

MINUTES
PLANNING COMMISSION MEETING
Monday, December 10, 2018
6:00 PM

Planning Commission Members Present: Valerie Hoy-Rhodehamel, Karen Ashley, Shawn Van Pelt

Excused Absence: Auguste Zettler (Excused Commissioner Zettler provided written input.)

Staff Present: Community Development Director Ben Shumaker

Community Members Present: Ed Feeley, Bernard Versari, Mary Repar, Jack Clifton, David Bennett, Thomas McCloskey, Matthew Knudsen

Guest: None

Call to Order: 6:00 p.m.

Preliminary Matters

1. Chair Selects Public Comment Option #1

2. Minutes October 8th Meeting Minutes

MOTION: ASHLEY moved to approve the minutes. HOY-RHODEHAMEL seconded. All approved. Motion carried.

3. Public Comment Period None

New Business

4. None

Old Business

5. 6:05PM Public Hearing: Conditional Use Permit 2018-02 Feeley Temporary Emergency, Construction or Repair Residence in the R1 District: Public Hearing opened at 6:05 p.m.

- a. Review Purpose of Meeting (to take public comment and decide whether to grant or deny the proposal)
Shumaker explained the review of the proposed conditional use permit included in the packet on pages 7-20. The proposal is to continue occupying, beyond the 6-month grace period, an RV on the property where a home is being constructed as a temporary/emergency/construction/repair trailer.
- b. Appearance of Fairness Disclosures. ASHLEY noted that some people have approached her about the issue but she held off on further discussion. She provided a written comment from one of the ex parte contacts (Philip Ginter). ASHLEY explained that the conversation did not sway decision making in any way. No further disclosures from other commissioners. Feeley says no need to challenge anyone, commissioners or public, being fair and/or impartial. Shumaker confirms all Commissioners are cleared to make a decision on the application.
- c. Presentation by Staff. Shumaker explained the permit timing. The grace period started in April and expired in October. It is coming to the Planning Commission now, in December, as a Planning Commission meeting was not held in the month of November. Staff recommends approval of a 12 months extension, after which another 6 month extension could be requested. After that extension, if more time was needed,

reapplication would be required as a new permit. Feeley does not think this will be necessary.

- d. Presentation by Applicant. None.
- e. Public Hearing. Repar asked for clarification regarding the storage of the RV. Feeley clarified that after construction is completed, the RV may or may not be stored on the property or he may sell it.
Clifton asked about another trailer across the street from the property that is not in compliance and has not followed the same paperwork trail as Feeley. Shumaker confirmed that there is an open complaint/nuisance on that property and they have a deadline to comply with city requests.
Public Hearing closed at 6:19 p.m.
- f. Commission Discussion The commission discussed the dates for the next 12 months. The starting time for the extension is in October, at the time of the original expiration period. The Commission also noted that the RV is hooked up to city sewer. Commission discussed that 6-18 months is an appropriate amount of time for this permit to be granted.
- g. Findings of Fact. Shumaker noted nine findings of fact in the draft CUP.
- h. Decision. ASHLEY moved to accept findings of fact as drafted and to approve the draft CUP. VAN PELT seconded. All approved. Motion carried.

6. Shoreline Management Program Final Planning Commission Draft SMP

Shumaker explained that the SEPA comment period on the Determination of Nonsignificance has been completed with no comments received. Currently, the SMP is out to a 60 day comment period with the Department of Commerce (who communicates with other state departments for comments). That period ends closes on December 17th.

Shumaker detailed the comments received up to this point: The Commission had questions about whether Pat Albaugh's comment was requesting removal from acknowledgment as an advisory committee member. They suggested reaching out to him again. Shumaker to follow up again and they can take him off the committee if that's what he would prefer.

The other comments come from the Confederated Tribes of the Umatilla: one about Inventory and Characterization Report; and the other is that they are notified of actions. Shumaker referenced the attached draft changes to the ICR and said he also added the tribes to the SEPA notification list for future communications. There was consensus to move forward with the change as proposed by staff.

Shumaker also noted changes made in response to the Commission's previous discussion. The main change involves moving away from the state term of "exemption" and toward a more appropriate term "minor project authorization". Other changes were made based on a final review of the state's checklist. Based on this Shumaker referenced the redlines which included the state-required language.

The Commission discussed submittal requirements for minor projects versus substantial development. As drafted a Joint Aquatic Resource Permits Application (JARPA) is required for minor projects. The Commission discussed a possible staff workload issue with all the written applications. Shumaker noted that the state needs something for their files. The Commission wanted to consider a verbal authorization process but noted that having something in writing means there's something for the city and the residents to go back to. The Commission asked Shumaker to draft a change that did not require minor projects to submit a JARPA but gave staff

the authority to request additional information when necessary. The Commission also discussed how the use of this authority would be justified for specific projects. Bennett questioned using the same building permit for all projects and noted that making a list of every condition when new information can be required may not be feasible. There was also staff concern about starting too minimal and continuing to require more paperwork as opposed to allowing the applicant a list of what's required up front. Shumaker confirmed the Commission's intent to start minor projects with a short application and, if necessary, request additional detail of more involved projects. Commission agreed to move forward with draft going to City Council based on this direction and the changes discussed.

In reviewing the existing residential structures that don't meet setback and height requirements, redevelopment expansion change and occupancy of residential structure "may be allowed." Versari expressed concern that the language is vague and suggested a change to "is allowed" and add information about no net loss in replacement description. The Commission discussed conforming versus non conforming and the difference in language between "may be allowed" and "is allowed". Commission consensus to add/change language as presented by Versari and will be reviewed by DOE in the future.

Shumaker explained that the City Council will review the SMP documents in December for potential final action. The only thing that could postpone if the city receives a lot of written input that should be reviewed by the Commission again before going to Council for approval. Shumaker will advise the Council if he believes that is necessary. The Advisory Committee was in agreement for moving forward with a vote by the Planning Commission.

MOTION: ASHLEY made a motion to approve the SMP, as modified tonight, and to move forward to City Council. VAN PELT seconded. All approved. Motion carried.

7. Zoning Change Kickoff Report ZON2019-01 Referrals from the Mayor and Staff

Shumaker addressed amendments to make to the zoning code in three categories: 1. Proposal to relax restrictions on accessory dwelling units (ADUs); 2. Change from allowing single family residences in commercial district to potentially allowing them as conditional uses; 3. Clean up "content" issues that weren't addressed in the "format" change. For tonight, add or remove things to the scope of the change and what is public involvement for the changes proposed.

1. Restrictions for ADUs require the second unit to be attached to the first, the property owner must live in one of the units, and the maximum size needed. The mayor would like to see the Commission remove the restriction that the unit must be attached to the first property. The City Administrator would like the utilities for detached ADUs to be separate connections.

Commission discussed the reason for the second unit to be attached. Shumaker noted previous discussions about easing neighbor concerns with attached units. The Commission discussed the current maximum house size that affects a second detached unit.

2. The Comprehensive Plan was adopted after a discussion about whether single family homes should be allowed in commercial areas. That discussion settled on recommending changing the zoning so proposals would be reviewed case-by-case as conditional uses. The mayor asked that this change take place now.

McCloskey explained that he is a property owner affected by this change and discussed the City Council's recent decision to enact a moratorium on new single family residences downtown. He requested that their property be considered within this zoning change. Shumaker confirmed that based on recent City Council decisions, the proposal directly affects these owners' plans. The current moratoriums are due to the interest in the downtown plan which will be addressed next year, although given this specific situation it needs to be discussed earlier. The single-family moratorium could be lifted before the other moratoriums. Shumaker expressed concerns that future discussion would not be able to occur at a policy level and would be reviewed in light of the impacts to the current proposal. The Commission discussed how changes could require conditional use permit and what sort of conditions need to be met. They also noted that they could chose not make a change if the intent is to support the McCloskeys. Shumaker highlighted and stressed that if a conditional use permit is required, fairness and impartiality on this case could require it to be reviewed by a hearing examiner instead of the Planning Commission. The Commission discussed interest in more downtown design before being faced with this decision and agreed that they need more detail before making a decision.

3. Changes in maroon are what was proposed by previous Planning Commissions via zoning interpretations. Changes in purple are proposed by staff to provide better consistency/clarity.

The Commission agreed that #2 and #3 need further discussion and a broader public involvement effort is necessary for #1 including a short questionnaire and press release.

Discussion

8. Staff & Commission Reports City Council Strategic Planning Retreat, Planning Commission Vacancy, School and Healthcare Planning

Shumaker explained that the City Council had a visioning retreat where goals were outlined for the city. Some goals will interface with the Planning Commission, such as downtown planning and staff planning on different projects/lands around the city.

Knudsen is no longer a voting member of the Planning Commission, as he has moved on to City Council. He noted a detailed thought process that the Council takes on certain items and views the increased communication will be helpful.

Shumaker noted he will be involved with the School District's current planning effort and the Hospital District consideration of a stand alone emergency room or micro hospital in the area. He will keep the Commission informed as these efforts unfold. More information to come.

There will be interviews for the open Commissioner position at the January meeting. There are two interested at this time. A new chair will also be discussed at the January meeting.

9. Thought of the Month None

Adjournment 10. Adjournment at 8:28 p.m.

Approved _____; Approved with revisions _____

Name

Date

Minutes by Claire Baylor