

**PLANNING COMMISSION
MEETING**

July 21, 2020

The regular monthly meeting of the Oregon Planning Commission was called to order in the Oregon Municipal Building by Chairman Rick Orovitz. Members present included Mayor Seferian and Yussef Olive. Members Greg Vriezelaar and Scott Winckowski were absent. Also present were Public Service Director Paul Roman, Commissioner of Building & Zoning James P. Gilmore, Inspector Mark P. Kelly, Alex Schultz, and Secretary Lee Scheanwald.

The meeting was called to order at 5:05 p.m.

Chairman Winckowski noted that there were three of the five members here tonight.

Mayor Seferian moved to approve the June 16, 2020 regular meeting minutes as submitted. Seconded by Chairman Orovitz. There were no objections.

The following items were on the agenda:

ST-1528-20 Split Transfer for a variance on width-to-depth ratio in an R-1 Low Density Residential zoned district for the purpose of **splitting off buildable residential property** on the property described as Parcel Number 44-41471. The location is 40-100 block of North Norden Road. The applicant is **Patricia Warren** for owner **Ann Warren**.

ST-1529-20 Split Transfer for a variance on width-to-depth ratio in an R-1 Low Density Residential zoned district for the purpose of **splitting off buildable residential property** on the property described as Parcel Number 44-41471. The location is 40-100 block of North Norden Road. The applicant is **Patricia Warren** for owner **Ann Warren**.

Mr. Gilmore stated there are two cases for a lot split, which are relatively the same case, and recommended that they be heard together. He added that this was heard in 2016 and was approved for a width to depth ratio; but it expired after two years. So, they are simply back here asking for this Board's approval because they have someone interested and are ready to move forward.

Chairman Orovitz asked if there were any changes to the application.

Mr. Gilmore responded no; it is the same identical ask.

Mr. Olive moved to close the public hearing and Chairman Orovitz seconded. There were no objections.

Mr. Olive moved to approved ST-1528-20 and ST-1529-20. Seconded by Chairman Orovitz. Mr. Olive, Chairman Orovitz, and Mayor Seferian voted yes. ST-1528-20 and ST-1529-20 were approved by a vote of 3-0.

***** At Council's regular meeting on Monday, June 8, 2020, motion was made to forward Item #069-02020, regarding Amending Sections of Chapter 1153 and Chapter 1155 of the Oregon Municipal Code to reflect current practices and/or changes, to the Planning Commission for

review, amendment if needed, and recommendation for adoption.

Mr. Gilmore stated the Board of Zoning Appeals has asked us to look at these items for clarification and changes. He then went over the changes noting that with this Board's recommendation for final approval it will go back to City Council for the change. So, there is what we call a clear visual zone. When you come to an intersection, we clarified that 20 feet along each street and then completing the triangle – the hypotenuse – anything in that triangle there cannot be anything higher than 3 feet – that would be fences, bushes, etc. This is how we enforced the code for years, but the code did not really read that way, so we simply put the verbiage in so that it made sense. The other item is lighting. In some zones it was .5 foot candles and in other zones it was silent. For years we have been using .5 for all properties so we simply changed the code to read that way. So, in all zones it is .5 foot candles measured at the property line.

Chairman Orovitz asked when he was saying in all zones if he meant commercial and residential.

Mr. Gilmore replied that was correct.

Chairman Orovitz asked if so now, even in commercial it is still .5 foot candles.

Mr. Gilmore answered yes, that is where it was said we just carried it on to other properties.

Chairman Orovitz asked what residential was prior to this.

Mr. Gilmore responded it was 0.

Chairman Orovitz asked why we are changing the residential from 0 to .5 foot candles.

Mr. Gilmore replied .5 was very small to begin with. We just thought it should be uniform. Since we used .5 in other zones, we thought it would be appropriate.

Mr. Gilmore continued, saying the largest difference would be in accessory buildings. There were a couple of changes. First of all, the height. The code presently reads where the mean height of the accessory building cannot exceed the mean height of the house. Additionally, it says that the mean height can never exceed 20 feet. Because we have had so many variances go to the Board of Zoning Appeals with it being one foot higher than the house, we just thought we should take that out completely and use the mean height of 20 feet. The other thing is that we did a lot of variances with accessory building being closer than 10 feet from the house. We did not know why that was in the code to begin with. So, we said that you can be 3 feet from the house and 3 feet from the property lines. But when you are within 5 feet you have to put drywall on the wall for fire-rating. The reason that we did that is because when you have an attached garage you have to have the ½ inch drywall on. So, we felt that if it was within 5 feet, we should do that. And then, we get a lot of variances for pergolas where it is open on all sides and they want to put it right next to the house. We just felt that it did not matter at that point. So, if it is open on all sides you can have it right next to the house. And the overhang because it was not clear in the code. We always had to be 3 feet from the property lines. We changed it to say you can be 2 feet away with the overhang, which gives you a one-foot overhang when you are 3 feet away. In practice that is what we did, we just thought we would say it.

Chairman Orovitz asked if there were any further questions from the Board. There were none.

Mayor Seferian moved to forward Item #069-2020 to City Council recommending they pass this as written. Seconded by Mr. Orovitz. Mayor Seferian, Chairman. Orovitz, and Mr. Olive voted yes. Item #069-2020 was recommended for approval by a vote of 3-0.

***** With no other business, the meeting adjourned at 5:27 p.m.

Lee Scheanwald,
Secretary