

CITY OF LA GRANDE

Planning Commission Meeting

Regular Session

June 14, 2022

6:00 p.m.

City Council Chambers

La Grande City Hall
1000 Adams Avenue
MINUTES

COMMISSIONERS PRESENT:

Liberty Avila, Chair
Ann Morrison, Vice Chair
Dave Felley

COMMISSIONERS ABSENT:

STAFF PRESENT:

Michael Boquist, City Planner
Kendra VanCleave, Planning Secretary
Stu Spence, Parks and Rec Director

DISCUSSION/DISPOSITION

CITIZENS PRESENT:

Michah Anderson
Bruce Anderson
Mark and Heidi Nikolai
Jeff Henry

CALL TO ORDER/ROLL CALL

AVILA, Chair, called this Regular Session of the Commission to order at 6:00 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was approved as amended to clean up a minor error on last page.

AGENDA APPROVAL

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

CONSENT AGENDA

MOTION: That the Consent Agenda be approved as amended for the May 10, 2022 meeting.

PUBLIC COMMENTS

MSC: Unanimous
NONE

NEW BUSINESS

PUBLIC HEARING

- a. Conditional Use Permit
File Number: 06-CUP-22
Micah and Lana Anderson

NONE

(PUBLIC HEARING OPENED 6:05 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 is developed with a single-family dwelling and an accessory dwelling unit (ADU). The applicant proposed to use the ADU for the Air BnB,

which includes two (2) bedrooms (one studio bedroom and one private bedroom).

2. The City's land use code (LDC Section 5.7.009) requires one (1) parking spaces for the single-family dwelling, and two (2) parking spaces for the Air BnB (one (1) parking space for the guest sleeping room). The applicant's submittal discusses the ADU as having four (4) parking spaces, with an additional 3+ parking spaces for the main dwelling.

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 property is located within a residential Hillside Development (HD) zone.
This request includes two (2) guest bedrooms which are located within an accessory dwelling unit. 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.

The property is located along Deal Canyon Lane, which is a paved City street. The use of the accessory dwelling unit 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 will continue to live in the main dwelling and only intends to rent their accessory dwelling unit as an Air BnB. The applicant feels the location is ideal for renting to visiting doctors and nurses and does not anticipate any adverse impacts being caused by the rental of their ADU. The application submittal includes the applicant's narrative which explains their operational intentions, as well as includes photos of their property which illustrate the location of the off-street parking provided.

AVILA asked for testimony from the applicant.

Micha Anderson

Micah Anderson commented the circled area on the map is a garden shed and the ADU is actually a 2-story

structure. Additionally, four parking spaces are dedicated for the bnb.

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

COMMISSION DISCUSSION

There was consensus the application met the criteria

(PUBLIC HEARING CLOSED 6:10P.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: 07-CUP-22
Mark and Heidi Nikolai

(PUBLIC HEARING OPENED 6:11 PM)

AVILA announced that the rules of order were read in their entirety at the first public hearing and asked for Commissioner declarations and challenges. 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 property is a two (2) bedroom single-family dwelling and an accessory shed (garage). The applicant proposed to use the entire dwelling unit for the Air BnB.

2. The applicant's submittal discusses the location of an existing covered parking structure (shed), along with the alteration of some rear yard area to establish an additional uncovered/open parking space(s).

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 Residential Professional (RP) zone. Bed and Breakfast Inns are permitted by Conditional use Permit.

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

The property is located along Penn Avenue and 7th Street, both of which are paved streets with curbs and sidewalks. The use of the dwelling on this property 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 dwelling will no longer be rented for long-term housing. It is being converted to a lodging-BnB use. The applicant feels the location is compatible for an Air BnB use as the property is surrounded by businesses and rental properties.

For the two (2) required parking spaces, the application initially proposed the use of a shed structure as a garage parking space, with the second parking space within the public street right-of-way. Staff questioned the shed structure as being a viable parking space and advised the applicant that the right-of-way parking space was not eligible to meet the parking requirement. The applicant submitted a revised narrative to address required parking, which includes their intent to either demolish or convert the existing shed structure into a carport and adding an open park space in the back yard next to the shed structure. This plan and intention would satisfy City standards.

MORRISON asked how was the property used previously. Mark Nikolai responded that they bought house from the property owner that lived there and previously has been a rental.

AVILA asked for testimony from the applicant.

Mark Nikolai

Mark Nikolai commented to accommodate parking, they have no problem tearing out the fence and widening backyard or remove the shed and turn into carport. The shed is unique as it is shared with the neighbor and they own about 80% of the shed. Beyond the barn door there is a wall then there is a storage room. After the storage area, there is another wall and the neighbor's garage starts. They would only remove to the first wall past barn doors to accommodate two parking spaces. Additionally, possibly widening the approach.

MORRISON asked for clarification from the applicant they would remove building to first wall and keep the storage area. Mark Nikolai responded yes. MORRISON commented there is telephone pole in the area where the driveway would be widened. Mark Nikolai commented that is an old picture and there is one pole. The actual area is pretty wide and should be more than enough room to two vehicles side by side.

AVILA asked for testimony in favor, neutral or opposition.

Bruce Anderson

Bruce Anderson commented neutral to the application and he owns property immediately across the street

which was a SFD he converted to a law office in 1985. Since 1985 the subject property has always been a single-family dwelling tenant or owner occupied. Also, the alley that comes out onto Penn Ave from the North is a one-way alley.

COMMISSION DISCUSSION

MORRISON asked about the options for approving an application where there is a parking modification proposed but has not been done. BOQUIST commented the Commission has the option to include a condition based on having the parking done before opening, but the applicant has it included in their application that they will convert the carport or remove the structure to accommodate parking.

MORRISON asked the applicant about the decision to turn property into air bnb rather than long term rental. Heidi Nikolai responded the air bnb will help pay the mortgage when they are not there. Will be a part time air bnb.

FELLEY asked in there a clear process to work with applicant to get parking completed before they open. BOQUIST responded yes as long as applicant is available is a pretty simple process.

(PUBLIC HEARING CLOSED 6:35PM)

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

MOTION: I move that the Findings of Fact and Conclusions set forth in the Draft Decision Order be amended that the parking issue be addressed before opening as an air bnb and that the Proposed Conditional Use Permit be approved.

USC: Unanimous

(PUBLIC HEARING OPENED 6:36PM)

AVILA announced that the Rules of Order were read in their entirety at the first Public Hearing and asked for Commission challenges or declarations. There were none.

AVILA asked for the staff report.

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

1. The property is located along the South side of B Avenue, South of 4th Street and is developed with a duplex, and the applicant is proposing to rent the East duplex unit (2 bedrooms & 1 bath) as an Air BnB.

- c. Conditional Use Permit
File Number: 08-CUP-22
Tyson and Valerie Murphy

2. The applicant's submittal discusses the existing parking configuration is stacked, with one (1) space in single-car garage and the second space stacked in the driveway. An additional parking is typically available along B Avenue in front of the duplex 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.

Find property is located within a Medium Density Residential (R-2) zone. Bed and Breakfast Inns are permitted by Conditional use Permit. This request includes two (2) guest bedrooms. 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.

The property is located along B Avenue, which is a paved street with sidewalks. The use of the dwelling on this property 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.

For parking, the dwelling includes two (2) guest bedrooms, which requires two (2) off-street parking spaces; one (1) per bedroom. The applicant's narrative and attached pictures explains/reflects two (2) stacked parking spaces. One (1) parking space is provided within a single-car garage and the second parking space is stacked in the driveway in front of the garage. An additional parking space is typically available on-street in front of the duplex unit.

To meet the minimum parking requirement, the applicant has a few options:

1. (Proposed by Applicant): Close of and lock one bedroom for personal use. This would reduce the BnB occupancy to a one (1) bedroom rental.

2. (Alternative): Convert part of the front yard into an additional parking space. This would include removing lawn and expanding/widening the driveway to establish another off-street parking space.

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

COMMISSION DISCUSSION

FELLEY asked how would the use of the one bedroom would be monitored. BOQUIST commented that it would be on the honor system.

There was discussion on the on the two options to meet the parking requirement close and lock one bedroom which will reduce to a one-bedroom rental or convert part of yard into additional parking space and give the applicants the option.

MORRISON commented the applicant's proposal is to close/lock the bedroom making it a one bedroom.

MORRISON introduced the following Motion, with AVILA provided the Second.

Motion: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended to close and lock a bedroom resulting in a one-bedroom air bnb rental and that the Proposed Conditional Use Permit be approved.

There was additional commission discussion.

FELLEY asked if MORRISON had a concern with making more off street parking to allow use of 2nd room. MORRISON responded the applicant proposes to only use the dwelling as a one-bedroom air bnb. BOQUIST commented he threw in the 2nd option to convert front yard so the application wasn't at risk to getting denied as the applicant proposed to close/lock one of the bedrooms to meet parking requirement

There was consensus that the applicant proposal meets the criteria

(PUBLIC HEARING CLOSED 6:50P.M.)

AVILA stated a Motion was made and called for the vote.

USC: Unanimous, Motion passes

(PUBLIC HEARING OPENED 6:53 PM)

AVILA announced that the Rules of Order were read in their entirety at the first Public Hearing and asked for Commission challenges or declarations. There were none.

- d. Conditional Use Permit
File Number: 09-CUP-22
Tina Aster

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

1. The property is located at the South terminus of Mattoon Street and developed with a two-story single-family home. The lower floor (daylight basement) is occupied by a long-term tenant, who is the groundskeeper and property manager. The upper floor of the home includes two bedrooms and is proposed to be rented as an Air BnB.

2. The applicant's submittal discusses the existing parking configuration, which includes three (3) fully accessible side by side parking spaces within a paved driveway in front of the garage, on the North side of the home. An additional parking space is available within a gravel driveway on the West side of the home.

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 property is located within a Medium Density Residential (R-2) zone. Bed and Breakfast Inns are permitted by Conditional Use Permit. This request includes two (2) guest bedrooms. 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.

The property is located along Mattoon Street, which is a paved street with curbs. The use of the dwelling on this property 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.

For this request, there is no loss or impact on needed housing within the City of La Grande. The single-family dwelling is currently occupied by a long-term tenant who will remain as the groundskeeper and property manager. The dwelling includes a two (2) car garage North of the dwelling, with a paved driveway in front that support three (3) off-street parking spaces, side by side. An additional parking space is available West of the dwelling within a separate gravel driveway.

For the long-term tenant, City Code requires a minimum of one (1) off-street parking space. For the two (2) proposed guest bedrooms for the Air BnB, City Code requires a minimum of two (2) off-street parking spaces. In this case, the property includes four (4) fully accessible off-street parking spaces within driveway areas, which exceeds minimum requirements

AVILA asked for testimony from the applicant.

Jeff Henry

HENRY commented that his mother moved over and currently lives there. She will act as the manager of the air bnb. There are the parking spots and property has a big back yard which has wildlife.

MORRISON asked the applicant about the decision to turn into air bnb rather than long term rental. Jeff Henry responded with the long-term rental they were worried about people taking care of property. Also allows them to use the property to use when family is in town.

COMMISSION DISCUSSION

There was consensus that the application meets the criteria

(PUBLIC HEARING CLOSED 6:58P.M.)

MORRISON introduced the following Motion, with FELLETT 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 Proposed Conditional Use Permit be approved.

USC: Unanimous

OLD BUSINESS:

CITY PLANNER COMMENTS:

BOQUIST commented there will be another application for the next Planning Commission. There are potentially three new Commissioner applications.

BOQUIST continued that the Council had a work session on the ARPA funds and the City has 3.2 million to put toward infrastructure type projects. There was a number of projects mostly street related to have work done on streets. The Council went through a scoring process and settled on the top 5 that scored well (no decision made yet) includes a couple of street projects, Fire department needs another vehicle, and an infrastructure project running a sewer Main from McAlister livestock yard to I -84 (West side) right-of-way toward H Avenue area. Potentially 200 homes could be built if that sewer main gets put in. City Council will be doing some public

outreach on these top 5 projects and see what comments come in. The money has to be committed by 2024 and spent by 2026. BOQUIST added that he could send an email out when they have the town hall.

COMMISSIONER COMMENTS

MORRISON asked about the moratorium discussion with the Council on air bnb's BOQUIST responded that he will get an official request in for a work session.

MORRISON asked if the other Commissioners were able to read the parking article she sent out. Was an interesting article talking about the amount of land that is used for parking (most talking about California) and appropriateness about making it a part of City Code.

There being no further business to come before this Regular Session of the Commission, adjourned the meeting at 7:18 pm. The Commission is scheduled to meet again in Regular Session, Tuesday, July 12, 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