

City of Hood River
Planning Commission
Public Hearing
April 16, 2018

Hood River City Hall
Council Chambers
211 2nd Street
5:30 p.m.

MINUTES

I. CALL TO ORDER: Vice Chair Arthur Babitz at 5:30pm

PRESENT: Vice Chair Arthur Babitz, Bill Irving, Mark Frost, Tina Lassen

ABSENT: Casey Weeks and Sue Powers

STAFF: Planning Director Dustin Nilsen, Senior Planner Kevin Liburdy, Associate Planner Jennifer Kaden, Planning Administrative Assistant Bobbie Van Tassel

II. PLANNING DIRECTOR'S UPDATE:

Planning Director Dustin Nilsen discussed the budget approval to add a full-time planning assistant and the vacancies in the Landmark and Planning Commission.

Vice Chair Babitz asked staff if the PC seat is open until filled.

Nilsen asked if the Planning Commission if there will be a quorum for the July 2nd meeting.

Commissioner Mark Frost asked staff about SDCs.

Nilsen responded that several different models are being looked at.

Vice Chair Babitz asked when the SDCs will come up during the next calendar year.

Nilsen responded that this is undetermined.

III. PUBLIC HEARRINGS:

A. FILE NO.: 2017-51 – Tanner Ranch Subdivision and Annexation

Vice Chair Babitz opened the hearing, read the procedural script, and asked the commissioners to disclose any ex-parte contact, bias, or conflict of interest.

No ex-parte contact, bias, or conflict of interest was declared by any commissioner.

Vice Chair Babitz asked if any audience members would like to question any commissioner on any disclosure, bias, ex-parte contact, or conflict of interest. There were none.

Vice Chair Babitz asked if any commissioner would like to make a motion to disqualify any other commissioner. There were none.

STAFF REPORT:

Planning Director Dustin Nilsen described the 6-lot sub annexation to the City located within the UGB. Nilsen stated that he is not looking for approval criteria, just recommendations for City Council. There will be a subsequent public hearing that will be open before Council. The Staff Report outlines the conditions of approval regarding development obligations.

TESTIMONY:

Mike Kitts of May Street in Hood River, OR discussed the application, stating that it is a straight subdivision, not a PUD or CUP.

Vice Chair Babitz asked for proponents. There were none.

Vice Chair Babitz asked for neutral testimony. There was none.

Vice Chair Babitz asked for opponents. There were none.

APPLICANT REBUTTAL: There was none.

STAFF RECAP:

Nilsen stated that prior to recording of final plat, the applicant shall follow condition of approval. Between lots 5 and 6 is a structure that falls on a proposed lot line. This shall be reconciled prior to approval.

Commissioner Mark Frost asked the applicant and staff which way the houses will face. There is a central road system, but the layout will leave back yards and fences facing the streets.

Doug Beveridge of Avalon Way in Hood River, OR said that the layout is not his call.

Nilsen stated that the code requires the applicant to load on lowest tiered street, but it does not alleviate the view of rear yard fences.

The Commissioners discuss the layout and design of the subdivision.

Commissioner Frost mentioned his concerns with lot sizes and would like this to be considered when discussing the WACP.

Commissioner Bill Irving asked about the existing garage and if a condition of approval will be needed to ensure that this is resolved prior to the final plat. Irving also asked about the stormwater plan for the initial five lots.

Kitts described the proposed road and swale.

DELIBERATIONS:

Commissioner Tina Lassen clarified that the road layout is not part of this application.

Commissioner Irving made a motion to approve File 2017-51 for the subdivision subject the findings and conditions in the staff report, and to recommend approval of the annexation to the city council.

Commissioner Lassen seconds motion.

The motion passed unanimously, 4-0.

The commission discussed double-frontage lots and requested that staff consider actions to reduce the number of instances where this occurs. Nilsen suggested the issue could be addressed in the annexation file. There was consensus by the commission to add a note to the annexation file.

The hearing was adjourned at approximately 6:15pm.

B. FILE NO.: 2018-05 and 2018-06 Amendments to the Hood River Municipal Code - continuation from the March 19th, 2018 public hearing with emphasis on Accessory Dwelling Units

Commissioner Bill Irving read the procedural script and reconvened the Public Hearing from March 19th. Irving asked the commissioners to disclose any ex-parte contact, bias, or conflict of interest.

Commissioners Lassen and Frost did not have any ex-parte contact, bias, or conflict of interest to disclose.

Vice Chair Babitz explained there are parts of the proposed legislation that he will recuse himself from considering. For the issue on tonight's agenda, Accessory Dwelling Units, Babitz has no conflict of interest.

Commissioner Irving disclosed that he is a property owner within City Limits. Other commissions acknowledged their property ownership.

STAFF REPORT:

Planning Director Dustin Nilsen explained this is a continuation of the March 19, 2018 hearing focusing tonight on code updates for Accessory Dwelling Units (ADUs). The ordinance and regulations for ADUs are found in Chapter 17.23 of the city's zoning ordinance. The most significant proposed change is eliminating the residency requirement so that the owner of the property no longer must reside on the site. ADUs cannot be used

as short-term rentals. There is also a proposed addition to the code to allow an applicant to seek relief for parking regulations when on-street parking is available to serve the ADU. Nilsen explained that the planning commission's packet includes information about Senate Bill 1051 which requires cities to allow ADUs where single-family dwellings are allowed. The City has approved only 29 ADUs in the past decade.

Irving asked if testimony is being taken on all code amendments listed in the packet, or focusing on ADUs.

Nilsen confirmed that the planning commission recommended focusing on ADU code and testimony.

Babitz clarified that people can testify on any issue that is open under the hearing, but we are focusing on ADUs tonight.

Nilsen explained that two sets of written comments were submitted today via email so they're not in the packet that was sent to the commission but they have been provided this evening.

Babitz called for public testimony.

TESTIMONY:

Kate Hoffman, 801 Oak Street, Hood River, OR, 97031 stated her support for the ADU updates including the elimination of the primary residency requirement. Hoffman suggested removing occupancy/employment requirements that may not work for the retired, elderly, and students who may not work.

Jonathon Graca, 1215 Nix Drive, Hood River, OR, board member of Hood River Valley Residents Committee. Support ADU updates which help to remove significant barriers. He suggested allowing ADUs in townhouses, duplexes and triplexes in the R-3, C-1, and C-2 Zones. The employment requirement seems restrictive and should be removed entirely. He would also like to see the parking requirement removed, as well as a waiver of SDC charges. He suggests clarifying what 800-square feet means and where measurements are taken. Graca recommended to staff that once the ADU code has been updated, a public relations campaign and workshops should be provided for public knowledge.

Bill Kuhn of Hood River, OR mentioned that Portland's SDC waiver had an immediate positive impact.

Larry Ksionzyk of Hood River, OR added that Vancouver, BC has had success with ADUs by making it easier to develop ADUs.

Linda Maddox, 3018 Dana Lane, Hood River, OR explained that there are a number of things she likes about the ordinance and there are many non-reported ADUs that people don't

see. She agrees with the current code only permitting ADUs for single-family dwellings. She is concerned about the property owner not being present. She agrees with Kate Hoffman regarding the elimination of employment requirements, but retaining the parking requirement is important. She asked if an ADU has its own sewer and water bill.

Liburdy responded that right now they do not.

Maddox does not support waiving SDCs for ADUs, perhaps reducing them to encourage smaller homes. She suggested that staff recalculate the number of ADUs within the City.

Susan Crowley, 411 12th Street, Hood River, OR agreed with the draft updates. Crowley explained that she has no particular problems with the draft code. She suggested that ADUs be permitted in townhouses, but internal only, in order to preserve more green space on lots. She questioned the legalities of requiring an occupancy/employment requirement. The parking issue is problematic. Looking at the increase in ADUs in Portland, there is an impact on parking. There is a quandary in providing more parking or green space, and both impact livability. SDCs should not be waived because infrastructure is needed.

Babitz asked staff if a report on SDCs and building permit fees that Cindy Walbridge had could be added to the record.

Nilsen responded that it can be added to the record.

Julie Gilbert, 4260 Alpenglöw Drive, Hood River, OR asked if homeowners that live in an ADU as their full-time residence, would they be allowed to rent the main dwelling as a vacation rental.

Nilsen responded that primary residency must be established in order to rent on a short-term basis.

Gilbert stated that the code is unclear, as it describes the property being a primary residence, not an actual dwelling. It does not distinguish between building structures.

Kaden explained the code states that an ADU may not be used as a short-term rental.

Nilsen added that the homeowner would be abandoning their principal residency designation by living in their ADU.

Gilbert explained that if an owner moves into their ADU, she would not like to see them vacation-renting the main home and circumventing work done by the city on short-term rentals.

Kaden noted that Section 17.04.115(B.1) of the zoning ordinance references the ADU chapter of the code, 17.23. She explained that if a property owner has an ADU rented out

long-term to a student or locally employed person, etc., and the owner lives in the main home, they can apply for a short-term rental license for the primary residence but not for the ADU.

Babitz asked for additional feedback from the audience. There was none.

DISCUSSION:

Vice Chair Babitz noted seven ADU subjects were raised during tonight's testimony including the "residency requirement" which currently requires the property owner to reside on the site in either the primary dwelling or the ADU. The recommendation from staff is to remove that requirement, resulting in allowance of two long-term rentals on a site.

Commissioner Frost supports eliminating the residency requirement to allow more long-term rentals.

Commissioner Lassen is concerned that eliminating the residency requirement might encourage second-home purchases. Income from an ADU might be used to subsidize vacation homes.

Commissioner Irving supports eliminating the residency requirement in order to add more long-term rental housing. For example, he owns a home in Portland with an ADU. He rents out the main home and stays in the ADU occasionally when he visits Portland. Prior to adding the ADU he would not have had a long-term renter in the home.

Nilsen added that Commissioner Casey Weeks expressed support the elimination of the residency requirement with a caveat that will be discussed later.

Babitz agreed there is a possibility that eliminating the residency requirement will support second home ownership but he has not seen evidence that this is a problem. The real problem is that ADUs aren't being built. With more ADUs, housing stock will increase.

Lassen responded that if you did not have the ADU you would have more green space and a house for locals. She added that it may be different if there is no change to the footprint of the main home, such as an ADU in a basement.

Frost has several questions related to building footprint issues.

Babitz suggested the commissioners consider the second point of discussion, related to whether an ADU is attached to or detached from a primary dwelling, as well as the type of primary dwelling. The city's existing code allows one ADU associated with a single-family detached home on a property, and the ADU can be detached or located within the home. It's not clear how this excludes ADUs from townhouses.

Kaden noted that criterion B currently prohibits ADUs in townhouses and duplexes.

Irving asked staff for an explanation of how maximum lot coverage standards are applied to ADUs.

Kaden confirmed that the city's maximum lot coverage standards are based on the zoning designation and the area of the lot.

Nilsen explained that lot coverage is verified when a building permit is reviewed for a new garage, ADU, addition to a home, etc., and there is a limit to coverage.

Irving noted that this seems to address concerns about elimination of green space.

Babitz noted that existing zoning standards do not allow a garage that violates setback standards to be converted to an ADU. He asked what happens if there is already a lot coverage violation and a property owner wants to add an ADU.

Nilsen confirmed that a non-conforming situation would not be made worse.

Kaden confirmed that if there is some other type of non-conformity, such as a violation of lot coverage, this doesn't necessarily preclude conversion of an existing garage into an ADU if it meets setbacks.

Commissioner Frost asked about feasibility of adding a second story to an existing garage that doesn't meet setbacks.

Nilsen responded that the code does not allow expansion of a non-conforming structure in such a manner.

Frost noted DLCD's guidelines suggest otherwise. He is concerned about allowing an existing garage that is a foot away from a property line to have another story added.

Nilsen responded that he does not recommend allowing a second story to be added to a structure that does not comply with setback standards.

Babitz noted that based on staff's feedback, an existing garage that complies with setbacks but is on a site that exceeds maximum lot coverage could have a second-story addition for an ADU.

Kaden responded that there would need to be sufficient existing off-street parking meeting City standards in order to approve such an ADU because hard surfacing for parking could not be added.

Irving questioned if somebody has a garage that is non-conforming with setbacks, could they add a second story for an office?

Kaden responded that they could not build the second-story addition in the setback.

Nilsen explained that the second story could be added outside of the setback area.

Irving explained that he is unsure if ADU criterion “B”, which currently does not allow ADUs in townhouses and duplexes, should be amended. It probably depends upon the zone. In the R-3, C-1 and C-2 Zones, it seems OK to allow ADUs in townhouses and duplexes.

Commissioner Lassen stated that if it is within the existing building footprint of an existing townhouse and it doesn’t change green space, she is OK with it.

Commissioner Irving explained that townhouses in R-3, C-1 and C-2 Zones tend to be more vertical and living spaces are segregated. Due to that segregation, it may make sense to allow a college student for example in a basement unit.

Commissioner Frost explained that he is OK with carving out a unit in a townhouse but he wants parking issues to be addressed. We already have issues with townhouses where garages are used for storage, and residents park their vehicles in streets, so adding another unit is likely to add another vehicle to the street.

Nilsen added that Commissioner Weeks did not have a comment to add to this topic.

Nilsen noted the possible unintentional consequence of backdoor multi-family housing, where a two-unit townhouse or duplex becomes four units in a zone that otherwise doesn’t allow multi-family housing. There also may be Building Code issues.

Babitz explained his opinion that City codes limit what a person can do on their lot and land is expensive, so people max-out size and volume. Babitz would like to see the space divided differently than carving up tall boxes. By allowing more flexibility in the code, such as with a “cottage code,” we might see more doors with less built space.

Commissioner Lassen asked if “cottage code” could be addressed.

Frost noted that a “cottage code” is unrelated to ADU code.

Nilsen suggested that a “cottage code” could be addressed in the underlying zoning by specifying what is allowed.

Babitz suggested that if he a choice in an R-3 Zone of four 800-square-foot cottages, or the same number of units in a single structure, he would rather see the smaller homes.

1:51:00

Vice Chair Babitz introduced the next discussion topic; the employment requirement. This requirement was not part of the code update; however, several people have requested this be removed due to its restrictiveness.

Commissioner Irving and Commissioner Lassen were in support of removing the employment requirement.

Commissioner Frost expressed his support of keeping the employment requirement. If this requirement is removed, people will be able to get their summer Hampton's home in Hood River.

Nilsen added that Commissioner Weeks supported keeping the employment requirement intact.

Commissioner Lassen asked about a residency requirement.

Commissioner Irving mentioned that there is no mechanism to go back and enforce any of this.

Nilsen added that this provides several challenges for long-term enforcement.

Vice chair Babitz introduced the next discussion topic; the parking requirement.

Commissioner Frost stated that eliminating this requirement would change livability, and believes that on-site parking should remain a requirement.

Commissioner Irving opposed creating new curb cuts to provide parking, but does not want to create a parking problem.

Commissioner Lassen agreed that parking is an obstacle.

Consensus was reached among commissioners to not eliminate the off-street parking requirement.

Vice Chair Babitz did not agree with this consensus.

Vice Chair Babitz asked staff how interior versus exterior is measured.

Nilsen responded that the exterior is measured.

Commissioner Irving expressed his concern with the different measurement guidelines between departments.

Commissioner Frost agreed.

Nilsen stated that this section of the code can be clarified.

Vice Chair Babitz asked the Commissioners about the SDC charges. Babitz added that he liked the idea of basing SDCs off of size.

Commissioner Lassen and Irving agreed with Babitz, and added the idea of incentivizing ADUs.

Commissioner Frost stated that size and SDCs should be proportionate.

Vice Chair Babitz introduced the next discussion topic; the ability to rent an ADU on a short-term basis.

Commissioner Irving does not believe that if a homeowner moves into their ADU that they have changed their primary residency.

Commissioner Lassen asked staff how primary residency would be measured if the ADU and primary dwelling unit have the same street address. Lassen did not see an issue with leaving this language in the code.

Commissioner Frost expressed his concern with the loss of workforce housing and a rental by allowing a homeowner to move into their ADU and rent the primary dwelling on a short-term basis for three months out of the year.

Nilsen stated that by eliminating this language, it opens a loophole to allow the short-term rental of ADUs. Only one of the structures is allowed to be your primary residency, either the primary dwelling or the ADU. It is not permitted to move between structures while maintaining primary residency, as the ADU and primary dwelling has different addresses.

Commissioner Frost asked staff how many nuisance letters have been received regarding ADUs. Frost mentioned his concern about reducing greenspace, views, and sunlight for neighbors.

Commissioners Lassen and Babitz wanted to postpone the hearing in order to get more public testimony.

Commissioner Lassen made a motion to continue the public hearing of File 2018-05 and 2018-06 to May 7 at 5:30PM

Commissioner Irving seconds motion.

Motion passed unanimously

IV. Adjourn

Vice Chair Babitz adjourned the hearing at 8:18pm.

Arthur Babitz, Vice Chair

Date

Dustin Nilsen, Planning Director

Date (Approved)

DRAFT