

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:35 pm.

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

ABSENT: None

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

II. PLANNING DIRECTOR'S UPDATE:

Chair Arthur Babitz opened the meeting by calling for the director's update as there was no audience.

Planning Director Dustin Nilsen announced that today was the closing date for Planning Commission applicants. He said the Staff has received three additional applications for a total of six candidates. Next steps are interviews, selection, and candidate recommendation to City Council.

Commissioner Sue Powers asked Nilsen about the implications of HR2001 in Hood River.

Nilsen said, HR2001 essentially unraveled detached single-family zoning throughout the state of Oregon. For the most part it applies to cities with a population of over 10,000 and counties of 25,000. Nilsen said he raised the question about the law's impact on Hood River at the time it was initiated as the City has less than 10,000 residents and is in a county of 25,000. The remedy it was essentially Hood River will operate under the mandatory threshold until the City hits 10,000 or until the laws change and it continues to expand. Other cities will have until 2022 to remedy their infrastructure. If cities do not adopt your own regulations by that time, they must adopt state regulations. Nilsen noted that with the City's Urban Growth Boundary, it is very close the 10,000 thresholds.

Powers asked how the law applies outside the city.

Nilsen said metro areas like Clackamas and Marion County are going to be impacted by the metro governments. The threshold levels do not apply to these areas. They are required to comply regardless of their size.

Powers asked if impact means there will not be any single-family zoning.

Nilsen said on the lower end there is a demand for duplexes. On the higher end there is a demand for quads. Duplexes would be mandated for Hood River.

Ramey announced that she accepted a position with Thrive as a Community Engagement Director and told the Commission to feel free to call her out if there they see a conflict of interest.

Nilsen asked if any of the Commissioners had any known dates in September that they will not be available as he is working on possibly Planning Commission Training with John Morgan. He said the training would be an opportunity to learn more about exparte and quasi-judicial bodies.

Commissioner Mark Frost said he might be out August 5th and 9th as well September 9th.

Powers said she would not be available on September 16th.

Commissioner Tina Lassen said she would not be available on September 9th.

Ramey indicated that she was no able to attend the Parking Study Open House. She said she was not sure if the study is looking at parking minimums. Nilsen replied that "right sizing" will be coming.

Babitz asked what portion of the study might be coming before the Planning Commission. Nilsen replied fee in lieu, parking requirements and how much is the right amount of parking and why.

Ramey said she was unclear about her role as Parking Committee liaison for the Commission. The Commission discussed the fact that she is to be a conduit both ways.

Ramey said she heard the parking consultant predict mode share in 20 years. She thinks Hood River is rare as individuals need to drive everywhere.

Babitz said the parking study update was not on the Commission's agenda. He asked how much has already been determine by Council policy. Nilsen replied, the scope of the project and questions the Council wants answered. He said surveys, meeting notes and white papers for the parking study were available on the City's web site.

Babitz asked what part of parking study discussions are going to come back to the Commission. Nilsen said anything that becomes code...fee in lieu, parking demand assessments, etc.

Babitz suggested parking be put on a future agenda.

III. PUBLIC HEARING:

A. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code - *continuation of hearing from July 1, 2019*

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statues, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 0(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5).

Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

Discussion will focus on the definitions of Dwelling and Kitchen.

APPLICANT: City of Hood River

Babitz reconvened Hearing File No.: 2018-05 and 2018-06 which was a continuation from July 1, 2019.

STAFF REPORT: Nilsen said the discussion will focus on the definitions of a dwelling and kitchens. With the increases in ADUs and STRs, Staff is getting more questions regarding what is considered a dwelling. Without clearer definitions, a lot is left the planner's discretion. He said it is not appropriate to be making discretionary calls on material decisions and building permits. Definitions need to be better defined for applicants and Staff.

Babitz asked if Staff is making sure the right solution is being applied (i.e. ADU vs. STR) so people are not intentionally creating a second unit?

Nilsen distributed example photos.

Lassen asked if other factors such as a separate entrance as being looked at.

Commissioner Bill Irving asked why we care about needs for a kitchen. If someone wants to pay for an ADU permit and SDCs the City should not tell them how much kitchen to install.

Frost asked why Staff was trying to define minimum needs/elements of a kitchen.

Planner Jennifer Kaden shared an example of a weight room that had a separate entrance from the main house. A permit was issued with comments indicating there was not to be a second kitchen or living facilities. Later it was discovered that the weight room had a kitchenette and a bed. Is that in violation of the permit issued? Definitions in the code are not clear. She said there needs to be greater differentiation between ADUs and STRs.

Nilsen added, that Staff wants definitions that make it clear when an individual kicked themselves out of STR status. He said the code is not clear. Today the code suggests that second cooking facilities that are not clearly incidental to your primary facilities such as an outside cooking area that becomes a dwelling which is not very effective way to tell people where draw that line in the sand.

Ramey said as a homeowner she would not to be pigeon-holed into an ADU.

Kaden said many residents are willing to install kitchenette for another of reason – “she sheds” or “man caves”, a room for guest where they can to get coffee without disturbing anyone. She asked at what point is it okay to do that or they have established an ADU.

Nilsen shared an example of when the incentives breaks down. A basement that had a duplex built in it. The ADU code indicates that a dwelling cannot be placed in the basement. This individual has now created a multi-unit structure and that cannot be permitted as an ADU.

Babitz asked Nilsen to walk the Commission through the Denver unit so they could start distinguishing what constitutes a dwelling.

Nilsen said the Denver example does not narrow the definition of an ADU to a kitchen as the City’s code does. It includes a separate entry and other broader characteristics.

Irving said he believes the Denver example is subjective.

Frost said he likes the Denver example because it set up what a dwelling is. It states that if you have a room to live in, you have a bathroom and you have a kitchen in partial or full that is a dwelling unit.

Lassen suggested the Commission go through the list of elements in the handout provided by Staff.

After much discussion, the Commission decided the criteria for a dwelling unit must have all of the elements below:

- 1) Full or partial kitchen (defined as sink, refrigerator, countertop appliances, cook top or stove)
- 2) Three quarter or full bathroom
- 3) Independent egress door/separate entry
- 4) Facility for sleeping (space for sleeping vs. designated for sleeping)
- 5) Non-separated, continuous & open access to the kitchen or living area of the primary dwelling defined as an uninterrupted path between with the living, sleeping or cooking areas of the primary dwelling unit and space in a second, separate living area is an independent dwelling unit.

Nilsen said Staff will be confirm the language with an Oregon attorney before it is implemented.

PUBLIC TESTIMONY: None.

REBUTTAL: None.

STAFF RECAP: None.

DELIBERATIONS: None.

MOTION: Powers motioned to Continue File No.: 2018-05 and 2018-06 to August 19, 2019. Ramey seconded the motion. Motion passed unanimously. 6 Ayes-0 Nays.

IV. APPROVAL OF MINUTES

Lassen motioned to approve minutes from August 6, 2018. Lassen seconded the motion. Motion passed unanimously. 6 Ayes-0 Nays.

V. ADJOURN

Babitz adjourned the hearing at **8:05 p.m.**

Arthur Babitz, Chair

Date

Dustin Nilsen, Planning Director

Date (Approved)

DRAFT

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:34 pm.

PRESENT: Commissioners Arthur Babitz (Chair), Mark Frost, Bill Irving, Tina Lassen, Megan Ramey

ABSENT: Sue Powers

STAFF: Planning Director Dustin Nilsen, Senior Planner Kevin Liburdy, Assistant Planner Annika Cardwell

II. PLANNING DIRECTOR'S UPDATE:

Planning Director Dustin Nilsen announced that interviews for the Planning Commission vacancy will occur this week. He also followed up on the pedestrian access question about May Street School between June and May. Pedestrian access will be available on each side of the school.

III. PUBLIC HEARING:

A. FILE NO.: 2018-07 – Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments – continuation of hearing from July 29, 2019

PROPOSAL: Amendments to the Hood River Comprehensive Plan and the Hood River Municipal Code (HRMC) based on the Westside Area Concept Plan Report, Housing Needs Analysis and Housing Strategy. Amendments may apply outside the Westside Area Concept Plan study area and may include updates to various sections of the Comprehensive Plan including the Transportation System Plan, Zoning Maps, Zoning Ordinance, and Subdivision Ordinance.

The commission will take testimony and will review a summary of its draft recommendations for the Westside Area Concept Plan Report's "Streets & Transit Framework", "Pedestrian & Bicycle Framework" and "Park & Open Space Framework."

APPLICANT: City of Hood River

Babitz 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.

STAFF REPORT:

Senior Planner Kevin Liburdy began a PowerPoint presentation summarizing recommendations for Streets and Transit, Pedestrian and Bicycle and Park and Open Space Frameworks. Liburdy went over in the detail the recommendations in the CAT memo for Streets and Transit Framework.

Babitz requested that the added line about funding for bicycle facility include something about the cascade highway and historical trail programmatic agreement.

Commissioner Bill Irving had a comment on page 8, bullet two – not sure it captures the fee in lieu concept for developers to pay for parks of a certain size and smaller. Irving felt a 2 foot park would make no sense, and it'd be nicer to have funds to go towards a larger park on a different property.

Commissioners would like the bullet to be clearer on the fee in lieu being collected at the City's discretion, not the developer's.

PUBLIC TESTIMONY:

- 1) Heather Staten, 2931 Reed Rd?? (Thrive Hood River) – Staten shared concern with Irving about double dipping for in lieu fees and SDCs. It could be another reason to treat trails as transportation. She felt it might be worth considering 'density transfers.'
- 2) Linda Maddox, 3018 Dana Ln – Maddox was concerned that Parks will be pushed to the back burner if it is part of Streets and Transit. She believed SDCs weren't going to Parks enough.

REBUTTAL: None.

STAFF RECAP: None.

DELIBERATIONS:

Babitz brought up overuse of Parks SDCs. He thought it was a good thing to have option of dipping into Parks SDCs.

Irving stated that transportation needs funding for all modes (paths etc.) not just streets.

Babitz referenced page 4 of the memo, the bullet below the photo. He thought the City should seek opportunities with ODOT for funding opportunities for bike safety on the Historic Columbia River Highway.

Commissioner Megan Ramey asked if the audience felt this memo was digestible for City Council and other community members.

- 1) Tracy Tomasphol felt there were a lot of words like consider, recommend etc. and asked if that was intentional.

Babitz responded that a lot of those areas are places where Planning Commission has not done enough research for a firm recommendation. They are as a committee advisory first and foremost. He asked for Staff to run through with an edit to keep words consistent.

- 2) Linda Maddox stated that the memo is overwhelming. She believed City Council wouldn't go through it like Planning Commission. Maddox was not happy with what came from the consultant.
- 3) Heather Staten thought the document was pretty short considering how much Planning Commission went through everything but thought it was well done.

Nilsen added that Staff won't just hand the document to City Council, there will be a full presentation that goes along with it. It will go to Council upon recommendation after being revised for readability and continuity. There is no date set for Council to review.

Babitz would like Commissioners to be at the City Council meeting for added background explanation on why decisions were made.

Irving noticed a couple spots where concepts aren't particularly clear; bike boulevard vs neighborway, CAT memo – transportation gateway/street. Commissioners agreed that the memo could use a glossary.

- 1) Linda Maddox felt this document will be a policy document not just a background document, and it's important to get language right. She was concerned that the Park and Open Space Framework will get lost if the Parks and Rec master plan falls apart. Maddox thought Planning Commission needed to spend time on the topic and not just let the parks master plan take the reins. She wanted to know how big is a 'neighborhood park.'

Liburdy stated that Staff will elaborate on kinds of parks to clarify Park and Open Space section.

Irving wanted it to say in general Planning Commission supported the Park and Open Space framework with these additional notes; wanted it to be clear that Planning Commission didn't create the Parks and Rec master plan, and he wanted to state synergy between the two plans.

Ramey wanted to know where the plans could discuss linear parks in rights of way and shared yards in public streets.

Planning Commissioner Tina Lassen wasn't sure if Commissioners was satisfied with the park acreage requirement per neighborhood.

Commissioners wanted to invite a Parks and Rec staff member to come discuss methodology before they pass the Parks section.

MOTION:

Lassen motioned to forward the memo up to but not including the Park and Open Space framework to City Council with modifications as discussed. Ramey seconded. Motion passed unanimously.

Irving motioned to continue File No. 2018-07 to September 3rd, 2019. Ramey seconded. Motion passed unanimously.

B. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code - continuation of hearing from July 29, 2019

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statutes, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 O(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

APPLICANT: City of Hood River

STAFF REPORT: None.

MOTION: Ramey motioned to continue File no. 2018-05 & 06 to September 3, 2019. Lassen seconded. Motion passed unanimously.

IV. APPROVAL OF MINUTES

None.

V. ADJOURN

Babitz adjourned the hearing at **8:35 p.m.**

Arthur Babitz, Chair

Date

Dustin Nilsen, Planning Director

Date (Approved)

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:37 p.m.

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

ABSENT: Commissioners Mark Frost and Billing Irving

STAFF: Senior Planner Kevin Liburdy, Associate Planner Jennifer Kaden and Temporary Planning Assistant, Judy Christensen

II. PLANNING DIRECTOR'S UPDATE: Senior Planner Kevin Liburdy announced the new city website is live and can be accessed at <https://cityofhoodriver.gov>. He added that Commissioners email addresses have all been updated. The new domain is cityofhoodriver.gov.

Liburdy said Planning Director Dustin Nilsen asked him to tell the Commissioners they should have received the Downtown Parking Study from Annika. If the Commissioners have questions regarding the study, see Commissioner Megan Ramey. Ramey added that she expects to have strategy recommendations at the next meeting.

Liburdy said the Commissioners should have also received an email from Nilsen regarding upcoming training for Planning Commissioners. The training is September 23rd from 5 p.m. to 7:30 p.m. in the Dallas. He asked if anyone was interested in attending. Babitz, Ramey, Commissioner Tina Lassen and Sue Powers expressed an interest in attending. Tuition to be covered by Nilsen.

Liburdy reported interviews for a new Planning Commissioner have begun. City Council will be discussing this topic on Monday.

III. PUBLIC HEARINGS:

A. FILE NO. 2019-22 – Verizon Wireless

PROPOSAL: Modification of an existing Site Plan Review Permit for Verizon Wireless affecting wireless communication facilities located on the penthouse of the Hood River County Administration Building. The proposal features replacement of three cylinders that are used to screen wireless antennas with a 10-foot-tall by 12-foot-wide by 12-foot-long screen wall, as well as to replace and relocate associated wireless communication facilities including antennas.

APPLICANT: Verizon Wireless c/o Anna Lee-Thomson and Patrick Evans, Lynx Consulting, Inc.

Babitz read the procedural script and asked the Commissioners to disclose any ex-parte contacts, conflicts of interest or bias in this matter.

Lassen said she looked around the Hood River County Administration Building and thinks there is already a lot of equipment on the roof.

Ramey walked by the building and does not think the screen would be a dramatic change.

Babitz disclosed that he lives just a few blocks up the hill from County building and noticed there are many telecommunications devices on the building. He said he has tried not to formulate any conclusions.

No bias or conflicts of interest were declared.

STAFF REPORT: Babitz said the Commission has held a series of legislative discussions recently, but this evening they do not get to decide whether the referenced code is good or bad. Instead their focus should be on the interpretation of the code as it applies to the applicant.

Liburdy said the Verizon proposal is modifying the previously issued Site Plan Review Permit. The proposal features replacement of three cylinders that are used to screen wireless antennas with a 10-foot-tall by 12-foot-wide by 12-foot-long screen wall, as well as to replace and relocate associated wireless communication facilities including antennas. He said a total of nine antennas are being proposed inside the screening wall. The application is being processed as a major modification to the existing Site Plan Review Permit as a quasi-judicial action.

The property is located at 601 State Street, Hood River at southwest corner of 6th and State. The legal description is 10N25CD tax lot 10900 and it is zoned General Commercial. The criteria are from the Hood River Municipal Code Section 17.04.040 a quasi-judicial action, 17.16.040 a General Commercial Zone and 17.17.040 a General Exception to Building Height Limitations. The applicant submitted a preliminary plan depicting the existing and proposed improvement (Attachment A1), a written description on how the improvement meets the applicable standards and criterion (Attachment A2) and a photo simulated screen wall (Attachment A3).

Liburdy said the Staff Report dated August 27, 2019 presents how the applicant applied the criteria and standards to the improvement, and where it is not in compliance.

Babitz reiterated that the role of the Commission is to review, take public testimony and determine whether the application meets or does not meet the applicable criteria.

Staff recommended the Commission take testimony on whether the proposed screening wall is a "vertical projection" subject to the building height provision of HRMC Section 17.16.040 (G) and determine if it fits the Equipment Storage and Compatibility criteria.

Liburdy addressed the City's Site Plan Review criteria for Equipment and Compatibility which indicates mechanical storage must be screened from view and include a sound buffer that meets the minimum requirement of the City's noise ordinance. The proposed wall has a top elevation of 20-feet above the main roof and has been found not to comply with this criterion.

The compatibility criterion states the height, bulk and scale of the building shall be compatible with other buildings in the surrounding area. The findings indicate that although the proposed screening was intended to screen wireless equipment, the height, bulk and scale of the wall appears greater than those

on other buildings in the area. The top of the parapet wall surrounding the building's main roof is at an elevation of approximately 38 feet, six inches above the sidewalk grade, and the top of the penthouse is approximately 48 feet, five inches above that same sidewalk elevation. The proposed wall is 8 feet, 5 inches above the sidewalk. The proposed screen has a bulk that does not appear to be in harmony with other buildings.

Staff recommended the Planning Commission take testimony and review criterion standards. If the Commission determines the proposal is consistent with applicable criterion and approves the proposal, Staff will need to prepare a final order on the two conditions to ensure permits are obtained for the improvements.

Babitz asked if the Applicant followed HRMC Section 17.06.30.

Liburdy replied that the Applicant's written criterion just explained the Conditional Use criteria. He added that County operations are considered a Public Facility that started off operating and continue to operate under a Conditional Use permit. Overtime there have been several wireless communications facilities that have been placed on the roof and have gone through similar processes. The most recent was the 50-foot-tall emergency antenna which was considered a Public Facility and provided an exemption under HRMC 17.04.040. The current proposal is a modification to the existing Site Plan Review permit. The Site Plan Review process and the Commission is analyzing the proposed modifications for conformance.

Lassen asked if screening is required and whether it is part of the General Commercial Zone.

Liburdy replied, that the screening standard Staff applied, was from the Site Plan Review permit, not from the General Commercial Zone. He stated that Staff could look at the C-2 zone, but he does not think there are standards that address the screen.

Babitz said there are new standards in the General Commercial Zone, but they only apply to the Waterfront, so they would not be applicable in this situation.

Lassen asked if the City had any provisions for the removal of equipment as technology changes.

Liburdy stated there has been no standards or conditions that mandate the removal of equipment.

Babitz moved to hear testimony from Patrick Evans of Lynx Consulting.

PUBLIC TESTIMONY: Patrick Evans of Lynx Consulting distributed prepared testimony to the Planning Committee and Staff. He stated he was only going to touch on those items where there is a difference in interpretation or a disagreement with the Staff Report. He asked that his written testimony also be part of the permanent record.

Evan does not think the Compatibility language is applicable to this matter as the Verizon's installation is not part of the building, it is an appurtenant to it. Verizon has a lease that calls out a specific location which was the result of a 12-year process with the County. He explained that the antennas are positioned at the front of the building because radio frequencies travel with line of sight. There must be clear corners on the building for the antennas to work effectively. If Verizon were to move the antennas

further back on the roof, they would experience what is called Airfield Blocking and signals would be cut off.

In response to the Staff Report's statement that the Applicant did not provide any information to demonstrate the screening wall has a height elevation that is similar to other buildings in the area, Evan said the change Verizon is proposing is very small relative to the overall area. In addition, he disagrees with three areas of the Staff Report:

- Whether or not there is a requirement for screening
- Whether or not there is an impact on the surrounding buildings and
- Whether the screen meets height requirements

Evan thinks there is a divergence of opinion between Staff and the industry. Staff has said the proposed screen is a "substantial change" because the previously approved cylinders were 8-foot tall and the proposed screening wall is 10-feet tall.

Evans said the change falls within federal guidelines of Section 6409 and is not subject to the Hood River Municipal Code. The FCC's intent at the time they developed the law was to expedite the roll out of wireless communications across the country. Every jurisdiction had its own approach which was holding up the entire process. To speed up the process, the federal government drew a line in the sand, and said if the change was not greater than 10 percent or 10-feet tall it must be approved by local municipals.

With respect to Staff Report's reference that the modification is not compatible with other buildings in the surrounding area, Evan said his interpretation of the code is that applies to the building, not appurtenant itself.

Powers asked what the terms are for the Verizon's lease agreement.

Evans replied he did not know as he does not have access to that information.

Powers thinks the compatibility issue explicitly indicates the site must fit in with other buildings in its surrounding area.

Evans said the code as written applies to the building, not the appurtenances.

Powers asked if the increased in the number of antennas is the reason Verizon is proposing a new wall screen.

Evans said previous antennas were screened within cylinders, but as technology changes they become more difficult to conceal.

Powers asked if other carriers will be doing the same.

Evans said the antennas change all the time.

Lassen asked what it would look like if there was only the nine antennas and no screening. Evans referred her to the drawing in RF1.

Lassen asked if there was any other reason for the screen such as weather protection.

Evans responded no.

Lassen asked about the height of the antennas.

Evans said they are just over 6-feet in height and 6 to 15 inches in width.

Babitz asked if Section 6409 means Verizon does not have to screen the antennas.

Evans replied no. If the antennas were screened initially, they need to continue to be screened.

Babitz asked Evans if his interpretation Hood River's Compatibility code is that it applies to the building itself, not what has been placed on it.

Evans said that is correct.

Babitz asked if Section 6409 did not apply and Verizon could not adhere to Hood River code what would the company be expecting the Planning Committee to do.

Evans said Commissions typically defer to city attorneys at that point.

Powers asked why the screen is not an obstacle to air signals.

Evans responded that the screen is fiberglass reinforced plastic which is radio translucent.

Kristen Godkin, 621 State Street in Hood River, lives above the County building and the cellular towers' health affect.

Liburdy said the FCC says municipals are not allowed to use radio frequency potential health affects in their evaluations of the wireless installations.

Evans said Liburdy is correct. The FCC has said review of applications based upon electromagnetic radio frequency is outside the preview of local governments. He added that Verizon typically evaluates each of antennas to federal thresholds to ensure they are not exceeding those standards. Radio waves also decrease 100 percent at 10 feet which is reason this equipment is not placed on the ground.

Babitz asked where individuals like Godkin go if they disagreed with the findings.

Evans said to the FCC.

Babitz disclosed he has a degree in Electrical Engineering that he does not plan to apply to the deliberations. There were no objections to him continuing.

Ramey asked what must be done if the Commission were to approve the application. Liburdy responded if the Commission finds that the applicant meets the Hood Rivers criterion, and Section 6409 supersedes the site plan review criteria, then the findings become very streamline. If the Commission decides the local standard applies, then he is going to need to write something up to explain how Verizon has met

the compatibility and equipment screening criteria and why the screen wall is exempt from height regulations.

Babitz said if local code does not apply then the Commission is not the body to considering this matter.

Liburdy responded that according to Evans, Section 6409 states that screening materials used at the time adoption would have to continue to be used, so there is a role for the Commission to review the proposal.

Babitz said if the Commission does a review and determine the modifications are subject to municipal code and are not in compliance, he would presume it is at that time that the City's attorney would get involved.

Liburdy said that was correct.

Evans said if the Committee is deciding strictly on Hood River code than Verizon would like to attest that decision. If the Commission defers a decision, he would like to hold the records open to allow Staff and the City Attorney to look at the FCC regulations and language.

Liburdy recommended the Applicant submit a Continuous in order to submit the additional FCC information and give the Committee an opportunity to review the information before deliberations.

Evans requested a Continuous to October 7, 2019 and to keep the record open for testimony. It was agreed that written testimony must be submitted by September 23, 2019 at 5 p.m.

MOTION: Powers motioned to Continue File No. 2019-22 to October 7, 2019. Lassen seconded. Motion passed unanimously.

RECESS: The Planning Commission called a 5-minute recess at 6:55 p.m. so Staff could have an opportunity to touch base with Evans. Commission was back in session at 7 p.m.

B. FILE NO.: 2018-07 – Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments – continuation of hearing from August 19, 2019

PROPOSAL: Amendments to the Hood River Comprehensive Plan and the Hood River Municipal Code (HRMC) based on the Westside Area Concept Plan Report, Housing Needs Analysis and Housing Strategy. Amendments may apply outside the Westside Area Concept Plan study area and may include updates to various sections of the Comprehensive Plan including the Transportation System Plan, Zoning Maps, Zoning Ordinance, and Subdivision Ordinance.

The commission will take testimony and consider updating their recommendations to the City Council regarding land use and housing development before future hearings are scheduled and deliberation begins over the Westside Area Concept Plan Report's Land Use Framework.

APPLICANT: City of Hood River

Babitz 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.

Babitz opened the hearing and asked for Staff's Report.

STAFF REPORT: Liburdy explained the hearing is being continued from August 19, 2019 which focused on the Commission's recommendations for the Streets and Transit, Pedestrian and Bicycles and the Parks and Open Space Frameworks. During the meeting the Commission recommended several updates to the memo that will go to the City Council describing their recommendations, excluding recommendations for the Parks and Open Space Framework in order to first hear from the Parks District and talk about how the concept plan is reflected in the Parks Master Plan updated. The Commission also discussed approaching the City Council to verify if a discussion of the zoning map and zoning changes applying more broadly throughout the city prior to deliberation on the land use scenarios in the concept plan report.

Liburdy recommended the Commission take testimony and consider updating their recommendations to council regarding land use and housing development before hearings are scheduled on the land use framework. He also recommended the Commissioners continue discussions on Parks and Open Space framework to October 16 when Mark Hickok of the Hood River Valley Parks and Recreation District is available to attend.

Babitz said at the last meeting focused on how the commission would like to proceed on Land Use Framework. He said there appears to be consensus to go back to City Council and work on the Land Use Framework without the restriction of limiting discussion to the westside. Based on the Housing Needs Analysis the Commission would focus on both zoning and codes changes pursuant to the goals in the HNA. It is recognized this is something the public had not had a chance to comment on this so it was publicized we would have the discussion today and make a decision on an approach after taking testimony.

Chair Babitz opened the hearing and the procedural script.

PUBLIC TESTIMONY: Linda Maddox, 3018 Dana Lane in Hood River, agreed with the idea of updating zoning and code changes for the entire city, but does not agree with all the proposed changes. She does not support lot sizes of less than 5,000 square feet. She would like to see the lot size code remain as it is but maybe a smaller lot size in the R-1 Zone, and she would like to see a variety of housing types.

Babitz noted there was not further testimony and the commission can deliberate.

DELIBERATION:

Powers asked about the scope of the evening's discussion.

Babitz suggested the Planning Commission wants to recommend that City Council look at zoning and code updates city wide, not just on the Westside.

Lassen asked if the Commission would consider zoning map changes on developed land.

Babitz explained this may include legislative changes to, for example, create a new R-2.5 Zone, and to change the zoning map in any place. Areas to be considered for changes to the zoning map might be areas that have significant expectation for future development, are more undeveloped, and that have a

lower overall density if the goal is to add more high density land to the map. Yes, zoning could be changed on existing developed property to allow more possibilities for the owners but not force owners to remove their current use. The character of neighborhoods could change and a lot of people will care about that. In general that is done in areas where developed hasn't happened yet but you're not restricted from considering other areas and the City has considered such changes in the past, often at the request of a land owner.

Ramey asked how the commission would take a system wide land use framework without tackling existing historic buildings and barriers to redevelopment such as the old Hotel Oregon. Salem has an exception for historic buildings that allows redevelopment without adding parking.

Babitz noted that parking standards have been noticed and there is a discussion about getting more housing downtown in the C-2 Zone. This should be discussed further.

Liburdy responded that there are several efforts happening simultaneously including code changes through File Numbers 2018-05 and 06 for the zoning and subdivision ordinances to address housing needs and other code refinements. By working on the parking issue, that may result in the ability of some property owners to redevelop and create some additional housing.

Babitz suggested the current code defines and restricts the number of doors on a lot rather than the intensity of development. As an example in the R-3 Zone the code allows townhouses with two doors and the result is only two expensive homes. He spoke to Kristi Chapman about this who agreed and who asked why we don't see garden apartment style of development.

Ramey agreed.

Lassen suggested there is a lot to unpack here and would approve moving this to city council knowing that it's going to come back to the commission for further discussion.

Powers asked if, in the meantime, some of the commission's recommendations will be forwarded to the council.

Liburdy confirmed the memo that was refined at the commission's last meeting included recommendations for the Streets and Transit Framework, and Pedestrian and Bike. The Planning Director has been working with the city manager and DLCD staff to figure out how to move recommendations for the TSP forward while we work on other components of the plan.

Kaden noted that these two frameworks are on the council's agenda for September 9.

Babitz explained that the concept plan's frameworks are high level thoughts that will kick off a process for explicit changes to the TSP including street cross sections.

Liburdy responded that there may be an effort for nearer term TSP updates and a separate larger scope, system wide evaluation.

Babitz briefly summarized the commission's discussion.

Powers asked about testimony submitted about Kelowna's linear parks.

Babitz noted that the Parks District is moving forward with a separate process to update their master plan, and we want to hear from them.

Ramey noted the absence of the emerald necklace concept.

Babitz suggested forwarding specific questions to be addressed by the Parks District.

Liburdy mentioned that the Parks and Open Space Framework in the westside area concept plan report should not be looked at in isolation, but in conjunction with the Streets and Transit Framework and the Ped and Bike Framework because they're layered to create that network.

Babitz asked for any further discussion. There was none. He suggested voting on sending himself and any other commissioners interested to the upcoming council meeting, hopefully on September 9, to request the commission expand the discussion of the land use framework to the city as a whole consistent with the Housing Needs Analysis.

MOTION:

Powers motioned to have Arthur to speak to the council at their earliest convenience and present the commission's agreement to consider the code and zoning changes that have been discussed for the westside to be considered on city-wide basis. Ramey seconded. Babitz repeated the motion. There was no further discussion. Motion passed unanimously.

**C. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code –
*continuation of hearing from August 19, 2019***

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statutes, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 O(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

APPLICANT: City of Hood River

MOTION: Lassen motioned to Continue File No. 2018-05 & 2018-06 & 2018-07 to September 16, 2019. Powers seconded. Babitz repeated the motion. There was no further discussion. Motion passed unanimously.

IV. APPROVAL OF MINUTES

None.

Babitz explained the commission has a request to get time on a future agenda for Commissioner Ramey to discuss the downtown parking study. The commission suggested Ramey work with staff to find an appropriate time.

V. ADJOURN

Babitz adjourned the hearing at **7:27 p.m.**

Arthur Babitz, Chair Date

Dustin Nilsen, Planning Director Date (Approved)

DRAFT

City of Hood River
Planning Commission
Public Hearing
September 16, 2019

Hood River City Hall
City Council Chambers
211 Second St
5:30 p.m.

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:33

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

ABSENT: None.

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

II. PLANNING DIRECTOR'S UPDATE:

Planning Director Dustin Nilsen presented new Planning Commissioner Erika Price. Planning Commissioner Erika Price introduced herself and her background in architecture and engineering.

Nilsen reminded the Commissioners about a Planning Commission training the following week.

Chair Arthur Babitz said if people can't make it to the next City Council meeting, he will take notes and report back on next steps for the Land Use Framework.

Nilsen summarized the City Council meeting on September 9, 2019 specifically the Transportation System Plan (TSP).

III. PUBLIC HEARING:

A. FILE NO.: 2018-07 – Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments – continuation of hearing from September 3, 2019

PROPOSAL: Amendments to the Hood River Comprehensive Plan and the Hood River Municipal Code (HRMC) based on the Westside Area Concept Plan Report, Housing Needs Analysis and Housing Strategy. Amendments may apply outside the Westside Area Concept Plan study area and may include updates to various sections of the Comprehensive Plan including the Transportation System Plan, Zoning Maps, Zoning Ordinance, and Subdivision Ordinance.

The commission will take testimony and deliberate over the Westside Area Concept Plan Report's Park & Open Space Framework.

APPLICANT: City of Hood River

Babitz 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.

STAFF REPORT:

Nilsen introduced Mark Hickok from the Hood River Valley Parks and Recreation District.

Parks and Recreation District Director Mark Hickok began his PowerPoint presentation on the Parks and Recreation Master Plan.

Commissioner Tina Lassen asked if the 'walk shed' map took park size into account. Hickok replied that there is not really a size requirement.

Babitz asked if there is a chart anywhere that shows how much each park is used. Hickok responded that it's difficult, but how many times the trash is emptied is a decent measure. The skate park and waterfront park are big ones in Hood River.

Commissioner Bill Irving asked about the integration of trails to actual parks. Hickok stated that it is addressed in the Master Plan.

Commissioner Megan Ramey stated that she hopes to see a multi-jurisdictional master trail plan in the near future.

Irving asked how the Parks Master Plan is going to connect with the TSP etc. Nilsen responded that the relating plans will be put under Goal 8 of the Comprehensive Plan. Irving would like to see Planning Commission related changes reflected in the Parks Master Plan.

Ramey asked about Historic Columbia River Hwy Trail and the potential Railway Trail from Hood River to Parkdale. Hickok responded that they support the Historic Hwy Trail, but it is a state project and out of their jurisdiction. As for the 'rails to trails' question, it is outside of their scope but they are a willing partner. Right now, the pool is the big project.

Irving asked how funding breaks down for Parks and Recreation. Hickok responded that there is one million dollars for operation and half goes toward the pool and they recoup about half of that. One quarter comes in in fees, and SDCs are about 300,000 a year or so but a lot of it is already marked for a certain project.

Commissioner Mark Frost asked how the pocket parks fare compared to larger parks. Hickok responded that they mostly serve adjacent properties. They could be better managed by an HOA, but both are addressed in the Master Plan.

Frost asked if a school can count as a park. Hickok responded that that is still up for discussion. It was the belief of the previous super intendent but not necessarily the current.

Lassen asked when we can start buying park land. Hickok responded that it really depends on cost and available grants.

PUBLIC TESTIMONY:

- 1) Heather Staten, PO box 1544 (Thrive HR) – Staten believed the Master Plan lacked specificity. She struggled to see how Parks Master Plan and West Side Plan work together.
- 2) Susan Crowley, 411 12th St (submitted document for the record) – Crowley saw the complexity with making these parks happen. She believed trails and parks need specific tax lots assigned to them. She saw the Parks document as challengeable if it does not address those specifics. Crowley added that Morrison Park is not special use park and doesn't know why it's designated that way.

Hickok agreed with the Morrison Park statement and added that that will probably be changed in the draft plan.

Crowley had an issue with only using 'walk shed' analysis. She believed it did not give the growing population enough acreage. Crowley stated that we need land for parks, and parklets aren't enough. Hood River does not have as much park acreage as the document stated, and the numbers are finagled to reflect that it does.

Babitz asked Staff about the methodology used to determine the adequacy of parks. Nilsen responded that the acre/thousand people is not in any City code. You need to respond to Goal 8 – with adequate public facilities. Nilsen added that Council has consented to methodology of the 'walk shed.' The questions on that methodology should be set up in the Parks Master Plan.

*Planning Assistant Annika Cardwell left at 7:30

- 3) Linda Maddox, 3018 Dana Ln – Maddox stated that in the past it's been 10 acres per 1000 people. The most unusual park to count is Wells Island. She continued that we need to figure out how much land we want to protect and how do we want to do it.

REBUTTAL: None.

STAFF RECAP: None.

DELIBERATIONS:

Planning Commissioners discussed methodology; walkshed vs acres/thousand people.

Price thought a walkshed was really important, but we also need a criteria for minimum park size.

Lassen was interested in a blended criteria. She struggled with the walkshed because of Westside density. She didn't want too much energy going to pocket parks.

Babitz added that we need to think of park function and facilities not just size. He believed acres/thousand people was inadequate.

Commissioner Susan Powers believed we needed a distance measurement in conjunction with acreage/thousand including amenities.

Ramey stated that the walkshed resonates with her, but it needs a walkscore for park type.

Lassen wanted to blend concepts with hard numbers attached to the formula.

Commissioners discussed map specificity.

Price stated that there are risks to being too specific, and there should be a range. It's easier to be specific with trails.

Nilsen stated that the current plan puts one park in each of the three neighborhoods at three acres/thousand people.

Lassen stated that 11 acres seems insufficient for westside placeholder.

Megan saw three neighborhoods parks as uninspiring, but is excited by the emerald necklace/linear parks.

MOTION: Irving motioned to continue File No. 2018-05 & 06 to October 7, 2019. Lassen seconded. Motion passed unanimously.

**B. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code –
*continuation of hearing from September 3, 2019***

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statutes, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 (G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

APPLICANT: City of Hood River

MOTION: Lassen motioned to continue File No. 2018-05 & 06 to October 7, 2019. Price seconded. Motion passed unanimously.

IV. APPROVAL OF MINUTES

None.

V. ADJOURN

Babitz adjourned the hearing at **8:00 p.m.**

Arthur Babitz, Chair Date

Dustin Nilsen, Planning Director Date (Approved)

DRAFT

MINUTES

I. **CALL TO ORDER:** Acting Chair Arthur Babitz called the meeting to order at 5:34 p.m.

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

ABSENT: Commissioners Bill Irving, Tina Lassen

STAFF: Planning Director Dustin Nilsen, Senior Planner Kevin Liburdy, Associate Planner Jennifer Kaden, Temporary Planning Assistant, Judy Christensen

II. **PLANNING DIRECTOR'S UPDATE:**

Planning Director Dustin Nilsen asked to present last.

III. **PUBLIC HEARINGS:**

A. **FILE NO.: 2019-22: Verizon Wireless - continuation of hearing from October 7, 2019.**

Chair Arthur Babitz opened the hearing, described the proposal, read the procedural script and asked the commissioners to disclose any ex-parte, bias or conflict of interest. No ex-parte contact, bias or conflict of interest were disclosed. Commissioner Ericka Price reviewed the record and is willing to participate. Commissioner Megan Ramey was absent from the hearing on October 7 but is prepared to participate. Babitz asked if any audience members would like to question any commissioner on any disclosure, bias, ex-parte, or conflict of interest. There were none. Babitz asked if any commissioner would like to make a motion to disqualify any other commissioner. There were none.

STAFF REPORT: Senior Planner Kevin Liburdy explained that, during the hearing on October 7, 2019, a motion was made to approve the application subject to elimination of the screening wall around the nine antennas as long as the antennas do not exceed the height approved in the original Site Plan permit of 56 feet, 5 inches. That motion was tabled until today. The record currently is closed and the commission can vote on the motion to approve.

Chair Babitz reminded the audience that the motion was tabled to allow the applicant to the chance to review the details of their project and determine if they should resubmit the application or change it in some way. The commission can ask the applicant if he wants to ask the commission to re-open the hearing so that he can make a change.

Babitz asked the applicant if he wished to re-open the record to submit additional testimony. Verizon consultant Patrick Evans asked for brief recess to consult with the Planning Department staff. Recess approved at 5:42 p.m. Babitz called the hearing back in order at 5:45 p.m.

Babitz explained that the applicant is not asking the commission to re-open the record and that there is a motion on the floor. Babitz asked staff to repeat the motion and Liburdy did so.

Commissioner Frost asked if the existing antennas are shorter or taller than the existing screening cylinders. Staff confirmed that 56 feet 5 inches is the height of the existing screening cylinders.

Commissioner Price asked if the motion to approve is based on integral screening of panel antennas. Staff confirmed that there is no finding suggesting panel antennas are considered integral screens.

Babitz called for any further discussion. There was none.

MOTION: Babitz called the question. The motion passed on a vote of 5 Yays, 0 Nays.

B. FILE NO.: 2018-17 – Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments – continuation of hearing from October 21, 2019.

Babitz opened the hearing, read the procedural script and asked the commissioners to disclose any ex-parte, bias or conflict of interest. There were none.

Babitz explained the Commission tabled the hearing on the Parks and Open Space Framework at the October 21st Planning Commission meeting to allow time for Commissioner Tina Lassen to make the changes to the recommendation memorandum originally drafted by Staff.

STAFF REPORT: Liburdy said the commission discussed the recommendations for the Westside Plan's Parks and Open Space Framework on October 21. The commission decided note to use the October 7 memorandum that was prepared by staff to explain the commission's recommendations to the city council. Commissioner Lassen drafted changes to the memo and staff updated formatting. The commission then recommended approval of Commissioner Lassen's revisions and tabled the hearing on October 21. Staff placed the issue back on this evening's agenda to provide an opportunity for the commission to review the revised memorandum and deliberate if necessary.

After a brief discussion between commissioners, Babitz explained that the commission had already taken testimony on the matter and the floor was open for deliberation. Babitz asked commissioners for comments. There were none.

Babitz noted the memorandum states that the commission supports an increase in SDCs rates to acquire land, and he asked if this was discussed. Commissioners Ramey and Frost did not recall. Babitz explained he does not support this because increases in SDC rates are in direct conflict with affordable housing and it is City Council's responsibility to decide between funding parks and keeping SDCs rates under control.

Commissioner Price noted that the Parks Director said the District is ratcheting up SDCs and there is a maximum cap, but the funds are not expected to be sufficient for needed land acquisition. Babitz thinks the argument is whether the SDCs are adequate for additional park needs resulting from additional development, and he thinks that's debatable. He does not think the commission's recommendation is appropriate given the priority of housing affordability.

Commissioner Frost thinks Hood River's property tax rates are low compared to other cities, and he thought the memo was saying that the commission supports the District's effort catch up with more appropriate funding for parks. Commissioner Erika Price suggested using parking fees to support

park development. Babitz said very few cities have as many system rates charges as Hood River has which certainly is not low overall. Babitz asked the other Commissioners if they are suggesting park development is more important than housing affordability. Powers suggested the Commission let City Council decide how to fund park development.

Babitz asked the Commissioners if their intent is to say they are not interested in parks that are connected. Powers replied no. Price said connecting parks should be priority, not a requirement. Ramey thinks connected parks will help to serve future transportation needs. Babitz said the recommendation makes it sound as though connecting all parks is mandatory. Frost said the Commission's "vision" is to create an Emerald Connector. Babitz said he agrees with the vision.

Babitz asked the Commission to explain the Terrace Concept. Liburdy said the Terrace Concept precludes development on slopes with a 25 percent or greater grade. Frost said the intent is to keep slopes of this nature undeveloped.

Babitz questioned the timing of the Commission's Park and Open Space Framework recommendation given the fact that the City Council is far along with the Parks Master Plan. Liburdy said the Commission's intent is to "influence" the Master Plan. The original Concept Plan called for three-acre parks; the Commission is requesting three- to four-acre parks which is a change. Babitz thinks park size should be prioritize in higher density areas and acreage should be based on a per capita basis and site location.

Ramey indicated that she would like to see a walking system with tree groves. Frosts said he supports boulevards with paths and trees. Liburdy said wider planter strips and greater green space is already planned for areas that connect neighborhoods and parks.

Liburdy read through the Commission's modifications to the recommendation memorandum.

MOTION: Price motioned to forward the memorandum to City Council with minor modifications; Powers seconded the motion. The motion passes unanimously (5 Yays/0 Nays).

C. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code – continuation of hearing from October 21, 2019.

PROPOSAL: Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statues, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 0(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate

principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

APPLICANT: City of Hood River

Babitz opened File No. 2018-5 and 2018-06 from October 21, 2019.

MOTION: Powers made a motion to move the hearing for File 2018-05 and 2018-06 to December 16, 2019. Ramey seconded the motion. Motion to continue the hearing on File 2018-05 and 2018-06 to December 16, 2019 passed unanimously (5 Yays/0 Nays).

IV. Downtown Parking and Transportation Study Update – Commissioner Ramey

Ramey said that she put together a summary of the seven white papers that make up the parking study to share with the Planning Commission. She said the crux of study suggests Hood River's on-street parking capacity is in the 70 percentiles during peak (peak was measured at two points in July and one in December). She said the study references an 85 Percent Rule which states that additional parking should be considered when parking levels are consistently above this threshold. Nilsen added, the consultant is referencing both publicly and privately held parking. Block faces have considerably higher rates and off-street parking that is privately held is grossly under-utilized. Frost said he has no doubt that off-street parking is a problem.

Ramey said the consultant's guiding principle is that the on-street system for customers, on-street system abutting downtown (i.e. Columbia, past 7th, etc.) is for residents and the off-street system is for employees. Nilsen added that the guiding principle is based on value judgement regarding the use of parking and who has priority. Downtown on-street parking is for quick turnarounds, Off-street is not as quick and emphasizes maximum utilization for residents or employees.

Ramey said with the consultant is projecting an 18 percent increase in parking; parking spaces are expected to increase from 258 stalls to 272 by 2040. Ramey added that the residential barrier assessment touched on why developers are not able to get anything going downtown which goes back to current zoning.

Ramey said she questions whether increasing parking is the right vision. Frost thinks there are a lot of people avoid downtown due to parking constraints and fears restaurants will struggle. He also thinks the burden is lifted the two weeks prior to Christmas when residents are not required to pay metered parking. He said during peak season there are also many non-residents that come to town who are not ready to abandon their vehicle which have their skis, mountain bikes and other sports equipment. Her said people are not going to move to Hood River if we restrict their mobility to public transportation.

Babitz said he would like to see more satellite parking. Frost said he agrees. Powers said she concurred. Price said she is all in with the idea of satellite parking. Babitz said he thinks the group would agree that they all prefer to see satellite parking vs. curb cuts in landmark lots.

Powers said she would like to see the elimination of parking near intersections. Ramey said that this is already being addressed in the parking study. Corner parking will be replaced with bike racks.

Nilsen said there will be an Open House on parking that the Commissioners can attend.

V. MINUTES:

Powers motioned to approve the minutes from October 7, 2019 as drafted; Price seconded the motion. Motion approved unanimously, 5-0.

VI. DIRECTOR’S UPDATE

Nilsen said Council requested project recommendations from its committees for its 2020 work plan. At last Planning Commission meeting he was asked to produce a short list of projects ideas that could be used as a catalyst for starters. Frost had mentioned a specific strategy for the development of Henderson Creek Trail. Commissioner Tina Lassen also leaned in on this idea and provided commentary. Nilsen said there were other suggestions that came out of discussions around the Westside Plan. Babitz suggested the Committee go through the list of ideas provided by Nilsen. There was much discussion regarding the scope of updates to the TSP plan and code amendments for multi-unit housing to support the needs identified in the 2015 Housing Study which Nilsen was asked to include in the proposal to City Council.

VI. ADJOURN

Babitz adjourned the meeting at 8:15 p.m.

Arthur Babitz, Chair

Date

Dustin Nilsen, Planning Director

Date (Approved)

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:31 p.m.

PRESENT: Commissioners Arthur Babitz (Chair), Mark Frost, Bill Irving, Sue Powers, Tina Lassen, and Erika Price

ABSENT: Commissioner Megan Ramey

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

II. PLANNING DIRECTOR'S UPDATE:

Planning Director Dustin Nilsen reminded the Commissioners of the adhoc Committee Meeting on Parking tomorrow and the Parking Study Open House on Wednesday, December 4th at the Hood River Hotel from 6 p.m. to 8 p.m.

III. PUBLIC HEARING:

FILE NO. 2019-16 – "The Creek" Planned Unit Development
PROPOSAL: A Conditional Use Permit for a Planned Unit Development including a 39-lot subdivision for 30 townhouses and nine single-family dwellings. The proposal includes designation of approximately 40% of the site as common open space, impacts to wetlands, construction of private streets, public and private utilities, and associated site improvements including retaining walls. The subdivision is proposed to be constructed in two phases.
APPLICANT: Mark VanderZanden

Chair Arthur Babitz opened the hearing, read the procedural script and asked the Commissioners to disclose any ex-parte, bias or conflict of interest. Commissioner Sue Powers disclosed she visited the site yesterday and learned that it has a challenging terrain. Commissioner Bill Irving disclosed he has looked at the site multiple times over the last five years with clients. However, he is not representing anyone at this hearing. He has learned the zoning, the density, seen someone else's development plan and is aware that there is topography that must be dealt with. Commissioners Tina Lassen, Erika Price and Mark Frost had none. Babitz said he walks his dog in Indian Creek Trail twice a day and is familiar with the property's topography difficulties. He also walked the site when the Indian Creek Trail was being planned. Babitz's asked if anyone in the audience had any concerns. There were none. He asked if any of the Commissioners would like to make a motion to disqualify any other Commissioner. There were none.

STAFF REPORT: Senior Planner Kevin Liburdy reiterated that this is a Conditional Use Permit for a Planned Unit Development including a 39-lot subdivision (30 townhomes and nine single-family homes). The proposal includes designation of approximately 40% common open space, impacts wetlands, construction of private streets, public and private utilities, and associated site improvements including

three retaining walls. The subdivision is to be constructed in two phases. The property is located at the North end of a cul de sac on the South side of Indian Creek. The legal description for the property is 3N10E36AB 3300/3400. Tax Lot 3300 is approximately 3.16 acres and it is zoned general commercial. Tax lot 3400 is approximately 1.31 acres and is in the urban high-density zone. The applicable criteria include chapters 17.03.030 urban high-density residential zone, 17.03.050 general commercial zone, 17.04 supplementary provisions, 17.06 conditional use, 17.07 planned development, 17.09.040 quasi-judicial actions, 17.16.040 site plan review criteria, 17.17 landscaping and development standards, 17.22 natural resource overlay, 16.08 procedural requirements for land division and 16.12 general design and improvement standards.

The role of the Planning Commission is to take testimony and determine whether the criteria meets or does not meet applicable approval criteria. The Staff Report presents findings explaining how the Applicant complies with applicable criteria and where standards have not been met and conditions of approval have been recommended.

Liburdy said he would like to focus on three significant areas: environmental constraints, phasing of the development, and application of zoning after the lots have been platted. Environmental constraints include wetlands which are subject to City and State Department of Lands regulations. The Applicant has submitted a delineation concurrence letter from the Department of State Land (Attachment A4). Most of the wetlands are not expected to be impacted. However, wetlands will be impacted North of proposed lots 11, 12, 16, 17, 37 and 36. Section 17.22.010 restricts most development activities in locally significant wetlands unless a variance is obtained. Most variances are subject to city ordinance 17.18.

Liburdy said Staff recommends the approval of a variance provided the conditions of approval outlined in the Staff Report are fulfilled. Recommended conditions of approval include deed restrictions to be recorded on any lot where a wetland has been delineated and notification to residents that delineated wetlands shall not be altered unless first reviewed by the City Planning Director and the Department of State Lands.

Liburdy said the proposed site is adjacent to Indian Creek and there is a 50-foot buffer which is measured from the top of the bank along the creek. Development activity is restricted in the buffer area pursuant to section 17.22.020 of the municipal code. Portions of lots 32-38 are in the buffer and are proposed to be counted towards planned development open space requirements. There is also a stormwater line to be constructed through that buffer on lots 34 and 33 so stormwater can be discharged into Indian Creek.

Staff recommends conditions of approval to have the developer construct a pedestrian path over the stormwater line and allow people to walk between the private street and Indian Creek Trail. Staff also recommends the developer constructs a split-rail fence along the 50-foot buffer on lots 32 to 38 to distinguish private space from common open space.

Proposed tree removal is depicted on Sheet A118 of the preliminary plan. The Applicant is proposing all trees be removed where the homes, streets and utilities are to be constructed. Approximately 42% of the site is proposed as common open space to be maintained by a Homeowners Association. Tree retention in the buffer is especially important to shade the creek and minimize temperatures which are regulated by Environment Quality Regulations. Liburdy said it is important to be aware of the potential for wildfires in a forested corridor. The City's Fire Chief is recommending ignition resistant construction

materials and spaces around homes consistent the Urban Wildlife Interface code as well as installation of fire sprinklers in each home.

There are cuts, fills and retaining walls up to 10-feet tall proposed in areas with steep slopes and there are existing apartments uphill. Current zoning standards do not preclude development on steep slopes. A geotechnical review the tested findings and provided recommendations for the development of the site was conducted. The geotechnical analysis (A5 Appendix B) did not anticipate development where lot 39 is proposed and where there is an existing drainage way. A condition of approval is that lot 39 be removed from the final development plan, no grading and vegetation removal should be permitted in that area or other areas where the geotechnical analysis did not anticipate development. In addition, an easement shall be provided through the remainder of site for a drainage way.

Liburdy said, the second area Staff wanted to touch on the phasing of development. A two-phase subdivision is proposed. Phase one would include the West half and phase two the East. All roads, utilities and common open area are proposed for phase one. The details of phase two are not clear, so Staff is recommending a phase line be provided on the final development plan and plat.

The timing of the retaining wall construction is very important and is something that should be done by the developer vs. individual homebuilders as it needs to be done as the cuts and fills are made across the site and utilities are installed. Recommended conditions of approval for the phase lines shall be depicted on the final development plan and plat. All public and private utilities, private streets improvements shall be installed by the developer in phase one and all proposed retaining walls shall be constructed by developer prior to the recording of platting for that phase. Finally, construction shall be completed no later than five years from approval of the final development plan.

The application of zoning narrative in A2 of the packet explains proposed lots for residential use including 30 single-family, attached homes and 9 single-family, detached homes. As depicted on the preliminary plat (A1) lots 23-30 and 38 are split-zoned R-3 and C-2. Provisions for uses and the development standards in these zones are not identical. Neighbors provided some comments on how split zoning will affect development including applications of the City's short-term rental (STR) regulations and other development standards. In order to improve consistency of uses in the development Staff drafted conditions requiring any applications for uses be consistent with the provisions specified in the R-3 zone. Staff also recommended the application of development standards including setbacks and building heights be based on the R-3 zone. However, the Applicant did speak with the Planning Director regarding this application and Staff understands that he has some concerns regarding this recommendation, so Staff looks forward to hearing more on this from the Applicant.

Staff is recommending approval subject to the findings and conditions that have been drafted in the Staff Report dated November 25, 2019. If the Applicant would like to request a continuance Staff is happy to work on issues that could be clarified further.

Commissioner Mark Frost had a question regarding design standards and visual interest. Looking at plat, he thinks all the buildings look similar and was wondering if there are any visual differences. Liburdy said it up to the Planning Commission to approve the design. Babitz said he views this as the site review process and does not see the design elements presented as binding. Liburdy said the designs are more conceptual at this stage and will be refined in the final development plan. He recommended the Commission hear directly from the Applicant on design then if they deem changes are necessary, they

could add a condition of approval (COA). Commissioner Bill Irving said the Commission has seen PUD designs amended. Babitz asked Staff nail the process down for the Commission.

Commissioner Tina Lassen pointed out that the trail easement cuts through some of the single-family detached lots and asked if governance of the trail will change. Liburdy said the Parks and Recreation Department holds and will retain that easement. Public access will continue to the trail. As a COA, Staff is requesting that a split-rail fence be constructed to distinguish the private part of those lots and the common open space.

Lassen asked under what circumstances can the easement be removed. Nilsen replied that it depends on the how the easement is written, whether it is revocable or non-revocable. In this case, it is non-revocable in perpetuity, so the Parks and Recreation Department will continue to maintain the easement.

Commission Sue Powers said she thought the Homeowners' Association (HOA) was responsible for maintaining the open space which includes the trail. Liburdy said Mr. Ryan owns the property over which there is an easement which is the trail. The only presumably change is the HOA would become the owner.

Irving said the plat shows lots within the common open space. The ownership of the land on plat is the property owners. Liburdy said that is correct. Lots 32 to 38 include a common open space easement.

Babitz said in the single-family, detached residential homes the common open space by easement belongs to the homeowner. In the townhomes the common open space is owned by the HOA. Liburdy said the preliminary plans does depict common open space on lots 32 through 38.

Lassen asked where the easement for public access to Indian Creek Trail is going to be. Liburdy replied between lots 33 and 34.

Babitz asked about the requirement Staff put in place for the riparian corridor. Liburdy said the zoning ordinance requires a 50-foot setback from the top of the bank buffer. Little has been proposed except for the stormwater outfall, pedestrian access, and the trail connection. Other than that, the plan is to retain the natural environment.

Irving said the proposed streets are private and the plan is to put a public access easement over that area. Liburdy said that is correct. Easements are typically put in place for public access and utilities.

Developer, Mark VanderZanden and property owner, David Ryan introduced themselves and Ryan provided background information on the project. Babitz said five to six years ago there was a transaction between Charlotte Wertjen and the City whereby a piece of property including Indian Creek was given to the City in exchange for making this site more developable, is that correct? Ryan said that is correct. He said he did not own the property at that time, but he was trying to help Wertjen with the property.

VanderZanden provided an overview of the site and proposed development. He said previously proposed single-family homes were going to be very difficult to build. He is proposing that townhomes barrack the site and act as retaining walls which is more efficient than having six individual homes as originally proposed. He said the single-family homes were intended to provide more house, but he did

not want to block Indian Creek Trail. The pedestrian connection is a modest downhill grade. The townhomes would be 2 and 3 bedrooms and built towards the lower end of the market. He said the economic advantages of property are great if ownership is held for 10 years and the homes starts off as rentals.

VanderZanden directed the Commission to A117 which shows open space areas. He said lots 32 to 38 have a section of open space that falls on the parcels which make the lots appear larger and more attractive to buyers. Irving asked if there is any lot coverage benefit. Liburdy said lots 32 to 37 and a portion of 38 are in the C-2 zone where the lot coverage standards are not applicable. In PUDs, residential lot coverage standards are not applicable.

VanderZanden said they do not need the lot space in the common open areas as the land is not buildable because it is either a public easement, a stormwater easement or wetland. Referencing Sheet 115, Irving asked for clarification on the boxes on lots 38 and 39. VanderZanden replied lots 39 and 33 are set aside for stormwater and lot 38 is a delineated wetland.

VanderZanden also referred a green line on Sheet 115 that indicates where they plan to put retaining walls. VanderZanden said there would be two types of walls, a shoring style to protect any uphill owners and a wall under four feet. He added that both are essential for providing yard space for the townhomes.

Powers asked if the homeowners or the HOA will own the open space on lots 32-38. VanderZanden said the open space on those lots would be part of the owners' lots but there is an easement that precludes them from developing on this portion of the land.

Commissioner Erika Price asked why there is not an easement on the common open space to the east and west ends of lots 32-39 along the trail. VanderZanden said the trail already has an easement, it is not on a parcel and the common open space would be deeded to the HOA.

Babitz asked what makes up the 42% of common open space. VanderZanden referenced the pale green area on Sheet A116.

Commissioner Erika Price asked if there is a setback from the trail easement. VanderZanden said there was not but he could certainly add one. Price asked if a rear setback could be applied. Babitz suggested the Commission one as a condition of approval.

Irving asked if the dark green area is included in what makes up the 42% of common open space. VanderZanden said it is not.

VanderZanden said it has always been their intent that homes in the C-2 zone would have the opportunity to be vacation rentals. He said it is very difficult to pay for construction with current monthly rental rates, and believes it is reasonable to be flexible in this area.

Babitz directed the Commission to A117 and asked Staff to explain the regulations behind each of the zones. Liburdy said the vertical lines on A117 distinguishes the C-2 zone from the R-3 zone which runs between lots 23-30 and 38, resulting in split-zoning. He said when he suggested the application of R-3 in split-zone area he was not aware of the developer's need for flexibility with respect to rentals. R-3 zoning requires that owner use the home as their primarily residence. When they do that, they can rent

their home up to 90 days per year. In the commercial zone, the property owner does not have to reside in the home and there is no limitation on the number of nights it can be rented.

VanderZanden said he is okay applying the R-3 zoning to the split-zone lots while retaining the rental use for the lots that are clearly in the C-2 zone. Babitz added that the C-2 zone requires a minimum density and asked if the development meets this requirement. Liburdy confirmed that it does. Babitz asked if that was a condition of approval. Liburdy agreed that it makes sense to include a condition of approval stating the developer must maintain a minimum of 11 homes per acre.

Babitz asked the Applicant about phasing which could have an impact on the development if everything does not get developed as planned. VanderZanden said their intent is to build the infrastructures such as the streets, utilities, stormwater, landscaping and approximately half of the townhomes in phase one. Phase two would include the remaining townhomes, and the single-family homes would be developed throughout both phases.

Lassen asked VanderZanden if his intent is for the homes to be held by one owner or multiple owners? VanderZanden said there are two options: the mostly likely option is the one with the tax benefit which requires that all homes be for 10 years as rentals. Option two provides for the sales of a portion of townhomes to individual owners and remaining homes be held by one owner for tax advantages.

Irving asked VanderZanden for clarification on Lot 39. VanderZanden said he would like a Geotech report conducted to address Lot 39. He thinks the lot is valuable and would like to see it developed. However, he agrees that there should be a stormwater easement and is okay with a condition of approval to that affect if the report determines the land can be developed.

Powers asked about the tree renderings on Sheet A118. VanderZanden said their intent is to have street trees. Liburdy said there is a condition of approval for a landscaping plan to be submitted. Street trees are typically not required on private streets. In the PUD the conditional use requirement is that a minimum of 20% of the site to be landscaped. The Applicant said he would no objection to this condition.

PUBLIC TESTIMONY:

Brian Robb of 922 Union St. in Hood River testified that he is not opposed to the development but has several questions:

- He agrees with the application of R-3 zone regulations in split-zones but expressed concerns about what might happen to the homes in the C-2 zone if the market changes. Is it possible those home could become offices?
- Who is going to control the Indian Creek Trail setback?
- Where is the 50-foot Indian Creek Trail buffer?
- What are the conditions for the Indian Creek Trail easement?
- How will the common open space on the individual lots be maintained?
- Is the development to be gated?
- What will the home prices and HOA fees be?
- What is allow in common open space (i.e. lawn, playground, natural, etc.)?

Liburdy said the 50-foot buffer is to remain in its natural state. Currently, there is no condition of approval. He referenced HRMC 17.22.020.D.1 which addresses permissible activities and said the HOA will be responsible for common open space. In addition, he thinks there should be a condition of

approval around fencing and the corridor. Babitz asked how the split-rail fence will be maintained. Liburdy said that has yet to be determined.

Irving asked about land use requirements and the riparian corridor. Liburdy said the plan is to maintain the natural vegetation and added that this could be made a condition of approval. Liburdy referred to HRMC 17.07.090.A.3 which addresses uses in common open space outside the riparian.

Liburdy said there are no findings regarding the gating of the community. Irving thinks there should be a condition of approval that ensures public access to the trail.

Liburdy said he has no information regarding prices and HOA fees.

Linda Maddox of 3018 Dana Lane in Hood River testified that her biggest concern is that more than 2/3 of the property is zoned C-2. Like Robb she has concern about how the homes may morph into offices among other things. Staff said a PUD is a conditional use. Therefore, the PUD defines the conditions. If there are changes, there would have to be an amendment to the PUD.

VanderZanden said the condition for approval for the application of R-3 uses in split-zones make perfect sense to him and they would agree to limit C-2 use to residential use.

Robb had a question regarding building height. Liburdy said R-3 zoning allows building height of 28 to 35 feet. VanderZanden said his plan is not to exceed 28 feet high to protect home views.

Babitz called for a recess at 7:38 p.m. Session resumed at 7:44 p.m.

REBUTTAL: None.

STAFF RECAP:

After discussion with the Applicant during recess, Nilsen suggested the Commission postponed deliberations this sand move for a continuance, so the Applicant has times to address the question and propose solutions with Staff's input.

Babitz asked Staff to read through the list of items to be addressed for all. The list included the following:

- The design of the homes should be explicit and binding, not discretionary
- The easement along Indian Creek Trail and the maintenance and governance of common open space shall be explicit
- Lot size vs. easement in common open space
- The stormwater between lots 33 and 34 shall have an explicit access easement
- There shall be a public easement across the private streets
- Clarity on the design of single-family detached homes
- The inclusion of a rear set back from the trail easement
- Phase lines, milestones and how the fulfillment of density requirements can ensured
- Lot and unit mix
- Split-rail fence design and maintenance
- Other proposed fencing and restrictions
- Clarification on landscaping on private streets and open space

- Public access to Indian Creek Trail
- Confirmation on activities that will be allowed on the riparian buffer and common open space
- Confirmation on whether the development will be gated vs. not gated
- Confirmation on height of homes (C-2/R-3).
- Accessory uses on C-2/R-3/Split-zone.
- Development of lot 39 subject to Geotech analysis

Babitz asked if there were any objections to the list. There were none.

Irving asked about deliberations on short-term rentals. Babitz said the Commission is going to allow Staff to provide options. Nilsen said Staff will look to the Applicant for clarification on their intent.

Staff also agree to provide examples of fencing that has been down well or poorly with respect to the proposed split-rail fencing.

Ryan requested to continue the hearing on Monday, December 16, 2019. There were no objections.

DELIBERATIONS: None

MOTION:

Irving motioned for the continuance of File 2019-16 until Monday, December 16, 2019 not earlier than 5:30 p.m. and that any new materials be submitted by the Applicant are done by December 10, 2019 no later than 5 p.m. Motioned seconded by Price. There was a brief discussion. Motion passed unanimously (6 Yays/0 Nays).

IV. APPROVAL OF MINUTES

None.

V. ADJOURN

Babitz adjourned the hearing at: 8:10 p.m.

Arthur Babitz, Chair Date

Dustin Nilsen, Planning Director Date (Approved)

MINUTES

I. CALL TO ORDER: Chair Arthur Babitz called the meeting to order at 5:32 p.m.

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

ABSENT: Planner Jennifer Kaden

STAFF: Planning Director Dustin Nilsen, Senior Planner Kevin Liburdy, Temporary Planning Assistant Judy Christensen

II. PLANNING DIRECTOR'S UPDATE: Planning Director Dustin Nilsen announced that this evening's meeting will be the last Planning Commission Meeting for 2019. The next meeting will be the City Council's goal setting meeting scheduled for Saturday, January 11, 2020. The Downtown Parking meeting will occur the following week.

Chair Arthur Babitz announced Commissioner Bill Irving has a field trip planned for the Commission and will provide details towards the end of the meeting.

III. PUBLIC HEARING:

A. FILE NO. 2019-16 – “The Creek” Planned Unit Development – *continuation of hearing from December 2, 2019*

PROPOSAL: A Conditional Use Permit for a Planned Unit Development including a 39-lot subdivision for 30 townhouses and nine single-family dwellings. The proposal includes designation of approximately 40% of the site as common open space, impacts to wetlands, construction of private streets, public and private utilities, and associated site improvements including retaining walls. The subdivision is proposed to be constructed in two phases.

APPLICANT: Mark VanderZanden

Babitz re-opened File 2019-16 as a continuation from December 2, 2019. The Applicant Mark VanderZanden has applied for a Conditional Use Permit for a 39-unit development comprised of 30 townhomes and 9 single-family dwellings.

Babitz read the procedural script and asked the Commissioners to disclose any ex parte contact, bias or conflict of interest. Commissioner Megan Ramey disclosed she walks Indian Creek Trail frequently and learned the site is disconnected from other residential areas. Babitz disclosed he saw a post on Hood River's chat stating a City Council Meeting was being held this evening. He replied that this evening's meeting is the Planning Commission, not City Council. Babitz asked that his response be noted for the record. Babitz asked if anyone would like to question any Commissioner on any disclosure, bias, ex parte contact, or conflict of interest. There were none. Babitz asked if any Commissioner wanted to make a motion to disqualify any other Commissioner. There were none.

STAFF REPORT: Senior Planner Kevin Liburdy announced the Commission has an addendum before them from the Staff Report dated December 11, 2019. The document includes a series of 16 questions or challenges captured from the last meeting, revised materials from the Applicant, narrative from December 9th and new plan sheets. He added that Nilsen has put together a slide show covering the 16 issues/challenges for discussion.

Babitz asked Staff to explain the PUD process for the Commission. Nilsen said the municipal code includes provisions for Plan Unit Developments (PUD) which is an entitlement process that allows flexibility to zoning codes and uses. The plan before the Commission locks in some standards, memorializes departures from the standard code and is approved at the board's discretion. The process requires a fair amount of interpretation from the board to ensure underlying zoning and standards are maintained. Commissioner Bill Irving pointed out the PUD has a purpose section which he read for the board.

Nilsen walked the Commission through the 16 issues and conditions:

1. The Applicant shall establish a HOA/Owners' Association to maintain common open space, landscape easements, tracts, riparian corridors, and areas adjacent to the corridor between private lots and the creek. Commissioner Mark Frost asked if this condition applies to riparian corridor behind the nine lots that cannot be developed. Nilsen said it does. VanderZanden confirmed this condition is consistent with his approach.
2. Construction of temporary or permanent structures shall be prohibited in the common open space. Permitted uses shall be limited to landscape maintenance, the HOA-maintained split-rail fence, stormwater management structures and park district facilities. VanderZanden said this is consistent with his plans.
3. Confirmation on how homeowners with common open space easements and/or landscaping will be notified of their obligations and property restrictions. Nilsen said Condition 17 provides a global statement that addresses this.
4. Confirmation that public access will be provided across streets in the PUD, and over the stormwater outfall line, ensuring access to Indian Creek Trail. Nilsen replied streets within the development are private but shall provide public access to the trail. This is Condition 20 from the November 25th, 2019 Staff Report.
5. Confirmation on the details of the existing easement for Indian Creek Trail, including whether the easement was granted in perpetuity and who is responsible for maintenance. Nilsen said Easement 2014-03028 speaks to the dedication of the easement to the City's Parks and Recreation Department and their responsibility to maintain it.
6. Confirmation that the PUD will allow for public access to Indian Creek Trail. VanderZanden said his goal is to protect the homes and homeowners. He would not want to see automobiles going through the development to dropped individuals off at the trail. He is open to a gate for pedestrians and bikes. Babitz asked Staff to note this item for further discussion.
7. Sheet A111 was revised by the Applicant on Dec 6, 2019 and states that a minimum 5-foot rear yard setback will be provided from the edge of the 10-foot Indian Creek Trail easement. Babitz asked Nilsen if this is a condition vs. a rule. Nilsen said it is a recommended condition and consistent with the drawings the Applicant provided. Irving asked about property lines for Lots 31 and 39 which staff noted for further discussion.
8. The Developer shall install a HOA to maintain a split-rail fence at the southern border of the development to identify the preserved area along Indian Creek Trail as depicted in A116. Nilsen said the purpose of the split-rail fence is to separate private land from public in a manner that

blends with the natural environment. Babitz asked if there was anything to prevent an owner from putting his/her own fence behind the split-rail fence. Nilsen replied no. VanderZanden said he was hoping not to have any fences as they are difficult to manage but mentioned that he did consider a vegetative hedge.

9. Details, location and design restrictions for any fencing to be constructed by the Developer or Homeowners, including confirmation that fencing will be constructed in a manner consistent with the design (s) throughout the site, especially between the Indian Creek Trail and the private lots. Nilsen said A116 calls for 6-foot-high wood fence that would separate the retaining walls from the street.
10. Confirmation the Homeowners Association will be responsible for maintenance of any fencing and common area landscaping. Nilsen said the amendment to A116 states the HOA shall maintain all PUD fences.
11. Confirmation of the phase lines on the preliminary plat, improvements to be completed in each phase prior to platting and demonstration that minimum density requirements will be met. Based on revised narrative, all townhouses, landscaping, and infrastructure shall be completed and platted prior to the development of the single-family Lots 31-39. Nilsen said Staff is concerned that if the homes are developed first and the townhomes do not get developed, the development may not meet density requirements for the C-2 zone. While this is in the narrative, Nilsen thinks it should be made a condition. VanderZanden said his intention is to start on the foundation for the townhomes and then plat everything as once, so the single-family homes would have a legal lot at that point. Liburdy added the developer wants to install utilities, private streets and initiate construction of the foundation for the 30 townhomes. Any common space improvements would be completed and then platted. The foundation would be constructed around the plats for the single-family homes. VanderZanden said he does not want to wait several years to develop the single-family homes. He would like to plat everything at once and then begin building. Nilsen said he must see at least 11 townhomes built first to ensure the density requirement is met.
12. Confirmation of uses to be permissible on all lots, including accessory uses (e.g. accessory dwelling units subject to HRMC 17.23, home occupations subject to HRMC 17.04.100, vacation home rentals subject to HRMC 17.04.115, etc.).
13. Confirmation that R-3 uses and development standards will be applied to split-zoned lots. The Applicant would like have units within R-3 and split-zones follow R-3 regulations and units within C-2 permit vacation rentals and home occupations per the underlying zone regulations.
14. Confirmation that architectural design details will remain binding for the proposed attached- and detached single-family homes, including the consistency of home designs.
15. Townhome elevations shall follow the heights proposed on A301 and single-family home heights in the C-2 zone shall not exceed (28-35 feet). The Applicant said the height of the single-family homes will not exceed 28-feet to protect views.
16. Geotech's confirmation of the feasibility of developing Lot 39 in a manner that addresses existing drainageway constraints. The Applicant said he would like to develop Lot 39 subject to Geotech approval.

PUBLIC TESTIMONY: Babitz opened public testimony.

Liburdy said the Applicant would like to maintain flexibility with respect to gating the development. After some discussion, VanderZanden agreed to gate the development in a manner that allows pedestrian and bike access to Indian Creek Trail and provides a path over the sewer easement. Liburdy said the Staff Report calls for a minimum 6-foot path between Lots 33 and 34. Babitz asked how the

public will know they can access the trail through the PUD. VanderZanden said he will include way signage.

Liburdy said Lots 33-35 have a 3-foot setback between the trail and common space. Babitz asked if the setback behind some of the house provides enough privacy for Homeowners and people walking the trail. VanderZanden said he considered a secondary set back that could possibly go back another 5 feet. He added that there is a 5 to 6 percent grade in this area that will also ensure privacy. VanderZanden agreed to the additional 5-foot setback.

Liburdy said the Applicant was not originally interested in fences but Staff has recommended a split-rail fence to separate private space from common space as Lots 32-39 have nothing that distinguishes the two. He pointed out that homeowners will own land all the way to the creek, but they will not be able to alter or use the land along the trail. Nilsen added that a condition could be included the PUD, so not this restriction would be enforceable.

Irving asked if there will be fences between the townhomes. VanderZanden said he plans to put 6-foot fences around the townhomes to define backyards (Lots 1-12 and 19-30).

Irving asked where the three different elevations in the design would be located. Nilsen referenced A301. VanderZanden said Lots 13-18 would be Type B, 1-6 and 24-30 Type C and the remainder Type A.

Ramey asked whether the HOA is responsible for sidewalks and streets. Liburdy said the development would have private streets which are typically maintained by property owners. Ramey also asked for clarification on the definition of a "structure" as the plan states there are to be no structure in common space. VanderZanden said the common space is mostly wetlands or riparian corridor and cannot be developed.

Liburdy asked the Applicant for clarification on platted vs. constructed with respect to phasing. VanderZanden said his intent is to build the development's infrastructure first.

Nilsen said the last condition is a Geotech study for Lot 39. Liburdy said it should also be noted that an easement for drainage will need to be added if Lot 39 is developed. VanderZanden agreed to both conditions.

Babitz asked VanderZanden if he had any further testimony. He did not. Babitz asked if there was any public testimony or objections. There were none.

REBUTTAL: None.

STAFF RECAP: Nilsen had no further comments.

Commissioner Sue Powers asked how Lots 38 and 39 are zoned. Liburdy said they are split-zoned and subject to R-3 regulations.

Ramey asked about the development's connectivity with neighboring areas. Liburdy said connectivity with other properties was not a consideration due to wetlands, riparian corridors and the trail.

Babitz closed the hearing at 7:49 p.m. A brief recess was called at 7:50 p.m.; session resumed at 7:55 p.m.

DELIBERATIONS: Ramey said she would like to see renewable energy structures and gardens allow in the common areas. The Commission did not agree with this proposal as most of the land is wetland, riparian corridors and trail.

Powers thinks the private property incumbered with an open easement behind the single-family homes is going to prove problematic and thinks there should be adequate language addressing the fact that it cannot be altered by the homeowners. The Commission saw no need for changes.

Babitz said he is not concerned about the ADUs that may be built on the single-family lots, but he thinks the single-family homes should not be allowed to be short-term rentals. Nilsen pointed out that owners are permitted to live in their ADUs and make their home a STR for 90 days assuming the home is their primary resident. The other Commission members did not agree with Babitz, so he withdrew his proposal.

Babitz proposed that the Applicant include way finding signage to the trail. The Commission agreed.

Ramey proposed traffic calming and a 6-foot wide gate for bike and pedestrian designed to ADA standards. The Commission agreed to the inclusion of a 6-foot wide gate for bike and pedestrian access to the trail and agreed to request traffic calming, acceptable to the City Engineer and Fire Marshall.

The Commission asked Staff to draft language that requires a drainage easement on Lot 39 and that future homeowners are made explicitly aware their obligations and property restrictions.

Irving proposed a condition for the split-rail fence. The Commission agreed.

Babitz asked Staff to recap the agreed upon conditions and amendments for the group:

- Condition 17 is to be modified to state the Applicant shall establish a HOA to maintain common open space, landscaping and easements.
- Graphical representation of terms, conditions, restrictions, setbacks, wetlands, riparian, boundaries, easements, etc. shall be identified on the subdivision plat.
- Condition 20 shall be modified to ensure that public access is maintained across PUD streets to the trail and way finding signage is installed to ensure the public is aware of this access.
- The details of easement #2014 meet Staff's standards. Nilsen indicated the details looked good barring legal review.
- Confirmation that a gate with a 6-foot opening and ADA compliant shall be installed to allow pedestrians and bikes to the trail.
- The addition of a 5-foot minimum setback at the edge of the 10-foot easement be depicted on the plat.
- The Developer shall install a HOA to maintain the split-rail fence.
- Condition amended to identify southern border of area identified on Applicant's preserved and enhanced natural area.
- Detailed location of fencing the HOA will be responsible for maintaining.
- Phase lines will be platted.
- R-3 regulations be maintained in split-zone areas and C-2 zoned areas follow the zones underlining uses specifically with respect to short-term rental regulation.

- Architectural design details remain binding for the proposed attached and detached single-family homes including the consistency in the design for all homes in the PUD (the call out of design Types A-C).
- The height of single-family homes will not exceed C-2 zone requirements. Applicant agreed to height of 28-feet.
- Evidence from geotechnical engineer of the feasibility to develop Lot 39 and address existing drainage constraints. Staff to prepare buildability safeguards.

MOTION: Irving motioned to approve File 2019-16 with the amendments from deliberations and to have the Chair sign-off on Staff’s final report. Price seconded the motion. Motion passed unanimously.

Irving requested that the Commission to do a field trip on January 7th to see an existing 2500 sq. ft. lot with a duplex looks like. On 2nd Street in the Heights. The Commission requested that Staff arrange the trip when appropriate.

B. FILE NO.: 2018-05 and 2018-06 – Amendments to the Hood River Municipal Code - continuation of hearing from November 4, 2019

PROPOSAL: Amendments to Titles 16 and 17 of the Hood River Municipal Code. No code amendments will be presented on December 16, 2019; staff will request that the Planning Commission continues the hearing to a future date.

APPLICANT: City of Hood River

MOTION: Motion to continue 2018-05 and 2018-06 to the year 2020. No objections.

V. ADJOURN

Babitz adjourned the hearing at 9:23 p.m.

Arthur Babitz, Chair Date

Dustin Nilsen, Planning Director Date (Approved)