**CANYONVILLE PLANNING COMMISSION MINUTES**

**REGULAR SESSION**

**SEPTEMBER 14, 2022**

##### **Call to Order and Pledge of Allegiance:**

Commissioner Emory called the meeting to order at 7:00 p.m. and all joined in the Pledge of Allegiance.

**II. Roll Call:**

COMMISSION PRESENT: Chairman Emory, Commissioners, Hill, Butler and Hopkins.

COMMISSION ABSENT: Commissioner Sales

STAFF PRESENT: Planner Evans

STAFF ABSENT: None

**III**. **Approval of the minutes: June 8, 2022 and July 27, 2022**

Commissioner Butler moved and Commissioner Hopkins second a motion to approve the minutes of June 8, and July 27, 2022. All voted yes. Motion passed

**IV. Agenda Review/Additions:**

None

##### **V. Public Hearings:**

1. Matt Briggs variance request to rear yard setback for 110 Byron

\*Chairman Emory inquired if any Commissioners wished to declare exparte contact or a conflict of interest. Commissioner Hill stated he knew the applicant but he didn’t have any conflict of interest.

\*Chairman Emory opened the public hearing on the requested variance for 110 Byron.

\*Chairman Emory called for the staff report

\*Planner Evans recapped the following staff report.

The applicant is requesting a variance to reduce the required 15’ foot setback on School Lane to 5 feet. The subject property is adjacent to NW 1st Street on the north side, Byron on the east side and School Lane on the south side. The Canyonville zoning ordinance requires a 25’ setback from NW 1st Street since it is an arterial Street and a 15’ setback from Byron Street and School Lane. Since the lot is only 50’x100’ the street setbacks severely impact the location and size of the potential home. School Lane is a dead end street that only serves 2 homes.

**DECISION CRITERIA AND FINDINGS:**

The following is a list of the decision criteria applicable to the request. Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

**DECISION CRITERIA #1 Unique circumstances, such as lot size, shape or topography, apply to the property which do not apply generally to other properties in the same zone or vicinity.**

**1a.** The subject property is located within the single family residential zone the setbacks established for single family is as follows:

1. *The front building setback shall be* 25 foot *setback from an arterial or collector street* *and a minimum of 15 feet along a local street. First street is considered an arterial street and both Byron and School Lane are considered local streets.*
2. *The side building setback shall be a minimum of feet’ unless the lot abuts a local street then it shall be 15 feet.*
3. *The rear yard setback shall be a minimum of 10 feet.*

**1b.** The subject property is a small 50’X100’ lot that has streets on three sides of the lot. The property fronts on First Street at the north end, Byron on the east side and School Lane on the south end of the property. With the street setback requirement it reduces the buildable land area to 30’X60’ area

**1c.** The applicants are asking for a variance to reduce the required 15 foot set back to 5 feet on School Lane. There is a large fir tree located at the front of the lot which they do not wish to cut. Reducing the rear yard setback would allow them to retain the tree on the property.

**1d.** According to the applicantthe existing setbacks would require locating the home too close to the large tree and create a safety hazard if it was not cut down. They do not wish to cut the tree which is beautiful and very large. If they were allowed to reduce the setback along School Lane to 5 feet it would provide a safe distance from the tree to the house.

**DECISION CRITERIA #2 The variance is necessary in order to allow the applicant to use the property in a manner consistent with the intent of the zoning district within which the property is located.**

**2a.** A 15-foot setback along the street side is standard for corner lots in the residential zone in order to provide adequate vision clearance. However, to have three street corners on one lot is extremely rare.

**2b.** Although School Lane is a platted 50 foot right of way it is only 200 feet in length and is not platted to connect through to any street other than Byron. School lane is a gravel road which basically provides a driveway to 2 houses.

**2c.** The proposed home will be setback 15’ from Byron so there will still be adequate vision clearance since School Lane is basically utilized as a driveway for 2 homes.

**DECISION CRITERIA #3 The variance will conform with the general purpose and intent of the Zoning Ordinance and will not be materially detrimental to other people or** **property in the vicinity.**

**3a.** The subject property is located in what was developed as the Crowl Addition which was created in 1947. This subdivision was built out in the 1950’s until one of the old dilapidated homes was demolished in 2019.

**3b.** None of the existing houses along School Lane have been setback 15 feet. Most of the existing homes have structures located within 5 feet of School Lane. None of these homes have 3 streets surrounding their property.

**3c.** Only one home fronting W 1st Street has structures setback 25’ from the road. This is the property immediately adjacent to the subject property on the west side. Approval of the variance would make the locations of the buildings the same as the neighbors property.

**3d.** Reducing the School Lane setback to 5’ would entitle the applicant to the same regulations that were imposed when the other homes were constructed.

**3e.** Notices were sent to the affected property owners on August 25, 2021 advising them of the requested variances. The City has received no responses.

**DECISION CRITERIA #4 The variance being requested is the minimum variance necessary in order to allow reasonable use of the property consistent with its zoning.**

**4a.** There are only two street within Canyonville that are consider Arterial and require the larger setback. The average home on a 50’x100’ lot has a front yard setback of 15’ a rear yard setback of 10’ and a side yard setback of 5 feet. This results in an allowable building area of 40’x75’.

**4b.** The required setbacks for this lot increase significantly due to it fronting on an arterial street and having three street sides. It reduces the buildable area to 30’x50’. Approval of the variance would allow an additional 10’ to the building area.

**DECISION CRITERIA #5 The need for the variance is not a consequence of improper actions by the property owner, nor otherwise the result of a self created hardship.**

**FINDINGS:**

**5a.** The subdivision was constructed in 1947 and built out in the early 50’s which was prior to the existence of the Canyonville zoning ordinance. At the time of construction there were no setback regulations.

**FINAL DECISION:**

Approve the variance to reduce the fifteen (15) foot setback from School Lane to a five (5) foot setback.

Planner Evans informed the Commissioners that the was a correction to the findings since the packet was done and item 4c had been removed. It was a left over finding from a previous report.

\*Chairman Emory asked if there was anyone who wished to speak in favor or opposed to the application.

The applicant Matt Briggs was not present for the hearing.

Dennis Smith, 621 School Lane inquired if approval of the variance would block the existing road in any way. Planner Evans showed Mr. Smith on the map how the variance would only be for the property owner to set the home closer to the road than the City normally allows. However, the home would still be located on the applicant’s property and would not affect the platted right of way. Mr. Smith responded that he didn’t have any other concerns.

There were no more comments and Chairman Emory closed the public hearing.

**Commissioner Hill moved and Commissioner Butler second a motion to approve the variance to reduce the fifteen foot setback from School Lane to a five foot setback. All voted yes. Motion passed.**

1. Variance for Isaiah Bernier to the off street parking for 510 Geary St.

\*Chairman Emory inquired if any Commissioners wished to declare ex-parte contact or a conflict of interest. There were none.

\*Chairman Emory opened the public hearing on the requested variance to

Off street parking requirements.

\*Chairman Emory called for the staff report

\*Planner Evans recapped the following staff report.

**REQUEST:**

The applicant has submitted two applications a variance to the off street parking requirement and a lot line adjustment. This is a combined staff report for the variance and lot line adjustment. Since approval of the lot line adjustment is dependent on the approval of the variance I have separated the report in two parts.

The applicant has converted the church into 2 apartments which requires a total of 4 off street parking spaces. Each parking space must be a minimum of 9’x20’. The applicants are requesting a variance to utilize a portion of the undeveloped right of way in order to comply with the 20’ length. According to the plot plan submitted the parking spaces would protrude any where from 9’ to 2’ into the undeveloped right of way. Due to the topography of the lot the applicants are limited as to where the parking can be located.

The applicants have also submitted a lot line adjustment to include the converted Church on one lot rather than the 2 existing lots. If the variance for the off street parking is approved the lot line adjustment maybe approved as submitted.

**DECISION CRITERIA AND FINDINGS FOR VARIANCE:**

The following is a list of the decision criteria applicable to the request. Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

**DECISION CRITERIA #1 Unique circumstances, such as lot size, shape or topography, apply to the property which do not apply generally to other properties in the same zone or vicinity.**

**1a**. The subject property is the old Baptist Church on Geary Street. The Church is recessed about 4’ into a slight hill on all sides. The topography of the property is level with the street on the west end and increases to approximately 4’ above grade on the east side.

**1b**. The northwest corner of the lot has an area that would be sufficient for parking if it was accessible from the street. However, due to a large old tree there is only about 10’ access strip which is not sufficient for access to 4 parking spots. If the tree was removed it would undermine the adjacent property owners 4’ retaining wall and elevated driveway.

**1c.** As the lot currently exists the undeveloped right of way on the east half of the property is a drainage ditch and a slope. It currently could not be utilized for on street parking by others in the vicinity.

**1d.** When the Church was built there was a 22’ driveway put in at the east end of the building. This area is just slightly above the grade for Geary Street and the most logical place for the 4 parking spaces. However, to locate the spaces within this area the spaces will protrude any where from 9’ to 2’ into the undeveloped right of way.

**DECISION CRITERIA #2 The variance is necessary in order to allow the applicant to use the property in a manner consistent with the intent of the zoning district within which the property is located.**

**1a.** In April of 2021 the Planning Commission approved a comprehensive plan amendment and rezone of the property from Public to Multifamily zoning. The applicant was able to demonstrate through the buildable lands inventory that there was a need for additional multifamily housing.

**1b**. The applicant states that the variance is necessary in order that the subject .56 acres as a whole, meets the required housing unit density standard of 8 units per acre. This is unique to the conditions of the subject property with a pre-existing church building being converted into a permitted duplex, and the terrain associated with this property and the neighboring property leaves no room for off street parking.

**1c.** Approval of the variance to locate a portion of the parking spaces utilizing the undeveloped right of way will allow the developer to maximize the remaining property for multifamily dwelling and parking.

**DECISION CRITERIA #3 The variance will conform with the general purpose and intent of the Zoning Ordinance and will not be materially detrimental to other people or** **property in the vicinity.**

**3a.** The applicant proposes that the variance will not be materially detrimental to the zoning ordinance or to property in the R3 Zone or vicinity in which the property is located because the required four parking spaces need to be located near the duplex it serves and there is no other location off street. The northern portion of the subject property is needed for a future duplex or three plex and parking serving those units. No adjacent properties will be affected by the parking spaces due to the location near the Church duplex.

**3b.** The subject property fronts on Geary Street which is a 25’ wide gravel road that lies with a 50’ right of way. Almost all of the houses on the south side of Geary Street either park on the right of way or utilize a portion of the right of way for parking. See attached photos.

**3c**. Approval of the variance will allow the applicants to utilize the undeveloped right of way as the same manner as other properties in the area.

**DECISION CRITERIA #4 The variance being requested is the minimum variance necessary in order to allow reasonable use of the property consistent with its zoning.**

**4a.** The Canyonville Land Use and Development Ordinance (LUDO) Section 18.72.010 provides for variances to the zoning ordinance where such variances are not contrary to the public interest and where, owning to conditions peculiar to the property and the result of the application, a literal enforcement of the ordinance would result in unnecessary and undue hardship as used in this title.

**4b**. The applicant states that the variance is in the public interest by helping to address the affordable housing problem as the four proposed parking spaces are to serve the recently approved conversion of the church to a needed duplex.

**4c**. The Canyonville parking ordinance requires 2 off street parking areas per dwelling unit. The required dimensions for a parking space are 9’x20’. A total of 4 parking spaces is required for the Church that was converted to a duplex.

**4d.** The property line for the subject property runs at an angle along Geary Street which affects the extent of protrusion for the parking spaces. The maximum extension into the right of way will be 9’ for the space on the west end and as little as 2’ for the space at the east end.None of the spaces will extend into the developed road.

**DECISION CRITERIA #5 The need for the variance is not a consequence of improper actions by the property owner, nor otherwise the result of a self created hardship.**

**5a.** The subject property was originally built as a church with an undeveloped parking lot on the remaining property to the north of the Church. The Church has been vacant for over 10 years and the property has been for sale for a long time. The property was zone community service which only allows public and semi public uses. There were no public service uses interested in purchasing the property and it remained vacant.

**5b.** In April 2021 the Berniers presented a plan to the Commission to build multifamily housing on the property. There is a shortage of housing in Canyonville and this would provide much needed rental housing. Their plan was to convert the church to a duplex and construct additional duplexes or multifamily dwellings on the vacant land behind the church. The Planning Commission subsequently approved a Comprehensive Plan Map Amendment and rezoned the property as multifamily residential.

**5c.** The subject property consists of 2 lots and is a total of .56 acres in size. Under the R-3 zoning the density requirement is 4 units which is an extremely tight fit for this lot. If the variance is approved they will be able to comply with the density and parking requirements for the R 3 zoning.

**FINAL DECISION:**

Approve the variance to allow the applicant to utilize a portion of the undeveloped right of way for their required parking spaces.

Chairman Emory verified with staff that the parking spaces will only project into the undeveloped right of way and not the roadway. Staff confirmed he was correct.

Commissioner Hill asked if they were going to need to widen the existing parking area and if they would need to fill in the ditch in order to do so.

Mr. Bernier stated that they planned to extend the culvert to the east so that the area could be widened.

Planner Evans stated that Mr. Bernier would need to get a public improvement permit from the City and they would determine at that time what would be required.

\*Chairman Emory asked if there was anyone who wished to speak in favor or opposed to the application.

Scott Pettibone, 530 Geary stated that he is not opposed to the application but he wants to be sure that the parking spaces won’t go into the roadway. Geary Street is in very bad condition and isn’t maintained well so he wants to make sure that this development will not further deteriorate the street further. They have lived in the area and there is definitely a drainage problem with the street. He asked how many more feet would the existing driveway need to be extended.

Planner Evans stated that a parking space is considered 9x20 and the existing driveway is approximately 20’ wide so for 4 spaces they would need to add another 20’ of culvert. She stated that would just leave a small gap at the end so she would recommend it be extended all the way to the corner. However, that would all be determined when the public improvement permit was issued.

Commissioner Hill stated that he is concerned that if someone had an extra long vehicle it could extend into the street. Chairman Emory stated maybe angled parking would be a better idea. There was discussion among the Commissioners whether angled parking would work better or not. The Berniers stated they would be willing to do what ever was the least intrusive.

Planner Evans recommended that staff and the Berniers meet on site to determine which type of parking would have the least affect on the street. She suggested that the Commission approve the application conditioned upon the staff determining which type of parking would be most effective.

Quinn Jones 541 Geary stated she is opposed to the creation of the parking because of the drainage issues for Geary. She said the street drainage is located on the wrong side of the street and water drains on to her property across the street. She looked at the pictures with Planner Evans and pointed out the driveway area that already exists. The water crosses the street at that location because there is no culvert under the driveway. Planner Evans advised her that there is a culvert however it is plugged and needs to be cleaned. Cleaning the culver should help with the water crossing the street.

Mr. Bernier advised that they will be continuing that culvert down to the end or the property which should make the drainage better.

Commissioner Hopkins stated she had a concern about where visitors were going to park and could the last space be made a compact space. There was discussion between the Commissioners and the public regarding the visitors. It was agreed that visitors would probably have to park on the edge of the road across the street. As for making the space a compact space the majority of the Commission was not in favor of the idea. Both Chairman Emory and Commissioner Hill felt like the angled parking would eliminate the spot sticking out so far.

Planner Evans stated that she would prefer that the Commission not lock the variance into angled parking. She has not seen it on paper and is not sure that it will be a better idea. Again she suggested that the Commission allow staff to work with the Berniers on the best type of parking and approve the variance to utilize up to 9’ of the undeveloped right of way. The Berniers will need to submit a public improvement permit for the work which will be reviewed by the staff.

\*Chairman Emory closed the public hearing.

**Commissioner Hill moved and Commissioner Butler second a motion to approve the variance to utilize up to 9’ of the undeveloped right of way for parking provided no vehicle will encroach into the street. All voted yes. Motion passed.**

3. Public hearing Isaiah Bernier lot line adjustment for 510 Geary

\*Chairman Emory inquired if any Commissioners wished to declare ex-parte contact or a conflict of interest. There were none.

\*Chairman Emory opened the public hearing on the requested lot line adjustment

\*Chairman Emory called for the staff report

\*Planner Evans recapped the following staff report

**STAFF REPORT LOT LINE ADJUSTMENT**

**DECISION CRITERIA FOR THE LOT LINE ADUSTMENT**

**Criteria 1: If the proposed adjustment is in conformity with existing city development plans and zoning and building ordinances and regulations.**

**1a.** The purpose of this lot line adjustment is to rearrange the current lots so that the maximum number of dwelling units may be obtained under the R3 Multifamily Residential Zone. The existing church building located on parcel B has been converted into a Duplex and the remaining vacant portion of the property Lot A can be used for either a second duplex or 3 plex apartment.

**1b.** In April of 2021 the Planning Commission approved a comprehensive plan amendment and rezone of the property from Public to Multifamily zoning. The applicant was able to demonstrate through the buildable lands inventory that there was a need for additional multifamily housing.

**1c**. The applicant has submitted the following finding:

R-3 MULTIFAMILY RESIDENTIAL ZONE: The R‑3 zone provides that a use permitted in the R‑2 Manufactured Home Park/Duplex Zone is a permitted use in R-3 “provided the overall density of the development permitted within the R-3 zone occurs at eight to eighteen units per acre” (18.28.020(E)). A Duplex is a permitted use in the R-2 zone.

The relocated lot line is parallel to and located 123-feet south of Fairchild Street R/W creating a 12,300 square foot lot identified as Lot A. South of the new lot line is Lot B that is 12,093 SF in size, and where the existing church-duplex is located. The conversion of the existing church into a Duplex on Lot B meets the 8-units/acre density standard with 2-units on a little over .25‑acres. The LLA will achieve this required residential density standard as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Subject Property .56 ac. (24,393.6 SF)** | **Size Before LLA (current)** | **Size After LLA (proposed)** | **Resulting Residential Uses** |
| **Tax Lot 6100** | .45 ac. (19,603 SF) | .28 ac. (12,300 SF) **Lot A** | Future Duplex or 3-Plex |
| **Tax Lot 6000** | .11 ac. ((4,791. SF) | .27 ac. (12,093 SF) **Lot B** | Existing Church Duplex |

The LLA creates a vacant buildable lot (Lot A) suitable for either a Duplex or 3-Plex. Along with the church duplex, the “overall density of development” will be 4 or 5 units on .56 acres, or 8 units per one-acre as required.

**1d.** The Canyonville parking ordinance requires 2 off street parking areas per dwelling unit. The required dimensions for a parking space are 9’x20’. A total of 4 parking spaces is required for the Church that was converted to a duplex.

**1e.** Parcel A is vacant and can be developed to meet the parking requirements. However, Parcel B can not meet the off street parking requirements without utilizing a portion of the undeveloped right of way. The applicant has submitted a variance to be able to establish 4 parking spaces in the front of the duplex. The spaces will protrude into the right of way any where from 9’ to 4’ .

**CONDITION:**

The applicant’s request for a variance to the off street parking spaces must be approved or this lot line adjustment can not be approved as submitted.

**Criteria 2: That adequate provisions have or will be made for the physical means of providing public utilities, such as water, sewers, power, telephones etc.**

**2a.** Lot B which is the converted Church is already provided with sewer and water.

There is a 6” PVC water pin the south side of Fairchild that can be tapped to provide water to Lot A. The sewer will also need to be off of Fairchild and it will be challenging to get the proper grade. The specifics for the development will depend on the location and number of structures on the property. The developer is responsible for all the costs to obtain water and sewer for the site. Prior to development of Lot A a public improvement permit must be submitted to the City for review and approval.

**2b.** Lot B was already developed so there are no additional System Development Charge (SDC) for the water and sewer. However, for the vacant Lot A there will be a SDC charge for both water and sewer. The amount of the fee cannot be determined until the City knows what will be developed. A typical SDC for a single family dwelling is $10,380.00.

**Criteria 3: That streets or easements have been or will be provided for ingress and egress.**

**3a.** Lot B can be accessed from Geary Street and if the variance is approved the parking will be located on the front of the duplex. Lot A currently can be accessed from either Leland or Fairchild.

**Criteria 4: The lot line adjustment does not result in the creation of any new lots.**

**4a.** The subject properties currently consist of Tax lot 6,000 (parcel B) which is 4,791 square feet in size and tax lot 6,100 (parcel A) which is 19,603 Square feet. The existing Church is built across tax lot 6000 and tax lot 6100.

**4b.** The proposed lot line adjustment would increase the size of tax lot 6000 (parcel B) to include all of the church on it’s own lot and separate the vacant land tax lot 6100 (parcel A) into a separate parcel. This would locate the church on an independent parcel so that the parcels could be sold separately.

**Criteria 5: All resulting lots must be no more nonconforming than the original lots with respect to minimum lot area, dimensions and building setback requirements for the given zone.**

**5a.** The subject property is located in the multifamily residential zone R3 which requires a 15’ front setback for a one story building, 5’ on the interior lot side, 25’ along a side street and 10’ in the rear.

**5b.** The Church is an existing structure which currently straddles both tax lot 6000 and 6100. Since the actual lot line is angled and the church is set squarely on the property it does not meet the required 15’ street setback for the front or the street side yard setback. The only setback that is affected by the lot line adjustment is the rear yard setback which would comply with the required minimum of 10 feet.

**5c**. The applicant states in his findings:

The critical setback distance needing to be adhered to in this LLA is the rear yard from the church duplex north to the new lot line. The required rear yard setback in the R-3 zone is a minimum of 10-feet. The Proposed Site Plan map shows the new property line is 123‑feet from the Fairchild Street R/W, creating setbacks between 18.4” (from the NE corner of existing building) and 26.9” (from NW corner of building) and the new property line to the north.

The LLA complies with the R-3 zone, including applicable density and setback development standards.

**Criteria 6: All adjustments will occur within a given zone and are not permitted among differing zones.**

**6a.** Both lots are within the Multifamily zone and will meet the criteria for multifamily development even after the lot line adjustment.

**Criteria 7: Lot line adjustments shall not alter or impede the public right-of-way or any recorded easement.**

**6b.** There are no access easements pertaining to either Parcel A or B. Parcel A already has two driveway access. Parcel B is along Geary Street and the variance to utilize a portion of the undeveloped right of way for parking will not impact the existing road.

**FINAL DECISION:**

Approve the lot line adjustment as presented provided the variance for the off-street parking has been approved.

\*Chairman Emory asked if there was anyone who wished to speak in favor or opposed to the application.

Mr. Bernier explained that the duplex actually sits on 2 lots and the lot line goes right through the middle of the building. They are proposing a lot line adjustment to move the line so that the building will be located all on one lot.

There were no additional comments or testimony so Chairman Emory closed the public hearing.

**Commissioner Hill moved and Commissioner Butler second a motion to approve the lot line adjustment as presented. All voted yes. Motion passed.**

**Adjournment:** The meeting was adjourned at 8:10 p.m.

**SUBMITTED BY: APPROVED BY:**

**Janelle Evans, Planner John Emory, Chairman**