

Tangent Planning Commission
Minutes
November 12, 2020

Chair Brush called the session to order at 7:04 p.m. with the following:

PRESENT: PLANNING COMMISSIONERS: Garry Pullen by Zoom, Trina Henderson, Randi Letson and Beth Timmons, and Chair Brush in person.

ALSO PRESENT: STAFF: City Planner, Creed Eckert and Finance Director, Bev Manfredo

PLEDGE OF ALLEGIANCE: Chair Brush asked all to stand for the Pledge of Allegiance.

CITIZENS COMMENTS ON MATTERS NOT ALREADY ON THE AGENDA: None

UNFINISHED BUSINESS: None

Public Hearing:

Chair Brush

- **OPENED THE HEARING, IN THE MATTER OF THE REQUEST OF NOEL AND RANDI LETSON FOR APPROVAL OF A VARIANCE TO THE SIDE SETBACK STANDARD OF THE SINGLE-FAMILY RESIDENTIAL (RS-10) ZONE, FOR AN EXISTING "PERGOLA" STRUCTURE WHICH IS LOCATED CLOSER THAN FIVE FEET TO THE SOUTH PROPERTY LINE OF THE SUBJECT PROPERTY. THE SUBJECT PROPERTY IS LOCATED AT 32929 WILDROSE DRIVE, TANGENT, OR**
(Township 12S, Range 3W, Section 07CA, Tax Lot 2000)
- Read the order of the meeting.
- Asked for any declarations of ex parte contact, bias, or conflicts of interest. Randi Letson is a Planning Commissioner and has removed herself from proceedings tonight.
- She then asked City Planner Eckert to present the staff report.

Planner Eckert

- Summarized the staff report and explained what all the attachments were and what the landscaping options are to mitigate impact of structure to neighbors.
- Introduced into the record all written testimony received.
- Went into detail about options for plants to screen the structure from adjoining property.

Chair Brush: May the PC express a solution as you did with the trees. Answer: Yes.

Testimony in written form: What the Planner Eckert has already shared with PC.

Testimony from Applicant: Randi Letson summed up what was in her written testimony.

Testimony in Support of Applicant: Noel Letson, 32929 Wildrose Drive, Tangent, He is upset because of added fees for permits, engineering, and now they are to pay for plants, too, and it was all the City's fault. He is open to suggestions, but have spent lots of money and plants are not in the budget; please consider that.

Neutral Testimony: None

Testimony in Opposition: Greg Jones, 32921 Wildrose Drive, Tangent, passed around photos of what the plans were originally and what the structure is now. HOA requested plans, too, but they did not go through that process originally either. He has no complaints about what it looks like, only where it is located. He feels that Ms. Letson should have known what the code was since she is on the Planning Commission.

Applicant Rebuttal: Randi Letson said they were not aware of HOA rules and processes, but they have gotten approval from the HOA. There will be no loud or rambunctious parties.

Rebuttal by Opposition: Mr. Jones brought up the HOA rules again.

Rebuttal by Applicant: HOA has no bearing and it has approved the structure. Mr. Jones knows the rules, but his shed is too close to the line, too.

The applicant did not want a continuance and waived the 7 day state law to keep the record open. There was no person who wanted the record to remain open.

The Public Hearing was closed at 8:00 pm.

Deliberations:

City Planner Eckert: Mentioned that the Commission can ask questions of the applicants and the neighbor, but they are only to respond directly to the questions asked.

Chair Brush: Acknowledged that there was a terrible mistake on the part of the City, but the situation needs to be resolved. Looking at the photos she does not believe that a two foot difference will make a difference in the noise level or visually. An option of a higher fence to block the view is an option and there would be no maintenance needed.

Commissioner Timmons: Questioned whether the structure will stay open.

Noel Letson: There is a metal roof, but the sides are open.

Commissioner Timmons: Asked how much above the 200 sq. ft. the structure is and City Planner Eckert answered it is 256 sq. ft. which makes it 56 sq. ft. over the threshold for requiring a building permit. She pointed out that being 5 feet away instead of 2 ½ feet will not change the view, but wondered if having the metal trough or some other type of planters on the cement slab would put people 5 feet away from the fence. She is

concerned about the weight and pressure of the plants on the fence. She doesn't think that plants are the answer, but moving people away from the fence might work.

Commissioner Henderson: Thinks that the structure is beautiful and is open to the water trough planters on the cement.

Commissioner Pullen: Questions whether the noise would be mitigated and agrees that the planting strip between the cement slab and the fence is not large enough to plant in the ground. Wants to know if one of the conditions of approval can be cooperation between the neighbors to solve the issue.

Planner Eckert: Cannot make that one of the conditions of approval.

Commissioner Timmons: Still concerned about the 5 foot setback and thinks keeping people within the beams of the building would help.

Applicant Randi Letson said they had talked about putting a counter on that side of the structure.

Chair Brush: Does not think that a barrier on the inside of the posts will change the noise level; Commissioner Timmons disagreed.

Commissioner Pullen concurred with Chair Brush the he did not think planters or a counter would lessen the noise.

Commissioner Henderson: Does not think that two feet makes a difference for sound.

Planner Eckert: There would need to be about 20" more to restrict people and activity in the 5 foot setback as envisioned by Commissioner Timmons. However, unless you tear down what is built and rebuild 5 feet from the fence the structure still will not be brought up to code.

Discussion ensued on the conditions of approval:

#1- All Commissioners are in agreement that it should stand.

#2- All Commissioners are in agreement that it should stand.

#3- After much discussion it was decided that this condition would be deleted by a majority of the Commissioners.

#4- Since #3 was deleted, so was #4.

#5- All Commissioners are in agreement that it should stand.

#6- All Commissioners are in agreement that it should stand.

#7- All Commissioners are in agreement that it should stand.

Discussion was closed.

Commissioner Henderson **MOVED TO APPROVE THE REQUEST BY NOEL AND RANDI LETSON FOR THE VARIANCE DESCRIBED ABOVE.** Seconded by Commissioner Pullen. Ayes: Commissioners Henderson, Pullen, and Chair Brush. Nays: Commissioner Timmons. **MOTION CARRIED.**

The hearing on this issue was closed at 8:55 p.m.

The meeting was adjourned.

Attest:

A handwritten signature in cursive script, appearing to read "Bev Manfredo", is written over a horizontal line.

Finance Director, Bev Manfredo

City of Tangent

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NOTICE OF DECISION BY THE TANGENT PLANNING COMMISSION

Applicant and Property Owner:	Noel & Randi Letson
Application:	Variance to the Side Setback and Maximum Impervious Cover Standards of the Single- Family Residential (RS-10) Zone
Assessor Map	Township 12S, Range 3W, Section 07CA Tax Lot 2000
Address:	32929 Wildrose Drive, Tangent, Oregon 97389
Zone:	Single-Family Residential RS-10
Applicable Criteria:	Tangent Development Code Section 2.600(2)
Contact Person:	City Planner, Creed A. Eckert creed333@live.com

On November 12th, 2020, the Tangent Planning Commission **approved** the applicant's request for a Variance to the side setback and maximum impervious cover standards of the Single-Family Residential (RS-10) Zone. This decision permits the completion of an existing construction project that is in progress - namely, erection of a back yard pavilion located within 32" of the south property line of the subject property. The eaves extend to within 16" of the property line. Findings of fact relied upon by the commission in arriving at their decision may be found in the staff report and record. This decision does not create any legal precedence, or have other direct implications for future land use decisions before the city.

If you are an affected party and wish to appeal this decision to the City Council, appeals must be filed in writing within twelve (12) days from the date this notice is signed below. The following information must be included with an appeal: a) a complete Appeal application form and fee as prescribed by the Tangent City Council; b) name of appellant(s) and a statement that they were a party to the initial proceedings; c) the date and specific nature of the City decision being appealed; and d) a statement of the specific grounds for appeal including the applicable criteria relied upon.

Any issue which is the basis of appeal must have been raised by the close of the record for the land use action. Failure of a property owner to receive notice is not grounds for appeal and does not invalidate this decision, provided a good-faith attempt was made to notify all persons entitled to notice.

A record of the commission's decision and associated findings, and all materials related to this case, may be inspected at Tangent City Hall, 32166 Old Oak Drive, Tangent, Oregon, at no cost. Copies may be obtained at \$.25 per page. Tangent City Hall is open Monday through Friday, from 9:00 a.m. to 4:00 p.m, except that hours are subject to change due to the COVID-19 Virus.

CONTACT: Please feel free to contact City Planner Creed Eckert, 541-223-3312, creed@333live.com, with any questions. The mailing address is PO Box 251, Tangent, Oregon 97389.

**LETSON VARIANCE VAR 20-04
ADOPTED CONDITIONS OF APPROVAL, NOVEMBER 12, 2020**

1. The applicant shall comply with all local, state and federal regulations and requirements applicable to this property and the activities occurring thereon.
2. This decision permits the continued construction of an existing pavilion located approximately 32" from the south property line of the subject property, with the roof/eave extending to within 16" of the property line. The existing concrete pad associated with the structure is 18' x 18' square in dimensions, and is located 20" from the property line. No further development, beyond installation of the roof and electrical service subject to Linn County Building Department (LCBD) approval, is authorized by this decision, except as may be required by the LCBD.
3. Within 14 days of the effective date of this decision, the applicant shall submit application for building and electrical service permit approval, and shall follow up promptly with required engineered drawings to supplement the application, if not available by that date. The applicant shall comply with all requirements of the Linn County Building Department, the City of Tangent's contracted building official.
4. No outside lighting which will shine directly or create glare onto any neighboring property shall be attached to or associated with the structure.
5. The City reserves the right to monitor the status of compliance with adopted conditions of approval. Failure to comply with any adopted condition(s) of approval may civil fines and other legal action, withholding future building and occupancy permits, revocation of this land use variance approval, and / or withholding future land use approvals until compliance is demonstrated.