

Draft Minutes
Stevenson Planning Commission
Monday, February 14, 2022
6:00 PM

Attending: Community Development Director Ben Shumaker; Commissioners Mike Beck, Jeff Breckel, Auguste Zettler.

Commissioner Ray notified **Community Development Director Shumaker** he would be absent.

Public attendees: Michael Perry, Deborah Allinger-Hail, Chuck Oldfield, Bernard Versari, Laura Navos, Robert Muth, Joel Battistoni, John Prescott, Don Tucker, Marcia [Last name not recorded], Brian McNamara, Mary Repar.

Vice-Chair Auguste Zettler opened the meeting at 6:10 p.m. He noted some technical issues had occurred earlier. Tools for remote participation: Please use *6 to raise hand & *9 to unmute.

A. Preliminary Matters

1. Annual Elections: Establishing a Planning Commission Chair and Vice-Chair

- **Commissioner Beck** nominated **Commissioner Breckel** for the Planning Commission Chair position. The nomination was seconded by **Commissioner Zettler**. There was no opposition, and **Commissioner Breckel** was elected Chair.
- **Commissioner Breckel** nominated **Commissioner Zettler** to continue serving as Vice-Chair. The nomination was seconded by **Commissioner Beck**. There was no opposition, and **Commissioner Zettler** was re-elected Vice-Chair.

2. Public Comment Expectations: Chair Selects Public Comment Options

Community Development Director Shumaker advised **PC Chair Breckel** of the options available for meeting participation.

- Option A: Informal workshop setting, must be recognized by the Chair to provide comments, comments should be held to 3 minutes or less.
- Option B: More formal setting, similar to public hearing. Comments allowed only during public comment portion.

PC Chair Breckel selected Option A.

3. Public Comment Period: (For items not located elsewhere on the agenda)

>Mary Repar spoke on the lack of affordable housing in the community and the affect second homes and vacation rentals have on housing. She also commented on potential traffic problems near developments.

PC Chair Breckel responded regarding affordable housing and alternate traffic routes within the developments.

B. New Business

4. Zoning Interpretation: Travel Trailers in the R2 Two-Family Residential District

In conducting this interpretation, the Planning Commission is held to the process and standards of SMC 17.12.020. The Planning Commission's interpretation can a) prohibit, b) allow staff review/approval as an accessory use, or c) allow Planning Commission review/approval via a conditional use permit.

Community Development Director Shumaker pointed to a written request from Deborah Allinger-Hail asking for an interpretation of the zoning code. He provided background information and a brief explanation of the staff memo in the meeting packet which dealt with the interpretation of Travel Trailers as an unlisted use in the R2 Two-Family Residential District. He had divided the request into two parts, with the first being a consideration of allowing Travel Trailer usage as Conditional, Conditional/Accessory, or Prohibited within the R2 Two-Family Residential District. The second consideration took up the question of allowing Travel Trailers to be used in the R2 Two-Family Residential District in case of medical hardships.

Shumaker noted certain findings would have to be determined for any of the decisions. In the meeting packet there were three draft outcomes for the Commission to consider in the event of a decision.

Community Development Director Shumaker alerted Commissioners he was a neighbor of the property in question. He attempted to write the staff report to avoid any site-specific analysis.

Commissioner Beck received clarification on the definition of mobile homes, and if any district allowed them.

>Deborah Allinger-Hail provided additional details on the request and noted the complex issues surrounding ownership of the land in question.

>Chuck Oldfield received clarification on what the existing regulations are.

>Michael Perry, Stevenson spoke of his opposition regarding allowing travel trailers in R2.

>Chuck Oldfield, Stevenson stated he was opposed to permanent placement to travel trailers.

5. Zoning Interpretation: Temporary Medical Hardship Residences in the R2 Two-Family Residential District

Community Development Director Shumaker then proceeded to explain what options the Planning Commission could consider within the second portion of the zoning interpretation request. He pointed out the current similar allowance (Temporary Emergency, Construction, or Repair) and it carries a six-month time limit. The Temporary Medical Hardship Residence use is not described or listed in the Zoning Code. He commented that requests for medical hardships may increase as the population ages.

Commissioner Breckel asked if a temporary medical hardship residence use could be provided for without a change in zoning. **Shumaker** advised caution due to the use not being listed.

Further discussion took place by the Commissioners. Concerns were expressed regarding the use of travel trailers on properties that did not meet the three current allowances while respecting the difficulties facing the individuals in question. It was agreed a broader discussion regarding the use of travel trailers and RV's for medical hardships may be a consideration for a future meeting.

Commissioner Beck shared his concerns regarding the potential impact travel trailers could have on the entire R2 Two Family Residential district. It was also noted if the land ownership issues by the requester were resolved and a permanent residence was to be built, then options for usage of the travel trailer would be available. **Commissioner Zettler** noted the temporary medical hardship issue could be a topic to discuss at a later Planning Commission meeting.

Findings:

Based on the Commission discussion and the staff memos, the following findings were made:

- 1) The Travel Trailers use is not consistent with the purpose of the R2 Two-Family Residential District.
- 2) The Travel Trailer use is not expressly allowed in a less restrictive district than the R2 District.
- 3) The Travel Trailer use is not of the same general character as the principal and conditional uses authorized in the R2 District.
- 4) Having failed to generate affirmative findings on the above criteria, no finding is necessary regarding Travel Trailer uses as Accessory Uses.

Interpretation:

In the R2 Two-Family Residential District, the Travel Trailer use does not satisfy the criteria of SMC 17.12.020(C). As a result, the use is prohibited in the district.

MOTION to adopt the Findings and Interpretation as detailed on page 11 and 12 of the staff draft memo was made by **Commissioner Beck**, seconded by **Commissioner Zettler**.

- Voting aye: **Commissioners Breckel, Zettler, Beck.**

It was agreed via consensus to table the issue regarding temporary medical hardship.

6. Shorelines Management Program: Set Special Workshop to review State's Recommended Changes.

Community Development Director Shumaker explained the process and historical timeline regarding the draft Shoreline Management Plan. It was agreed to set up a workshop to go over in-depth the list of changes and recommendations to the Shoreline Management Plan from the Department of Ecology.

MOTION to have **Community Development Director Shumaker** schedule a special workshop to review the Shoreline Management Plan was made by **Commissioner Beck**, seconded by **Commissioner Zettler**. Prior to the vote it was confirmed the workshop would include members of the Shoreline Advisory Committee. **Commissioner Breckel** outlined the sequence of activities for the review. Any recommendations made would be forwarded to the City Council for more formal action.

- Voting aye: **Commissioners Breckel, Zettler, Beck**

C. Old Business

7. Zoning Amendment: Public Hearing on Suburban Residential District Text Amendment Application: Setback Caveats

Community Development Director Shumaker reviewed the issues before the Planning Commission and pointed to additional information in the meeting packet with decision points to consider. The City of Stevenson recently received an application to amend the text of the Zoning Code to address the rear and side yard setback requirements of the SR Suburban Residential District. The proposal was first introduced to the Planning Commission at its October 11th, 2021 regular meeting, where public involvement expectations were established. A public hearing was held at the December 13th, 2021 regular Planning Commission meeting to obtain public input. **Shumaker** noted that in addition to amending the text applicable to the SR District, the Planning Commission could also officially codify a 2019 zoning interpretation prohibiting the use of self-storage units.

The public hearing opened at 7:11 p.m.

-Comments In-favor

> Joel Battistoni, a resident in the SR district in Stevenson, was not opposed to placing storage sheds closer to the property line.

>Don Tucker, Stevenson resident, no problem with changing distance from lot line. He asked how many sheds could someone put on their lot, and asked for a clear definition of self-storage units.

Shumaker responded no more than four small outbuildings could be placed without Planning Commission approval. Self-storage units intended for rent are currently prohibited. This led to the Commissioners holding a detailed discussion regarding clarification on the definition of 'self-storage units'.

It was determined a Conex box would currently meet the criteria of a shed and could be placed on a property under the existing setback allowances. **Commissioner Zettler** expressed concerns regarding how steel storage units may alter the small town characteristics of a neighborhood.

Commissioner Beck recalled the Stevenson City Council had addressed the use of shipping containers in the downtown area. He suggested the Planning Commission consider addressing storage structure designs and urged a quick review of the issue. **Shumaker** noted the Council had placed a moratorium on shipping containers, but then passed a height restriction on accessory buildings that was smaller than a shipping container.

>Mary Repar asked if the Comprehensive Plan addressed the question and was informed it did not.

>Michael Perry stated property owners should be able to put a shed on their property. He suggested the Planning Commission issue variances. He expressed concerns that he (or anyone else) could buy used army Conex boxes to use on their property, which would change appearance of neighborhood. He asked if the Planning Commission could iron out how many sheds and what type could be placed on a property, can variances be issued for odd shaped lots, etc.

-Comments Opposed

>Chuck Oldfield, Stevenson stated many of the conditions regarding sheds are outlined by CCR's (Covenants, Conditions and Restrictions.) He is not in favor of zoning changes that would vacate those provisions. Exceptions could be provided from adjacent property owners who have no objections.

-Neutral Comments

>Chuck Oldfield asked which code section allows 4 sheds and was directed to 17.15-040-1 by **Community Development Director Shumaker**.

>Robert Muth, resident of Stevenson and former City Council Councilmember shared the City Council had previously addressed storage sheds. He advised Conex or similar steel storage containers may exceed the size dimensions currently allowed for use under zoning.

>Don Tucker questioned the allowance of four sheds on smaller lots, stating it sounded like they may be used for business purposes. He requested the Commission take up the use of Conex boxes sooner than later in order to preserve neighborhood appearances.

Commissioner Zettler noted the current rules allow for containers to be 200' ² or less, meaning a half-sized Conex or similar steel storage container would be permitted.

>In response to a question raised by Chuck Oldfield, **Community Development Director Shumaker** clarified any structure with a floor plan over 200'² needs to be reviewed for compliance with the building code. It was confirmed CCR's can set standards that are more or less stringent than zoning regulations. The City does not take CCR's into consideration when reviewing applications. If two sets of standards are in place both must be met.

The public hearing closed at 7:36.

Commissioner Zettler referred back to the initial zoning change application form that specifically asked for any CCR's the Planning Commission could take into account when considering the request. He questioned the need to change setbacks and suggested an administrative variances may be more appropriate rather than implementing a broad sweep to address a small issue. He expressed concerns that lessening the setbacks may discount the value of the conditions the property owners expected upon purchase. **Commissioner Beck** said he was in favor of moving a positive recommendation to the City Council regarding more flexible setbacks, as it was more consistent with other properties in the area. He stated the review had opened opportunities for public input regarding liberalization of property rights, and more positive comments regarding reducing the setbacks had been heard.

Commissioner Breckel acknowledged additional issues had emerged, and asked if a comprehensive discussion regarding size and number of sheds should be held by the Planning Commission.

>Chuck Oldfield asked what happens if the city changes the setbacks-if the CCR's are still binding, what remedy do homeowners have, due to lack of code enforcement, if neighbors violate the CCR's? It was suggested that initiating a lawsuit was an option.

MOTION to forward a positive recommendation to the City Council regarding relaxing the side yard setbacks for small sheds within the SR District was made by **Commissioner Beck**.

Additional discussion took place, with Commissioners further stating their views, pro and con, on changing the setbacks.

Planning Commission Chair Breckel stated the motion had died for lack of second. **Community Development Director Shumaker** then informed **PC Chair Breckel** that under the Planning Commission bylaws he could make motions and/or second motions. He encouraged the Planning Commission to take some form of action to recommend the City Council to approve or deny.

Commissioner Zettler proposed a motion that determined no reason could be found to reduce the current setbacks as requested in the application due to a need for better clarification and definitions of various elements.

Using the information provided by **Community Development Director Shumaker** regarding the Planning Commission bylaws on motions, **PC Chair Breckel** seconded the motion initially provided by **Commissioner Beck**.

Shumaker advised even a hung decision represented an action. He urged the Commission to provide any recommendation to respond to the applicants' request.

The motion by **Commissioner Zettler** died for lack of a second.

PC Chair Breckel stated he recognized a decision was needed, and reiterated his seconding of the initial motion made by **Commissioner Beck**. No vote was taken on the initial motion by **Commissioner Beck**.

Commissioner Beck then restated his initial motion.

MOTION to have the Planning Commission forward a positive recommendation to the city council to reduce the setbacks in the suburban residential neighborhood to five feet for small sheds as proposed in the packet.

Commissioner Beck then offered the following:

MOTION that we (Planning Commission) revisit accessory buildings on the 2022 planning commission calendar.

PC Chair Breckel seconded both motions.

Commissioner Zettler stated he was opposed to the first motion but in agreement with the second regarding further discussion for clarification.

Shumaker asked about codifying self-storage units.

Prior to the vote, Chuck Oldfield commented if you choose to codify these changes, the only remedy available will be for neighbors applying their CCR's to sue their neighbors.

Regarding the motion to make a recommendation to the City Council to approve reducing the setbacks:

- Voting aye: **Commissioners Breckel, Beck.**
- Voting no: **Commissioner Zettler.**

Regarding the motion to hold further Planning Commission discussions on the subject of accessory buildings:

Prior to the vote it was agreed to schedule further discussions at the March 2022 Planning Commission meetings to include the use of variances and schedule topics for the yearly work agenda.

- Voting aye: **Commissioners Breckel, Zettler, Beck.**

After further discussion the following action occurred:

MOTION to recommend to the City Council the continued prohibition of the use of storage containers was made by **Commissioner Beck**, seconded by **Commissioner Zettler**.

- Voting aye: **Commissioners Breckel, Zettler, Beck.**

8. Comprehensive Plan Amendment: Set Special Workshop to review 2019 Amendment Application
Community Development Director Shumaker provided background information on the request to amend Goal # 8 of the Comprehensive Plan Amendment. The change would encourage Capital Improvement Planning. It was agreed to consider the Comprehensive Plan Amendment request at the same special meeting set to review the Shoreline Management Plan (date TBD).

D. Discussion

9. Staff & Commission Reports: Shorelines Public Access & Trails Plan, Sewer Main D Extension, Public Works Staff

Community Development Director Shumaker briefed the Commissioners on several items.

- A Department of Ecology grant has been awarded in the amount of \$72K to help develop a comprehensive public access plan for shoreline areas within 200' of Rock Creek, Rock Cove, Ash Lake, and the Columbia River.
- Sewer line extension (Main D) along Loop Road is taking place. The city has initiated a Latecomer's Agreement to help cover the cost of new sewer hook ups.
- New public works employees are hired. The new PW Director will start in March. It was requested to have the new PWD attend the March Planning Commission meeting if possible.

10. Thought of the Month: None

Commissioner Beck asked for a future discussion on sidewalk snow clearing.

E. Adjournment

PC Chair Breckel declared the meeting adjourned at 8:25 p.m. following a motion by **Commissioner Beck** with a second by **Commissioner Zettler**.