

City of Hood River
Planning Commission
Public Hearing
May 3, 2021

via Zoom videoconference
5:30 p.m.

MINUTES

I. CALL TO ORDER: Chair Mark Frost called the meeting to order at 5:32.

PRESENT: Commissioners Mark Frost (Chair), Bill Irving, Megan Ramey, Erika Price, Amy Schlappi

ABSENT: Sue Powers, Tina Lassen (present only as appellant and recused from participation)

STAFF: Planning Director Dustin Nilsen, Planner Jennifer Kaden

II. PUBLIC HEARING:

File No. 2020-35 INT

Proposal: Appeal of the Planning Director's decision to approve request to expand a legally established nonconforming structure through the addition of a (7' by 15') 108 square foot northern facing deck.

Location: 1011 Lincoln Street; Legal Description: 3N 10E 25CC Tax Lot 3103. The property is zoned Urban Standard Residential (R-2).

Property Owner: Susan Donnan

Applicant: Susan Donnan /Happy Healthy Homes

Appellant: Tina Lassen

Planning Commission Chair Frost read the procedural script and asked the Commissioners to disclose any ex-parte contacts, conflicts of interest or bias in this matter. There were none. There were no questions on the process from the audience. Planning Director Nilsen clarified that Commissioner Lassen recused herself from the proceedings prior to the meeting because she is the appellant in the matter.

STAFF REPORT: Planning Director Dustin Nilsen provided the background and staff report. Nilsen explained the process for hearing an appeal of a Director's decision. Nilsen referred to the nonconforming structure standards and the history of the legal nonconforming structure. Nilsen explained that the addition does not change the nonconforming of the lot coverage of the structure which was the basis for his decision to approve the request. He advised the Planning Commission to consider the staff findings and the code to make its decision on the appeal. Nilsen clarified the distinction between a change to a nonconforming use and a variance.

Commissioner Irving asked Nilsen to explain the difference of this case from a recent Variance request on E. Point Court.

PUBLIC TESTIMONY:

Applicants Susan Donnan & Milton Sigelmann, 1011 Lincoln St. – The applicants explained the deck expansion in question and asked if commissioners received their written responses to the appeal. They explained the structure is legally nonconforming and that the deck doesn't affect that. They clarified

they are not requesting a variance. Other comments received do not correlate to code requirements. They described other issues as well.

Tina Lassen, 1009 Lincoln St., appellant – Explained the townhouse layout as off-set for separation and privacy. She explained the layout of her unit and building permit history. The structure was built as a duplex and converted to townhouses later. She argued that the deck addition is not consistent with the purpose of the nonconforming structure provisions and that the code provisions are unclear. She responded to some of the issues raised by the applicant with respect to past remodeling work that is beyond the scope of the application.

REBUTTAL:

Milton Sigelmann provided a rebuttal regarding openings in the common wall on a building permit that is not the subject of the hearing. Susan Donnan summarized the request regarding the deck that is the subject of the application.

David Simon, 1012 Lincoln St. – testified in opposition to the application (in support of the appeal) because concerns about property values, security, and privacy. He cited nuisance issues and the purpose of the code.

Applicant Susan Donnan offered a final rebuttal and explained the design of the deck and responded to concerns by the appellant and neighbor.

Chair Frost asked a clarification about access to the deck from a staircase. Donnan clarified the staircase does not access the deck.

Commissioner Irving asked Nilsen to comment about his findings regarding HRMC 17.05.020. Nilsen clarified that the use is not nonconforming; the structure is nonconforming with respect to lot coverage.

Chair Frost closed the public hearing.

STAFF RECAP: Nilsen offered to answer questions during deliberation.

DELIBERATIONS: Chair Frost reminded the Commission the issue is related to lot coverage. Commissioner Irving appreciated the input from neighbors and said he agrees with staff findings. Commissioner Price agreed and said the issue is lot coverage and there is no conflict with that provision. She empathized with other concerns but said they are not part of this decision. Commissioner Schlappi agreed. Ramey also sympathized with neighbor and appellant concerns but agreed with the Director's decision. Chair Frost agreed.

MOTION: Commissioner Irving moved to approve File No. 2020-35, Planning Director's Interpretation, and reject the appeal; Commissioner Price seconded the motion. The motion passed 5-0.

IV. APPROVAL OF MINUTES - February 16, 2021, March 15, 2021 & April 5, 2021

Commissioner Irving said he was concerned about the description in the Council packet about the Planning Commission's recommendation regarding the Middle Housing code. He asked to understand the process for communicating the PC recommendations in general to Council, particularly when the PC recommendation differs from the staff recommendation.

Ramey expressed concern about overlapping Council meetings and PC meetings, particularly when the issue on the Council agenda involves a PC recommendation.

Nilsen agreed with the importance of communicating the PC recommendation to the Council and to make clear where the PC recommendation differs from the staff recommendation. If PC lacks consensus on an issue, that is conveyed as a lack of recommendation.

Schlappi suggested highlighting all aspects of a recommendation in the minutes.

Irving noted he didn't attend April 5 but offered to make a motion. No one offered revisions to the minutes. Irving made a motion to approve the minutes from February 16, 2021, March 15, 2021 & April 5, 2021. Commissioner Ramey seconded the motion. Motion passed unanimously.

III. PLANNING DIRECTOR'S UPDATE:

No meeting May 17, 2021. The Council is moving through adoption of the Middle Housing code and TSP amendment. There will be opportunities to provide input for an upcoming code audit. There will likely be a hearing scheduled in June for a quasi-judicial application.

Frost asked about discussing building height. Nilsen said that could be added to the code audit but won't be separated out. The audit will take a look at where the code needs updates to be clear and objective and consistent with state law. Irving said he thinks PC should be involved in the scoping of the code audit because the PC has knowledge about the code. He asked for updates.

Ramey made a plug for the DLCD book club and webinars. She's reading about designing streets for kids. She asked if there were significant changes to the Middle Housing code by Council. Nilsen responded that there was a change in R-1 regarding an area bonus for small units; One parking space was the consensus parking requirement; the STR residency requirement was extended to properties in C-1; relaxation of front porch designs but not fundamental policy changes.

IV. ADJOURN

Frost adjourned the meeting at **7:08 p.m.**



August 11, 2021

Mark Frost, Chair

Date



August 11th, 2021

Dustin Nilsen, Planning Director

Date (Approved)