

City of Hood River  
Planning Commission  
Public Work Session  
February 20, 2018

City Council Chambers  
211 Second Street  
Hood River, OR 97031

PRESENT: Commissioners Nikki Rohan (chair), Mark Frost, Bill Irving, Sue Powers, Tina Lassen, Arthur Babitz

ABSENT: Casey Weeks

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

### MINUTES

I. Call to Order: Chair Rohan called the meeting to order at 5:32pm.

II. Planning Director's Update

Planning Director Dustin Nilsen informed the Commission that there are no new action items. The first evidentiary hearing for Westside Area Concept Plan and Zoning Code Revisions will be March 19<sup>th</sup>. The Measure 56 Notice was mailed out to the public informing them that there are upcoming changes to the Code. The Morrison Park Zone Change was appealed to LUBA again. Nilsen explained how to use and access the new City email addresses provided to the Commissioners. Tina Lassen was nominated to the Urban Renewal Advisory Committee.

Babitz made a motion to recommend that Tina Lassen sits on the Urban Renewal Advisory Committee Board.

Powers seconds motion.

Motion passes 5-0.

III. Work Sessions:

Draft Code Updates

Draft Westside Area Concept Plan Report Updates

Nilsen added that this work session is to discuss how to move forward with the roadmap. This will not be a single hearing, but rather a multi-year project. The roadmap is a living

document that staff reserves the right to modify.

Irving asked staff about the Land Use framework.

Nilsen responded that the framework will be at the front end to be discussed sooner rather than later for historical background and preview of the document. The land use framework has a lot of historical background that goes back to the Housing Needs Analysis.

Irving asked staff if the framework will deal with density and population.

Nilsen stated that the framework will deal with open space, transportation, land use, and a culmination of items. It does discuss density. This was moved to the front, not because resolution is needed, but as a preview. This will have to be digested in a number of different pieces, marking things off as we go. Another item is a Zoning Code Revision document that is not quite as in depth. There are clarities and ambiguities that have shown up from Council and State Law. There have been confusion and workability issues when using the code. These 10 proposed revisions are not exclusive to the Westside Area Concept Plan, but city-wide. Senate Bill 1051 was passed and deals with Accessory Dwelling Unit regulations. Expedited Land Divisions will also be revised. In 2015, a law was passed in OR that requires notification to applicants of subdivisions who qualify for an Expedited Land Division. There are also a couple of changes to site-plans where subdivisions occur. This will separate a subdivision from a partition in some of the land division process. There will be cleanup in regards to lot coverage. A full staff report on all of these with legislative items to discuss on March 19<sup>th</sup>. This will be heard first, and then the WACP.

Frost asked staff when it should be expected that these revisions be approved.

Nilsen responded that he would like to see these approved before working on the WACP.

Powers asked staff how this process will work.

Nilsen responded that the Planning Commission is the recommending body to City Council, the legislative body.

Powers asked staff what a ministerial review entails.

Nilsen responded that a ministerial review requires no discretion. It is black or white.

Chair Rohan asked staff if they would like feedback on the code amendments.

Nilsen responded not at this time.

Irving asked staff to clarify something on ministerial changes. If someone has a duplex and wants to create a townhouse, it is a permitted use. They will have to go through a partition,

but it is a permitted use.

Nilsen responded that the new process will allow that to be ministerial. It will be similar, but the timeframe is shortened, and the appeal would be to circuit court, not the Land Use Board of Appeals.

Irving asked staff whose decision it will be to say that this is a ministerial action.

Nilsen responded that since this law passed in 2015, he must notify anyone who is eligible for this Expedited Land Division.

Babitz asked staff if the current Code supports this.

Nilsen responded that it does not. Our code does not comply with state code.

Irving asked if there will be an opportunity for separate hearings.

Nilsen responded that the notices and starting dates for these two items will be the same, but the hearings do not have to move at the same pace.

Babitz mentioned that some Commissioners may have a conflict of interest with one or several of the code updates. He also mentioned his concern with the technical verbiage of the WACP and the code amendments.

Nilsen responded that he invited the public to participate and posted everything on the City website. Transparency is everything.

Chair Rohan asked staff how the Commission will be taking public comments on several different issues for the two separate items.

Nilsen responded that the public will be able to speak to any item for up to three minutes.

Irving asked staff how hearings for these items will be opened and closed procedurally.

Babitz stated that there will be two hearings open for an extended amount of time.

Chair Rohan asked if deliberations are expected at the first hearing.

Nilsen suggested making deliberations at a later time.

Frost asked staff if any items discussed as part of the code clean-up will come up again, and possibly change again during the WACP hearings.

Nilsen stated that this is a possibility.

Babitz asked staff about any future Quasi-Judicial hearings coming up.

Nilsen responded that there is a Conditional Use Permit hearing on March 5<sup>th</sup> for the Columbia Gorge Hotel. On April 2<sup>nd</sup> there is a Planned Unit Development Permit hearing for Willow Ponds.

Babitz proposed to the PC that he would like to keep the hearings separate so that the public can be adequately heard.

Lassen suggested that the code cleanup hearings be the first meeting of each month.

Frost agrees with Dustin about keeping the items together.

Babitz expressed his desire to get the code cleanup out of the way before WACP.

Chair Rohan asked the audience for testimony.

Susan Crowley of 411 12<sup>th</sup> Street, Hood River, mentioned that the general public is in the dark on all of this and will feel blindsided.

Larry Ksiouzyk of 1111 7<sup>th</sup> Street, Hood River, added that it will be more efficient to do the land use planning aspect first, because it will impact the Code.

Chair Rohan asked staff if the Commission can open the hearing on the first night, and keep it open to take public testimony at the following hearing.

Nilsen responded that this is acceptable.

Irving seconds this idea and suggests we do a staff report for background information first.

Frost suggested doing the Code cleanup on the first meeting of the month and save the second meeting of each month for the WACP.

Chair Rohan asked staff for a follow up on the Commissioners possibly needing to step down for certain topics of the Code revisions and WACP due to conflicts of interest.

Irving made a proposal that on March 19<sup>th</sup> the staff report for the aforementioned items will be presented. That hearing will stay open and will continue on April 16<sup>th</sup>, when the Commission will take public testimony.

Irving stated that what he has read thus far from the Code updates are more confusing than what is already in the current code. Portland has seen some litigation from forgetting commas in Code updates, amongst other things. He also mentioned items in lists found in the Code; are

all of these items required, or are they inclusive? There are a lot of "and/ors" in the code.

Irving and Babitz asked staff about vetting.

Irving asked staff if they would like any commentary now.

Nilsen responded that he prefers receiving comments when the record is open and in front of everyone.

Chair Rohan asked if the audience had any additional comments.

David Ryan of 550 Riverside Drive, Hood River, mentioned his concern with hard surfaces, environmental impact, and stormwater.

Crowley mentioned her concern for community green space pertaining to ADUs.

Chair Rohan and Babitz reminded the audience that between now and the next hearing; written testimony will be accepted on the two items discussed on the agenda.

Nilsen asked the PC if they had any additional comments on the items.

Chair Rohan stated that she does not have any additional comments until the hearing is open.

#### IV. Adjourn

Chair Rohan adjourns the meeting at 6:30pm.

  
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Nikki Rohan, Chair

3/23/18  
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Date

  
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Dustin Nilsen, Planning Director

4/05/18  
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Date (Approved)

