. This requirement may be waived where it can be demonstrated that such trees would conflict with other purposed of this code.
B. At least 5 five-gallon shrubs or ten (10) one-gallon shrubs for each one thousand (1,000) square feet of required buffer area.
C. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, or evergreen shrubs).

Findings: A buffer is required in the front yard adjacent to 2nd St., between the proposed Building G and the southern property line of lot 103W02DA01100, and between the Western property line of lot 103W02DA01100 and building E and F. Staff finds that the inclusion a screening fence, 10 trees within the parking area between the western lot line and buildings E and F, and shrubs along the property line satisfy the buffer requirement. The final landscape plan will be reviewed for compliance at the time of construction plans, as included as a **condition of approval.**

12.42.140- Screening Guidelines
Where the screening matrix in Section 12.42.100(A) specifies screening, the following guidelines will apply in addition to buffering guidelines. The guidelines are intended to assist applicants in preparing landscape plans for screening. These guidelines may be waived upon a finding that a proposed landscape plan meets the purpose and intent of this chapter. Screening shall consist of one of the following:
A. One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, or
B. A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
C. An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.

Findings: Screening is required along the 2nd St. frontage, lot 1001 to the north, and property lines adjacent to the industrial property (lots 1100 and 1200). A 6-foot tall screening fence is provided where screening is required.

F. *Characteristics of surrounding and adjoining uses*

Findings: The subject property abuts undeveloped property zoned Marion County UT-3 and EFU to the West and MU-H to the South. Morgan Creek runs through the portion of the abutting property zoned MU-H to the South and the property is therefore likely to remain undeveloped. The portion of the abutting property to the West is undeveloped with no apparent farm operations and no improvements per the Marion County Assessor. The property to the North is zoned Marion County- IG and is occupied by an auto-body shop. A buffer and screening are required to be

installed accordance with the provisions of JDC Section 12.42.100 above as a **condition of approval.** Staff finds that the neighboring uses are compatible with the proposed multi-family use with the required buffering.

G. Drainage and erosion control needs

12.56.030- Storm Drainage: The Planning Commission shall allow development only where adequate provisions for storm and flood water runoff have been made as determined by the city engineer. The stormwater drainage system shall be separate and independent of any sanitary sewerage system. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns shall be shown on every development proposal plan.

Findings: Per Exhibit B and as discussed under "storm drainage" above:
Detention and water quality is required for the development. All onsite stormwater facilities will be privately owned and maintained. The final design shall demonstrate to the satisfaction of the City Engineer that the proposed grading plan does not block drainage from the neighboring properties. All requirements in this section are included as **conditions of approval.**

H. Public Health and Safety

Findings: The application has been reviewed by the City Planner, the Fire Department, the City Public Works Department, the City Engineer, and ODOT as applicable. Fire department comments are included as Exhibit E to this report. Approval of the final construction plans is **conditional upon fire department approval**. Findings related to access points, sidewalks, water and sewer access, and street improvements are included within the body of the staff report. Sidewalks will be provided along the 2nd St. frontage. The applicant shall be required to submit building permits for the apartment buildings and shall be required to construct any highway mitigation improvements as required by ODOT.

I. Traffic safety, traffic circulation and parking

Findings: All findings related to circulation, and parking may be found above in in the analysis of sections A, B, E, and H above. The applicant has submitted a TIA (traffic impact analysis) with the SPR application, reviewed by staff and currently under review by ODOT. The TIA includes crash and queuing analysis for intersections with Talbot, Main, Hazel, and the point of site access based on a pre and post development conditions. Pages 11-12 of the submitted TIA asserts that all analyzed intersections are proposed to fall within ODOT's mobility standards and that there is adequate queuing capacity at all development scenarios.

The TIA also cites "Technical Memo 2," from the City's ongoing TSP update. The memo identifies roadway system deficiencies within the 2nd St. corridor and includes needed projects to include the safety and useability of the corridor. Among these identified improvements are additional traffic control measures at the intersections of 2nd St. and Hazel and North Streets, SRTS (safe routes to school) input and proposed pedestrian crossings at along 2nd, and general pedestrian upgrades to 2nd St including sidewalks and street improvements.

ODOT submitted additional comments (Exhibit J) on February 7, 2022. Per the submitted comments, no additional highway mitigation measures are required to be completed by the applicant.

J. *Provision for adequate noise and/or visual buffering from non-compatible uses.*

Findings: Staff finds that the proposed multi-family development is compatible with all adjacent development with the exception of the neighboring auto-body shop within the IG (Marion County General Industrial) zone. As discussed in the buffering and screening section of this report, a 20 foot buffer and required screening will be required along the property line between the two properties. Additionally, screening will be required as a COA along the northernmost property line (between the subject property and the single-family residence located at 2294 Julia Lane).

K. *Retention of natural features on site*

Findings: Per Exhibit D-1 (sheet C-1.0), there are approximately 15 trees in the SW corner of the property proposed to be removed as part of the development. Staff finds that the removal of these trees is necessary to allow for the development of the site with the needed parking and pedestrian access.

L. *Problems that may arise due to development within potential hazard areas; and*

Findings: As defined in the Jefferson Municipal Code, Hazard areas are flood and wetlands. There are no identified natural hazards on the subject property.

M. *Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities.*

A. Street and sidewalk requirements. The provisions of Chapter 12.48, "Street and Sidewalk Requirements" shall be met.
B. Vehicle access and circulation. Vehicle access may be provided by one of the following methods, in order of priority, as approved by the City:
1. If a parcel or lot has adequate alley access, vehicle access shall be from the alley.

2. If an existing private street or driveway is available on an adjoining property, it may be used to provide a vehicle access; an access easement (twenty (20) feet in width minimum) may be required to assure access to the closest public street for all users of the private street or driveway.

3. Direct access from a public street adjacent to the development is permitted if both of the above options are not available. For corner lots, access should be from the lower ranked street. The owner or developer may be required to close or consolidate existing accesses as a condition of approving a new access.

C. Pedestrian access and circulation.

1. All new developments shall be served by a ten (10) foot wide sidewalk in the adjacent public right-of-way. Businesses may use a four-foot furnishings area within the sidewalk for benches, trash cans, light poles, newspaper boxes, flower planters, mail boxes and other pedestrian amenities, subject to approval by the City.

2. The City may approve an alternative sidewalk design to be compatible with existing sidewalks adjacent to a development.

3. Multiple building developments and developments with off-street parking shall provide a continuous pedestrian pathway system that extends throughout the development site, and connects to all building entrances and all future phases of development. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, as applicable. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary entrances and all adjacent streets.

4. The City may exempt a land use application from the provisions in Section 12.30.120(C)(1)—(3), if the approval involves only the partitioning of land, a lot line adjustment, or other approval that does not create additional pedestrian traffic.

D. Separating pedestrians and vehicles. All crosswalks through vehicle areas, including marked crossings in parking areas, shall be striped or constructed with different materials (e.g., pavers or stamped concrete) to clearly identify pedestrian zones. Where pedestrian and vehicle areas are adjacent and parallel, they shall be separated by one of the following means:

1. The pedestrian area may be raised at least six inches above the vehicle area and curbed. The ends of the raised portions must be equipped with curb ramps for wheelchair access.

2. The pedestrian area may be separated from the vehicle area by a landscaped berm (minimum width of four feet) with a curb, bollards, or other physical barrier.

E. All sidewalks and pathways shall conform to federal Americans with Disabilities Act requirements in design and materials.

F. For sidewalks and vehicle access points within the right-of-way of a state highway, permission must be obtained from the Oregon Department of Transportation, and evidence of such permission must be submitted to the City prior to approval by the City.

G. For sidewalks and vehicle access points within the right-of-way of a county road, permission must be obtained from the Marion County Department of Public Works, and evidence of such permission must be submitted to the City prior to approval by the City.

Findings:

A. Findings related to Section 12.48 are addressed in Section A of the staff report above.

B. No alley or private street access is available. Staff finds that direct access from 2nd St. is necessary.

C1. A ten-foot sidewalk is provided along the exterior of the subject property. Staff finds this standard is met.
C2. Staff finds that no alternative sidewalk plan is necessary.
C3. Continuous pedestrian access is provided from streets to the seven proposed buildings.
C4. Section C4 is not applicable to this application.
D. All parking spaces are accessed by raised pedestrian accessways. All raised pathways shall be wheelchair accessible. A **condition of approval** is included requiring all pedestrian accessways to be wheelchair accessible. Staff finds this standard is met.
E. A **condition of approval** is included requiring all accessways to be ADA compliant. Staff finds this standard can be met as conditioned.
F. The applicant must apply for the applicable ODOT access permits and submit the approved permit to the city prior to construction. This is included as a **condition of approval**.
G. No Marion County roads abut the subject property. Staff finds this standard is not applicable.

12.48.200- Sidewalks- General Provisions
A. On both sides of arterial and limited access collector streets to be built at the time of street construction;
B. On both sides of all other streets and in pedestrian easements and right-of-way, except as provided further in this section, to be constructed along all portions of the property designated for pedestrian ways in conjunction with development of the property;
****
D. A planter strip separation of at least five feet between curb and sidewalk may be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist: inadequate right-of-way; curb side sidewalks already exist on predominant portions of the street; conflict with utilities;
E. A planter strip separation of at least four feet between curb and sidewalk shall be required in the design of all other streets, excluding the perimeter of cul-de-sacs;
F. Sidewalks adjacent to collector and arterial streets shall be five feet in width. All other sidewalks shall be at least four feet in width. All sidewalks shall provide a continuous unobstructed path. Width of sidewalks shall be measured from the back of the curb. Where obstructions exist or are proposed (including, but not limited to mailboxes, utility poles, trees, planters, fire hydrants, signs, bus stops, etc.), provisions shall be made to maintain a minimum of four feet of unobstructed width;

Findings:

A. 10-foot sidewalks are provided along the 2nd St. property frontage.

B. 10-foot sidewalks are provided along all street frontages as indicated on the preliminary site plan.

D-E. A planter strip will be required within the sidewalk. This requirement is included as a **condition of approval.**

F. The proposed sidewalk is 10 feet in width, meeting the standard.

Other

12.30.140- Design of Multi-unit residential

All new residential development with more than one dwelling unit per lot shall meet the standards below:

A. The maximum number of units permitted on a lot shall be the same as would be permitted in a high-density residential zone as specified in Section 12.20.020.

B. Detailed design must be provided along all elevations (i.e., front, rear and sides). Detailed design means using at least three of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on front, rear, and side elevations:

1. *Dormers;*
2. *Gables;*
3. *Bay or bow windows;*
4. *Off-sets in building face;*
5. *Window shutters or decorative trim a minimum of four inches wide;*
6. *Balconies;*
7. *Roof pitch greater than or equal to nominal 6:12;*
8. *Architectural grade laminated shingles, cedar shakes or shingles, tile, slate, or copper (not including standard three-tab asphalt shingles);*
9. *Flat roofs with decorative cornices or roof lines;*
10. *Horizontal lap siding;*
11. *Brickwork or masonry;*
12. *Decorative patterns on exterior finish (e.g., shingles, scales, wainscoting, or other ornamentation);*
13. *Architectural or decorative pillars (not including simple 4x4 posts);*
14. *Other feature providing visual interest similar to the above options.*

C. A covered porch or a recessed (minimum sixteen inches) entry roof must be provided at all entrances.

D. The requirements for street-facing façades and main entrances found in Sections 12.20.070 and 12.20.080 must be met.

E. Any garage or carport fronting a street (other than an alley) shall be recessed at least four feet from the front façade.

F. Up to one-third of the parking spaces required in Chapter 12.44 may be provided on-street or off-site. One space may be counted for every twenty feet of frontage where parking is permitted. Permanently reserved spaces on private property within three hundred (300) feet of a main entrance may be counted if a satisfactory easement is recorded.

Findings:

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A. The proposal includes 84 multi-family units on a 4.29 acre (187,000 SF). Per JDC 12.20.020.H, 50,000 SF are required plus 1500 SF per unit. 50,000 SF +(84 units x 1500 SF) = 176,000 SF, meeting the standard.

B. Detailed design is provided in the submitted site plans on pages F-1 and F-2. The proposed building design includes off-sets in building face, decorative patterns on exterior finish, and decorative trim on windows. Compliance with subsection B will be reviewed again at the time of building permit submittal.

C. Per the submitted building plans, a recessed entry roof is provided at all entrances. Compliance with subsection C will be reviewed again at the time of building permit submittal.

D. Building A is at a 45-degree angle to the street. The street facing façade has a window percentage of 29%, exceeding the standard.

V. Conditional Use Permit

The applicant is requesting a conditional use permit to allow for the development of a multi-family development within the MU-H district with over 50% of the ground floor occupied by a multi-family residential use as allowed by JDC 12.30.040.d

Criteria for a conditional use permit are located in JDC Section 12.84.040 as follows. Additional criteria for a conditional use permit within the mixed-use district are listed in JDC Section 12.30.040.B

A. A conditional use permit shall be granted if the Planning Commission finds that the proposal conforms with the following general criteria:

1. The proposal is in conformance with the Comprehensive Plan;

2. The location, size, design and operating characteristics of the proposed development area are such that the development will be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood;

3. In determining the above, consideration shall be given to the following:

a. Harmony in scale, bulk, coverage and density;

b. The availability and capacity of public facilities and utilities;

c. The generation of traffic and the capacity of surrounding streets;

d. Public safety and protection;

e. Architectural and aesthetic compatibility with the surrounding area.

4. A proposal for a residential care facility shall comply with the additional criteria listed in subsection B of this section.

5. A proposal for a wireless communication facility shall comply with the additional criteria and conditions listed in Section 12.84.060.

6. A proposal for a marijuana facility shall comply with the additional criteria and conditions listed in Section 12.84.070.

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Findings:

1. Policy 3 of the Comprehensive Plan states that "multi-family dwelling structures shall be permitted in designated high density residential districts, primarily in the center of town." The MU-H district is not strictly residential, but permits multi-family development in over 50% of ground floor units so long as 50% of ground floor units are able to convert to a permitted commercial use. The submitted proposal allows for the development of 84 multi-family units with the opportunity of ground floor conversion to a permitted commercial use via a change of use permit. Staff finds the proposal is in compliance with the Comprehensive Plan.

2. The proposed development is a multi-family residential development. Adjacent properties are undeveloped (to the South and West), occupied by a single-family residence (to the Northwest),

and an auto-body shop (to the North). Buffering and screening requirements and findings showing compliance of the submitted plan with those requirements are listed in this report in Section 12.42.100. Staff finds that the proposed multi-family use is compatible with the abutting uses with the required buffering and screening in place.

3a. The proposed use meets the density requirements of the Jefferson Development Code as discussed in the findings for Section 12.30.140.A.

3b. The City Engineer has reviewed the proposal and has included comments and requirements regarding required permits in Exhibit B. There existing and water and sewer system has the capacity to serve the proposed development.

3c. Findings related to traffic can be found under Criterion I. The applicant has submitted a traffic impact analysis which has been reviewed by city staff and ODOT. No additional traffic mitigation is required by ODOT.

3d. The fire department has reviewed the proposal and has given its approval. The proposal includes sidewalks across the frontage of the subject property and internal pathways throughout the development. Findings related to traffic can be found under Criterion I.

3e. The adjacent property to the North is an autobody shop and properties to the South beyond Morgan Creek are commercial uses. The proposed development will provide a landscaped residential use which complies with the applicable design standards for multi-family development under JDC Section 12.30.140 under Section IV of the staff report.

12.30.040.B

1. The overall impact of the development enhances, rather than detracts from, the pedestrian environment. Appropriate conditions may be placed upon a development to accomplish this requirement.
2. In multi-family housing of five or more dwelling units on same lot or abutting lots of the same ownership, the ground floor building design has the ability to be used by a permitted use.

Findings:
1. There are currently no sidewalks along the frontage of the subject property or abutting properties along 2nd St. The development will result in the construction of a sidewalk along the frontage of the subject property with the opportunity to connect if sidewalks are constructed along the frontage of neighboring properties.
2. Exhibit C provides an example of how a ground floor unit can be converted to an approved commercial use. As identified in the applicant's narrative, the most likely conversion would be an office space, bed and breakfast, childcare or a home occupation. The design also shows the ability of the indicated living and office spaces to be used as retail if needed. Staff finds that the submitted design shows the ability of 50% of the ground floor units to be converted to an additional permitted use under JDC 12.30.030.

VII. Variances

The applicant has submitted three variances to development standards applicable to the submitted Site Plan Review application. Criteria for a variance are found in JDC Section 12.96.040 as follows. The three variance requests (21-01, 21-02, 21-03) are as follows:

Variance 21-01 is a request to vary the requirement of JDC Section 12.44.050.C stating that parking areas of more than 7,250 SF must be separated by a landscaped area of no less than 20 feet in width. The applicant seeks to replace the requirement for a 20-foot wide landscape strip with a 200 SF landscaped area.

A. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code;

Findings: The applicant states that the 20-foot landscape strip will inhibit the ability to develop the site with sufficient parking spaces to accommodate potential use changes in the ground floor of the proposed buildings. Staff concurs that the ability to accommodate a potential future increase in required parking is more important than meeting the exact dimensions of the landscape buffer given the proposed landscaping meets the intent of the development coed. The applicant has provided additional evidence (Exhibit I) supporting the assertion that the alternative parking lot landscape design exceeds the total required landscaping area by 8%. Additionally, the "L" shaped parking area necessitated by the shape of the parcel makes it difficult to provide the required buffer width. Staff finds that the alternative landscape plan submitted by the applicant meets the intent of the development code's parking lot landscaping requirements and that a strict interpretation requiring a specific 20-foot separation of undefined parking "areas" is impractical and inconsistent with the objectives of the code itself- In this case, providing adequate landscaping within the parking area.

B. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

Findings: The intent of the 20-foot wide landscape buffer within the parking area is to reduce the visual impact of the parking area for residents and potential customers. Staff finds that the 200 SF landscape buffer achieves the same purpose as the 20-foot wide landscape buffer and therefore meets the intent of the code provision. Other property owners within the zone have the ability to request similar variances to development code standards as needed when caused by site-related constraints.

C. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district;

Findings: The topography of the parcel, the slope towards Morgan Creek to the South in particular, causes the need for an irregular design of the parking area. Staff finds that other properties within the zone do not have similar topographical and parcel-shape related challenges, thereby meeting the standard. As explained in Exhibit I, the applicant has provided additional landscaping throughout the parking area to compensate for the variance request.

D. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district;

Findings: Other properties in the district are subject to the same development code standards as the applicant. The variance request simply modifies the style of parking area landscape buffer to allow the applicant more design flexibility while ensuring there is sufficient landscaping within the parking area. The applicant has provided additional calculations supporting the alternative landscape design in Exhibit I.

E. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Findings: Staff finds that the requested variance is a minor adjustment to a parking lot landscaping standard which will not negatively affect public health, safety, or welfare to properties or improvements in the vicinity.

Variance 21-02 is a request to vary the requirement of JDC 12.44.050.C to have each parking space within 25 feet of a canopy tree. The applicant is seeking to allow for the increase of the required distance to a maximum of 60 feet for parking spaces located in the Northern portion of the parking area.

The revised landscape plan (Exhibit G) removes the need for this variance. Staff finds that the variance can be denied without impact on SPR 2021-03.

Variance 21-03 is requesting a reduction in the required 10-foot setback distance from edge of the required pedestrian path per JDC 12.44.050.D. The applicant has provided the following table showing the specific requested reductions for each building:

Building	Minimum Building to Sidewalk Distance
A[1]	Varies 2' to 10'
B	Varies 7' to 10'
C[1]	Varies 10.5' to 12.5'
D	Varies 2.5' to 7.5'
E	Varies 2.5' to 7.5'
F	Varies 2.5' to 7.5'

A. Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Development Code;

Findings: The intent of the provision to be varied is to provide adequate separation from the walking paths for residents. Staff finds that the applicant has provided the maximum distance from the pedestrian path as possible while meeting the provisions of the development code, specifically related to providing the needed screening and buffering between neighboring properties.

B. Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

Findings: Strict interpretation of the development code would create a situation where a variance to a different provision of the development code is necessary in order to achieve compliance with all applicable standards.

C. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district;

Findings: The need for the reduced distance setback distance is two-fold. As discussed in the findings for VAR 21-02, and VAR 21-03, the northwest portion of the property is unusually narrow and the reduced setback distance for buildings D, E, and F is requested in order to allow the development of multi-family residential buildings and parking areas in accordance with the permitted residential density of the site. The reduced setback for buildings A and B is due to the steep slopes toward Morgan creek on the South side of the property. Staff finds that the dimensional and topographic conditions on the subject property constitute exceptional circumstances justifying the variance request.

D. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district;

Findings: The variance requests are due to topographic and dimensional constraints. Staff finds that other potential developers with similar constraints have ability to request a similar variance request if needed and that approval of the request does not constitute special privileges inconsistent with the limitations on other properties within the MU-H zoning district.

E. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Findings: The Planning Commission finds that granting the variance and thereby allowing the setback from edge of pedestrian path to edge of building to be reduced to less than the required 10 feet will be detrimental to the public health, safety, and welfare of future residents of the proposed development due to lack of sleep caused by proximity to the pedestrian path, and resultant increase in noise. Based on these findings, Criterion E is not met.

VI. Planning Commission Decision

THEREFORE, it is the decision of the Planning Commission to amend the findings under Criterion E for Variance 2021-03 as written above and DENY Variance 2021-03 based on the amended findings. Because approval of Site Plan Review 2021-03, Conditional Use Permit 2021-01, and Variances 2021-01 and 2021-02 are unable to be approved as presented on the submitted site plan without approval of VAR 2021-03, it is the decision of the Planning Commission to deny SPR 2021-03, Conditional Use Permit 2021-01, and Variances 2021-01 and 2021-02.

City of Jefferson
Incorporated 1870

DENIED BY A VOTE OF THE JEFFERSON PLANNING COMMISSION ON THE 3rd DAY OF MARCH, 2022

DATED at Jefferson, Oregon, this 7th of March, 2022

SIGNED:

Ron Gilles — 3/7/2022

Ron Gilles, Chair — Date

ATTEST:

Sarah Cook — 3/7/2022

Sarah Cook, City Manager — Date

City of Jefferson
Incorporated 1870

Planning Division
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SPR 2021-03, CUP 2021-01, VAR 2021-01, 02, 03

NOTICE OF ACTION

APPLICATION RECEIVED:	December 7, 2021
APPLICATION COMPLETE:	December 30, 2021
DATE OF PC HEARING:	February 3, 2022
DATE OF CONTINUATION:	March 3, 2022
FILE NUMBERS:	SPR 2021-03, CUP 2021-01, VAR 2021-01, 02, 03
APPLICANT/OWNER:	Mindy Cordle
REQUEST:	1. SPR 2021-03 is an application for the development of a 7 building, 84-unit apartment complex. 2. CUP 2021-01 is a conditional use permit application to allow for the development of a multi-family housing complex of five or more dwelling units on the same lot by showing that 50% of the ground floor units have the potential to be converted to a different permitted use within the MU-H zone. 3. Variance 2021-01 requests the allowance of a landscape island of 200 SF in size in place of a landscape buffer of 20 feet in width as required by JDC 12.44.050.C. 4. Variance 2021-02 requests the minimum required distance from a canopy tree from each parking space be increased from 25 feet as required by JDC 12.44.050.C to 60 feet. 5. Variance 2021-03 requests that the required distance from pedestrian pathways to the building line be decreased from the required 10 feet to varying distances as provided in the table on page 59 of Exhibit C.
LOCATION:	972 N. 2nd St.
TAX MAP/LOT:	103W02DA01500
AREA:	4.29 acres
DESIGNATION:	C- Commercial
CURRENT ZONE:	MU- Mixed Use
REVIEW CRITERIA:	Jefferson Development Code: 12.88.050, 12.84.050, 12.96.040
DECISION:	The Planning Commission modified staff's findings for Criterion E (as written in the decision) for VAR 2021-03, and denied VAR 2021-03. Because approval of

SPR 2021-03, CUP 2021-01, VAR 2021-01, and VAR 2021-02 was dependent on approval of VAR 2021-03, the Planning Commission denied SPR 2021-03, CUP 2021-01, VAR 2021-01, and VAR 2021-02.

SIGNED: Ron Gilles

Ron Gilles, Chair

NOTICE OF ACTION SENT: March 7, 2022
DECISION EFFECTIVE DATE: March 23, 2022

APPEAL: The Planning Commission decision or the conditions placed by the Planning Commission may be appealed to the City Council by an affected party within 15 days of this "Notice of Action" by submitting a "Land Use Appeal" application accompanied by the appeal fee (JMC § 12.72.190 through .250). The complete application, all documents and evidence submitted, are available at City Hall during regular business hours. The decision shall not become effective until the period for filing an appeal has expired. If you have questions or comments regarding this action, please contact Kiel Jenkins, City Contract Planner at (503) 540-1616 or via email at kjenkins@mwvcog.org