

PLANNING COMMISSION MEETING
Thursday, March 7th, 2019 7:00 PM
City Council Chambers, 1001 Bridge Street, Vernonia OR 97064
REGULAR MEETING/PUBLIC HEARING

AGENDA

Position #1 - (Exp.2020) – Jeff Walton **Position #2** – (Exp. 2021) – Brad Zichterman
Position #3 – (Exp. 2022) – Erika Paleck **Position #4** – (Exp. 2022) – Grant Williams **Position #5** – (Exp. 2019) – Jeff Goodman

Call to Order: Erika Paleck, Chair

Approval or Additions to Agenda

Approval of Planning Commission minutes from January 3, 2019 Pg. 1-2

Topics from the Floor

Public Hearing of VAR 19-01..... Pg. 3-6

- a. **Call Hearing to Order**
- b. **Order of Hearing**
- c. **Exparte**
- d. **Conflict of Interest**
- e. **Challenge**
- f. **Staff Report-City Planner Matt Straite**
- g. **Testimony in Favor**
- h. **Testimony in Opposition**
- i. **Neutral Testimony**
- j. **Final Call for Testimony**
- k. **Applicant Rebuttal**
- l. **Extend the Hearing**
- m. **Close the Hearing**

Commission Deliberation of VAR 19-01

Commission Motion of Decision

Commissioners Reports

Chairperson Report

Correspondence

Adjournment

PLANNING COMMISSION MEETING
Thursday, January 3, 2019 7:00 PM
City Council Chambers, 1001 Bridge Street, Vernonia OR 97064
REGULAR MEETING/PUBLIC HEARING

MINUTES

Position #1 - (Exp.2020) – Jeff Walton **Position #2** – (Exp. 2021) – Brad Zichterman
Position #3 – (Exp. 2022) – Erika Paleck **Position #4** – (Exp. 2022) – Grant Williams **Position #5** – (Exp. 2019) – Jeff Goodman

Members Present: Commissioner Paleck, Commissioner Goodman, Commissioner Zichterman, Commissioner Williams, and Commissioner Walton

Staff Present: City Planner Matt Straite and City Recorder Stephanie Borst

Call to Order: Erika Paleck, Chair

Commissioner Paleck called the meeting to order at 7:00pm

Approval or Additions to Agenda

Commissioner Williams made a motion to approve the agenda as presented. The motion was seconded by Commissioner Zichterman.

Votes:

Commissioner Paleck: Yes Commissioner Williams: Yes Commissioner Goodman: Yes
Commissioner Walton: Yes Commissioner Zichterman: Yes

Motion carried.

Approval of Planning Commission minutes from November 15, 2018

Commissioner Goodman made a correction to the approval of the November 15, 2018 agenda (Commissioner Williams made the motion, not Commissioner Walton).

Commissioner Goodman made a motion to approve the agenda with the correction. The motion was seconded by Commissioner Walton.

Votes:

Commissioner Paleck: Yes Commissioner Williams: Yes Commissioner Goodman: Yes
Commissioner Walton: Yes Commissioner Zichterman: Yes

Motion carried.

Topics from the Floor

Public Hearing of CUP18-01 and SDR18-02

a. Call Hearing to Order

Commissioner Paleck called the hearing to order at 7:02pm

b. Order of Hearing

Commissioner Paleck presented the order of the hearing.

c. Exparte

Commissioner Williams explained that he has regular contact with the school as he drives school bus.

d. Conflict of Interest

Commissioner Williams declared a potential conflict of interest as he works for the bus company under contract with the school.

e. Challenge

There was none to declare.

f. Staff Report-City Planner Matt Straite

City Planner, Matt Straite, presented the staff report to the Commissioners. Commissioner Walton inquired as to if the building was initially designed for future expansion. Aaron Miller, School Superintendent, explained that the building was designed to accommodate 8 additional rooms (The ones being requested, and 4 more on the opposite side). Access to

the rear of the building will remain the same. Mr. Walton inquired about how many students are in the school. Mr. Miller explained that there are currently 540 students but the building was designed to accommodate 1000. Commissioner Zichtergerman expressed his excitement for the construction of a metal shop.

Commissioner Goodman expressed concern that the emergency stairs are being reconfigured. Mr. Miller explained that the stairs will not be facing the front of the school which will actually make the path to safety shorter.

Commissioner Williams inquired about building materials that will be used for the addition. Steve Kragrud, Project Manager, explained that the addition will look the same but will utilize improved building materials.

Commissioner Paleck inquired about the construction noise and that the proposal states work will be done on the weekends. City Planner Straite explained that having weekend hours from 9-5 is standard practice. Mr. Miller explained that they hope to be finished by fall 2019.

City Recorder Borst explained that she has children whom attend school in this wing of the building. She inquired as to how they will keep the children separated from construction and construction workers. Mr. Miller explained that the majority of construction will be outside the building. Construction workers will all have background checks and primarily have exterior access to the school.

g. Testimony in Favor

There was none.

h. Testimony in Opposition

There was none.

i. Neutral Testimony

There was none.

j. Final Call for Testimony

There was none.

k. Applicant Rebuttal

There was none.

l. Extend the Hearing

There was none.

m. Close the Hearing

Commissioner Paleck closed the hearing at 7:26pm

Commission Deliberation of CUP18-01 and SDR18-02

The Commissioner did not deliberate as the asked their questions during the Staff Report section of the public hearing.

Commission Motion of Decision

Commissioner Zichtergerman made a motion to approve CUP18-01 and SDR18-02. The motion was seconded by Commissioner Williams.

Votes:

Commissioner Paleck: Yes

Commissioner Williams: Yes

Commissioner Goodman: Yes

Commissioner Walton: Yes

Commissioner Zichtergerman: Yes

Motion carried.

The group then discussed the new metal shop in more detail. Commissioner Zichtergerman reiterated his excitement for the program and offered his help if needed.

Commissioners Reports

The Commissioners thanked Mr. Straite for his clear presentation of his staff report. Mr. Straite responded that the applicants were very easy to work with and provided everything he needed.

Chairperson Report

Correspondence

City Recorder Borst explained for the Commissioners that the Vernonia Transfer Station will remain open with added requirements of site cleanliness.

Adjournment

Commissioner Paleck adjourned the meeting at 7:38pm

VERNONIA PLANNING COMMISSION
VAR 19-01 Access for 2 landlocked lots
STAFF REPORT

February 7, 2019
To: Planning Commission
From: Matt Straite, City Planner

REQUEST: File #VAR 19-01 requests a variance to a requirement from Code Section 9-01.04-20 that requires every parcel/lot to have direct access to a public street.

APPLICANT: Terry Goodrich
PO Box 598
Banks OR, 97106

OWNER: Same

LOCATION: No address, tax lot is 4N 4W 4AB Tax Lot 00400

INITIAL PUBLIC
HEARING: March 7, 2019

EXHIBITS:

- Application Form
- Applicants Narrative
- Site Plan
- Hearing notice

COMMENTS: As of the date of this staff report, no comments have been received.

APPLICABLE TITLE 9 CODE CRITERIA:

- Section 9-01.08 Variances
- Section 9-01.10-40 Type III Procedures

I. Background

The properties in question are located just off of Louisiana Ave. The properties do not currently front a public street. Code Section 9-01.04-20 requires every lot/parcel to abut a street, other than an alley, for at least 25 feet. The applicant is seeking relief from this requirement as there are no options to bring a street to the site.

II. Review Criteria, Procedures and Findings

A. Section 9-01.08 Variances. The Planning Commission may authorize a variance from the requirements of this code where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the code would cause an undue or unnecessary hardship. The review of a variance shall be in accordance with the Type III permit provisions.

1. Section 9-01.08-20 Circumstances for granting a variance. A variance may be granted only in the event that all of the following circumstances exist:
 - a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot sizes or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control.
 - b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
 - c. The variance would not be materially detrimental to the purposes of this code, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
 - d. The variance requested is the minimum variance which would alleviate the hardship.

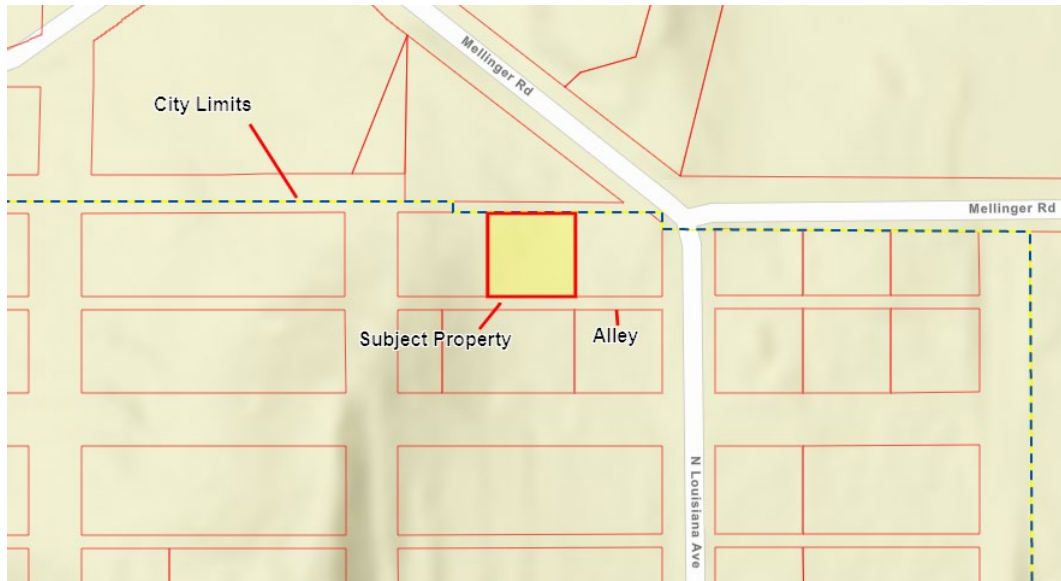
FINDINGS: The applicant has provided the following narrative to address these requirements:

At this time these two parcels are land locked in with no standard street of at least 25 feet wide due to the original layout of these two parcels. After talking to Columbia County last week they said there is no way they would grant me any access on J street being that it is only 12 feet wide because they believed I would not be able to get a 12 foot road in a 12 foot access area that was platted on the original plat maps. They informed me the area would just stay vacant due to its

size. Now I am unable to use the original platted road. The only other access to these two parcels is the alley way which I would be able to have the utilities ran in it also. Looking at the other parcels around this area the size is the same as what is platted on adjacent lot. Looking at the other lots going down Louisiana they mostly all have alley ways. I believe there is no impacts to the adjacent neighbors or any other nearby residents. Also, I have not found any other properties like these in Vernonia at this time to compare it to. According to Code (Section 9-01.04-20) which all parcels are to abut to a street, but these two parcels are a special exception I think you will not run into again.

Staff concurs with the applicant's narrative. It seems these two lots were platted with the intent of a street to the north providing access. These border the City limits, and Vernonia and has not had control of the access to the north. Based on development located to the north of the site, and the existing platted lots surrounding the applicants properties, there is no other way for these two to meet the requirements of Section 9-01.04-20. Therefore, this is an extraordinary circumstance.

This variance is the only way to assure that the lots can build with the use allowed in this zone. The lots would not change size based on the variance, and they are similar in size to all surrounding lots. Granting this variance would simply allow the applicant to use an existing platted alley way as primary access to the two lots. See below.



Granting the variance would not result in any conflicts with other code requirements or City policies. As correctly noted by the applicant, this would not act as a precedence for others to follow, as Staff could not find any other lots that have a

similar issue with access. The requested variance would be the minimum needed to allow the use of the lots; in other words, the variance is only requesting to use alleys that already exist.

The proposed variance meets all the criteria outlined above.

B. Section 9-01.10-40 Type III Procedures. This section outlines the procedures and processes required for processing a Type III proposal. The applicant conducted a pre-application, through email, on January 17, 2019. All required application materials were provided. A notice of the hearing was provided, consistent with the requirements of the code (see attached). A Type III application requires a public hearing, which has been scheduled. All of the required criteria are listed above, and the staff report provides required findings and conclusions. Staff finds that all requirements of the Type III application have been followed.

III. RECOMMENDATION (Also a sample motion)

Based on the findings in this report, Staff recommends approval of File # VAR 19-01 access for two landlocked lots, subject to the conditions of approval.

IV. CONDITIONS OF APROVAL

1. The approval is valid for 1 year, unless substantial construction has taken place on the properties during that time. An extension may be requested.

The applicant or any member of the public that provided testimony can appeal a Planning Commission action to the City Council within 14 days of the mailing of the decision. Any appeal must be based on the criteria outlined above.