

City of Hood River
Planning Commission
Public Meeting
Monday, December 2, 2013

City Council Chambers
211 Second Street
Hood River, OR 97031
5:30 p.m.

PRESENT: Vice-Chair Nathan DeVol, Commissioners Steve Winkle, Nikki Hollatz, Casey Weeks

ABSENT: Chair Laurie Stephens, Commissioners Jennifer Gulizia, Bill Irving

STAFF: Planning Director Cindy Walbridge, Senior Planner Kevin Liburdy

1. CALL TO ORDER: Vice-Chair DeVol at 5:35 p.m.

II. PUBLIC HEARING

Vice-Chair DeVol reads the rules of conduct for the public hearing.

There is no ex-parte contact, conflict of interest or bias declared by any commissioner.

A. File No. 2013-32

REQUEST: A variance to zoning setback standards in order to reduce the distance between a garage and a private street from 13 ft 1 inch to 7.72 feet and to reduce the distance between a deck and the private street from 5 ft 1 inch to approximately 1 inch. The home on the site, currently under construction, was not placed in the correct location and the error was not discovered immediately. The home features a two-car garage that can accommodate required off-street parking. The applicant proposes to retain the home in its existing location and to reduce the depth of the deck by approximately one foot so that it does not encroach upon the private street, Mr. Rainier Loop.

APPLICANT: Del Boca Vista, LLC

PROPERTY LOCATION AND ZONING: 269 Mt. Rainier Loop, Lot 20 of the Village at Rand Hill Planned Development. Legal description: 3N 10E 26CD, Tax Lot 822. The site is zoned Urban High Density Residential (R-3) with a Planned Development overlay.

Staff Report by Senior Planner Kevin Liburdy: The original PUD decision (File No. 2003-56) includes a condition requiring the home to meet the front-yard setback requirements of the R-3 zone rather than the more flexible setbacks typically allowed in Planned Developments. In addition to zoning ordinance requirements for setbacks, the Oregon Residential Specialty Code may require fire-resistant construction depending upon proximity of structures to property

lines. Because Building Code setback requirements are measured between the face of the building and the centerline of the street the Building Inspector has no concerns with the existing location of the home.

A condition is recommended that the applicant shall demonstrate no portion of balcony is located in the Mt. Rainier Loop private street right-of-way prior to final building permit inspection.

Comments were submitted by the Village at Rand Hill Homeowners Association in opposition to the variance application. They are concerned with impacts to parking and maneuverability on streets in the PUD as well as obstructed views. Liburdy explains the lot has a two-car garage which meets requirements for off-street parking and therefore the variance does not conflict with off-street parking requirements. The City does not have an ordinance prohibiting obstruction of views.

Liburdy explains that when a mistake like this is made, the city is not obligated to approve a variance in order to correct it. However, in this case, the lot is in a Planned Development where more flexibility is available.

Staff recommends approval of the application subject to the draft conditions of approval in the staff report.

Commissioner Weeks asks about the street light in front of the lot.

Milton Buker (Pacific Power) 1290 Tucker Road, Hood River, OR 97031, explains that it meets the code.

PUBLIC TESTIMONY

Vice-Chair DeVol reads the script for public testimony.

Mark Willcuts, (Applicant) 700 N Deborah Rd, Newburg, OR. 97132: States that he purchased the house in July and bought it with no knowledge that there were any problems with setbacks since the original site plan had been approved. He did not have another survey also because of the approved inspection. He feels that with the garage there are three parking places and that his suggested modifications address the problem.

No proponents, neutral parties or opponents to this proposal.

Chad Kossar 1552 Wasco St, Hood River, Or. 97031. Kossar is the interested buyer of the house. He had questions about if the house had to moved forward would that impact tree planting since there is currently no street tree at this location. Liburdy replied there could be a recommendation to eliminate the requirement to have one street tree in the front and the buyer could plant what he

wanted within code. Staff is willing to work with buyer and contractor concerning the trees.

Public Testimony ends at 6:11 p.m.

DELIBERATION

Planning Commission members have some concerns that this could set a precedent and that variances should be pre-construction not post construction. . City Attorney Kearns explained to staff that in land use precedents don't happen and that since this is a PUD, precedent is not an issue. Commissioner Weeks does not feel comfortable issuing variances for mistakes made. He also has concerns about the construction cut-ins on the hillside in the PUD.

Motion: Approve the variance for the setback requirement, subject to draft conditions of approval; eliminate the requirement to plant one street tree in front of lot and to ask staff to work with the owner and builder to discuss alternatives.

First: Hollatz
Second: Winkle
Ayes: Hollatz, Winkle, DeVol
Nays: None
Abstentions: Weeks
Excused: Irving, Guilizia, Stephens (absent)

III ACTION ON MINUTES

January 19, 2010
February 16, 2010
August 18, 2010
October 4, 2010
October 29, 2010
November 29, 2010

It is noted that October 29th and November 29th minutes are duplicates.

Motion: To approve all minutes except October 29th, 2010 with some minor modification of grammatical errors.
First: Weeks
Second: Winkle
Ayes: Hollatz, Winkle, DeVol, Weeks
Nays:
Abstentions: None
Excused: Irving, Guilizia, Stephens (absent)

IV: PLANNING DIRECTOR'S REPORT

Planning Director Cindy Walbridge gave an update on up-coming Planning Commission meetings including a public hearing on January 21, 2014 on the Sieverkropp Subdivision

and possibly a PUD on Wilson Street. Walbridge will set up a meeting to work on ADUs with Commissioner Irving.

WalMart is moving ahead with their appeal. They feel that City Councilor Kate McBride should have explained her position more clearly. DeVol attended the LUBA hearing on the Naito appeal at Lewis and Clark College. LUBA has asked for an extension until December 13th, 2013.

Applications for the City Manager position close on January 15th. The position probably won't be filled until April.

Walbridge is hoping to put out an RFP for the housing survey soon.

The design for the State and 2nd Street bathroom has been approved and construction will begin in the spring of 2014.

V: ADJOURN
Meeting adjourned at 6:50 p.m.