

9/21/2020 City of Hood River Planning Commission Meeting Notes
Meeting held via Zoom Webinar

Commissioners Present: Arthur Babitz (AB), Erika Price (EP), Megan Ramey (MR), Mark Frost (MF), Sue Powers (SP), Bill Irving (BI)

Commissioners absent: Tina Lassen

Staff: Planning Director Dustin Nilsen (DN), Associate Planner Jennifer Kaden (JBK), GIS Analyst Jonathan Sloven-Gill (JSG), City Attorney Dan Kearns (DK), Senior Planner Kevin Liburdy (KL)

Meeting went live: 5:33pm

I. Call to Order

AB call to order: 5:33pm, with explanation of meeting via Zoom video conference based on Governor's declaration.

II. Planning Director's Update

DN asked the commission to be prepared for a hearing on October 5, 2020.

III. Public Hearing

A. FILE NO. 2020-03 – Adams Creek Cohousing Site Plan Review (SPR) - Continuation

PROPOSAL: Site Plan Review to construct a multi-family cohousing development including 25 dwelling units in 3 buildings, a parking lot, carport, two common buildings, pathways and walkways, street frontage improvements, and associated site improvements.

AB read the procedural script. This is a continuance of a hearing from August 17, 2020 when public testimony was taken and a request was made to leave the hearing open for seven days. Additional testimony was then submitted followed by rebuttal from applicant, and the record is now closed.

AB asked if there were questions and suggested audience can "raise hands" in the videoconference to ask.

JSG confirmed there is a question.

Jason Barker asked about preservation of rights for appeal. Was it sufficient to submit testimony.

City Attorney Dan Kearns confirmed that the decision is appealable to the city council based on testimony already submitted.

JSG confirmed no other hands were raised.

AB asked for disclosures of bias, conflict of interest and ex parte contact from commissioners.

MF had no new disclosures.

SP had no new disclosures.

BI had no new

EP looked at the site.

MR asked for definitions of bias, conflict of interest and ex parte contact.

DK explained that ex parte contacts are factual information that commissioners may have learned from others, from site visits, etc. to give others an opportunity to rebut. Conflict of interest means you have a financial stake in some manner. Bias is pre-judgement - you're required to make a decision based on facts and criteria and, if you can't based on pre-judgement, you're biased.

MR had no conflict. Had a couple of communications that I thought I shared with planning staff. Received facebook message from Kelly Morris that it appears we had already made our minds up. Asked staff for input. She suggested I was biased and should recuse. Her Facebook post indicated she was against the project. When I applied for the planning commission I explained my interest in housing and active transportation. I pay attention to "desire lines" such as needed Indian Creek trail improvements. In relation to this project, two and half years ago there was a safe routes to school project with middle school when we discussed the superblock of Sherman, May, 13th and 17th and how there was no cross connection, but I was told there was an easement along the north side of property but homeowners on Eugene would not be happy and the school would not open up during school due to potential for gun violence. Noticed that City's Transportation System Plan anticipated a connection. I am a champion of safe routes to school and active transportation. Those informed experiences will not prevent me from upholding law and City goals.

AB no pre-judgement?

MR correct.

AB received email from AJ Kitt during last meeting that was added to record regarding process. No conflict or pre-judgement.

AB asked JSG for audience questions.

Dan Bell, 1509 Eugene St. , question for Commissioner Ramey, during last hearing you noted that you attended potlucks by applicant. When, how many and nature of conclusions?

MR attended one in spring of 2017 at Neshira's home, before the group had a property. Attended based on interest in subject of cohousing.

Jason Barker asked for reaffirmation that MR has no conflicts.

JGS no other hands raised.

DK fundamental requirement is that Megan be able to render an impartial decision and it sounds like that's what she said. Commissioners must confirm if they've pre-judged. Appeals would go to city council which can remedy errors at the commission level.

AB asked if any commissioner would like to move to disqualify any other commissioner. There were none.

AB, does city attorney have any issues to discuss?

DK explained what qualifies as evidence or new testimony. Applicant wishes to speak but has submitted written rebuttal. Read statutory definition of argument vs. evidence. Argument means assertions and analysis, etc., but does not include facts. Evidence means facts. Can refer to evidence that is in the record. Also, there was a claim regarding takings on a neighboring property. The decision before the commission is for this property only so no grounds for takings. A separate question was asked about requiring additional parking, but commission can only use parking requirements that are in the code.

Bill I asked city attorney to summarize City's ability to require pedestrian off-site improvements, sidewalks to 17th.

DK if it's needed to provide pedestrian access to the site, City has "to and through" policies. Generally speaking, off-site impacts are difficult to impose through conditions because nexus is more difficult but that's not to say it can't be done.

AB asked for staff recap.

JBK explained there has been a lot of testimony so started with project background description of the project. Multifamily residential is permitted in the R-3 Zone and applicant has not requested maximum density. Project exceeds minimum landscaping requirements and includes upgrades to street facilities. Needed housing as defined by state law is subject only to clear and objective standards. Described the site's environmental conditions and proposed location of buildings. Plans are preliminary and will be refined before permits are issued for construction. Concerns raised about compatibility, traffic, parking, and impacts to natural features. Staff encourages the applicant to work with neighbors while refining plans. Some of the issues raised include recommendations from staff to modify site layout such as adding an accessible parking space, provide information about retaining walls, setbacks, and updated stormwater plan. Applicant did submit updated stormwater information in the first seven days and I provided a summary of issues in the second seven days. One of those issues is compatibility of scale of buildings. There is no compatibility standard but there is a maximum height standard and requirement for building design. Fire Chief addressing potential changes to height and impacts on fire access. One and half parking spaces are required for multi-family residential. Comments were submitted regarding preservation of trees, and the Natural Features criterion is the place to address the issue. Applicant designed project with idea of preserving trees but some trees will need to be removed. Public comments also addressed pedestrian connections including for pathway on northern portion of site. Applicant requests design exception along Sherman Ave. based on topography; if approved, it would need a public access easement and would need to meet ADA requirements. Staff recommends a condition to provide a pedestrian connection to south of site, and neighbors in Katie's Lane PUD assert City is trying to require path on that site but that is not the case, the path would be required on this site to address mid-block connections. Commission has on several occasions has required pedestrian connection to create a future pedestrian network to and from public streets. Proposal is for cohousing project to create such a connection to facilitate a future connection to May St., aquatic center, etc. Staff is open to revising language in the condition. Applicant also suggested deferring the connection but that is not supported by staff. Other testimony was presented regarding vehicular access. City standards require access from lower classification of streets such as Eugene St. rather than Sherman Ave., and this is why staff recommended access in this manner. City Engineer does not support a design exception to provide direct access to Sherman Ave. Questions?

AB asked commissioners if they have any questions, but try to avoid introducing new evidence.

SP asked what requires vehicle access from certain streets and if it requires access from only one street, or if a second access point could be provided.

JBK responded that code requires access from the one lower classification street. This particular location is challenged by proximity to the intersection of 13th and Sherman and sight distance.

SP asked about events on the site in R-3 Zone.

JBK responded that events would be the same that anyone else can have in their home in a residential zone such as having family over for a party. Would need to look more closely at events that involve a financial transactions that could be considered commercial.

Bill asked why sidewalk was chosen on north side of Eugene St.

JBK responded that it was the applicant's choice but the selected north side may have been less expensive.

Bill can that be related to a specific condition of approval in the staff report?

JBK adequate public facilities are addressed on pages 19-24 of staff report and the sidewalk specifically on page 23. The associated condition of approval is number 52.

Bill it was applicant's decision to place sidewalk on north side of Eugene?

JBK there were many conversations starting with pre-application conference. I can't confirm.

AB continued with script. Next is applicant's final rebuttal. We have already received written rebuttal and it's now the applicant's chance to deliver it in verbal form with no new evidence. Applicant has right to speak last.

Joren Bass, applicant, explained that architect Set Moran will deliver rebuttal.

AB explained we have read all testimony.

Seth Moran thanked commission for opportunity to speak on behalf of 25 households of Adams Creek Cohousing. We used extended record to address concerns. For example, made improvements to northern stormwater facility so that it was deemed feasible by city engineer. Clarified utilities, etc. Reiterating two items. Regarding off-site improvements, cohousing community is willing to work with neighbors and City to address specific improvements. Goal is balance. Examples of calibrations include retaining mature trees. Recommendation for sidewalk on north side of Eugene was by City. Applicant has no objection to condition. Second issue, request assistance from commission regarding connection to Katie's Lane, feeling caught between City and neighbors. Agree with goal for connectivity but don't feel burden is justified. Neighbors likely will build a fence to prevent access. There are other routes, perhaps safer to front door of the middle school. Applicant has worked diligently on stormwater facilities. First choice for pedestrian connection issue is original submittal with no easement. If commission supports staff's recommendation is to retain path, we request a three-foot-wide softscape path rather than five-foot-wide paved path. Thank you.

AB asked commissioners if they have any questions regarding the final rebuttal. There were none.

AB asked staff if anything has been missed before closing the record.

DN staff available for questions but have no further recommendations.

AB explained that handraising is available to audience if there is a procedural objection only. Not taking further comments or evidence.

AB opened deliberation at 6:34pm and asked commission for issues to discuss.

SP suggested discussing pedestrian easement requirement.

MR suggested discussing sidewalk on Eugene.

AB asked Sue to lead discussion on easement.

SP what I thought was an easement was for future connection, but there's not requirements to improve it, correct?

DN easement is legal instrument to allow public pedestrian access. Also discussing level of improvements within easement.

MF asked if there is a way to force a private street to meet connectivity goals.

DN explained that circumstances may differ but can't unilaterally require path through private street.

AB let's talk about what we want to accomplish. Are we in favor of keeping the condition, or modify it?

MR asked if Sherman, May, 13th or 17th meet current standards for block length and perimeters?

JBK explained that the analysis hasn't been done but it probably doesn't meet standards. I can look up block length standards.

MR can I cite something from the TSP?

DN criteria of Title 16 are not being reviewed including the block length standard.

MR in favor of the condition of approval either way.

AB about general support.

MF in favor of future connectivity but doesn't sound like there's a valid connection at this time so open to easement without improvements at this time.

SP support easement but don't want to require improvements in the easement at this time unless tied to Katie's Lane development.

AB difficult to implement requirement to improve something in the future. I like idea of easement without hard surface now or in the future.

MR what about those who are accessibility challenged?

AB good point. Goal is to stub a connection so that, if circumstances change in the future, it can be made.

MR just ADA compliant such as crushed limestone, not necessarily paved.

BI there is no land division so not sure what right we have to exact the connection. Should be focusing efforts on access to the community rather than through the parcel.

MR was in back yard with friends who had no fence so kids ran through their yard. Middle school is a critical hub. No land division but need to look at entire network.

AB there is a hand up, can only take procedural objections.

Jason Barker, not convinced that Commissioner Ramey's observations from her vacation are in the record.

AB continue with discussion.

AB do we have any connection or just create a right for a connection? Suggest at a minimum an easement is obtained. Plat for Andy's Way has a public access easement that ends about 5 or 10 feet of short of this property which seems like an oversight, and we can avoid doing the same. Thoughts?

SP agree, would like to see easement but not hardscaped improvements. Agree with Bill that we can't require connectivity through private space. Kids likely will find their way through.

AB though either side can put up a fence.

MF also support easement without improvements.

BI asked for information about Katie's Way plat.

AB there would be something to connect to if Katie's Lane PUD continued public access easement to property line.

BI but it's not a public right-of-way.

AB I don't know.

MR asked staff for confirmation of Katie's Lane.

BI is that plat in the record?

JBK yes it was submitted by HOA president.

BI see language for public access/egress easement.

AB though it ends five or 10 feet from fence line. Had it been continued to property line, we could have made the connection now.

BI support access easement.

EP support access easement.

MR support access easement and improvement per condition of approval.

AB softscape or more recent language with concrete?

MR more in line with second modification but would say ADA compliant.

AB so you're not set on the width, just hard surfaced?

MR set on ADA compliance.

AB sounds like agreement on easement and question is whether to require it to be improved to fenceline. Any support?

MF not recommending improvement at this time.

SP no improvement.

EP agree with Sue and Mark.

BI agree with Sue and Mark. I think applicant has explained elevation difference is also a problem.

AB I'm torn, but OK with not having it improved at this time.

MR I need to be childrens' voice.

AB the other issue is sidewalk on Eugene.

BI looking for happy medium on path first. Applicant proposes vegetative screen, will need to be removed if ever improved. If screened should be outside the easement.

AB proposal?

BI 30- to 42 inch path with remainder vegetation seems reasonable. I was understanding garage to be set back six feet from property line per plan PRA1.2.

SP not sure how to determine minimum required for sidewalk or vegetation. Seems like two- to three feet needed for vegetation.

MR asked for standard sidewalk width in Westside planning process.

AB I advocated for six feet. I think access more important than screening.

MF I agree with Arthur.

MR I agree with six feet.

EP I agree with six feet.

SP I would like to see two feet of vegetation screening.

AB you think four-feet is adequate given informal nature of connection?

SP yes.

EP I thought six-feet total, not sidewalk with. Could do four-foot sidewalk.

AB four-foot-wide easement? Not sure vegetation needs to be in the easement. If we support Sue's proposal, suggest four-foot-wide easement for path and vegetation can be outside it.

BI not sure two feet is enough.

AB vegetation will grow into it.

BI OK, better than six-foot easement.

MR need six feet wide minimum, wider if multi-use. Why not move things around if this is more important?

BI the long carport is to east. Applicant showed a revised elevation with stepped building. Easement probably 200- 240 feet long.

AB follows fenceline from Katie's Lane to Eugene St.

BI, it's 17 parking spaces long plus a couple extra feet.

AB so tradeoffs between access, screening, and moving parking toward creek.

MR do we have to specify easement location or can there be a requirement to just provide a six-foot-wide easement?

BI we could condition a connection and width but without location but it will need to be shown on the plat.

MR why not put path through the parking lot?

EP there may be liability, safety concerns if public path is through parking area.

AB Megan has a suggestion to be less prescriptive and allow staff to work it out.

MR it's important but can allow staff to work out a solution.

AB but we do need to be clear if requiring vegetative screening per a separate condition.

JBK this is based on HRMC 17.17.040(3) which states landscaping in parking areas shall be planted to lessen visual impact. Pedestrian connection addressed in HRMC 17.20. Condition of approval no. 22 addresses final landscaping plan, and condition no. 23 address code citation for landscaping.

BI wasn't sure if we are screening parking or a structure.

AB neighbor to west should have reasonable expectation that parking area should be screened.

MR I agree, should keep vegetation screen and six-foot easement.

AB would force redesign but squeeze problem to someplace else.

BI suggest four-foot easement between two connection points with location to be finalized between staff and application.

AB OK with that.

SP agree.

MF agree, would be a shame to not use hardscape in parking area and screen it too.

BI are we modifying a condition in a motion?

JBK confirmed the easement is addressed in condition no. 25 which requires prior to occupancy.

AB second question is sidewalk on Eugene. Bill, what are your concerns?

BI testimony from owner on corner of 17th & Eugene, based on where his home is, has different setbacks. And, if trying to get kids to middle school, that forces use of another crosswalk.

AB staff please confirm sidewalk recommendation from City.

DN City recommended sidewalk to be located on north to avoid overhead utilities on south side.

AB we could avoid specifying the location and allow City Engineer to determine.

BI the condition says "north side of Eugene."

AB replace to allow determination by City Engineer?

MF OK.

SP OK.

MR in favor of that change. It looks like there's one existing segment on the north side which may help lower overall cost.

AB, any other issues? I don't think we have much discretion to consider other issues such as character or zoning.

MF I agree, the site is zoned for this. Meets approval criteria. Looking through comments and criteria, I am concerned with R-1 abutting R-3. Concerned with building three-story structures next to one-story homes. Likely to changing how people feel about multi-family and cohousing.

AB any other comments? Motion?

BI move to approve 2020-02.

JBK that's a typo, is 2020-03.

BI move to approve File No. 2020-03, with following modifications: file number, and two conditions: condition no. 52 for sidewalk on Eugene should not specify location and should be determined by city engineer; and condition no. 25 should be amended to require four-foot-wide public access easement that connects to north end of Andy's Way to east end of Eugene.

AB not sure it's best to say Andy's Way.

BI specify the path easement should be from the southwest corner of the property within 8 feet of the property corner to Eugene.

SP seconded the motion.

AB discussion? Amendments?

JBK clarification on condition no. 25.

AB looking for a reference point.

JBK within eight feet of southwest corner?

AB leave some room to make the connection.

BI also clarify when the connection gets recorded. Should be established at time building permits are approved.

AB easement should be recorded prior to issuance of a building permit?

BI correct?

AB motion to amend?

BI yes

SP second.

AB any objections to amend original motion?

MR not sure.

AB those in favor of easement recording prior to issuance of building permit? 6-0 in favor.

AB regarding location, trying to provide enough specificity to put it in the decision.

MR concerned we're doing this in absence of a planning engineer who would draw the route and show exactly where the easement is.

AB concept of endpoints clear. Concept is to make it available for future connectivity providing other side of fence is willing.

MR defer to staff.

AB any other comments? None.

AB vote on amendment motion to approval 2020-03 with amendments to four conditions including correction of file number, easement on south side, sidewalk on Eugene and the timing of recording – those in favor?

MF yes.

EP yes.

AB yes, unanimous on amendment.

AB appreciate patience and emotions of participants, and encourage people to work together.

AB anything else for the good of the order? None.

IV. Adjourn

AB meeting adjourned at 7:44 pm.