

CITY OF JEFFERSON
Planning Commission Meeting
July 14, 2021
Via Zoom 5:00 pm

COMMISSIONERS PRESENT: Dave Jones, Joseph Moore, Bruce Forbes, Ron Gilles,
Jacquelyn Deeds (arrived 5:10)
COMMISSIONERS ABSENT: Edie O'Neil
COUNCIL LIASION: David Watkins
STAFF PRESENT: Deanna Donato, Kiel Jenkins, COG Planner

I. **Call to Order:** Ron Gilles called the meeting to order at 5:05 pm. He decided that since they were waiting for Jackie to arrive, they would start with approving the minutes from the last meeting.

II. **New Business:**

1. Application: LLA 2021-01 at 1100 Cemetery Hill Rd & 3200 Cemetery Hill Rd:

As Ron did not have the Script for the Declarations and Order for a Type A Hearing, Deanna read it before the hearing began. Ron declared that he did go to City Hall and had a conversation with Deanna to clarify what the purpose of this application was for.

1.1 Background and Summary Staff Report: Meeting was then turned over to COG Planner Kiel Jenkins. Kiel stated the application was pretty straight forward as it is just some basic housekeeping to clean up a few lot lines. There are currently five total tax lots that will be combined into two. Proposed parcel one combines existing tax lots 703, 800, and 900 and proposed parcel two combines tax lots 701 and 702. Kiel said that no comments from surrounding properties were received and none from Marion County Surveying, City Engineer, Public Works or the Fire Department. The three tax lots are currently occupied by the cemetery and two are occupied by the city public works site. The site has one entrance for the cemetery section and one for the public works section both off of Cemetery Hill Road. There are four criteria that must be met in order for this to be approved. The first being that all property has the same ownership; that has been met as all are currently owned by the City. Second criteria is adjoining land can be developed or is provided access that will allow its development in accordance with the Development Code. This has been met as the property was part of a "cherry-stem" annexation, and it is bordered on all sides by land located under Marion County jurisdiction and will maintain frontage on Cemetery Hill Road. The third criteria is the street plan affords the best economic, safe and efficient circulation of traffic possible. This has been met as the property is accessed off of Cemetery Hill Road and is under Marion County jurisdiction. There are no identified traffic issues created by consolidating the property. The fourth and final criteria is conditions needed to satisfy the intent of the Development Code prior to final plan approval; this has been met as no conditions are needed to satisfy the Development Code. Kiel's recommendation is that the Planning Commission direct staff to prepare an order approving LLA 2021-01 with conditions. The conditions are that the final plat shall be approved by the City and recorded with the County within 18 months of the date of planning commission approval. Kiel asked for questions or comments and hearing none the Commission moved on the decision.

1.2 Decision: Dave Jones moved to adopt the findings from the staff report and direct staff to prepare an order approving PLA 2021-01 with conditions. Bruce Forbes seconded. All were in favor, passed unanimously.

2. Staff Memo and Discussion Regarding JDC 12.92 Non-Conforming Uses

Ron asked Kiel for a summary of the memo. Kiel stated that recently the City had received inquires from property owners in a Commercial Zone about their home. The Commercial zone is there due to the bus barn and four to six homes were also included in this zone. Kiel went on to say that in JDC 12.92, a nonconforming use is defined as "... any use which lawfully existed on the effective date of the Development Code, but which due to the requirements adopted herein, no longer complies with the schedule of permitted uses. Uses allowed certain use district by conditional use permit, but which were existing on the effective date of the Development Code without a conditional use permit, shall also be considered nonconforming." Kiel stated it basically means the homeowners are not allowed to make any additions to their home under the current code and if the home were to burn down more than 60%, they cannot rebuild the home, it would have to be build as commercial building. Kiel stated he had discussed this with Sarah and Deanna about looking to see if any other cities have this issue and he located four cities similar in size to Jefferson that have exception processes such as a variance or conditional use. Kiel included the examples from the City of Carlton, City of Dayton, City of Falls City, and City of Mt. Angel for the Commission to review. Staff recommended the Planning Commission discuss the potential for amending the Development Code to include Type B process to allow to make needed alterations. He asked if the Commission wanted to have a worksession to go over this more or would they prefer he put together something and they pick out what they do and don't like. Ron stated the language is already listed there from all these cities, so he would like to see a draft before going to a hearing and changing the Development Code. Ron asked Kiel if any of the Commission wanted to submit ideas to him for this draft how would they do this and Kiel replied to submit it to Deanna and she will send it to me. Ron moved to have Kiel prepare a draft of an order to change JDC 12.92 for their review. Jacquelyn Deeds seconded. **All were in favor unanimously.** Kiel stated he would have a packet available a week or so in advance for them to review and make any changes in advance so that it should be ready by a regular meeting.

Ron then had another question for Kiel about side yard setbacks changing from 5 ft to 8 ft. There was some confusion on what was being asked and Deanna clarified that this was the discussion about having new homes being build to one side or the other of the property rather than in the middle, thus giving either a larger driveway or more access to backyard in event of ADU. Kiel stated he would recommend against that; rather than change the development code he would recommend that happen more at the time of permit submittal. Jacquelyn wanted clarification on the 5ft setback rule. Kiel explained that the setback rules when building single family residential require the home to be placed 15ft from the street, 20 ft from the rear property line, and 5 ft from left and right property lines. An accessory building may be placed withing 5ft of the rear property line and side property line as well. Every zone has setbacks, and every zone is different. If you were to change the setback to 8ft that means nothing could be placed within that 8ft and it would restrict construction too much.

III. **Old Business:** None

IV. **Approval of Minutes: May 6, 2021-** Dave moved to approve and Bruce seconded. All were in favor.

V. **Visitors:** None

VI. **Commissioner Questions & Comments:** They had no questions, but Deanna stated that this would be the last Zoom meeting for now as Council has decided all City committees can return to in person meetings on regular days at regular times.

VII. **Adjournment:** Jacquelyn moved to adjourn and Joseph Moore seconded. All were in favor and meeting adjourned at 5:42 pm.

MINUTES APPROVED THIS 8th DAY OF 2021-Sept 2021.

Ron Gilles

RON GILLES, CHAIR

ATTEST:

Deanna Donato

DEANNA DONATO, DEPUTY CITY RECORDER