

CITY OF LA GRANDE

Planning Commission Meeting

Regular Session

February 8, 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

STAFF PRESENT:

Michael Boquist, City Planner
Kendra VanCleave, Planning Secretary

CITIZENS PRESENT:

Janelle Deane

CALL TO ORDER/ROLL CALL

AGENDA APPROVAL

CONSENT AGENDA

PUBLIC COMMENTS

NEW BUSINESS

PUBLIC HEARING

- a. Conditional Use Permit
File Number: 01-CUP-22
Janelle Deane

COMMISSIONERS ABSENT:

Bruce Weimer

DISCUSSION/DISPOSITION

AVILA, Chair, called this Regular Session of the Commission to order at 6:07 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was approved as presented

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

MOTION: That the Consent Agenda be approved as presented for the January 11, 2022 meeting.

MSC: Unanimous

NONE

NONE

(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.

The subject property is located along the South side of W Avenue, between N. Depot Street and Fir Street.

2. The subject property includes a single-family dwelling that is 1,284 square feet. It includes two (2) bedrooms or guest sleeping rooms.

3. The City's land use code requires one (1) fully accessible parking space per guest sleeping room. The subject property currently includes a single lane driveway that accommodate stacked parking. The applicant intends to widen the driveway to accommodate two (2) side by side vehicle parking spaces at the front of the driveway, with a surplus stacked space being available within the carport. This improvement would satisfy City parking requirements.

4. The property is zoned Medium Density Residential (R-2). Bed and Breakfast Inns are permitted by Conditional use Permit only.

5. 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.

BOQUIST continued the Urban Forester. Teresa Gustafson submitted comments expressing concerns about the proposed driveway expansion and potential impacts to the root zone of the neighbor's tree. While this tree is on the neighbor's property, it has a significant lean over the applicant's property and parking area. Should the proposed parking expansion area be excavated and filled back in with gravel or concrete, the excavation may result in cutting some supporting roots for this tree and possibly making it more unstable than it already appears. Additionally, this tree is located close to the neighbor's house and foundation, and is likely causing foundation issues for the neighbor. While this is not the applicant's tree, nor is it their responsibility to maintain or to resolve potential conflicts caused by this tree, it does appear to adversely affect the applicant's property. Also, while this tree does provide valuable shade for the adjacent properties, it is a problematic tree that the City's Urban Forester encourages to be removed. This removal would be to the benefit of both the applicant and the neighbor, who is ultimately responsible for this tree. Should the applicant and neighbor decide to remove these trees, the Urban Forester offered to provide and plant higher quality street trees at both properties, but within the right-of-way planting strip.

BOQUIST continued with the review criteria:

A. That the use is conditionally permitted in the zone in which it is proposed to be located.
The subject property is located within a Medium Density Residential (R-2) zone. Bed and Breakfast Inns are permitted by Conditional use Permit only.

Bed and Breakfast Inn is limited to five (5) sleeping guestrooms (aka bedrooms). This request includes a two (2) bedroom dwelling. This standard is met.

B. That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services. For this request, the subject property is located along W Avenue, between N. Depot Street and Fir Street, which are fully developed streets. The use of the existing dwelling as an Air BnB will not require any new public infrastructure to be constructed. 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.

The applicant intends to use their entire home as BnB and feel it is a compatible use, including references to other BnB's in the area.

BOQUIST shared the pictures the applicant submitted of their current work in widening the driveway.

AVILA asked for testimony from the applicant.

DEANE commented that they reached out the neighbor about the tree, the property has recently been sold and haven't been able to connect with the new property owner. Open to working with the neighbor and while digging the soil they didn't see any root structure that could potentially cause a problem.

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

COMMISSION DISCUSSION

MORRISON asked about part time and full time use and if someone were to be approved for a part-time use then use as full time, if there was a way to place a condition. BOQUIST responded there isn't a way to monitor that and City code does not have in place of part-time or full-time requirement.

MORRISON asked if the driveway expansion could require a condition that it be an permeable surface. BOQUIST responded there isn't anything in code that would require it, but you could suggest it. For this proposal the applicant is using gravel.

FELLEY asked if the landowner has any responsibility for runoff such as storm water. BOQUIST responded there isn't a setback for driveways and would be something the owners would have to work out.

FELLEY commented on the Urban Forester concern with the tree and could be causing a hazard and might need to be removed.

Additionally, MORRISON asked if it would be possible to place a condition that the tree issue be resolved. BOQUIST responded you could ask, but the tree is on the neighbor's property.

MORRISON commented the landscape strip doesn't have any plantings could there something put in the decision to require plantings. BOQUIST responded that there would need to be a link between the condition and the proposal and if there is something to mitigate, but you could encourage that trees be planted and suggest visiting with the UR forester.

MORRISON commented to encourage the applicant to work out the tree issue with the new neighbors and to encourage the applicant to visit with the Urban Forester on planting trees.

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

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

FELLEY introduced the following Motion with MORRISON 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

OLD BUSINESS:

- a. **Consideration of Moratorium on Bed and Breakfast Inns**

There was consensus from the group to table this topic to the March meeting until Commissioner Weimer can attend. BOQUIST will reach out to find out if Weimer is interested is staying on the Committee,

CITY PLANNER COMMENTS:

BOQUIST commented that there will be another air bnb application next month.

COMMISSIONER COMMENTS

FELLEY made a comment on the street tree topic and with the recent vacation application where reducing the ROW there is a lost opportunity to plant trees.

MORRISON asked since the Commission is at the opportunity to present recommendations to the Council, consider including planting trees in landscape strip as projects are applied for and recommend permeable surfaces be considered as a requirement. BOQUIST commented the driveway concern could be discussed, maybe recommend to include permeable surfaces as an allowance in the code. Currently a SFD isn't required to be paved.

AVILA asked if multi family uses are required to be paved. BOQUIST responded anything with 2 driveways requires paving,

There being no further business to come before this Regular Session of the Commission, adjourned the meeting at 6:45 pm. The Commission is scheduled to meet again in Regular Session, Tuesday, March 8, 2022 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

ATTEST:

APPROVED:

Kendra VanCleave
CEDD Secretary
Date Approved:

Chairperson