

CITY OF JEFFERSON
Planning Commission Meeting
March 3, 2022
6:30 PM

COMMISSIONERS PRESENT: Bruce Forbes, Jacqueline Deeds, Ron Gilles, Joseph Moore, Erica Lummer, David Jones

COMMISSIONERS ABSENT: Edie O'Neil

COUNCIL LIASION: David Watkins

STAFF PRESENT: Deanna Donato, Kiel Jenkins, COG Planner, Steve Ward, City Engineer, Carrie Connelly, City Attorney

APPLICANT: Mindy Cordle

I. **Call to Order:** Ron Gilles called the meeting to order at 6:30 pm followed by the flag salute. He then stated that David Jones' presentation was requested to move to after the Old Business agenda item.

II. **NEW BUSINESS:** None

III. **OLD BUSINESS: Continuation of SPR-2021, CUP 2021-01, VAR2021-01-03**

Ron stated the hearing itself was closed so there would be no discussion from the audience, however, the comment section had been left open and those that submitted comments had been seen by the Commission. He explained this would strictly be deliberation and discussion between Commissioners. Ron then asked all commissioners if they had any declarations regarding ex-parte contact, bias, or conflict of interest. Ron declared ex-parte contact as he went to the site to see the property. No other declarations were heard. Ron then asked Kiel for clarification on the square footage of the property and if that included the land as the whole piece of property or just the part they planned to build on. Kiel responded and said it was based on the whole lot size. Ron then asked Kiel to give the updated staff report.

3.1 UPDATED STAFF REPORT: Kiel began by starting with SPR 2021-03, stating the applicant had added additional screening in order to address some concerns from the last meeting. The applicant submitted a revised landscape plan which showed a 20-foot buffer in compliance with the provisions of 12.42.130. He also mentioned that at the last meeting there were concerns about somewhere for children to play, and the applicant had added a tot lot/greenspace into the design as well.

VAR 2021-01: The buffer for landscaping exceeds the required amount needed.

VAR 2021-02: This is no longer needed as the landscape design has been revised.

Kiel stated that at the last meeting ODOT had not returned any comments, however, three days after the meeting, comments were received by ODOT. As the City continues working with ODOT on the TSP plan, turn lanes may be added. ODOT also

stated that no additional highway mitigation measures would need to be completed by the applicant. Kiel also reminded everyone that HWY 164/99 belongs to ODOT not the City and therefore all changes and permits must go through ODOT. Kiel stated there had been a request from the Sidney Irrigation Cooperative requesting setbacks for Morgan Creek. The City cannot meet the setbacks requested of the Cooperative. The applicant will be keeping in line with the guidelines to protect Morgan Creek.

Ron asked about water retention on Morgan Creek to which Steve Ward responded that nothing had been submitted as of yet. He also stated the City will assure they meet the requirements.

3.2 DELIBERATION & DECISION: Ron asked if VAR 2021-03 was not granted would it change the design of the project.

Kiel said it would not due to the fact that if this variance were denied it would deny SPR-2021-03 also. By denying it, that would not allow for development of building. Ron then asked if the Commission had any questions for Kiel; there were none.

Ron asked if applicant could change the design from 60 units with 5 buildings rather than the 84 units with 7 buildings. Kiel indicated that would require a new application as that would be a significant change. After several comments that did not pertain to the criteria, Kiel redirects Commission to what they need to be looking at. He also reminded them that if they are going to deny the application, they needed to decide which of the criteria had not been met.

Erica asked where the criteria for the variances could be found and Kiel stated the variance for the walkways would be altered and explained where the criteria could be found. Erica noted that she was happy to see updates from the developer as there is a severe housing shortage.

Ron wanted to deny as he felt the applicant could remove 2 buildings and then they could build without the need for variances. Jacqueline stated concerns from the public were regarding the highway, but knew that could not be used as a reason for denial. There was discussion on quality of life, and again were informed that it was not a reason for denial.

Erica felt that reading all the criteria the applicant has met all the conditions. Ron then made a motion to deny and Kiel interrupted to inform them that they must be very clear as there are 5 applications being discussed, and very clear on the criteria they site as the reason for denial.

General discussion on how everyone felt about the project and they were reminded by Kiel that this was to be based on criteria and not on opinions or personal feelings. Commission all agreed that they had no issues with CUP 2021-01. More discussion regarding if one was denied, how it would affect remaining applications. Kiel interjected to ask Carrie (City Attorney) if she could be clear on what was to be in the motion. Carrie stated the SPR and CUP are dependent on the variances, so if the variances are denied then the whole application is denied. Question was asked if the applicant could remove one building and Kiel reminded them that the application without that

building is not currently before them and there is no criteria for that. Carrie also stated that was not grounds for denial.

Jacquelyn asked if the application were to be denied, would the applicant be able to appeal to the City Council and Kiel stated yes. Ron asked if VAR 2021-03 were to be denied, then the whole application is denied and applicant would need to reapply and Kiel stated that was correct.

Ron felt that the VAR 2021-03 should be denied based on the code requirement for distance between building and sidewalk. Bruce added criteria states the ground floor apartments of this building would have a smaller walkway and that would be detrimental to the public health and welfare of the residents as they would have lack of sleep due to the sidewalk being too close to the building. Bruce then stated that based on the findings he just stated he moved to deny VAR 2021-03. Carrie stated they would need to direct staff to modify findings. Bruce added the directing of staff to modify the findings to his motion. Ron seconded.

Ron then called for all those in favor of denying VAR 2021-03- 4; those opposed to denying - 2 (Lummer & Moore)

Kiel then asked for them to motion on the remaining 4 applications. Jacqueline was going to move on each application separately and Kiel stated they should move to approve or deny the remaining applications based on the approval to deny VAR 2021-03. Carrie clarified by stating that since they had approved to deny VAR 2021-03, then all the other applications die as they were dependent upon that variance, therefore they could move to deny the balance of the applications.

Erica moved to deny SPR 2021-01, CUP 2021-01 and VAR 2021-01, 02 and direct staff to modify the findings. Joe seconded. All were in favor.

IV. Presentation: Dave Jones, Stakeholders Survey: Dave Jones spoke about the fire department stake holder's discussion. There are surveys for the public to fill out to share what they would like to see in the next fire chief. The survey could be found on the website of jeffersonfire.org, select the red square and fill in the survey. The fire department really wants the commission and community to give the feedback on this topic. The fire department is having a public meeting on March 14, 2022 at the fire station for question and answers.

V. Approval of Minutes: February 3, 2022: Joe moved to approve the minutes as written and Erica seconded. All were in favor-unanimously.

VI. Visitors: none

VII. Commissioner Questions & Comments: Erica asked if there was any kind of training about how the Commission works as she is a new member. Joe stated that there is a class through the LOC and Deanna stated she would check with City Manager on what is available to get them all into a class.

VIII. Adjournment: Jacqueline moved to adjourn and Erica seconded. Meeting ended at 7:35 PM.

MINUTES WERE APPROVED THIS 7 DAY OF Apr., 2022.

Ron Gilles
Ron Gilles, Chair

ATTEST: Deanna Donato
Deanna Donato, Deputy City Recorder