

City of Hood River
Planning Commission
Public Meeting
September 6, 2016

City Council Chambers
211 Second Street
Hood River, OR 97031

PRESENT: Commissioners Nathan DeVol (chair), Victor Pavlenko, Jodie Gates, Will Smith, Casey Weeks

ABSENT: Commissioners Nikki Hollatz, Bill Irving

STAFF: Planning Director Cindy Walbridge, Senior Planner Kevin Liburdy, Associate Planner Jennifer Kaden

MINUTES

- I. CALL TO ORDER – Chair DeVol called the meeting to order at 5:34 p.m.
- II: PLANNING DIRECTOR’S UPDATE: Planning Director Cindy Walbridge provided an update on the city council action regarding Title 17, Short-Term Rentals, making several non-substantive changes and passing the first reading of Ordinance 2026 on August 22. The second reading of the ordinance is scheduled for September 12, 2016 and will consider related changes to Title 5 after that. Walbridge explained that the moratorium on short-term rentals may be extended until January 1, 2017 so that the package of amendments to Titles 17 and 5 can be implemented together on January 1.

Director Walbridge informed the commissioners of an application by the city and Mid-Columbia Housing Authority to rezone the property north of the skate park known as Morrison Park (Tax Lot 700) from Open Space to High Density Residential (R-3). Walbridge noted there is some neighborhood opposition and asked the commissioners to refrain from ex parte contacts because the rezone request is a quasi-judicial action. A Planning Commission hearing on the matter is anticipated October 3.

The October 3rd meeting will also include a hearing on the townhouse ordinance.

Two planning commissioners terms are expiring – Commissioners Pavlenko and Smith – and both have reapplied. To date no one else has applied; the deadline is September 7 at 5:00. Chair DeVol asked where the positions were advertised; Director Walbridge and Senior Planner Kevin Liburdy responded the notification was included in the legal notices in the Hood River News and on the city’s website.

Walbridge, Liburdy and Associate Planner Jennifer Kaden mentioned several pending applications including a possible appeal of a staff decision on a Site Plan Review for an addition to the Big Horse Brewery, a dog park, conversion of a 4-lot subdivision into 8

townhomes, an annexation and minor partition of land at the south end of 25th Street (Hanners) with a hearing in two weeks, several minor partitions, a replat, conversion of a duplex to townhomes, a possible variance for density to create a residential unit in the Butler Bank building, and a pre-application for a townhouse project on Hull Street.

Liburdy explained there is not much to update the commissioners about with the Westside Area Plan but that he would have more information soon. Commissioner Smith will serve on the Project Advisory Committee.

III. PUBLIC HEARINGS:

- A. REQUEST (FILE NO. 16-15): Application by Legacy Development Group, Inc. (Dick Smith and Cameron Curtis) for a Conditional Use Permit for a Planned Development featuring a four-lot subdivision for single-family dwelling units. The proposal includes designation of common open space, private street- and shared private driveway improvements, installation of public and private utilities and construction of associated site improvements including landscaping. The proposed subdivision is to be constructed in a single phase.

Chair DeVol read the procedural script and opened the public hearing. DeVol also asked for declarations of ex parte contact, conflicts of interest and other disclosures.

No ex parte contact, conflict of interest or bias was declared by any member of the Planning Commission.

DeVol also asked if the audience or any commissioner wished to challenge a commissioner. There were no challenges to the commissioners by the audience or by other commissioners.

STAFF REPORT: Senior Planner Kevin Liburdy presented the staff report and described the proposal and the applicable criteria. Liburdy explained the tree inventory map is outdated and a concern about tree retention. He explained the city code does not require tree retention, but supports it in several provisions and recommended conditions of approval that a new tree plan be submitted and that adjustments be made to the development plan to retain more trees. Liburdy explained the site does not lend itself to traditional connectivity of streets but recommended a condition of approval to require a public access easement between and across the subject property and the Hope Terrace PUD.

DeVol asked if any commissioner had any questions.

Commissioner Gates asked about the width of the existing driveway and Chair DeVol asked about the minimum width required. Liburdy responded that the existing driveway is 10 feet wide and a minimum of 20 feet width is required.

Commissioner Weeks asked if staff has an updated tree plan. Liburdy responded that we do not and he recommends the existing tree plan is updated prior to approval of the final development plan.

PUBLIC TESTIMONY: Applicants Dick Smith and Cameron Curtis explained the project and responded to some concerns. Smith requested the word “are” be changed to “may” on page 4 of the findings with respect to the provisions of 3 extra off-street parking spaces in case they cannot provide them in the final development plan.

Curtis agreed to update the tree plan but requested flexibility to remove trees within the building envelopes of each lot to allow lot owners flexibility to choose from a variety of possible house designs. Smith agreed to provide Covenants, Conditions & Restrictions (CCRs) for the development. Smith and Curtis said the landscaping plan will include drought tolerant plants and will be as natural appearing as possible. Smith said they are not in agreement with the condition to provide a public access easement due to privacy and liability reasons. Smith reiterated that retaining trees within building envelopes *may* be possible but wants to be clear it also may not be feasible.

Commissioner Pavlenko asked the applicant to clarify the building footprints. Curtis responded that he pre-sells homes to clients to meet their needs and budget. The proposed plan shows maximum footprints. Curtis explained it will be easier to move a detention pond or extra parking spaces to retain more trees rather than try to retain trees within building footprints.

Commissioner Weeks stated his understanding of the Planned Development process was to develop as many houses as possible and, therefore, he wanted more details about the final plan. Weeks said he is not comfortable leaving issues like tree retention open-ended because the development becomes just another subdivision with high density. He'd like to see more details. Curtis agreed to update the tree plan and stated he builds custom homes, not spec homes.

Commissioner Smith asked about the three extra off-street parking spaces. Dick Smith responded that the spaces are not required and they may want to reduce the number of extra spaces to meet the open space requirement, but he wants some for guest parking. Commissioner Smith asked about other options for parking nearby. Curtis responded there is no parking allowed on the east side of Rocky Road and the driveway width may be reduced to help meet the open space requirement. Commissioner Smith asked the applicant how he felt about the requirement that an arborist complete the updated tree plan. Curtis said he was fine with that. Commissioner Smith said if they move forward with the proposal of not retaining trees in the building envelopes he may want to add a condition that trees removed are replaced at a one for one ratio. Curtis said he was okay with that.

Commissioner Gates asked if it was possible to move overflow parking out toward Rocky Road and asked if smaller houses would be part of the project given the large range of

sizes mentioned in the proposal. Curtis said he had talked with one person interested in a 1,200 square-foot home on Lot 1 who was no longer interested in the lot. Commissioner Gates noted the significant difference in development impacts of 1,200 square-foot homes than if they are all 2,400 square-foot homes. Gates also remarked that pathways in other PUDs get a lot of use and said the benefits of a public path would outweigh the impacts on one lot (eastern lot). Commissioner Gates asked about the location of widening the access drive and whether existing oak trees could be spared. Curtis said he would add 10 feet of paving to the south of the existing drive that would affect one large oak tree on the south side of the drive, but spare the trees on the north side.

Chair DeVol noted that in most Planned Developments there is more information about home construction or design. This project looks like a subdivision using the Planned Development process to create lots. He noted that if the three extra parking spaces are needed they should be included.

Commissioner Pavlenko noted that the design of the houses would never be nailed down given the business plan of the applicant and wondered if there was a process that would work. Liburdy noted there are many conditions of approval to be completed prior to approval of the final development plan and that the home designs might be determined by that time. If not, staff does not want to be in the position of arguing about tree removal later. DeVol reiterated that the planning commission has asked for more information with planned developments in the past.

DeVol asked if there were any other proponents. There were none.

DeVol asked if there was any neutral testimony. Collette Alford, 3832 Rocky Ridge Court, expressed concern regarding the impact of excavation on trees along the property line between the project and residential development to the south. She noted that trees that will be removed have been protecting trees on her property from wind. Ms. Alford asked whether the lot sizes could change. Liburdy responded that the final plan could include minor changes to the lot sizes or configurations. Ms. Alford asked whether accessory dwelling units (ADUs) were permitted and Liburdy confirmed they are allowed if approved by separate permit. Chair DeVol asked if that was physically possible given the extra parking required for an ADU and Liburdy said it was not impossible. Ms. Alford asked whether there was a plan for fencing along the southern property boundary. Liburdy responded fencing was not addressed in the proposal. DeVol noted that issue is typically addressed in the CC&Rs. Alford asked whether decks could be located in the 10-foot rear setbacks; Liburdy responded they could if they were less than 30 inches in height. Alford asked about the anticipated timing of construction.

Mr. Curtis responded that he wants to start construction as soon as possible and finish as quickly as possible. He added he traditionally works with clients on a site by site basis with respect to fencing. Ms. Alford asked if some of the boulders on-site could be used to construct a rock wall along the southern property boundary. Curtis replied it might be

a good option. Ms. Alford reiterated her concern about whether trees would remain or be removed and that planting new mature trees in the rocky soil will be a challenge.

Commissioner Pavlenko asked about neighbor comments related to drainage and runoff. Liburdy noted that his recommendation includes a requirement for a stormwater management plan and that the applicant intends to retain stormwater on-site due to the expense of extending a public stormwater line to the site. The plan will be required to meet city standards. DeVol asked about an example of a planned development with on-site stormwater retention. Liburdy mentioned the Hope Terrace PUD has a retention pond but that it also has a pipe to the public system in the case of an overflow. DeVol asked whether the planning commission could require connection to the public stormwater system if they can't meet the retention requirements on-site. Liburdy read condition #13 to clarify the requirement.

DeVol asked if there was any opponent testimony. There was none.

REBUTTAL: DeVol asked if the applicant wanted to provide any rebuttal. None was provided.

STAFF RECAP: Liburdy summarized the conditions that need to be met prior to approval of a final development plan which will be reviewed and approved by staff.

Chair DeVol closed the hearing. The commission took a five minute recess.

The commission deliberated on the proposed Conditional Use/Planned Development. Commissioner Smith said he was comfortable with review and approval of the stormwater plan by the city engineer; he supports requiring a public access easement for a pathway; he's comfortable with staff reviewing and approving the final development plan; and he noted that he'd like more trees to be retained but it was difficult to assess without an updated tree plan.

Commissioner Gates echoed Commissioner Smith comments; she noted concerns about the effect of stormwater retention on trees that will remain; she's comfortable with staff approval of the final development plan; she would have liked more specificity about the home sizes but she thinks the example designs are appealing as long as they don't maximize the building envelopes on all of the lots.

Commissioner Weeks noted that this project is in the R-1 zone abutting a neighborhood where houses were carefully sited around trees; he wants more specifics and noted it will be a lot of work for staff to review all the conditions required for the final development plan; he noted more trees will be removed in order to retain stormwater on-site; he would like to see a tree survey, specific house locations, and final locations of retention ponds. Weeks agreed with the requirement for a public access easement and pathway.

Commissioner Pavlenko said he didn't think the level of specificity of tree retention and house footprints was possible given the business model of Curtis Homes; he is comfortable with staff review of conditions and final development plan; he's indifferent about the public access easement and path; and he added that neighbors interested in the project should be informed of its progress.

Commissioner Weeks said the effort it will take to keep neighbors informed is a reason why he wants more details now.

Chair DeVol asked whether there would be sidewalks in front of the houses and Mr. Curtis responded there would not. DeVol asked whether pedestrian access could be on a utility easement for internal circulation. Liburdy remarked he didn't think the size of the development (4 homes) warranted the need for internal pedestrian circulation. DeVol asked whether CC&Rs were required and Liburdy responded affirmatively noting that there needs to be an instrument for addressing common open space, access, etc. DeVol asked whether the CC&Rs could address treatment of the southern property boundary to provide some predictability of a buffer for the neighborhood to the south. Liburdy responded that such a provision isn't in his recommendation but similar requirements have been included in the past with larger developments.

Commissioner Gates asked what is next if the project is not approved. Liburdy said the commissioners could continue the hearing to address some of the issues raised. Walbridge read HRMC 17.06.050 regarding reapplications of conditional use applications.

MOTION: Commissioner Pavlenko made a motion to approve the application subject to the findings and conditions of approval in the staff report and additional conditions of approval that the CC&Rs address the southern project boundary and the path. Liburdy asked for clarification. Pavlenko suggested that fences should be addressed along the southern boundary, and the question is where the path will be, not if there should be a path. DeVol noted that the recommended conditions of approval in the staff report address provision of a pathway.

Walbridge recommended the condition related to the southern boundary be a condition of approval instead of a provision in the CC&Rs because the City does not enforce CC&Rs. DeVol concurred and noted that the recommended conditions of approval in the staff report address provision of a pathway, and suggested that Pavlenko's condition would require, prior to final plat, design guidelines to address the boundary between the PUD and the neighbors to the south. Liburdy asked for clarification that this condition is to address improvements along the southern boundary such as fencing or rock walls.

DeVol restated Pavlenko's motion to make sure everyone understands it is to approve the application with the conditions written by staff in the staff report and, in addition, there should be conditions relevant to the southern boundary and the pathway is on the final plan. Pavlenko concurred.

Commissioner Smith offered amendments to the motion to change “are” to “may” in the findings for the extra parking spaces in order to allow removal of guest parking as a means of providing additional open space or saving trees, and to require tree replacement on a one-for-one ratio with assistance of the arborist. Pavlenko accepted the amendments.

DeVol restated the motion is to approve the application subject to the findings and conditions of approval in the staff report with additional conditions for design guidelines or site development standards addressing the southern boundary, change “are” to “may” regarding extra parking, and update the tree plan to include a one-for-one tree replacement for healthy trees removed.

Commissioners Pavlenko and Smith withdrew the motion for procedural reasons.


MOTION: Commissioner Pavlenko made a motion to approve the application subject to the findings and conditions of approval in the staff report and additional conditions as discussed including: 1. include design guidelines for fencing or a rock wall along the southern property boundary; 2. change “are” to “may” on page 4 of the findings regarding provision of extra parking spaces; and, 3. update the tree plan to include a one-for-one tree replacement for any healthy trees that must be removed. Commissioner Smith seconded the motion. The motion passed 3-2 (Ayes: DeVol, Pavlenko, Smith; Nays: Weeks, Gates).

IV. APPROVAL OF MINUTES

MOTION: Commissioner Pavlenko made a motion to approve the minutes from the April 18, 2016 and July 12, 2016 Planning Commission meetings. Commissioner Gates seconded the motion. Motion passed unanimously.

V. ADJOURN: 7:38 p.m.


ATTEST:



Nathan DeVol, Chair

10/7/16

Date



Cindy Walbridge, Planning Director

10/7/2016

Date (Approved)

