

CITY OF LA GRANDE

Planning Commission Meeting

Regular Session

June 13, 2023

6:00 p.m.

La Grande City Hall
1000 Adams Avenue

MINUTES

COMMISSIONERS PRESENT:

Liberty Avila, Chair
Ann Morrison, Vice Chair
Dave Felley
Roxie Ogilvie

COMMISSIONERS ABSENT:

Matthew Gougherty

DISCUSSION/DISPOSITION

STAFF PRESENT:

Michael Boquist, City Planner
Kendra VanCleave, Planning Secretary

CITIZENS PRESENT:

Kevin McCarthy
David Whitson
Greg Blackman
David Thiesfeld
Ruth Becker Peters
Jack Martin
John Sanchez
Don Lowry
Dana Wright
Doug Harsin

CALL TO ORDER/ROLL CALL

AVILA, Chair, called this Regular Session of the Commission to order at 6:02 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was approved as presented.

AGENDA APPROVAL

CONSENT AGENDA

FELLEY introduced the following Motion, with MORRISON providing the Second.

MOTION: That the Consent Agenda be approved as presented for the March 14, 2023 meeting.

PUBLIC COMMENTS

MSC: Unanimous
NONE

NEW BUSINESS

NONE

PUBLIC HEARING

- a. Minor Partition and Variance Permit
File Number: 02-MLP-23
03-VAR-23

(PUBLIC HEARING OPENED 6:05 PM)

AVILA asked for the Rules of Order to be Read and asked for Commissioner declarations. There were none.

AVILA asked for the staff report.

STAFF REPORT

BOQUIST opened up with the application requesting approval of a minor land partition which includes 3 variances for deviations from the City's street frontage, lot size and setback standards.

BOQUIST continued the subject property is located in an R2- Residential Medium Density at 2004 N. Spruce Street. The property is developed with a neighborhood convenience store fronting on Spruce Street, with a residential dwelling at the back of the property. The residence is a rental not associated with the convenience store. The current owner desires to partition the property to separate the dwelling from the store so that it may be sold separately.

BOQUIST continued to facilitate the property division, three (3) variances are needed.

Deviation from the City's street frontage standard.

- City Code require all lots to front on a public street with a minimum street frontage width of 25', except for flag lots. In this case the rear dwelling is accessed via an alley and the applicant's justification explains that this partition would result in design similar to a flag lot.

Deviation from the minimum lot size standard.

- City Code requires a minimum lot size of 5,000 square feet. This request is to allow for smaller parcel sizes, similar to the proposed code amendments of 3,000+ square feet.

Deviation from the minimum rear yard setback standard.

- For accessory buildings, including the owner/caretaker's dwelling as originally constructed, City Code requires a minimum rear yard setback of 5'. However, primary structures (main dwelling) require a rear yard setback of 20'. This request includes a 15' variance to support the dwelling as a primary use.

OGILVIE commented she did a site visit to look at the proposed alley access and noticed halfway down the alley there were other residences with access to garages, shops, etc. and it seemed cramped.

OGILVIE asked if the application is granted and the property sold does a utility easement in alley go with new owners, since vacating is not possible. BOQUIST responded the alley is a public alley intended to serve the back of properties and provide utilities and in this case, it would be the primary access and would be

forever. If in the future the alley would not be able to vacate without an easement.

AVILA asked for testimony from applicant.

Applicant Testimony

Christine JARVIS commented the intention is to sell the house and the store. She has owned the business for about 13 years and is getting hard to run as an absentee owner and landlord. Caretaker residences with a business are a thing of the past and in dividing the property the house would be sold separately from the store. Additionally, it's been built like this since the 1950's and by dividing creates an opportunity for potential new owners for the business and house separately.

FELLEY asked if the City or property owners maintain alley. BOQUIST commented the property owners maintain.

Public Testimony

AVILA asked for testimony in favor or neutral. There was none.

AVILA asked for testimony in opposition.

David Whitson

WHITSON commented the alley is a service alley that delivery trucks and garbage trucks use that park and block while delivering goods or dumping garbage making it congested is a concern. Also, there is a concern when the snow is added to it. Additionally, if the two are separated by different owners, would they cooperate with each other with alley access.

Applicant Rebuttal

AVILA asked for rebuttal from applicant.

JARVIS commented Mr. WHITSON has a good point. It has been a challenge with delivery trucks and people parking in the alley and the customers tend to block the alley blocking the delivery trucks. The dumpster and recycle bin has been placed in several different places but hopefully can work with the garbage service to shift the bins to make them more accessible. Additionally, she would hope the new owners if application is approved could work together

Commission Discussion

There was Commission discussion on flag pole lots and access also, review criteria 4.2.002 (D) and review criteria 8.4.003 (A).

BOQUIST responded that a typical flag lot is in a backyard with neighbors on each side the flag pole. It provides that back property owner access. In this case it's a public alley which is a different form and why the variance.

BOQUIST continued review criteria 4.2.002 (D) deals with partition does not conflict with legally established

easements or access and the property has guaranteed access with the alley and not in conflict.

BOQUIST continued review criteria 8.4.003 deals with exceptional or extraordinary circumstances. Since the dwelling was constructed in 1958 (behind the store), the dwelling has been accessed via the alley and looks and functions similar to a flag lot under the City's current code. Additionally, the dwelling behind the store has its own water, sewer, power and gas, so that it functions completely separate and independent from the store, as if a separate lot.

COMMISSION discussion continued with setbacks, lot sizes and parking.

BOQUIST commented current lot size standard is 5,000 sq ft with a 20' front and rear setback. The applicant is proposing a little over 3,000 sq feet with a 15' reduction from the 20' setback. For context in proximity of subject property on Court Avenue, many of the lots are roughly 3000-3500 sq ft and proposal would be compatible and not extra. For parking it appears there are 3 parking spots and they could stack park if wanted to.

There was consensus from the group that the proposal does not have an extraordinary circumstance and the alley access could be problematic with the potential owner of house and business including cooperating with other property owners

(PUBLIC HEARING CLOSED 6:50 PM)

FELLEY introduced the following Motion, with MORRISON providing a Second.

Motion

MOTION: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended and that the Proposed Minor Partition and Variance be denied.

Vote

USC: Unanimous

PUBLIC HEARING OPENED 6:51 PM)

AVILA announced that the Rules or Order were read in their entirety at the first public hearing. There were no declarations or challenges.

Staff Report

AVILA asked for the staff report.

BOQUIST opened with the City of La Grande proposed amendments. There were a series of Planning Commission work sessions that began at the end of 2021 and now at the public hearing piece. The Commission is charged with making a recommendation

to approve the proposed amendments to City Council. The Notice was provided to the Oregon Land Conservation and Development 35 days before the first hearing. Public notice was mailed to all property owners with the City of La Grande and its Urban Growth Boundary at least 20 days in advance of the first hearing.

BOQUIST continued with a summary of the amendments:

1. Housing Production Strategy – Action Items pursuant to Oregon House bill 2003 to adopt a housing production strategy (HPS). HPS is an eight-year plan that recommends 15 action strategies which are intended to increase housing opportunities and promote the development of needed housing within the City of La Grande. The first 7 action strategies require amendments to the City's development code.

- Action 1.1 – Allow small lot single-family houses. This recommendation is to reduce the minimum lot size to 3,000 square feet, with a minimum lot width of 30', or 40' for corner lots. This amendment is recommended for the Medium Density Residential (R-2), High Density Residential (R-3) and the Residential-Professional (RP) zones.
- Action 1.2 – Allow townhouses in the R-2, R-3 and R-P zones. This recommendation would add a definition to the Code for "townhouses", as well as allow 3-unit townhouses in the R-2 zone.
- Action 1.3 – Reduce barriers to triplexes and quadplexes. This recommendation is to reduce the minimum lots size for a triplex to 4,500 square feet and quadplexes on 6,000 square feet.
- Action 1.4 – Reduce barriers to apartments in the R-3 Zone. This recommendation would reduce the minimum lot size for apartments with 4 units to 6,000 square feet, plus 1,000 square feet for each additional unit.
- Action 1.5 – Reduce barriers to cottage cluster housing. This recommendation would allow cottage cluster housing in the R-1 and R-P zones where they are currently not permitted, as well as reduce the minimum lot size for this type of development.

- Action 1.6 – Reduce barriers to accessory dwelling units. The recommendation would reduce some setback requirements and modify the design standards to become clearer and more specific.
- Action 1.7 – Reduce barriers to conversions of existing buildings that create new housing. This action strategy does not include a specific recommendation, but involves a code analysis to identify barriers that would then be recommended to remove or lessen the barrier.

2. Urban Forestry Amendments – requested by the Urban Forestry Commission to include standards for requiring trees in new construction.

3. Short-Term Rentals – grouping short term rental and bed and breakfast into same definition. Streamlining the process to make it an over-the-counter permit and not a conditional use permit.

4. La Grande Business and Technology Park – expand the uses for retail, spectator sports and entertainment and include a corporate headquarter/campus use.

5. Small Scale (Artisan) Manufacturing – add some small-scale consumer product businesses that manufacture artisan goods or specialty foods primarily focused on consumer sales on site and online.

6. Mobile Food Vending Trailers and Courts – proposing to make mobile food units a permitted use and not temporary and adding food courts as a conditional use.

7. Parking EOU – requested by EOU to increase the furthest eligible parking space from 500' to 1300' for university campuses.

8. Public Street Standards – Clarify and define street classifications (collector, arterial, local, private).

9. Conditional Use Permit Criteria – change the criteria to more clear and objective standards.

10. Housekeeping and Other Code Amendments – clean up definitions, typos, etc.

Public Testimony

AVILA asked for testimony in Favor or neutral. There were none.

AVILA asked for testimony in opposition.

Kevin McCarthy	MCCARTHY commented he has concerns with the proposal to allow cottage home development in the R1 zoning and that type of housing is not compatible with the surrounding houses.
David Whitson	WHITSON commented he had concerns with the proposed 3,000 square foot lot sizes in the R1, R2 and R3 zones. The housing study shows adequate land for R2 and RP zones. Open space is a necessity.
Greg Blackman	BLACKMAN commented he has concerns with a cottage home development in the R1 zoning and proposed lot sizes to 3,000 sq ft. Topography has to be a factor to create a house. The R1 zone should be for family home zoning.
David Thiesfeld	THIESFELD asked at the Ridge Subdivision could someone build low-income housing. BOQUIST responded anyone can build low-income housing anywhere. Low-income housing is an interpretation. What might be low income to some may be high end to others. The proposal is to create an opportunity for someone who may want to develop a cottage home development. THIESFELD commented if cottage home development in the R1 zone is allowed he feels would change the character and value of the existing area.
Ruth Becker- Peters	BECKER-PETERS commented looking at the community and how the zoning fits, the need for adding cottage development to the R1 zone doesn't seem suitable.
Jack Martin	MARTIN asked the Commission if they had to administer a decision on the container homes that were proposed to be built on Gildcrest. BOQUIST commented if someone comes in to build a house and they meet the design standard, it is an administrative process for zoning approval. They then can go apply for a building permit. If the Building Department doesn't have code on a certain type of house, they have them get an engineer.
John Sanchez	SANCHEZ commented he lives in the R2 zone and is opposed having cottage development in his area. Likes the idea of short-term rentals.
Don Lowry	LOWRY asked if existing short-term rentals with the new rules put them out of compliance. BOQUIST responded no the existing short-term rentals are grandfathered in until you don't use it as a short-term rental anymore. With the new code if you apply and are granted a permit and you sell the property the permit goes with the property.

Dana Wright

WRIGHT commented on short term rentals off street parking and Boquist clarified the parking requirements being 1 space per bedroom. Additionally, WRIGHT commented the number of short-term rentals shouldn't be limited to one. He understands the idea of limiting big companies not from area coming in and buying up real estate for use as short term, but for local landlords with several rentals have challenges with laws and tenants for a short-term rental and wouldn't want to be limited to just one. Maybe take into consideration based on how long a person owns a property if they can have more than one short term rental.

Doug Harsin

HARSIN commented that if R1 is removed from the cottage home development than all zones R2, R3 should be removed too. Also opposed to the 3,000 sq ft lots.

Commission Discussion

AVILA commented with regard to housing, some of the recommendations came from local feedback (business owners) who expressed concerns about having trouble hiring, because people can't find housing.

The commission discussed the R1 zone and cottage home development. AVILA stated that the cottage home development process would remain under a conditional use permit so there will be some level of public participation.

The discussion continued with allowing 3,000 sq ft lots. BOQUIST stated that the 3,000 sq ft is not a state mandate. It came from the consultants that recommended 3,000 square foot lots and the Commission considered to support.

(PUBLIC HEARING CLOSED 8:50 PM)

MORRISON introduced the following Motion, with OGILVIE providing the Second.

Motion

MOTION: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended to remove the cottage home development from the R1 (Residential Low Density) zone and that the Proposed Land Development Code Amendments be recommended to the City Council for approval.

Vote

USC: Unanimous

OLD BUSINESS:

None

CITY PLANNER COMMENTS:

BOQUIST commented that he is working on an audit grant where the state would do an audit on our code to see if we're in compliance. Additionally, no applications were submitted for the July meeting and

because there will be a couple Commissioners gone, the
July meeting is cancelled.

COMMISSIONER COMMENTS:

None

There being no further business to come before this Regular Session of the Commission, adjourned the meeting at 8:54 pm. The Commission is scheduled to meet again in Regular Session, Tuesday, August 8, 2023 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

APPROVED:

ATTEST:

Kendra VanCleave
CEDD Secretary
Date Approved:

Chairperson