

CITY OF ROGUE RIVER Planning Commission

TUESDAY, OCTOBER 25, 2016

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

CALL TO ORDER The Planning Commission meeting was called to order by Vice-Chair Dean Stirm at 6:00 p.m.

PLEDGE OF ALLEGIANCE Vice-Chair Dean Stirm led the Council and audience in the Pledge of Allegiance

QUORUM **COMMISSION MEMBERS PRESENT:**
Vice-Chair Dean Stirm
Commissioner Don Collins
Commissioner Cindy England
Commissioner John Schaeffer (arrived at 6:12 p.m.)
Commissioner Rick Kempa
Alternate Commissioner Carolyn Rylie

COMMISSION MEMBERS ABSENT:
Chairman Evan Goeglein

ALSO PRESENT:
Mark Reagles, City Administrator
Carol Weir, City Recorder
John Krawczyk, City Engineer
Bonnie Honea, Finance Officer

A quorum was present and due notice had been published.

NEW BUSINESS:

AGENDA ITEM 1 **Public Hearing:** To hear comments regarding CONV. 2016-01: Conversion Plan Application to partition an existing lot in the City of Rogue River Urban Growth Boundary into three parcels. The existing parcel, located in Jackson County, consisting of 19.94 acres. The request was to divide the tax lot into three parcels.

Vice-Chair Dean Stirm declared the public hearing opened at 6:07 p.m. He read the following information into the record which is a permanent part of the land use file.

The hearing was to consider an application for a Conversion Plan; request to divide the tax lot into three parcels located on Wards Creek Road, Rogue River, Oregon. Applicant is William Oberlin, Christine Piatt and Bandon and Janine Smothers. Planning File No. CONV 2016-01. The request was to divide the existing lot of 19.94 acres into three parcels. Parcel 1 would be 6.90 acres, parcel 2 would be 10.20 acres and parcel 3 would be 2.84 acres.

Vice-Chair Dean Stirm stated that the hearing was being conducted as a Quasi-Judicial hearing. Oregon land use law required that several things be read into the record at the beginning of every public hearing.

Vice-Chair Dean Stirm ask the members of the Planning Commission if they wished to abstain or declare ex-parte contact, have any conflicts of interest, bias, or ex-parte contact. No abstentions were heard.

Vice-Chair Dean Stirm asked the audience if there was anyone who wished to challenge any of the Commissioner's qualifications to participate in the public hearing. No abstentions were heard.

Vice-Chair Dean Stirm continued with reading the procedures for the meeting. He announced that an issue that may be the basis for an appeal to the Land Use Board of Appeals should be raised no later than the close of the record at the or following the final evidentiary hearing on this application. Such issues would be raised with and accompanied by statements or evidence sufficient to afford the body adequate opportunity to respond to each. Those individuals wishing to register evidence or comments can testify. Staff was directed to make sure that their evidence was properly maintained. Title 17, Chapter 17.110 contained the applicable substantive criteria upon which the legislative decision would be decided. The Planning Commission shall forward a recommendation to the City Council. Approval of a Conversion Plan shall be based on the proposed conversion plan being consistent with the Rogue River Comprehensive Plan; the facility plan for the City of Rogue River; and that the recommendations for changes and/or amendments to the conversion plan were deemed necessary to protect the public health, safety, general welfare and to further implement the City of Rogue River's Comprehensive Plan and Facility Plan.

City Engineer/Public Works Director John Krawczyk presented the Staff Report which would be a permanent part of the land use file for T36S, R4W, Section 22A, Tax Lot 201 located on Wards Creek Road. The application was for a Conversion Plan for the partition of 19.94 acres into three parcels, for residential use. Parcel 1 would be 6.90 acres, parcel 2 for 10.20 acres and parcel 3 would be 2.84 acres. The findings of fact included that the parcel size was 19.94 acres; access was from Wards Creek Road; the property was zoned in the City as Residential Single Family (R-1-8) and Residential Estate in the County as RR-5. There had been no previous land use actions and the property was currently vacant. The proposed use was for interim development currently zoned for residential use and located within the City's Urban Growth Boundary. The Rogue River Comprehensive Plan showed the property proposed for R-1-8 and R-E zoning when annexed into the City. He said the findings showed that the property was comprehensively planned and zoned for residential uses; the property was within the City's Urban Growth Boundary and the proposed future zoning map showed the property zoned as residential R-1-8 and R-E and the conversion plan was in compliance with the future implementation of the City's Comprehensive Plan and Future Zoning Map.

The City Engineer/Public Works Director John Krawczyk stated that the application complied with the City's municipal code requirements. It shall be

concluded in the public record that any further development of the property will be reviewed; the Jackson County/City of Rogue River Urbanization Policy 5)H) any land use actions within the unincorporated urbanizable area shall conform to urban standards and public improvement requirements as contained in land development ordinances, except in the case of a conflict of interest between the two, the more restrictive shall apply; and, the City concurs with the applicant's surveyor that further division beyond the proposed partition plan was not possible under City Development Standards, therefore a Conversion Plan should not be required.

Staff's recommendation was that further division beyond the proposed Partition Plan could not comply with the City's Comprehensive Plan; the future zoning map; therefore a Conversion Plan is deemed not necessary to protect the public health, safety, general welfare, and to further implement the City's Comprehensive Plan and Facility Plan and therefore a recommendation for waiving of a conversion plan should be forwarded to the City Council.

Vice-Chair Dean Stirm asked for comments from the Proponents.

Herb Farber, owner of Farber Surveying and agent for the Applicants stated that he agreed with the Staff Report that the property could not be physically divided into more lots.

Commissioner Cindy England asked if the application met the City's access road requirements.

City Administrator Mark Reagles commented that the plan did meet the Jackson County Road Standards.

Vice-Chair Dean Stirm asked for testimony from the Opponents. None were heard.

MOVED (COLLINS), SECONDED (KEMPA) AND CARRIED TO CLOSE THE PUBLIC HEARING.

Vice-Chair Dean Stirm declared the public hearing closed at 6:25 p.m.

MOVED (KEMPA), SECONDED (ENGLAND) TO APPROVE THAT THE PLANNING COMMISSION FORWARD TO THE CITY COUNCIL A RECOMMENDATION TO APPROVE PLANNING FILE NO. CONV. 2016-01 TO ALLOW APPLICANT TO PROCEED TO FILE A PARTITION APPLICATION WITH JACKSON COUNTY TO DIVIDE THE TAX LOT INTO THREE PARCELS LOCATED ON WARDS CREEK ROAD, ROGUE RIVER, OREGON, DESCRIBED AS T36S, R4W, SECTION 22A, TAX LOT 201, AS IT COMPLIES WITH THE APPLICABLE CRITERIA.

OTHER BUSINESS:

City Administrator Mark Reagles asked the Planning Commission their thoughts about an application he had received for a Plumbing business in the Industrial

Zone of North River Road. He asked their opinion of whether it should be a Type 1, 2 or 3 Land Use Application? After a brief discussion it was determined that it was a Type 1 Administrative Site Plan Review.

City Administrator Mark Reagles told the Planning Commission that he had received an inquiry regarding a residential dwelling in the commercial zone being demolished and rebuilt. He asked if they thought it could be done without going through a Conversion Plan process. It was determined that if there were no complications with the process that staff should move forward with building permits.

Commissioner Cindy England asked when paving would be done on Third Street.

City Engineer/Public Works Director John Krawczyk said there wasn't enough money to repave Third Street so they would be doing a patch, overlay and seal coat.

City Administrator Mark Reagles commented that because of the recent weather conditions causing delays they were going to request a one-year extension from Oregon Department of Transportation (ODOT) to complete the Street Improvement Project and spend the balance of the loan.

Staff informed the Planning Commission that their next meeting was scheduled for Tuesday, November 8, 2016 at 6 p.m. and that they would be holding a Public Hearing for an application for a Conditional Use Permit.

ADJOURN

There being no further business to come before the Planning Commission and upon motion duly made (KEMPA), seconded (ENGLAND) and carried, the meeting adjourned at 7:00 p.m.

Planning Commission Chair

ATTEST:

Carol J. Weir, MMC
City Recorder