

City of Hood River
Planning Commission
Public Hearing
October 5, 2020

Conducted via Zoom
Videoconference

5:30 p.m.

MINUTES

Meeting went live on Zoom at 5:31pm

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:32. Planning Commission Chair Arthur Babitz reminded participants the meeting is being recorded.

PRESENT: Commissioners Arthur Babitz (Chair), Mark Frost, Sue Powers, Tina Lassen, Megan Ramey

ABSENT: Bill Irving, Erika Price

STAFF: Planning Director Dustin Nilsen, Associate Planner Jennifer Kaden, Senior Planner Kevin Liburdy

II. PLANNING DIRECTOR'S UPDATE:

Planning Director Dustin Nilsen said there is nothing scheduled on October 17, 2020 but we'll keep the agenda in the event of a continuance. There were no other updates.

III. PUBLIC HEARING:

FILE NO.: 2020-13 – Nature's Way Vistas Zone Change and Subdivision

PROPOSAL: Zone Change of a 3-acre parcel from Urban Low Density Residential (R-1) to Urban Standard Density Residential (R-2) and preliminary approval for an 18-lot subdivision.

APPLICANT: Integrity Building and Construction, LLC (IBC)

PROPERTY OWNER: Alice Foss

PROPERTY LOCATION: 250 feet north of northwest corner of May Street and 30th Streets. Legal Description: 03N10E34ATax Lot #200.

Planning Commission Chair Arthur Babitz read the procedural script for both the rezone and preliminary subdivision applications and asked the audience for any questions on the process. There were none.

Babitz asked the Commissioners to disclose any ex-parte contacts, conflicts of interest or bias in this matter. Babitz stated that attorney Doug Powrie is a friend but he was not aware of his involvement and has no disclosures of ex-parte contacts, conflicts of interest or bias in this matter.

Babitz asked the audience for challenges of participation by any of the Commissioners. Mary King asked whether Commissioner Irving's profession as a realtor is a conflict. Babitz explained that Irving is not present and not participating in the hearing tonight. If he participates in any future proceedings on the matter he will disclose any ex-parte contacts, conflicts of interest or bias in this matter.

No challenges of any Commissioners by other Commissioners.

STAFF REPORT: Nilsen presented the staff report for File No. 2020-13 and explained the subdivision request is contingent on approval of the zone change. Nilsen gave an overview of the site, the request, and applicable criteria. Nilsen summarized the zone change criteria and key issues such as consistency with the Comprehensive Plan, future street connectivity, Transportation Planning Rule findings,

Babitz asked for clarification about the tentative nature of any decision on the subdivision. Nilsen explained that the decision is contingent on the approval of the zone change.

Frost asked about drainage issues and how far to take that discussion in light of it being a preliminary plan. Frost asked if there is any concern about an alley that is connected at only one end. Nilsen reiterated that this is a preliminary drainage plan. The Engineering Department reviewed it for feasibility but not final detail. The plan in the packet was revised after preliminary concerns were raised by the Engineering Department. The Engineering Department provided comments to finalize the plan.

Babitz asked Nilsen to explain the approval process of a drainage plan after Planning Commission proceedings. Nilsen explained this process examines the land use aspect. If approved, the applicant has to submit final design plans that meet City of Hood River Engineering Standards which are reviewed by professional engineering staff. On-site inspections occur to ensure the approved plan is constructed accordingly. So this goes from a discretionary land use process to a clear and objective technical process.

Commissioner Lassen asked if there was any process for neighbors to review final grading and stormwater plans. Nilsen said they can view the plans but there is not a public participation process.

Frost reiterated his concern about an alley with bollards at one end and how that works for vehicle access. Nilsen explained that the Engineering Department had concerns about sight distance if the alley went through. Emergency vehicle access is provided on the adjacent streets, not the alley. The alley only works because primary frontage is provided on adjacent streets.

Babitz asked for clarification about the public access easement versus a public dedication. Nilsen explained the access is public but not owned by the city and the alley will be privately maintained. The ROW on west side will be an alley and a public dedication.

Lassen asked if the lots are planned for single family dwellings or duplexes. Nilsen said the applicant talked about both, which are allowed in the R-2 zone. Nilsen suggested asking for clarification from the applicant. Babitz explained the development of the lots is not part of the decision, just the creation of the lots.

PUBLIC TESTIMONY: The applicant was represented by Mike Ketler and Sean Wagner of IBC. Ketler thanked the Planning Commission and shared a presentation on the screen. He explained the goal is to provide housing. It is IBC's intention to build out the lots. The infrastructure required will not result in affordable or attainable housing but it will add to the inventory, which will help with overall pricing. The increase in the number of lots possible under R-2 versus R-1 will also help with prices. Ketler said stormwater is not taken lightly by IBC or the city. The standards we will be held to should address concerns of the neighbors. The application materials show concepts, not construction plans for houses. The stormwater should improve when it's designed to meet standards; state & city standards prohibit increase of stormwater discharge onto neighboring properties. The concept has been built over the past year working with the City to incorporate the alley which is designed to slow traffic and provide safe

connectivity. The alley took into consideration comments from public works, engineering & fire departments.

Commissioner Powers asked about the history of improved stormwater standards and asked about the recourse for neighbors if stormwater is an issue later. Ketler said the way stormwater is measured has changed. The improvement will be less sheet flow and more stormwater captured and treated. The final plat is not approved until after the subdivision is constructed and is functioning properly, so the recourse is not creating the lots by final plat.

Frost asked about an easement N/S down the hill that jogs. Nilsen & Ketler explained there is a detention pond at the north end of two lots with a stormwater easement and an overflow right-of-way to the natural drainage (Henderson Creek) for a 100-year storm event. Babitz asked about construction of a swale. Ketler explained it is proposed but the engineering department may require it is piped. Babitz asked about assurances for neighbors to the north if the construction isn't completed. Ketler explained the pond isn't in use until its approved. Ketler discussed the approval of final design is improved from past as well.

Commissioner Ramey asked about improvements for bike and ped. Ketler explained the streets are designed for connectivity with existing streets. Ramey followed up with a question about bicycle facilities for an east-west route. Commissioners and Ketler discussed some aspects of future streets and the TSP amendment. Nilsen shared page 6 of the packet – an image of the Neighborhood Framework Plan in the Westside Concept Plan report to provide context of the proposed subdivision with future trails. Nilsen explained frontage improvements including sidewalks are part of the proposal.

Babitz asked for Proponent testimony. There was none.

Babitz asked for neutral testimony. There was none.

Babitz asked for Opponent testimony:

Mary King expressed concerns about drainage for downstream neighbors if there is nothing on the preliminary plat to protect them. There is water flowing across a sidewalk now on Eugene and ice build up is a concern in winter. There are code section that have not been adequately addressed. She asked that it not move forward to City Council until there are adequate conditions of approval or concerns are addressed.

Megan Barton, expressed similar concerns and explained a different situation. She has a sump pump to deal with existing runoff and vegetation to help with runoff. With a change from R-1 to R-2 there will be more development which could increase drainage issues. When we bought property adjacent to R-1 zone we assumed development would be similar. Megan's house is on Eugene directly adjacent to the subject property.

Al Barton concurred with previous testimony. It's concerning that the drainage issues get passed on to someone else and not resolved now. He asked for clarification of the Planning Commission role in this decision. He asked how his other questions included in his letter addressed. He acknowledged the need for more housing and asked why the developer wouldn't consider even more density.

Babitz advised Mr. Barton to raise his questions in this hearing. He referenced Mr. Barton's letter in the packet about wildlife, a maple tree, etc. Barton asked about an environmental impact statement; the

process for proposing the zone change and why R-2; what environmental factors were considered with the retaining wall; how stormwater is handled;

Babitz asked for any additional testimony. There was none.

REBUTTAL: Ketler acknowledged the preliminary nature of the stormwater plan but reiterated that it will need to meet city and state standards to be approved for construction. It's conceptual now because before we spend the money on final engineering, we need to know the city will approve the zone change. The engineering requirements include addressing groundwater not just sheet flow so it may improve existing conditions. We proposed R-2 because it aligns with adjacent zones it allows for construction of future streets that extend existing streets. With respect to wildlife, there wasn't a requirement for a wildlife study. The maple tree – that's a discussion we can have as neighbors. We will try to protect it during construction. We will take adjacent back yards into account in final design of retaining walls.

STAFF RECAP: Nilsen addressed some of the questions raised about process. He explained the neighborhood meeting, the application process, review process, and the recommendation. This is the opportunity for neighbors to voice concerns. And it is the applicant's burden to demonstrate meeting the requirements. The zoning criteria are in 17.08 to evaluate the zone change criteria including consistency with the comprehensive plan. Nilsen talked about needed housing, compatibility, spot zoning, and natural expansion of the city. Stormwater is taken into account in the adequate public facilities standard. The stormwater plan is prepared by a professional engineer and reviewed by professional engineers against the city standards and city infrastructure plans. The technical aspects need to be refined after the discretionary land use process. With respect to natural resources, there are no Goal 5 resources on this site. We notify the Department of State Lands about potential wetlands and none are identified on this site. This is discussed on pp. 5-7 of the staff report. Nilsen also explained the bonds the city holds until completion to ensure adequate public facility standards are met. There are check points all along the way.

Babitz pointed to Goal 13 and 14 in the staff report and possible corrections.

Frost asked staff about zone changes contemplated in the Westside Area Concept Plan report and whether this request aligns with that. Nilsen explained that the Council decided to use the report to inform decisions but did not adopt the land use plan or proposed zone changes. The staff report findings include that R-2 is greater efficient use of the land. Meets greater efficiency need without conflicting with surrounding land uses. Frost asked whether it was possible to restrict the lots adjacent to existing single family homes to single family homes. Nilsen said that was not contemplated but they are subject to the same height, setbacks, and lot coverage as the adjacent R-2 lots.

Babitz asked if duplexes are allowed in R-1. Nilsen said not yet. State law does not yet require it. Nilsen said ADUs are permitted in R-1.

Applicant Ketler reiterated that there are conditions of approval that address most of the concerns raised. There is accountability with those conditions.

Babitz closed the record and public hearing.

DELIBERATION: Babitz suggested discussing the zone change request first. Commissioner Powers said she thinks the change to R-2 makes sense given surrounding zones. Babitz agreed the analysis is consistent with the work done on the Westside Plan and the comprehensive plan. Are we all in agreement? Lassen explained the proposal is not coming out of left field. There was lots of discussion during the Westside Plan project about how to develop the west side and connect streets. She asked if there was authority to require that some lots are developed as duplexes or townhomes to ensure more density. Babitz said we don't know for sure who will develop the lots; we're considering whether to change the map to allow for the R-2 uses for the foreseeable future but wants to avoid specific requirements for each lot beyond R-2 standards.

Frost agreed R-2 is consistent with vision for city. Ramey liked the question about more density and said even this inventor at R-2 density will help with inventory so she supports the change. Babitz discussed how zone changes come before the city – by developers and property owners or changing the comprehensive plan.

The discussion pivoted to the preliminary subdivision plan. Babitz acknowledged the challenge of public input before engineering is done and the imperfect process. He explained that they're role is to make sure the engineering plans are plausible but don't have the expertise to evaluate in detail. Lassen expressed concern about the transparency of the process later and the hurdles of requesting plans during the engineering process. Babitz agreed. Powers asked whether a condition could be added to require the applicant to share the approved engineering plans. Nilsen said yet, but it needs to be clear who provides it and when. Dustin made a suggestion for wording and suggested asking the applicant for consent. Lassen asked about email notice, however Nilsen said the city does not have email addresses for all property owners. Other commissioners agreed with the idea of the added condition.

Draft condition: The applicant shall provide written notice to all neighbors within 250 feet of the subject property when the final stormwater plan is complete.

Commissioners discussed the timing of the decision and asked the applicant for consent.

Ketler said yes, the documents will be public record, but cautioned about the complexity of the review process with the engineering department. On behalf of the applicant, attorney Doug Powrie cautioned against the condition of approval as unwarranted. Ketler said he wouldn't appeal a conditioned but agreed it might signal lack of confidence in city engineering staff unless it was just to inform neighbors where they are in the process.

Commissioners resumed deliberation and discussed the idea of the condition. Commissioners discussed adding a condition for transparency of letting neighbors know when the applicant was moving forward with final stormwater plans submittal to engineering.

Babitz asked if commissioners wanted to discuss wildlife concerns. Ramey said she agreed with concerns. Babitz explained the Goal 5 resource identification process and that wildlife corridors need to be identified by City Council for protection if needed and the larger context of the urban growth boundary. Lassen said it was outside the scope of this subdivision but should be discussed for Henderson Creek and TSP update. Babitz agreed and reiterated it is outside the scope for this proposal.

On the maple tree issue, Babitz said it was a neighbor issue.

MOTION: Lassen motion to approve File No. 2020-13 with an additional condition of approval to require the applicant notify neighbors within 250 feet of the subject property when the initial final stormwater management plan is submitted to the city for review. Motion seconded by Powers.

Motion passed unanimously.

Nilsen said he will prepare the notice of decision for the preliminary plat with the opportunity to appeal. The zone change recommendation will go to City Council for approval.

Ramey asked about future meetings about the TSP and zone changes on the west side. Nilsen said the scope of the TSP amendment is being finalized now. There will be a public engagement meeting that we'll let you know about when it's scheduled. Nilsen said he's working with SERA Architects on missing middle housing code updates that may apply city-wide. The discussion will come to Planning Commission in the next couple months.

IV. ADJOURN

Babitz adjourned the hearing at **8:28 p.m.**



August 11, 2021

Mark Frost, Chair

Date



August 11th, 2021

Dustin Nilsen, Planning Director

Date (Approved)