

## MINUTES

Meeting went live on Zoom at 5:32pm

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order work session at 5:32pm

PRESENT: Commissioners Arthur Babitz (Chair), Erica Price, Mark Frost, Bill Irving, Megan Ramey, Sue Powers

ABSENT: Tina Lassen

STAFF: Planning Director Dustin Nilsen, Associate Planner Jennifer Kaden (1<sup>st</sup> portion of meeting), GIS Analyst Jonathan Skloven-Gill, Senior Planner Kevin Liburdy

II. PLANNING DIRECTOR'S UPDATE:

Director Dustin Nilsen explained tonight's meeting will focus on the council work plan. An appeal of the Cohousing project will go to council next Monday, and a notice and grounds for appeal are posted on City's website. Jennifer suggested avoiding discussion of the case in the event there is a remand from council to the commission. Babitz asked if the commissioners have seen the assignments of error. Commissioner Frost confirmed he received a notice of appeal. Kaden explained the record is over 600 pages; see "packet #2" on the council's November 9 meeting.

Babitz reviewed statutes which indicates minutes are not required if audio is available. Nilsen explained that the City is posting both audio and written minutes to get caught up.

Babitz noted that at the last commission meeting there was discussion of getting a different member in a position to run the commission's meetings. If he is elected to the County Commission, may need to miss some or all of the upcoming planning commission meetings. Nilsen responded that Sue Powers was elected Vice Chair at a previous meeting. Powers said she thought she stepped in for a meeting but doesn't recall an election. Babitz asked the attending commissioners if they are interested in running upcoming meetings, and suggested he could assist with getting somebody up speed. Commissioner Price explained she is not ready for the position. Babitz suggested making this a firm item on the next meeting and following up with Director Nilsen in the meantime to express interest.

Nilsen will share links to the Cohousing appeal. Babitz suggested explain the process. Nilsen responded that assignments of error come through in two ways: failure to properly address criteria and procedural errors. Corrective measures may include a remand to correct errors. Appeals can come from an applicant or an interested party who has standing.

Babitz added that, in speaking with attorneys about cases, it is his understanding there is an ethical requirement for attorneys that they make any conceivable argument. Nilsen explained that you must raise an argument or waive your opportunity. Babitz encouraged commissioners to watch the council's

meeting on the appeal and to follow the appeal if it goes to LUBA. Kaden noted that the packet includes a memo from the city attorney that responds to each appeal point.

### III. PRIORITY CITY PROJECT IDEAS for 2021

Babitz explained this is a continued discussion from the commission's last meeting. Dustin provided a draft of potential issues to discuss and Commissioner Irving sent recommendations to the commission. Commissioner Powers noted that Commissioner Lassen sent recommendations regarding the Tree Committee's recommendations.

Nilsen noted that regulations for trees on private property may be reviewed by the council in December. Nilsen directed attention to the memo he drafted for the commission based on recommendations from the commission as well as excerpts from the City's Housing Strategy document that have not yet been acted upon. Strategy 1 addresses land use efficiencies. Worked on Action 1.2 in the Westside Area Concept Plan. Action 1.3 is on Commissioner Irving's list, reducing R-1 lot size to 5,000. Action 1.4 is a reduction of lot size in R-2. Revise PUD ordinance, adopted a Cottage Housing code, revision of manufactured home park standards, revisions to method of measuring building height, as well as...

Commissioner Irving looked at the Housing Strategy and thought about organization a little differently. Would like to see time spent at the commission's second meeting of each month. Need understanding of best practices, existing code and alternatives. Figure out what resources are needed.

Babitz noted that during the last meeting it was recognized that we are not making fast enough progress based on staffing levels, so we are requesting the Council provide resources to get through this list.

Irving agreed and suggested that, if we establish a schedule, it would help us stay on track. Regarding legislative hearings, some issues may take more than one meeting. I started with four issues including missing middle housing which will take more than one meeting. Parking requirements based on home size should be discussed which will help subsequent discussions. Addressing building height measurement and methodology will assist with discussion of missing middle housing which will include height limits. We could look at existing ordinances, missing middle housing, establish parameters, make a proposal and take public comments. For example, should we have a minimum of 5,000-square feet in the R-1 zone with 28 or 35 feet in height and with specific lot coverage. Organize by zone.

Babitz asked about recommendations for floor area.

Irving responded that lot size, height, coverage would be modifications of existing standards. These lead to what is the biggest thing one can build on a lot. However, we could look at things differently by focusing on buildable area rather than the number of units. Higher intensity uses in higher intensity zones.

Babitz suggested that the text of the Housing Needs Analysis and strategy came from consultants and Bill is suggested alternatives.

Powers asked about the sequence.

Irving suggested starting with council feedback after staff proposes a calendar. Understand the council already has provided some resources for certain code work. My recommendations are in the order that I think are appropriate.

Babitz noted a fundamental question is in regard to the City's 1950s era parking requirements.

Irving agreed but suggested limiting discussion to residential and thinking about the number of spaces needed for a dwelling unit of a certain size.

Babitz asked the commission for feedback.

Powers asked about what staff currently is working on. Missing middle housing? What are you doing?

Nilsen responded that a code update is being put together for duplexes, triplexes and cottage housing.

Babitz asked if there is a contract.

Nilsen confirmed there is a contract with a consultant to look at this issue, State requirements, and examples from other communities with pictures so form and outcome is known.

Powers agreed with Irving's recommendations for sequence.

Frost noted Bill's recommendations plus safe routes to schools and Henderson Creek trail seems like a good list of priorities. Don't want to wait too long on Henderson Creek due to land sales.

Ramey agrees. In terms of parking discussion, is this citywide or for residential uses only? Need to address second floor housing above retail in commercial zones. Not sure about safe routes to schools funding but that may affect the timeline.

Babitz asked Irving if he was comfortable addressing parking outside of residential zones.

Irving suggested a limited discussion on number or spaces needed based on size of unit. Could probably have a discussion based on different housing types and locations, which may justify different approaches. Agree with Megan, look at residential rather than zoning.

Price agreed with group as discussed.

Babitz suggested this should help staff refine the memo and Nilsen agreed. Nilsen asked if the list should be prioritized, for example Henderson Creek trail.

Babitz suggested Henderson is urgent but of a lower priority in his assessment but he agrees with Frost that, if it's not addressed, that could be a problem. Frost agreed that some of this work has been discussed for a long time and acknowledged there are a variety of priorities. Babitz suggested that the Henderson Creek issue is one of acquisition. Frost suggested that, unless it's a Goal 5 resource, it's not going to be addressed but land is being sold around the creek. Nilsen noted that resource planning requires different analysis than simply moving to acquisition. If you think trail implementation is a worthwhile effort, it may generate momentum elsewhere as has been done with regard to regulation of trees on private property.

Babitz suggested the commission should notify the city manager of the commission's intended work to help with budgeting of resources that may be needed to help move the work forward. Do others agree?

Ramey agrees and suggested refilling the Planning Assistant position, and would like to see more attention on legislative issues. Frost agrees.

Powers asked Nilsen if staffing is prevented this work from being done. Nilsen acknowledged there is a staffing constraint and read a statement from in the draft memo. Babitz suggested highlighting this.

Irving agrees that putting the council on notice that staff intends to hold 12 legislative hearings in the next year and each will take a certain number of hours to complete. Nilsen suggested it should also be noted the resources that will be needed to accomplish this. Irving acknowledged that his list is focused on housing because it's been on the to-do list for five years. Let's make 2021 the year we get this done.

Babitz summarized Irving's comments and Price agreed with the approach.

Babitz suggested food pods should be addressed. For years there has been a conflict with temporary uses and this is becoming a bigger issue. We need to start raising the issue for public consideration even if it can't be completed this year. Nilsen referred me to some good examples code. Do other commissioners agree?

Price agreed, especially during the pandemic.

Powers asked if this would be at the bottom of the to-do list. Babitz suggested it will take time to percolate.

Frost asked if this is in fact an issue for the commission. Nilsen explained the City's transient merchant requirements have a six-month limitation, and this is becoming more of a discussion item. Babitz sees this as more of a seasonal issue. One vendor has two vehicles and moves one in after six months so this suggests the code should be modernized to help achieve policy goals.

Ramey agrees this is a good issue to consider. Portland embraced food truck courts, and this could also work in the winter.

Nilsen noted that Gresham and Happy Valley have some recent codes to look at as examples, less transient as the industry evolves.

Babitz confirmed the commission accepts adding this item.

Irving suggested also addressing tiny houses. The City's code is archaic and addresses manufactured homes and mobile homes. Could add code updates for modular, manufactured and tiny house.

Powers suggested putting it at the bottom. Frost suggested adding the term pre-fabricated. There were no objectives from the commission to adding this to the list. Nilsen noted housing strategy 1.8 addresses this issue. Irving suggested a more holistic approach to address pre-fab including outside manufactured home parks. Nilsen asked if this would go below food carts and below Henderson Creek. Power noted it seemed related to housing issues but OK keeping it lower on the priority list. Irving explained that Cottage Code update may need to address this issue. Frost agreed we may need to join these issue.

Babitz asked what will be done with the list; will it come back to the commission? Nilsen responded that he will write it up and send it out, and asked for individual comments from commissioners so there will be no need for another meeting before presenting it to council unless there is a radical departure from what we discussed tonight. Babitz asked if Irving will address the council on behalf of the commission. There were no objections. Babitz noted that every commissioner is welcome to address the council.

Nilsen thanked the commission for the discussion.

Irving suggested a one-page bulleted memo to council. Nilsen confirmed this can be done.

#### IV. APPROVAL OF MINUTES:

Frost moved to approved. Powers seconded.

MOTION: Powers made a motion to accept the minutes prepared for 7/15/2019; 8/19/2019; 9/3/2019; 9/16/2019; 11/4/2019; 12/2/2019; 12/16/2019. Frost seconded the motion.

Babitz called for discussion. Frost did not recall suggesting taxes are too low, but revenue to the Parks District is very low and moved to approve the minutes subject to noting that the reference to proportionate share to Parks and Recreation district is low, not that taxes are too low. There were no objectives

Motion passed by consensus with minor edits per Frost.

Powers asked if minutes will need to be approved if they are audio only. Babitz explained his understanding that minutes are needed if a recording is not available.

#### V. ADJOURN

Babitz adjourned the hearing at **6:56 p.m.**

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Arthur Babitz, Chair

Date

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Dustin Nilsen, Planning Director

Date (Approved)