



City of

GOLD HILL

P.O. Box 308 • Gold Hill, OR 97525
(541) 855-1525 Fax (541) 855-4501

**GOLD HILL PLANNING COMMISSION
MEETING AGENDA
Wednesday February 1, 2023, 6:00 PM**

This is an in-person meeting at City Hall, 420 6th Ave

1) Call to Order/ Roll Call/Pledge of Allegiance

2) Action Items

2.1 Public Hearing – Variance Request to exceed maximum height in front yard setback area.

Applicant: David Hammond **Address:** 784 Riverside Av **Map/Tax:** 363W21AA 2614
Gold Hill Municipal Code(s) 17.56 Fences and Sight Obstructions, 17.76 Variances

1. Staff Report
2. Applicant Statement/Testimony
3. Public Input
4. Applicant Statement/Rebuttal
5. Final Staff Comments
6. Commission Deliberation/Decision

3) Municipal Code/Land Use Code Review (cont)

4) Commissioner Comments

5) Adjournment

Note: This agenda and the entire agenda packet, including staff reports and referenced documents are available at the Gold Hill City Hall in advance of each meeting 420 6th Avenue (P.O. Box 308), Gold Hill, OR 97525. Information can also be viewed at www.cityofgoldhill.com



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Phone: (541) 855-1525 | Fax: (541) 855-4501

Website: www.cityofgoldhill.com

Plot Plan

Date: 11/28/22 Owner's Name: DAVID B HAMMOND
Address: 784 N. RIVERSIDE AVE, GOLD HILL, OR 97525
Township: 36 Range: 3W Section: 21 Tax Lot: 2614

Please draw your plot plan accurately and legibly to reflect the various elements of your property including distances and dimensions. An Assessor's tax map, deed/title records, appraiser's report, and official surveys will assist with accuracy.

Elements to include: shape/dimension of property; property lines; public/private roads; access easements; driveways; all buildings; setbacks; all waterways; existing/proposed wells and waterlines; septic system, drain field, and dimensions; distances between buildings, septic, and wells; slopes, and proposed construction. *Solid lines for existing elements and dotted lines for proposed elements.*

I am requesting that I be permitted to erect a 6' fence to enclose the northerly 10 feet of my property
Instead of the permitted 3" fence for the following reasons;

1. A 3" fence is not secure. I have been robbed at least 3x. They took fuel and tools valued at about \$2000.
2. It would allow me to fully utilize my property
3. There are existing 6' fences on the property line of my neighbors on both sides of me as shown on the exhibit attached to this statement. Why cant I do the same? A drive around the city will show that there are other 6' fences on the property line

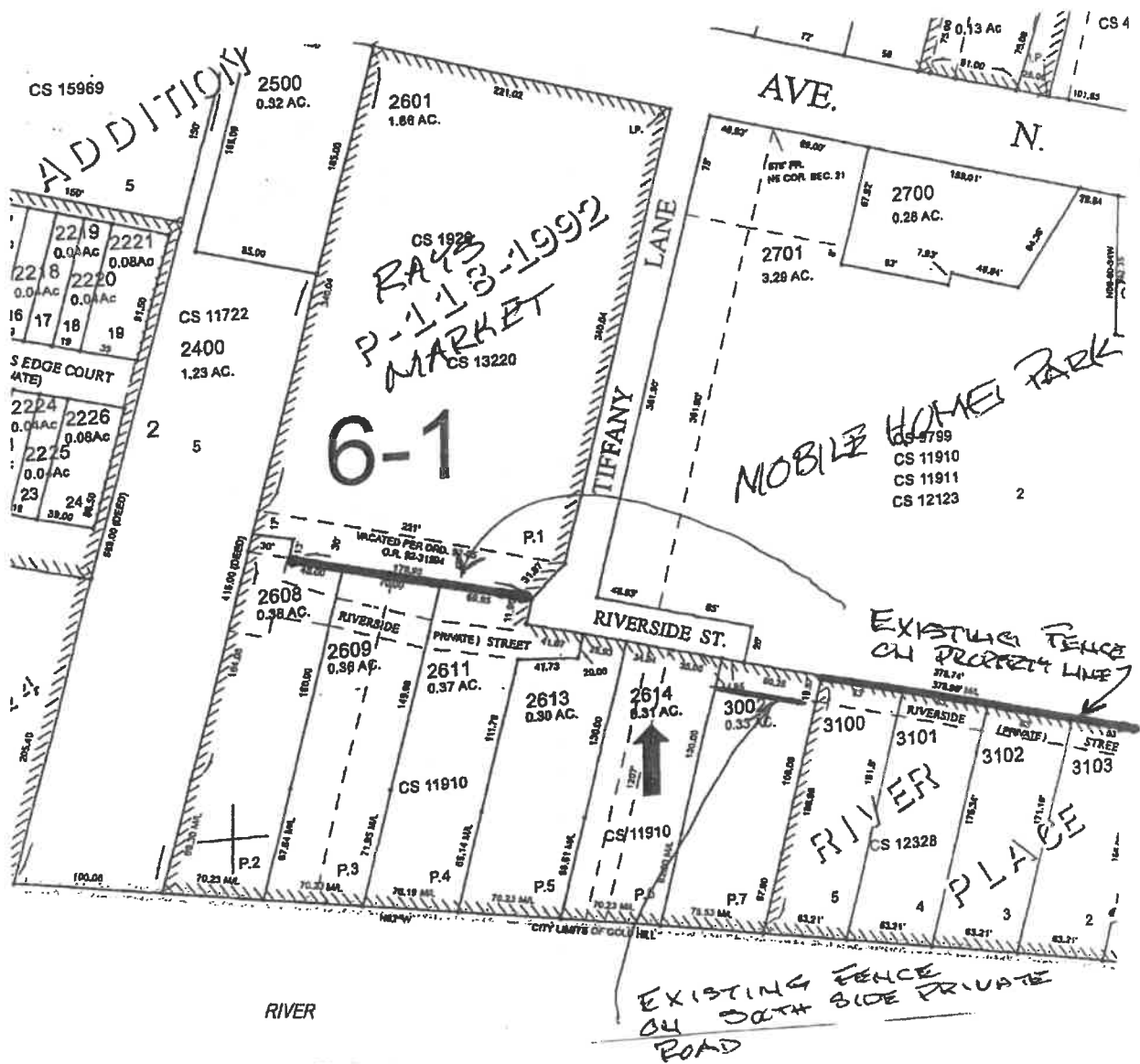
When complete, email to info@cityofgoldhill.com

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ROGUE RIVER

AREA SETTING

Map & Tax Lot : 36-3W-21-AA-2614



01/11/2023

Subject: Neighbor statement for proposed fence relocation at 784 Riverside Ave, Gold Hill Or. 97525.

To whom it may concern,

I was approached by my neighbor, Dave Hammond who resides at 784 Riverside Ave in Gold Hill about retelling a situation that has happened to me a few times at my home in Gold Hill. My name is Matt Caywood and I am the home owner who lives at 772 N. Riverside Ave since June 2017. A few times over the years I have had fuel siphoned out of my truck, it is an older vehicle and is no longer my daily driver so it was difficult to tell when this was happening. I used to store this vehicle in my driveway and have now taken to parking it on the side of my home behind the fence. I suspected a particular neighbor who fortunately no longer lives in the trailer park across from me but regardless I have continued to park this vehicle behind the fence to help secure and protect my property from other would-be thieves. When Dave told me he wanted to utilize his property while protecting it with a taller fence I certainly understand his request and sympathize with his desire. As his direct neighbor I do not object to his request.



Matt Caywood
772 N. Riverside Ave
Gold Hill Or. 97525
(541) 941-0246



Type III Staff Report Variance

Date: January 12, 2023

Description of Property: 36-3W-21AA, Tax Lot 2614

Address: 784 N. Riverside Ave. Gold Hill, Oregon

Planning Application: VAR 22-01

Owner/ Applicant: David Hammond

Proposal: Variance to the standards of Table 17.56.010(A) which states that fences in the front yard shall not be above a height of three and one-half feet (3' 6").

Zoning: R-1: Residential, Single Family

Public Hearing Date: February 1st, 2023 (Tentative)

All Variances shall be reviewed through a Type III review process per §17.76, and subject to the criteria of § 17.76.020.

The Planning Commission shall make a Type III decision after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, the facts contained within the record, the evidence submitted and the testimony presented, the Planning Commission shall approve, approve with conditions, or deny the requested application for a variance, or they may grant a continuance of the public hearing to a date and time certain.

Variance

In accordance with §17.76.020 of the Municipal Code of the City of Gold Hill, variances may be granted if the applicant shows that, owing to the special and unusual circumstances related to the property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size and shape, topography, sensitive lands or other similar circumstances related to the property, over which the applicant has no control and which are not applicable to other properties in the vicinity; except that, no variances to permitted uses shall be granted.

Approval Criteria and Findings – Variance

The City shall approve, approve with conditions or deny the application for a variance based on a finding that all of the following criteria are satisfied

Criterion A: *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same district.*

FINDING: The presence of nearby private drive Tiffany Lane has facilitated a tall non-conforming fence to separate the properties from the public right of way, leading to the perception of 6' tall fences being allowed in this area. Moreover, a fence close to 6' in height existed on tax lot 36-3W-21AA before its development, further demonstrating the exceptional conditions applying to the land and surrounding area.

Criterion B: *That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*

Staff Finding: Planning Commission Determination Required. The applicant has indicated that a 3'6" front yard fence is impractical in creating a secure space and the applicant claims has resulted in losses due to theft equal to \$2000. While Staff finds the City of Gold Hill has no responsibility in maintaining home security for its citizens, the relatively low height limit on front yard fences can allow for potential trespassing. Overall, staff invites the Planning Commission to deliberate the necessity of this variance.

Criterion C: Granting of such application will not, under the circumstances of the particular case, be outweighed by the adverse effects to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Staff Finding: Satisfied with Conditions. The proposed exception to the fencing standards could enable other citizens to install fences and enable their homes to serve as defensible spaces rather than creating an inviting neighborhood. Furthermore 6' tall fences could restrict viewshed access to surrounding properties, eliminating the potential neighborhood safety through communal "eyes on the street". Overall, staff finds that this criterion could be adequately addressed by mandating at the very minimum the extra 2.5' of front yard height shall consist of a non-screening material, such as rubberized chain link.

Conclusion & Staff Determination

The proposed variance requires the review and discretion of the Planning Commission to determine whether this is an appropriate exception to the front yard height maximums of fence standards of §17.56. If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, they may consider approving this application. **Overall, staff recommends approving the request with the following conditions of approval.**

Conditions of Approval

- 1: The additional 2.5' of height, or the entire height of the front yard fence, shall be constructed of a non-screening material.
2. The property owner shall utilize the 811 "call before you dig" service to locate all utility lines before constructing said fence.

3. If any access issues/disagreements arise with neighboring properties, said disagreements are civil issues to be resolved between property owners and are not managed, controlled, or resolved through any City authority.

The decision of the Planning Commission is the final decision of the City.

Respectfully submitted this 12th day of January 2023.


James Schireman, Associate Contract City Planner

