



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT PLANNING COMMISSION

17 BUCHANAN AVENUE SOUTH, EAGLE POINT, OREGON

REGULAR MEETING MINUTES

September 20, 2011

1. CALL TO ORDER.

Chairman Collins called the regular meeting of the Eagle Point Planning Commission to order at 7:00 p.m.

Commissioners present: Suzi Collins, Sharon Coupe, Kevin Walruff, Trenton Douglas and Steve Hunter.

None of the Commissioners were absent.

Staff present: David Hussell, City Administrator; Bunny Lincoln, Principal Planner; Sara Miller, Planning Aide.

2. FLAG SALUTE.

Commissioner Walruff led the flag salute.

3. ITEMS NOT ON THE AGENDA.

There were no additional items brought before the Commission.

4. PUBLIC HEARINGS.

4.1 Ordinance 2011-05 – A public hearing to accept testimony and make recommendations to the City Council on proposed amendments to the Comprehensive Plan and Zoning Maps for "Greenhills" – a predominantly vacant Planned Unit Development located on

Dianne Way. The application requests zone changes from High Density (R-4) to Medium Density (R-2) residential to allow for the re-plat of the development to create detached single family residences as opposed to the attached single family townhouses previously approved. A density decrease from 22 units to 12 units on 1.37 acres is anticipated. Additional hearings will be required for any revisions to the existing final plat.

Applicant: Premier West Bank
Agents: Hoffbuhr & Associates
The Richard Stevens Company

Chairman Collins asked if anyone felt that the Commission did not have the right to make a decision on the matter. No comments were heard.

Chairman Collins asked if any Commissioners wished to declare a conflict of interest. No conflicts of interest were declared.

Chairman Collins asked if any Commissioners wished to declare an exparte conflict. No exparte contacts were declared.

All of the Commissioners visited the site. Commissioner Walruff noted that streets, power and sewer appeared to be already completed in the development. Vice-Chairman Coupe questioned the ditch running through the project. No other comments were noted.

Chairman Collins called for the staff report.

David Hussell explained that prior to the staff report he would answer the question about the ditch. Vice-Chairman Coupe asked if the ditch could overflow, causing negative impacts to the development. Mr. Hussell explained that the Buchanan Ditch carries irrigation and natural storm water drainage from farm fields north of Barton Road. During the summer months, the ditch typically handles water from irrigation drain-off, which is usually limited. He further explained that the ditch had a history of flooding because homeowners fail to maintain the ditch properly. Due to the flood characteristics of the ditch, any adjoining development must follow the Federal Emergency Management Agency (FEMA) regulations for construction. Although Greenhills Village is not a FEMA designated flood zone, the city has designated the area as a flood zone due to the past high water events. He explained that the lowest floor of any habitable space must be built two feet above base flood elevation as determined by a surveyor.

Bunny Lincoln presented the staff report. She explained that before she came to work for the city it was common practice that rezones were allowed as long as they were to a lesser density than shown in the Comprehensive Plan. She noted that there were currently two zero lot line single family dwelling units on the property. The remainder of the lots had gone into foreclosure and were now owned by Premier West Bank. Ms. Lincoln explained that the bank felt that there was not a demand for joined housing and wishes to separate the units at a lower density to make the development more attractive to a buyer, given surrounding properties R-2 designation. She continued the review of the staff report, findings and recommended conditions.

Vice-Chairman Coupe asked when the new units would be built. Ms. Lincoln explained that the bank currently owns the property, it would not be developed until purchased by a new owner.

There was discussion regarding water in the Buchanan Ditch and Commissioner Hunter expressed his concern over possible mosquito problems. David Hussell explained that Jackson County handles mosquito abatement programs. Commissioner Hunter asked if the ditch would be fenced to keep children out. Ms. Lincoln explained that the ditch was currently fenced along the public right of way, there was no proposal to fence the interior side of the ditch. Commissioner Hunter asked if the individual property lines extended to the ditch. Ms. Lincoln explained that currently the ditch was located in the common area, she was unsure how the property lines would be reconfigured for the detached houses. She explained that the criteria in the proposed zone would allow a minimum of 4,800 square feet per lot. She noted that the PUD re-plat would come back before the Planning Commission for approval prior to development.

Audience member Milicent Wewerka asked if the property was currently zoned High Density. Bunny Lincoln explained that it was zoned High Density. Ms. Wewerka asked if the existing houses would be rezoned as well. Ms. Lincoln explained that the entire project would be re-zoned under the application, and the owner of the existing houses had no issues with the re-zone.

Chairman Collins called for the applicant to make their presentation.

Clark Stevens of The Richard Stevens Company, 201 W. Main St., Medford, Oregon approached the Commission. He explained that he was representing Premier West Bank, the current owner of the Greenhills Village project. He reviewed the application seeking a Zone Change and Comprehensive Plan Amendment from R-4 High Density to R-2 Medium Density. He explained that the application meets both the Comprehensive Plan Amendment criteria and the Zone Change criteria. The applicant believes that down zoning the density of the development would have a beneficial impact on the area and infrastructure. Mr. Stevens reiterated that the new final plat and Planned Unit Development (PUD) approval would come back before the Commission prior to property development. He encouraged the Commissioners to condition the Home Owners Association (HOA) be responsible for the ditch maintenance at the next hearing. He concluded his presentation asking for a recommendation to City Council that the application be approved.

Chairman Collins called for questions of the applicant.

Commissioner Hunter asked if there would be on-street parking in the development. Mr. Stevens did not believe that on-street parking was allowed in the prior approval, instead visitor parking would be designated. Commissioner Hunter asked if there would be a fire truck turn-around in the development. Ms. Lincoln explained that a fire truck turn-around was already constructed.

There were no further questions for the applicant.

Chairman Collins called for further testimony on the proposal. None was heard.

There were no further comments from Staff.

Chairman Collins called for a motion to continue or close the hearing. Commissioner Douglas moved that the hearing be closed. Commission Hunter seconded the motion. There was no discussion. Roll call: Kevin Walruff, aye; Steve Hunter, aye; Sharon Coupe, aye; Trenton Douglas, aye; Suzi Collins, aye. The motion passed unanimously.

Chairman Collins called for a motion on the proposed changes to the Comprehensive Plan and Zoning Map. Commissioner Walruff moved that the Planning Commission recommend City Council approve the changes to the Comprehensive Plan and Zoning Map with findings and conditions. Commissioner Douglas seconded the motion. There was no discussion. Roll call: Steve Hunter, aye; Suzi Collins, aye; Trenton Douglas, aye; Kevin Walruff, aye; Sharon Coupe, aye. The motion passed unanimously.

5. CONSENT CALENDAR.

5.1 Minutes of Previous Meeting – August 16, 2011.

Chairman Collins called for a motion on the Consent Calendar. Vice-Chairman Coupe moved that the Consent Calendar be approved. Commissioner Walruff seconded the motion. There was no discussion. Roll call: Sharon Coupe, aye; Kevin Walruff, aye; Suzi Collins, aye; Trenton Douglas, aye; Steve Hunter, aye. The motion passed unanimously.

6. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.

There were no items removed from the Consent Calendar.

7. UNFINISHED BUSINESS.

There was no unfinished business brought before the Commission.

8. NEW BUSINESS.

There was no new business brought before the Commission.

9. REPORTS FROM PLANNING COMMISSION MEMBERS.

There were no reports offered by Commission members.

10. REPORTS FROM STAFF.

Bunny Lincoln gave an update on the Carl's Jr. application, briefly reviewing the history of the application. She explained that Carl's Jr. had submitted an application several years ago to build a restaurant on Linn Road, however, hours before the public hearing the application was withdrawn. Staff had been prepared to recommend denial of the application at the public hearing due to the many issues with traffic, parking, road systems, design standards, as well as serious concerns from adjoining property owners. She explained that approximately six months after the

public hearing had been scheduled, Carl's Jr. submitted a new application, adding a zone change to a higher commercial use to the proposal. At that time Carl's Jr. owed the city over \$10,000 in overdue fees, which needed to be paid before the new application would be reviewed, as is standard policy outlined in the code. Their agent then filed a writ of mandamus stating that the city had not reviewed the application within the mandated time period. Staff had received legal counsel advising that the city was within legal rights to require Carl's Jr. pay overdue fees prior to review of the revised application. Mr. Hussell explained that Carl's Jr. lawyers have challenged that decision and consequently have used the situation to their legal benefit; either the city allows development without approval conditions or faces a lengthy, expensive court battle. The City Council decided not to battle in court, and instructed the lawyers to reach an agreement to allow the development of Carl's Jr. It appears that the city will not have a legal right to review or require conditions of the development. Staff feels that steps were taken by the applicant and their agent to manipulate the situation and ensure development of the project without city review or public comment because there had been so many concerns with the proposal. He explained that the project had the potential to create a messy street access system at the busy intersection of Highway 62 and Linn Road. There was further discussion between the Commissioners and Staff concerning the potential negative impacts on adjoining properties and traffic concerns that currently exist which would become worse with an unconditioned development. The Commissioners expressed their concern and outrage over the potential negative impacts the development could have on public safety, and the lack of ability for the city to condition safety measures.

11. INFORMATION.

No further information was brought before the Commission.

12. NEXT MEETING.

Chairman Collins announced that the next meeting of the Planning Commission would be held October 18, 2011 at 7:00 p.m. in the City Council Chambers.

13. ADJOURNMENT.

There was no other business to come before the Planning Commission and Chairman Collins adjourned the meeting at 8:03 pm.

Respectfully submitted,


Sara Miller, Planning Aide

ATTEST:


Suzi Collins, Chairman