

Planning Commission Minutes
PUBLIC HEARING
November 7, 2019
6:30 pm

Present: Bruce Forbes, Jacquelyn Deeds, Rodrigo Arellano, Ron Gilles
Absent: Edie O'Neil, Joseph Moore, David Jones, David Watkins(liaison)
Staff: Deanna Donato, Amy Dixon, COG Planner
Applicant: Joel Dahl, Dahled Up Construction, Inc.

- 1. Call to Order:** Ron Gilles opened the meeting at 6:40 followed by flag salute.
- 2. Approval of Minutes from October 17, 2019:** Ron asked if everyone had a chance to read the minutes and hearing no discussion called for a motion. Rodrigo moved to accept the minutes as written and Jacquelyn seconded. All were in favor and approved unanimously.

3. Public Hearing: VAR #19-02:

3.1 Open Public Hearing: Ron opened the public hearing at 6:43 pm and read the required script for a Type B hearing. Ron then turned it over to Amy Dixon for the summary of the Staff Report.

3.2 Background & Summary Staff Report: Amy introduced herself and proceeded to give the background information of the application. She explained the purpose of the variance "shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objective of this Code. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity" She stated that there were five criterion that needed to be met in order to be approved. As she read each of the criterion, she gave her findings after each one stating whether it met or did not meet the criterion. Her recommendation with regards to the standards by which a variance may be granted as set forth under 12.96 of the Development Code was to deny the application as all five of the criteria were not met, only 2 were met. At the conclusion of her presentation she asked the Commission if they had any questions for her. Ron asked for the dimensions of the

property and Amy directed him to the page of the staff report showing those dimensions. Jacquelyn asked if the slap of patio was already there and the applicant said yes.

3.3 Public Testimony & Commissioner Comments: The applicant, Joel Dahl from Dahled Up Construction, Inc then proceeded to tell the Commission that there is a wind tunnel up there if the variance is not allowed, and because of the barn doors the wheel chair ramp would not be able to turn left so the ramp would need to be cut back. Dahl admitted to going above and beyond and exceeding the limits, and when Marion County came to inspect, they found he had no permit and refused to give him a final on the construction. When Joel came to the City to apply for the permit, he found his setbacks were out of compliance. This is when the Commission realized the structure was already built. The ADA requirements for the ramp require a landing pad, but if he were to cut back the structure, then the landing pad would be there, but it would not be covered. Rodrigo asked Amy for clarification about the ADA requirements for the County being met but the City setback requirements are not and Amy stated that was correct. The Commission seemed a bit upset that Dahled Up Construction had built this without a permit and without even coming to ask what was or was not permitted. Ron then asked if there was any testimony in favor of this structure.

Gary Kimball-186 10th St Jefferson, OR- stated he was the neighbor to the East and had no problem with the way it was built.

Ken Dlobik-186 10th St Jefferson, OR- stated he was the neighbor adjacent to the owner on the West side. He stated prior to the addition, the Southern Exposure made the patio unusable as there was no cover at all. He has no problem with the way it is built.

Sue Rochombeau -954 Hazel St Jefferson, OR- stated she lives at the address of the owner Cecilia Barnes along with her handicapped mother and they really appreciate the way this was built so that they can actually use the patio now.

Jacquelyn asked if there was any negative impact received on this and Amy stated no.

Joel Dahl proceeded to inform the Commission that other homes in the area have make shift tarps and various detached covered areas. Jacquelyn asked if detached have different regulations and Amy said yes. Had Joel made this a detached structure then he would have had five feet setbacks,

but because this is attached, he is required to have 20. Ron Gilles informed Mr. Dahl that he skipped the whole process of getting permits to begin with, and he has a problem with that. He also informed Mr. Dahl that IF the Commission approves this, he does not want to see him back in front of the Commission for anything like this again if he has NOT followed the proper procedures. Amy stated that the County will charge extra for no permit to begin with.

3.4 Close Public Hearing: Ron asked if there was any other testimony either in favor or against. Hearing none, the hearing was closed at 7:12 pm.

3.5 Decision: Bruce Forbes stated that he didn't want the applicant to think he was being rewarded for not getting a permit first. He thought that the wheelchair ramp could be an exception to the odd shaped lot and therefore he thought this should be approved. Rodrigo stated that since all the neighbors are in agreement, he sees no reason to deny, but also cautions the applicant that he needs to get permits first as next time he may not be so lucky to get an approval. Ron stated he has a problem with this as it does not meet development code and he believed that the rules are there for a reason and compliance is needed. Jacquelyn agreed with Ron, however with the ADA ramp, there should be a special circumstance. Rodrigo also warned the applicant that if he ever comes before the Commission again after building without a permit asking for any kind of permission, it more than likely will not go in his favor. Jacquelyn and Ron thought conditions should be placed upon this as well. Ron asked if the commissioners were ready to make a decision. Jacquelyn moved to adopt the following findings of compliance and approve Var19-02 with the following conditions. The conditions are the development of this site shall meet all of the requirements of Federal, State, County and City laws, regulations and standards, including obtaining all building permits and inspections as required by Marion County. Bruce seconded. All were in favor and it passed unanimously.

4. New Business: none

5. Old Business: none

6. Commissioner Questions & Comments: Deanna stated the next meeting would December 5, 2019.

7. Adjournment: Rodrigo moved to adjourn and Bruce seconded. All in favor,
Meeting ended at 7:22 pm.

Minutes approved this 16 day of January ~~2019~~. 2020

Ron Gilles
Chair, Ron Gilles

ATTEST:

Deanna Donato
Deanna Donato, Deputy City Recorder