

**URBAN AREA PLANNING COMMISSION
MEETING MINUTES
February 13, 2019 – 6:00 P.M.
Council Chambers**

COMMISSIONERS:

Gerard Fitzgerald (Chair)
Jim Coulter (Vice Chair)
Loree Arthur
David Kellenbeck
Blair McIntire
Dan McVay - Late
Jennifer Aviles

City/Staff/Council Liaisons:

Barry Eames – City Councilor
Lora Glover – PCD Director
Aaron Anderson - Planner

Guests:

AGENDA:

1. **ROLL CALL:** Chair Fitzgerald opened the meeting and took roll. Commissioner Jennifer Aviles was introduced.
2. **CONSENT AGENDA:**
 - a. **MINUTES:** January 23, 2019
 - Page 8, bullet number 10, please strike lines 5, 6 and 7 off the record as it doesn't capture the gist of what was being said. Verbiage starts with 'we went through this thing before with antennas. Vice Chair Coulter stated he talked about antennas but not in this context.
 - Commissioner Kellenbeck stated he would make a motion to approve the minutes but would like to talk about the three different findings individually.

MOTION/VOTE

**Commissioner Kellenbeck moved, and Commissioner Arthur seconded the motion to approve the January minutes only as amended. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: Aviles. Absent: None
The motion passed.**

b. **FINDINGS OF FACT:**

- 405-00112-118 ~ Parking Text Amendment to Articles 25 & 30. Lora gave background information for this item. Page 13 for the proposed amended findings. There was discussion at the time between commissioners Kellenbeck and Scherf about parking analysis if it was a use that was not listed in the table. There were two paragraphs, but they hadn't grabbed the actual language to do a parking analysis needed. It was in the motion referring to the discussion that was on page 13 of the memo I tried to capture back in through there that was his correction that we go back in and actually put the corrected language into the findings. So, that language is reflected on page 19, under section 25.035, paragraph 2 for parking space requirements for building and uses not specified in this article, that applicant shall provide a parking analysis in

accordance article 25.0428 for type 3 review. Then down at 8, other uses, for those uses not specifically listed above the applicant shall furnish a parking analysis demonstrating it provides adequate parking per article 25. Lora mentioned a LUBA case referencing an APA manual. We had talked about embedding that in the Code but there was an objection for that from Ms. Hagen. The commissioners discussed this parking analysis language, but we failed to capture that back into the corrected findings. We are bringing that back to you now. The proposed amended findings are on page 19 of your packet. So, instead of putting that responsibility back on the director to make a determination we will have the applicants provide a parking analysis. They will then rely upon that opinion.

- Commissioner Fitzgerald stated that they don't have anything like that in here [packet]. Exhibit A is lined out. On page 19, Exhibit A, the first one, 25.035, minimum number of space requirements, I don't see anything that you took this out. It's actually not quite taken out, correct?
- Lora said they can, if you prefer, is to provide you with the whole paragraph with what it would like, if that would be easier to review.
- Commissioner Kellenbeck agreed.
- Commissioner Arthur asked if, on the first paragraph that has no markings, if it exists as it is already, and we didn't discuss it previously?
- Lora said this is the language we went back too. This is what was existing before I had proposed to put in instead of the director using the list above, the director would consult the APA Parking Standards Manual. The reference to the Parking Standards Manual is what drew objection from Ms. Hagen and the Planning Commission decided to strike that but then have the further conversation that we are having tonight requiring the parking analysis. I had failed to grab the parking analysis reference instead of referring to the director. It had been the Director, we proposed to go with the APA, we went back to the Director but did not implement the parking analysis. The last version on the discussion was the parking analysis.
- Commissioner Arthur stated she is unclear on number 1.
- Lora said number 1 is not proposed to be changed. I don't think it got into the discussion because the park that mentions number of employees included those working on the premises plus proprietors, and so on. We had a little example of that with the Mexican drive-thru situation where there wasn't enough parking.
- Lora stated they still have the performance parking standards which allow that restaurant to fulfill that part of the standards. That still ties back into the performance parking standards.
- Commissioner Arthur asked if this takes care of the call center situation?
- Lora said not in the Central Business District (CBD). The CBD does not require parking. It would address if you had a multi-unit housing development but it's going to the seniors instead of the families. That program could come in and say, most of our seniors only have 1 car so they could do an analysis based on what their population is going to be. It might generate that way. Maybe we do have that call center that has 400 employees but they're in three shifts, so they could show that the shifts would be changing over and maybe they wouldn't need as much parking.

- Chair Fitzgerald said that would bring up the issue of how do we control that in perpetuity.
- Lora commented that it would put some of that analysis back onto the developer which then we could also have reviewed by our traffic consultant or engineer to verify that instead of just the director's interpretation, which is where we kind of got in trouble before.
- Chair Fitzgerald said if we take the second condition which was that the applicant would furnish documentation to support the parking requirement that they envisioned and why. How do you still?
- Lora stated that the Planning Commission could still work this under a performance parking standard that says show us what you think you are going to need but if it fails, where is your backup? We did that with the YMCA a few years back and they had other areas they could pave but they went through the six-month performance parking. We went out and inspected it on a number of occasions and it showed that they had enough parking for their needs but not necessarily when the fair is in place but that wasn't the YMCAs responsibility. You could still go back and tag the performance parking requirements to show that they say, okay you're telling me you only need 50 spaces but we're saying you need 100. Where is your back up in case you have to go back and do that?
- Chair Fitzgerald stated what I am looking for is how do we do that in perpetuity? No matter what happens to that building or what it was repurposed towards, how would you still be able to make this work? What documentation would be ironclad, otherwise, we will revisit it again.
- Lora stated that Article 2 talks about change of uses and when a change of use or a site plan review can be waived, it talks about if its increased trips requires more parking, different exits, so there is a safeguard.
- Chair Fitzgerald said if it came under this heading, that use, if indeed it changed, would require that to be reconsidered?
- Lora stated that her staff will ask her these types of questions and she will ask them "where is your Code"? She gave him the example of conversations. Under section 2.035, type 1A building permit as development permit. It goes down through subsections and talks about when a site plan review would be required and that a change of use would not result in a review through a higher process. So, something was a Type I would now require Type III. Change of use does not require more parking than is already present. Another trigger would be the change does not generate more than 20 additional PM peak hour trips or 500 average daily trips.
- Chair Fitzgerald stated that all he is looking for is there is not a place where we are going to find out that it didn't work 100% of the time.
- Lora said it is already here under Article 2.
- Chair Fitzgerald asked Commissioner Kellenbeck if he was confident about that? He feels we need to nail it down now.
- Commissioner Kellenbeck stated he agreed.

MOTION/VOTE

Commissioner Kellenbeck moved, but there was no second on this motion to approve the Findings for the Parking Amendment, Articles 25 and 30 as amended. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, McVay, and McIntire. “NAYS”: None. Abstain: Aviles.

Absent: None

The motion passed.

- 201-00245-18 & 402-00103-18 ~ Roe Motors Major Site Plan Review & CPZMA. Commissioner Kellenbeck talked about page 23 and asked for explanation of the general findings and background discussion and cited “the traffic impact study was submitted to Southern Oregon Transportation Engineering and has been reviewed by the City Engineer. The City’s Traffic Engineer found the report, addressed the requirements and analysis of the impact of the proposed zone change and development. He also concurred that no mitigation is required for operation for safety issues. Is that consistent with the fact that in the conditions they have to present new information.
- Lora stated they could have gone twice there so we did not address it in the general findings and background discussion, but we did address it under the specific findings on page 31 of the packet. We struck out language about no mitigation is required, however, Mr. Replinger concurred with the applicant’s engineer that site access and site distance be reevaluated in connection and then conditioned below. We did add it under that section. We will mark that in the staff report for the City Council if you concur just to duplicate that language in both places.
- Commissioner Kellenbeck pointed out that its on page 27. The first UAPC response has that same language under criteria number 9.
- Lora said they will put that in both places, going forward, with the City Council Staff report.
- Chair Fitzgerald asked if it would be the long version spelled out completely in each of those cases, pages 23, 27 & 31?
- Lora stated correct.

MOTION/VOTE

Commissioner Kellenbeck moved and seconded by Vice Chair Coulter to approve the Findings for the Roe Motors Major Site Plan Review & CPZMA with revisions as amended. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, McVay, and McIntire. “NAYS”: None.

Abstain: Aviles. Absent: None

The motion passed.

- 201-00248-18 ~ Vine St. Major Site Plan Review for Nonconforming Development.

MOTION/VOTE

Commissioner Kellenbeck moved and seconded by Vice Chair Coulter to approve the Findings for the Vine St. Major Site Plan Review for Nonconforming Use as written.

The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, McVay, and McIntire. "NAYS": None. Abstain: Aviles. Absent: None
The motion passed.

3. ITEMS FROM PUBLIC:

- a. None

4. PUBLIC HEARINGS:

- a. 104-00122-19 ~ Valley View Tentative Subdivision

- Chair Fitzgerald opened the public hearing to consider the application and explained the process. He also about the name of the subdivision.
- Aaron mentioned the name did not receive approval by the County Surveyor. No other name has been given at this point. Aaron gave his staff report. It is a 2.12-acre property in the R-18 zoning district that is undeveloped. There was a single-family house on it, but it has been removed. The tentative plan includes 12 lots, 2 of which will take access directly off Valley View and the remaining 10 will be served by the proposed private street. There are two proposed variances. One is for an overlength private street and the other is for an intersection offset distance. He showed maps and other details on his presentation as well as other details in his report.
- Vice Chair Coulter mentioned page 47, second paragraph, last sentence and the last four words, 25 feet to the north, should be 25 feet to the west.
- Commissioner Arthur asked why doesn't this connect through to undeveloped property on the other end, the south end?
- Aaron answered that the property to the south is a fairly large property but is also developed with a large home and the extension of a city street through there is probably not possible. You would need to own both parcels and probably be willing to remove one of the homes to get a street to connect all the way down to Pleasant View Drive.
- Lora said its not practical at this point. Mr. Gerlitz can address this a bit further for you.
- Commissioner Arthur mentioned when that comes up we've been very interested in providing interconnectivity between properties and having future development plans for neighboring uses, especially in that area just over the hill from the fire zone. It would be useful to have an exit.
- Justin Gerlitz – Gerlitz Engineering Consultants. He is here on behalf of the applicant, Dwight Faszler who is not in attendance. This is a 12-lot subdivision that will be developed and built by the same developer. House will be of similar character and sizes at three to four-bedroom, two baths. Most will be built into the hillside as it is hilly and rolling terrain. Extending a road through the south lot, there is a large house that sits really close to the property line. Extending an actual public roadway through there would be very difficult terrain wise and where the existing developments are. He indicated three lots on his presentation that are owned by one party. Some trees will likely be removed but they will be

replaced as per City standards. There is a portion of existing curb and gutter that the City Engineer asked them to match. Private street standards are only required to be 22-foot wide for up to 10-lots with a 4-ft sidewalk. The parking goal is to add 7 more feet that will allow 2-way traffic and a parking lane on one side where there are no driveways. He mentioned the standard utilities that will also be provided. For the variance request, he wanted to make it real clear about the intersection spacing, which will be 24 feet apart. For the street length, it is right on the cusp of the steep slope area. We are limited by the 250-foot maximum and we are sitting at 350-feet. By approving that additional length in this area, we are avoiding creating of flag lots or oversized lots and being able to use the density that we are always trying to hit. The solar lot exception, the houses can meet the solar design standard, but we have a long, rectangular lot. If we ended making them all 80-feet we would knock out about 4-lots out of this development. The intention is to slope the rooves, so they can meet the standards. We ask that you approve the subdivision and the variance requests.

- Commissioner McVay asked for clarification on page 54, item 5A. It says as indicated on the tentative plan, the hammerhead is a fire lane and will be marked fire lane, no parking. How does that affect lots 6 and 7?
- Mr. Gerlitz explained that the fire lane only applies to the shaded portion [on the presentation] for the actual hammerhead turnaround. Lots 6 and 7 driveways will be outside of that area. They will stripe and sign the hammerhead itself which can be ticketed and control parked vehicles, which has always been an issue in the past.
- Commissioner McVay asked if it affected any street parking?
- Mr. Gerlitz said no, the street parking is everything from here north [indicating his presentation].
- Commissioner Kellenbeck recommended they be given larger maps like in past meetings.
- Lora added they are doing a Development Code amendment impacting housing in a grant through the DLCD that they will see in a few months. They have recommended we strike the solar setback and design requirements because it's an impediment to housing. A lot of communities are getting rid of the solar design across the state. We still do have in place the 15-foot rule. A house or structure that is higher than 15-feet, for every foot over 15 feet that portion of the house must be stepped up ½ foot. That will safeguard some of the shadowing. We will be talking about this in the next few months.
- Commissioner Kellenbeck added that on page 67 the applicant has given a good reason to do an exception on how they are going to build the structures and the rooves. I would suggest we put his language in our findings on page 67 to page 51 in the report.
- Commissioner Arthur asked what the side setback is in the R-1-8?
- Lora answered it is 6-feet on one side or 10-feet on the other. It is the same as R-1-6.
- Commissioner Arthur said so you have at least 12 if the opposite lot happens to be on the short side?
- Lora answered right.

- Vice Chair Coulter asked if that was the last paragraph on the Solar Lot Design Standards that you were saying putting in the conditions of approval. There were additional comments off mic.
- Commissioner Kellenbeck recommended using the applicants wording and add it to our findings on page 51 which will make it clear reasons to grant the exception. Also, I appreciate that you're looking at the parking. That has been a problem and it will make a big difference for the homes in that subdivision so thank you.
- Bruce Galloway, 513 NW Valley View Drive – Not for or against it but wants to make sure certain things are done like drainage. His neighbor gets a lot of water running down and in the back of his house. When this lot is developed I hope they don't block the water that comes through a natural drain that comes through the property.
- Chair Fitzgerald said they will have to go through the storm water management and detention and it will have to pass the City's approval.
- Mr. Galloway asked what do they do if there is a problem. Who do they ask about it?
- Chair Fitzgerald stated it will be looked into if there is a problem for the drainage.
- Mr. Galloway asked about the trees. He knows they are going to eliminate most of the trees but any of the trees that are on the property lines.
- Chair Fitzgerald said there are requirements on trees.
- Mr. Galloway said he is hoping they can save as many as possible because he planted some on the property line in case it was ever developed so he would have a block from the houses. He also said there is a lot more development coming down the road on Valley View up above and across the street, the streets are narrow, and the kids are going to school and walking in the street. It would be something to keep in mind as more development comes along.
- Chair Fitzgerald said that public safety is a big issue for the city.
- There were no further comments from the public.
- Mr. Gerlitz addressed the drainage concern and he indicated they know about it and will try to accommodate it. He indicated the location on his presentation for Mr. Galloway and offered to get his contact information, so they can talk about that further. They do plan to accommodate that issue.
- Lora Glover said they will make sure the drainage plan is submitted and reviewed by City engineers and it's developed as reflected on the drainage plan. The developer's main responsibility is to not impact those existing drainage areas and not to further cause other problems downstream. Sometimes drainage ends up being a situation between property owners, so we can't always fix existing problems that are uphill.
- Commissioner Kellenbeck noted that Mr. Gerlitz might meet with Mr. Galloway to not only talk about drainage but talk about trees. I would recommend that Justin do that. Otherwise feels it will be a good development considering they are infilling and that is always more work. He is in favor.
- Vice Chair Coulter, with the variance, is in support with Commissioner Kellenbeck. He thinks it meets the criteria for a variance and is the best

solution to putting the subdivision in. The application and plan was well thought out and put together very well. He has no problem on waiving the solar issue.

MOTION/VOTE

Commissioner Kellenbeck moved and Vice Chair Coulter seconded the motion to approve the variance for street length and offset as presented by staff. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Aviles, Kellenbeck, McIntire, and McVay “NAYS”: None. Abstain: None.

Absent: None

The motion passed.

MOTION/VOTE

Commissioner Kellenbeck moved and Vice Chair Coulter seconded the motion to approve the exception for the solar lot for design standards. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Aviles, Kellenbeck, McIntire, and McVay “NAYS”: None. Abstain: None.

Absent: None

The motion passed.

MOTION/VOTE

Vice Chair Coulter moved, and Commissioner McIntire seconded the motion to approve the tentative subdivision plan. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Aviles, Kellenbeck, McIntire, and McVay “NAYS”: None. Abstain: None.

Absent: None

The motion passed.

- Commissioner Aviles asked about the second staff recommendation on page 53, request for the 9-lot subdivision but it's 12-lots, correct? It will be corrected in the findings.
- b. 405-00114-18 ~ SB 1051 Text Amendment to Articles 1,2,3,10,12,22,23,29 & 30
 - Lora Glover said this Text Amendment will cover a couple different topics and will be an opportunity to clean up a few mistakes that were found in the Code. She outlined and described each change requested.

Updating Article 1, Section 1.063; amending Articles 2,3 and Schedule 12-2 to incorporate language regarding the new ORS 197.371 relating to finalizing decisions within a 100-day time period on housing applications for multi-family developments that include affordable units for low-income families; revising Article 10, Schedule 10-1 to reference ORS 197.830 (4)(b) regarding appeal rights language for persons not entitled to notice but who are aggrieved or adversely affected by a land use decision; updated Schedule 12-2 to include Makerspace/Innovation Hub to Land Use Types; amending Article 22, Section 22.240 ~ Accessory Dwelling Unit Standards (ADU) to revise ADU language per Senate Bill 1051 which relates to removing barriers to development in order to address the lack of housing supply in residential zones; amending Articles 23 and 29 for

housekeeping purposes; amending Article 30 ~ Definitions to update ADU definition to correspond to new statutory language and adding a new definition for Makerspace/.Innovation Hub.

- Chair Fitzgerald asked how are you going to deal with the difference between GC and Central Business District when it comes to this? Is it going to be the same if you're in the GC zone you have to do off-street parking and in CBD you don't. Are we going to try to take that issue up and make it more cohesive?
- Lora answered that they have not attacked that topic yet on the Central Business District. That would be a bigger challenge what this amendment is incorporating right now.
- Chair Fitzgerald asked if that's what it would bring up is variances?
- Lora answered potentially unless we can wrap this up into some sort of parking structure downtown that meets the needs of the Central Business District.
- The call to action is a recommendation to the City Council as submitted or with revisions. This would be the opportunity to look at if you want to allow only a maximum of 1 ADU or you would allow 2 ADUs, one attached and one detached, recommend the City Council deny request or postpone the item. As this is a legislative amendment it is not subject to the 120-day limitation.
- Commissioner Arthur asked the reasoning if you have two that one is detached?
- Lora said they are just following language in this state. Their proposal was you could have either or, a detached or one attached but at least a maximum of one. This is just giving them more opportunities. You have to provide at least one; either a detached or attached but you could allow one of each.
- Chair Fitzgerald asked how to you differentiate if the person has one attached and then treats it as an addition by just removing the wall?
- Lora said they could come back and do something like that. Let's say we give a permit for an attached ADU and we allow the maximum of one and then they come back and say they really want a detached one as part of my garage. So, an inspection or a condition be that they require that they open up the separation. They would also have to modify the kitchen at that point because we do have a definition of what a kitchen is. They could have a small wet bar area; the sink size is reduced to the little wet bar size. They would have to do some modifications if they want to open that back up.
- Chair Fitzgerald said it would be a way for a person to add onto a house without calling it an addition.
- Lora said yes but the ADU comes along with additional System Development Charges and it will be a little more expensive to do that, so it won't be beneficial for someone who truly wants only an addition to their house to call it an ADU.
- Chair Fitzgerald asked that what if the ADU is attached to the house, constitutes or puts it over anywhere where you would be going over any kind of expansion like limits or square footage for the whole place or you have more coverages?

- Lora answered that they have dealt with challenges before where somebody has accessory structures which can be a garage or shop that are limited to 1,000 square feet. We have had a few folks come through the process to request a larger size and we have taken those through a hearings officer but not necessarily living quarters. The whole point is that it needs to be accessory to the main house. She also wanted to mention, on the ADUs, this language will also allow for an ADU that is pre-existing, non-conforming structure. We have had in inquiry come from a property on Manzanita that has a legal garage but it's 3-feet from the property line, which should be a 6-foot setback. The Code currently prohibits an ADU going into that encroachment area. This amendment would take that restriction away. If it's a legal, non-conforming structure, it can be converted into an ADU.
- Chair Fitzgerald said then a garage couldn't get changed but the ADU could.
- Lora responded that its legal, it's a garage.
- Chair Fitzgerald mentioned the 3-foot setback and the ADU could then expand into that 3-foot space?
- Lora answered yes. That is language coming from the State Senate Bill 1051.
- Vice Chair Coulter said looking at the definition, back on Article 30, I think it showed your recommendation of two ADUs? Is that your position?
- Lora said there are two sets to this definition. One is for residential zones, the other one is for commercial. My recommendation is that I think you could go with that flexibility. All in all, I think it's going to be the size of the existing lots that will limit if you can have an attached or a detached. There is also language coming down from the state that will be looking at any single-family zone to be able to allow a duplex to be a permitted use like it is in the R-1-6 zone right now. There is potential that we could be looking at corner lots being allowed to have a tri-plex or a quad on it at an outright permitted use. Because of the housing changes these proposals are coming down. On those smaller lots there is not going to be room to put two ADUs. We need the housing and even some of our seniors are going to be able to stay in their homes because they can rent out the ADU and have a care provider on site with them or something. It will provide us with a lot of flexibility and maybe help reduce further development. It's going to be challenging.
- Vice Chair Coulter asked Loree if this had been discussed in the Housing Advisory Committee?
- Loree answered no, not that particular topic.
- Lora said they are working on providing density factors and allowing up-zoning properties, so you get the dense housing. This is one way to start meeting some of that, especially the subdivisions we already have in place. Technically today's Code wouldn't allow those new lots to have ADUs except for lots 1 and 12 that will come straight off of Valley View but at some point, those other lots might be able to have an ADU on it we'll take the restriction off of a private street.
- Commissioner Arthur stated that the advisory committee was waiting to see the final state.

- Lora said there will be so many different rules coming down. It's not going to be an overall encompassing one shot.
- Vice Chair Coulter said he appreciated the fact that you all have worked hard on it. It is good for us to get ahead of the power curve and get the ball rolling.
- Commissioner Arthur asked if you have a large lot and a small house can you create an ADU by building a primary residence.
- Lora stated yes, you could flip that and turn the existing house, that is small, 1000 square feet or less, into the ADU and then build your mansion. The ADU can't be bigger than the existing house. On a corner lot, you have a front and an exterior, you can decide which is the front and which is the exterior.
- Commissioner Kellenbeck asked a question about page 95 on fire escapes and exterior stairs. Why are fire escapes and exterior stairs for access to an attached upper level accessory dwelling shall not be located on the front of the primary dwelling.
- Lora says that is to maintain a residential character of the primary house from the street.
- Commissioner Kellenbeck asked if it had always been there or if this was the new language.
- Lora stated it has always been there. If you don't like it, we can strike it. It would be a little unusual if you just have stairs come down the front of your front room window. Usually those things are on the side.
- Commissioner Kellenbeck said he knows of a few that have this. I would recommend that we scratch that item.
- Vice Chair Coulter said it makes sense, for children's bedrooms it would make sense to have them in the front.
- Chair Fitzgerald opened the session for public comment.
- Katarina Mannan, 1232 NW Lawnridge Ave – Says she was just in today inquiring about converting her garage into a small apartment for myself and having my daughter and her new family move into my house. The property will remain under the same ownership, but I would have the small auxiliary dwelling. I am also one of those people, not the one on Manzanita, that has a non-conforming structure that was permitted and approved. It had to do with the setbacks as well. It was reconstructed 10 or 11 years ago and at that time it was permitted for me to replace my existing 90-year old garage to go with my house and at this point, the setback is my issue, but it was permitted non-conforming then. The exterior, no one is going to know the difference. I am adding a window, but it will be into the backyard. I already have a 5-foot maintenance easement in my neighbor's property to facilitate ladders and painting. She is asking commission to approve these changes because she will be denied otherwise.
- Vice Chair Coulter said he is in favor of the two ADUs. He likes the flexibility. I like to give the property owners the flexibility. It is very helpful to our current housing shortage and could put a dent in it. He is also for recommending approval for all the other revisions submitted including removing the fire escape.
- Commissioner McIntire said he is a little bothered by the landscaping buffering standards on page 97 on number 1b, 6-foot fence and exterior

yard with a 3-foot setback from exterior property line. If you put a fence 3-ft back from your property line you have basically lost the use of your property in that area. He suggests striking that, so you don't have any setbacks at all.

- Lora said that this was an amendment that was done a few years back that used to require a 10-foot setback for a fence on exterior sidelines and part of that restriction, what's important, is the 3-foot. We gave that flexibility, the Planning Commission approved that a few years ago along with the City Council. A lot of times it can be a vision clearance problem. This is existing language that is in the Code now. It doesn't mean it can't be modified. The thing that is actually being modified was the mistake that we had about maximum heights within required front and exterior yards. It is supposed to be just a front yard that allowed the 4-foot setback.
- Commissioner McIntire stated the maximum height we approve required front and exterior yards. Item (a) doesn't bother me that much but (b) does because this space is greatly diminishing the square footage of your yard as far as usage goes.
- Lora said this is on the street and a lot of times those fences are right up on the sidewalk. It's kind of an encroachment for pedestrians. That's why it was changed a few years back. It reduced it from 10-feet to 3-feet with just that landscape strip.
- Commissioner McIntire said you're talking about if there is a sidewalk or the street. I am talking about adjoining lots.
- Lora clarified this is exterior only. You can put a 6-foot fence right on your property line interior. It's the exterior where there is sometimes there is vision clearances and encroachment into the public sidewalk.
- Commissioner Kellenbeck would recommend approval to the City Council of the proposed amendments as presented in exhibit 1 and striking the fire access from front yards and we allow up to two (one attached and one detached) ADUs.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner Coulter seconded the motion to approve the proposed amendments as presented in Exhibit 1, and striking the fire access front yards, and allow up to two (one attached and one detached) Accessory Dwelling Units. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Aviles, Kellenbeck, McIntire, and McVay. "NAYS": None. Abstain: None. Absent: None. The motion passed.

5. Work Session Items/Items from Staff:

- Lora Glover stated staff has been requested to provide this Commission with a modification from Aspen Dental as part of the Terry Lane project that went through discretionary review. They are proposing an alteration to the awnings. She wants to be sure they are comfortable with that change otherwise it will need to come back through a public hearing. The landlord made an agreement with Aspen Dental to install blue awnings of

a different design as part of the lease agreement. When they did, they built the shell of the structure without reinforcement that would have been necessary for the initial awnings. Now that the building is completed, now the awnings are an issue for us. They are now looking at awnings that will be lighter and made with aluminum that will resemble the previous awning. If Commissioners are comfortable with this she will get the building permit, or we can have them come back and justify to this modification. Some comments were inaudible. The awning will match, and the supports will be a “Y” section and a little longer down into the building. It will more closely resemble the blue that didn’t meet the requirements they had approved.

- Commissioner Kellenbeck asked if it would be all three.
- Chair Fitzgerald said the middle part will be the same material as the other two?
- Aaron Anderson stated it is being proposed to be made of aluminum but will still be standing seam and Justin’s presentation has a rendering that was prepared by the architect.
- Mr. Gerlitz talked about the original approval. Aspen Dental wanted their own look. They wanted the blue awnings that were just shown [on the presentation]. The blue didn’t match the dark red color that was out there now and were pretty boring. Staff denied that and today the architect approached him with another option which everyone thought they could live with. This is what they came back with. There are four different awnings and they are exactly the same sizes as the original ones proposed.
- Commissioner Kellenbeck appreciates the adjustment and approves of the modification.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to approve the awning modifications at Aspen Dental. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, Commissioners Arthur, Kellenbeck, Aviles, McVay and McIntire. “NAYS”: None. Abstain: None.

Absent: None.

The motion passed.

- Lora continued with items from staff. She provided maps that was requested by Commissioner Arthur of the Dollar Mountain area of the County and BLM properties. Taylor is also passing out the City Council schedule for upcoming workshops and meetings. She noted some upcoming meetings. They are looking at a proposed SDC deferment, a Municipal Code amendment that will allow developers to be able to pay for the SDCs at the end of the project instead of the beginning. It will be a lien with the City until it closes escrow, or the C of O is issued. They could Bancroft it through the City. On March 4 they will be talking about the Allen Creek Road jurisdictional exchange to see if we can have the County turn the right of way over to the City and the City would proceed with the project if the Council chooses. On March 11, they are looking at doing a private kennel amendment about how many dogs for a private kennel. She is looking at treating it like a home occupation restricting this

just for if it's a breeder or somebody that has several personal dogs but not boarding. There will be no doggie daycare. They do have to get their licenses if they are truly a kennel.

- Chair Fitzgerald said before we adopt that are we going to be able to get around the USDA requiring the person to get all that.
- Lora said they will require all of that just like you have to get your MPDES permit for drainage and grating.
- Lora went on to say Senate Bill 1051 will go before the Council on March 20. She mentioned that this is Aaron Anderson's last Commission meeting tonight and is moving on to the City of Ashland.


6. ITEMS FROM COMMISSIONERS:

- None.

7. ADJOURNMENT:

a. Chair Fitzgerald adjourned the meeting at 7:50 pm

Next Meeting: February 27, 2019 at 6:00 p.m.



Gerard Fitzgerald, Chair
Urban Area Planning Commission



Date

These minutes prepared by Donna Anderson, City Administration.