

# CITY OF LA GRANDE

## Planning Commission Meeting

### Regular Session

January 11, 2022

6:00 p.m.

### Zoom Meeting

La Grande City Hall  
1000 Adams Avenue

### ***MINUTES***

#### **COMMISSIONERS PRESENT:**

Liberty Avila, Chair  
Ann Morrison, Vice Chair  
Dave Felley

#### **COMMISSIONERS ABSENT:**

Bruce Weimer

#### **STAFF PRESENT:**

Michael Boquist, City Planner  
Kendra VanCleave, Planning Secretary

#### **DISCUSSION/DISPOSITION**

#### **CITIZENS PRESENT:**

Jakey Starmer  
Sarah Young  
Melinda Wells  
Alma Crow  
Sean Crow  
Jerry Baker  
Nessa Jones  
Tara Gekas

#### **CALL TO ORDER/ROLL CALL**

AVILA, Chair, called this Regular Session of the Commission to order at 6:03 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 commented on page two, #2 paragraph referring to stacked parking says does qualify and should say does not qualify.

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

**MOTION:** That the Consent Agenda be approved as amended for the December 14, 2021 meeting.

#### **PUBLIC COMMENTS**

**MSC:** Unanimous  
NONE

#### **NEW BUSINESS**

- a. Election of Chair and Vice Chair

AVILA volunteered as Chair.  
MORRISON volunteered as Vice Chair.

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

**PUBLIC HEARING**

- a. Conditional Use Permit  
File Number: 14-CUP-21  
Jakey Starmer

**MOTION:** I move that Liberty Avila be nominated as Chair and Anne Morrison be nominated as Vice Chair.

**USC:** Unanimous

**(PUBLIC HEARING OPENED 6:09 PM)**

AVILA asked for the Rules of Order to be Read. There were no declarations or challenges.

AVILA asked for the staff report.

BOQUIST opened with the application to allow for the operation of an air bnb.

1. The subject property includes a single-family dwelling that is approximately 560 square feet. It includes one bedroom and a loft area that provides additional sleeping space. The applicant intends to market and advertise the Air BnB as having up to two (2) sleeping areas.

2. The City's land use code (LDC Section 5.7.009) requires one (1) fully accessible parking space per guest sleeping room. With two (2) sleeping areas, the subject property is required to have two (2) fully accessible parking spaces. In this case, the subject property includes a single lane driveway that widens to accommodate two (2) side by side vehicle parking spaces, thus meeting City requirements. In addition, the length of the driveway would accommodate two (2) additional vehicles in a stacked parking arrangement (see applicant's submittal), although such stacked parking does qualify for meeting minimum City code requirements. As such, only two (2) parking spaces are recognized for the purposes of this review.

3. The property is zoned Medium Density Residential (R-2).

4. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short-term rentals. Under Section 2.1.003 these uses are classified under a "closest fit" evaluation, which for all short-term lodging (30 days or less), they are considered "Bed and Breakfast Inns."

MORRISON asked the applicant (Jakey Starmer) how the property was used before applying for this conditional use permit. STARMER responded he just bought the property April 2021 to his knowledge used as an accessory dwelling unit for friends and family. He purchased the property with the intention of using it as an air bnb.

AVILA asked for testimony from the applicant. There was none

AVILA asked for testimony in favor, neutral and opposing. There were none.

**COMMISSION DISCUSSION**

There was consensus that the air bnb meets the criteria and have no concerns.

**(PUBLIC HEARING CLOSED 6:20P.M.)**

MORRISON introduced the following Motion with FELLEY providing the Second.

**MOTION:** I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be adopted and that the Conditional Use Permit be approved.

**USC:** Unanimous

- b. Conditional Use Permit  
File Number: 16-CUP-21  
Steve and Sarah Young

**PUBLIC HEARING OPENED 6:21 PM)**

AVILA indicated that the Rules of Order were read in their entirety at the first public hearing and asked for challenges and declarations. There were none.

AVILA asked for the staff report.

BOQUIST opened with the application to allow for the operation of an air bnb.

1. The subject property is developed with a 2-bedroom (1500 sf) single-family dwelling, with a couple accessory structures.
2. The City's land use code (LDC Section 5.7.009) requires one (1) fully accessible parking space per guest sleeping room. With two (2) sleeping rooms, the subject property is required to have two (2) fully accessible parking spaces. In this case, the subject property includes two (2) driveways, one of which would accommodate up to three (3) stacked vehicles, and the second driveway will accommodate additional vehicles as needed. The applicant's submittal illustrates the parking options available, which addresses the two (2) fully accessible parking spaces required, with extra parking available.
3. The property is zoned Medium Density Residential (R-2).
4. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short term rentals. Under Section 2.1.003 these uses are classified under a "closest fit" evaluation,

which for all short-term lodging (30 days or less), they are considered "Bed and Breakfast Inns."

BOQUIST continued no public comments were received.

AVILA asked for testimony from the applicant.

YOUNG commented air bnb housing is a good opportunity to bring in tourism and revenue for the community. She has been approached from staff at hospital that has rented her approved air bnb from last year, they like these housing opportunities and will rent a section of 2 or 3 months at a time. Good opportunity for the hospital.

MORRISON asked how the property was used previously. YOUNG commented that they rented it out as a single-family dwelling and decided to try the air bnb again.

FELLEY asked if the property was rented out for a month it wouldn't need a conditional use permit. BOQUIST responded that is correct the transient lodging is triggered 30 days or less.

FELLEY asked if the property has an air bnb designation can the owner also use as a long term. BOQUIST commented yes. If they use it once annually as an air bnb that keeps the permit active.

FELLEY asked if the property is rented over 30 days are they subject to the TRT. BOQUIST responded no TRT is triggered at 30 days or less.

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

#### COMMISSION DISCUSSION

There was consensus from the group that this application meets all the criteria and have no concerns.

#### **(PUBLIC HEARING CLOSED 6:29P.M.)**

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

**MOTION:** I move that the Findings of Fact and Conclusions set forth in the Draft Decision Order be adopted and that the proposed Conditional Use Permit be approved.

**USC:** Unanimous

File Number: 15-CUP-21  
Melinda Wells

AVILA indicated that the Rules of Order were read in their entirety at the first public hearing and asked for declarations and challenges.

MORRISON declared that she did a site visit to the property due to the number of comments received. There were no challenges.

AVILA asked for the staff report.

BOQUIST opened with the application to allow for the operation of an air bnb.

1. In March 2020, the Planning Commission considered and approved the use of the main dwelling as an Air BnB – vacation rental. (Conditional Use Permit, File Number 01-CUP-20).
2. Subsequent to March 2020, the applicant constructed a new accessory dwelling unit in the rear of the property, accessed via the alley. This request is to expand the existing condition use permit to allow the use of the accessory dwelling unit as an Air BnB. This request will result in two (2) Air BnB's on this property.
  - a. The Air BnB within the main dwelling includes two (2) bedrooms and the use meets all City requirements. This use is supported by two (2) off-street parking spaces that are located in the northeast corner of the property off Z Avenue. Again, this Air BnB unit was approved by the Planning Commission in March 2020.



- b. For the proposed Air BnB within the accessory dwelling, this unit includes one bedroom and is supported with two (2) off-street parking spaces. One

parking space is available in an attached garage and a second gravel parking space is available next to the dwelling along. Staff has also found that there is sufficient space parallel with the alley to potentially support a third gravel parking space.

3. For access to the accessory dwelling Air BnB, the alley appeared in reasonable condition during a site visit by Staff on December 22, 2021. The alley includes a single travel lane, which appears to be regularly used as one-way, although the alley is not signed and could support travel in either direction.
4. The subject property is zoned Medium Density Residential (R-2).
5. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short-term rentals. Under Section 2.1.003 these uses are classified under a "closest fit" evaluation, which for all short-term lodging (30 days or less), they are considered "Bed and Breakfast Inns."

BOQUIST stated that there were several comments received from neighbors and wanted to clarify some of the concerns regarding the accessory dwelling unit being permitted. The City of La Grande does not have anything in the code that prohibits someone building an accessory dwelling on their property. This was part of State legislation that mandated all cities to change their code for a property with a primary dwelling also be allowed to build an accessory dwelling unit if desired. If all setbacks, height limit and design standards are met, they can build an accessory dwelling unit.

BOQUIST continued with the review criteria:

- A. That the use is conditionally permitted in the zone in which it is proposed to be located.

Finding: The subject property is located within a Medium Density Residential (R-2) zone.

As defined under LDC Article 1.3, a Bed and Breakfast Inn is limited to five (5) sleeping guest rooms (aka bedrooms). This request includes a one (1) bedroom accessory dwelling. This standard is met. If taking the existing Air BnB within the main dwelling into consider, such dwelling includes two (2) bedrooms. Together, the two Air BnB's would result in three (3) total guest

rooms on the subject property. This standard is met with this consideration as well.

B. That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services.

Finding: This criterion generally applies to areas where City standard improvements are missing (e.g. no streets, sidewalks, water, sewer, etc.) and where large projects require the extension or widening of streets and/or constructing other infrastructure improvements. For this request, the subject property is located along Z Avenue, which includes all necessary public infrastructure to support this request. The use of the existing dwelling and the proposed accessory dwelling as BnB's will not require any new public infrastructure or services. This criterion is satisfied.

C. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.

Finding: When determining conformance with this criterion, attention should be focused on the "location, size, design and operating characteristics" of the proposed use. In this case, the proposed B&B includes the use of the entire accessory dwelling as a vacation rental.

BOQUIST commented that several of the neighbors who submitted testimony prior to the meeting have also joined the zoom meeting. Their comments were included in the draft decision order and given to Commissioners prior to the meeting. BOQUIST offered when it comes time for the public comment piece, if the neighbors who submitted comments that have joined wanted him to read their letter into the record, he could do that.

AVILA asked for testimony from the applicant (the applicant submitted comments in rebuttal to the comments received that are opposed prior to the meeting).

WELLS commented that she didn't intend to irritate her neighbors and would have been happy to speak with them. Some of the parking issues in the alley, she believes stemmed from construction while the second ADU was being built. Additionally, she submitted her record of the 2021 occupancy for the first air bnb and 105 nights were unoccupied where there was no traffic and feels that is lower impact than a typical rental.

WELLS continued there was a fence installed with a gate that will allow vehicle access to park in the driveway in the front house and go through the gate to access the second house. Additionally, she designed the ADU as a second story with a porch to grasp the mountain views.

WELLS added as far as the impact on guests via air bnb there are significant requirements to use air bnb. \$500 deposit and liability insurance for the guest and owner. Also, if people don't have reviews she generally does not accept them. She has a professional property manager that she uses. The porch deck area will include two privacy panels.

AVILA asked for testimony in favor, neutral and oppose. There were comments in opposition.

#### OPPOSED

Nessa Jones commented she wanted her letter read into record. She had concerns with safety, parking issues, security lights, stress on the alley with increased traffic.

Jerry Baker commented he lives at 1410 Z the picture of the alley in the report is not the current picture since the recent snowfall. Barely two ruts going down and need 4wd to get through some cars are blocking the alley. Also has concerns about safety with neighbors and children.

Tara Gekas commented she didn't feel it was her responsibility to come to the owner to discuss their property. She doesn't have any issue with the first air bnb, but on the second air bnb the porch is looking directly into her backyard. She didn't feel comfortable when they were constructing it. She has safety concerns with zero privacy when children playing and guests seeing belongings in their backyard.

BOQUIST asked Tara if she wanted him to read her husband's (Mike Gekas) comments into the record. She indicated no.

BOQUIST commented he would read one more letter into the record from Tanner O'Grady. He had concerns about parking issues and have experience people parking on their property in relation to the air bnb.

AVILA asked for rebuttal from the applicant.

WELLS apologized to the neighbors that she didn't come to them on her project. She could do some landscaping and put up a row of trees in front of patio to address some privacy concerns. Some of her guests are grandmothers who come and take care of



grandkids for homeschooling and she has one guest that is coming back for a 3<sup>rd</sup> time that is in a quilt club.

FELLEY asked if the property has room for planting trees. WELLS indicated there is about 10' of space. There should be some trees available that grow tall and fast. BOQUIST added maybe talking with the Urban Forester she may have some suggestions on types of trees.

MORRISON commented if the building has been designed to grasp the mountain views, putting up trees would interfere with that. WELLS responded said yes it would, but she would like to find a compromise.

MORRISON also commented that trees take a while to grow which would be more of a long-term solution and would not remedy things immediately. WELLS agreed, if there is another solution she would be open.

#### COMMISSION DISCUSSION

MORRISON asked about authorizing two air bnb's on the same property. BOQUIST responded there is nothing in current code that would prohibit that.

FELLEY asked about the state mandate and allowing ADU's in all residential zones. BOQUIST responded yes where ever you allow a single family dwelling you are to allow an accessory dwelling unit. Two units per property is now a state law. FELLEY asked if it was approved as an ADU or a cottage home. BOQUIST responded that the City recognizes it as the same. Before state law, the City has allowed ADU's through a conditional use permit. Now that it's state law the code changed to make it a permitted outright use.

MORRISON stated 3 items that concerns her regarding this air bnb:

1. Several neighbors have come forward having with concerns. Also having two air bnb's on the same property in a compact area.
2. Neighbors commented about the privacy and safety concerns. She drove by to get a feeling for the area and noticed the neighborhood consists of all small lots with one story homes. The second air bnb is a second story that does loom over other properties and complete strangers could look.
3. Alley concerns- it would seem unreasonable that a guest would not use the alley to park and instead use the front driveway.

The 3 items are a cause for concern and could have significate impacts to the neighborhood.

AVILA commented that she was concerned for the alley parking and snow maintenance. In other applications, they have mitigated an alley concern with improvements. Additionally, she has concerns with safety.

FELLEY commented he has the same concerns and with the number of comments in opposition from surrounding neighbors. With criteria C stating operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood. It appears this use would not be compatible in the neighborhood.

**(PUBLIC HEARING CLOSED 7:23P.M.)**

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

**MOTION:** I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended and that the Proposed Conditional Use Permit be denied due to criteria C not met based on the large number of neighboring property owners that expressed valid concerns and opposition to the request and found not compatible with the surrounding neighborhood that will result in significant adverse effects on the use.

**USC:** Unanimous

**PUBLIC HEARING OPENED 7:24 PM)**

AVILA indicated that the Rules of Order have been read in their entirety and asked for declarations and challenges. FELLEY commented that his mother-in-law lives next to the applicant and has no financial or personal interest. There were no challenges.

AVILA asked for the staff report.

BOQUIST opened with the application to allow the operation of an air bnb.

1. In July 2021, the Planning Commission approved a Conditional Use Permit (File Number 09-CUP-21) for the South duplex unit (104 20th Street) to be used for an Air BnB. This unit includes 3 bedrooms, which City code requires 3 fully accessible parking spaces, one for each guest bedroom. The applicant was approved to accommodate this parking requirement utilizing the two (2) parking spaces directly in front of the South duplex unit, plus using one parking space in front of the North duplex unit. This scenario

- d. Conditional Use Permit  
File Number: 17-CUP-21  
Alma Crow

leaves one parking space available for the North duplex unit, which meets City standards.

2. For the Conditional Use Permit under consideration in this decision order, the proposed request is to expand use granted in the first permit to allow the North duplex unit (106 20th Street) to also be used as an Air BnB. The North duplex unit also includes 3 bedrooms, which City code requires 3 fully accessible parking spaces, one for each guest bedroom.

3. Unfortunately, a conflict with meeting the parking requirement exists as there are only 4 fully accessible parking spaces within the driveway, and 3 of those are committed to the South duplex (Air BnB) unit. This leaves only one valid parking space to accommodate the North duplex unit, rendering this site short 2 accessible parking space.

4. The applicant proposed to satisfy the parking requirement by asking the Commission for support and permission to close off a bedroom in one or both units and advertising the unit(s) as a 2-bedroom unit(s). Doing so would reduce the parking requirement from 3 spaces per unit to 2 spaces per unit, which the applicant can satisfy within the 4 car driveway.

5. As an added consideration, while the driveway is a 4-car width per City code, it will accommodate many more vehicles in a stacked parking arrangement. While this does not qualify for meeting City parking requirements, the driveway could accommodate 4-6 vehicles per duplex unit, if considering the 2-car garage and 4 cars stacked in the driveway in front of each unit. Again, this does not qualify as a scenario to satisfy City Code requirements, but is a functional option to address additional parking demands when needed.

BOQUIST commented all the review criteria was met and no public comment were received.

AVILA asked for testimony from the applicant.

CROW commented that because of the parking deficiency, she proposed to eliminate one bedroom to a play room of some sort.

AVILA asked if it will be a part-time or full-time air bnb. CROW responded that it would be less than part time, since they plan on living in the house as a primary residence. They travel a lot they would like to rent out to close friends and family when away.

MORRISON asked for clarification on the South of the duplex. CROW responded the South side of the duplex

was approved last year and is a full-time air bnb and have surveillance around the property.

MORRISON asked how the rooms are distributed on each side. CROW responded there are 3 rooms on each. The south side where they live they have a room for their son, daughter and master bedroom.

MORRISON commented the 3 bedrooms are being used as 3 bedrooms, how will that change when it is being rented out. CROW responded that the full-time (South unit) one of the bedrooms would be changed to office space. The part time (North unit) make her daughters room a play room resulting in 2 bedrooms to be used on each side.

FELLEY asked is if each side is rented in entirety when rented as air bnb. CROW indicated yes it is rented as whole unit.

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

#### COMMISSION DISCUSSION

MORRISON commented the application is different where neighbors didn't comment. She has a concern with the number of bedrooms and parking. BOQUIST indicated that the applicant is clear on living in their unit and so they wouldn't have to convert one of the bedrooms into a play area, they could potentially put a lock on one of the bedrooms to make it unusable when rented out as owner occupied on part time basis.

The applicant indicated that could be a solution and open to the idea.

AVILA commented this application is similar to the hosted home stay.

MORRISON commented she didn't want to impose on a current permitted use with the South side. BOQUIST commented this permit is an extension of the first permit if this permit is approved, it will replace the first permit.

FELLEY asked for clarification the North side duplex where a bedroom would be locked resulting in a 2 bedroom and the South side making one of the bedrooms an office resulting in a 2 bedroom for rent. CROW answered yes.

CROW asked if they are not renting the air bnb on the north side would the south side have to convert to office before the north side rented out. BOQUIST commented the Commission will have to decide, but the conversion of the south should be done before the

north becomes available, the South unit will be a 2 bedroom all the time.

**(PUBLIC HEARING CLOSED 7:48P.M.)**

FELLY introduced the following Motion:

**MOTION:** I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended and that the Proposed Conditional Use Permit be approved.

MORRISON modified the Motion of proposed Conditional Use application based upon the amendments that were discussed and Seconded the Motion.

**USC:** Unanimous

**NEW BUSINESS:**

- a. Consideration of Moratorium on  
Bed and Breakfast Inns

There was consensus from the group to tables this topic to the February meeting.

BOQUIST commented about meeting twice a month to get through the code amendments, since the regular sessions have had applications. There was consensus to meet the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays.

**CITY PLANNER COMMENTS:**

BOQUIST indicated he is in discussions with the Timber Ridge apartment project that may be applying for a variance which would come before the Commission, because they ran into budgeting issues with material cost increases.

**COMMISSIONER COMMENTS**

AVILA asked if there are any applications submitted to replace James. BOQUIST commented it is advertised, but no applications received.

There being no further business to come before this Regular Session of the Commission, HICKEY adjourned the meeting at 8:05 p.m. The Commission is scheduled to meet again in Regular Session, Tuesday, February 8, 2022 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

**ATTEST:**

**APPROVED:**

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Kendra VanCleave  
CEDD Secretary  
Date Approved:

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Chairperson