

# CITY OF LA GRANDE

## Planning Commission Meeting

### Regular Session

September 13, 2022

6:00 p.m.

La Grande City Hall  
1000 Adams Avenue

### ***MINUTES***

#### **COMMISSIONERS PRESENT:**

Liberty Avila, Chair  
Ann Morrison, Vice Chair  
Dave Felley  
Matthew Gougherty

#### **COMMISSIONERS ABSENT:**

Roxie Ogilvie

#### **STAFF PRESENT:**

Michael Boquist, City Planner  
Kendra VanCleave, Planning Secretary

#### **DISCUSSION/DISPOSITION**

#### **CITIZENS PRESENT:**

Dustin Fuchs  
Zach Hostetter  
Bill Riley  
Sabrina Stremke

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

AVILA, Chair, called this Regular Session of the Commission to order at 6:08 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was approved as presented

#### **AGENDA APPROVAL**

#### **CONSENT AGENDA**

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

**MOTION:** That the Consent Agenda be approved as presented for the July 12, 2022 meeting.

#### **PUBLIC COMMENTS**

**MSC:** Unanimous  
NONE

#### **NEW BUSINESS**

##### **PUBLIC HEARING**

- a. Conditional Use Permit  
File Number: 11-CUP-22  
Kimberly Rose

NONE

##### **(PUBLIC HEARING OPENED 6:10 PM)**

AVILA asked for the Rules of Order to be Read. AVILA announced that she drove by the site. MORRISON announced that she drove by the site and visited with Bill Riley the next-door neighbor at 1506 Y Avenue. There were not challenges from the audience.

AVILA asked for the staff report.

#### **STAFF REPORT**

BOQUIST opened with the application to allow for the operation of a short-term rental.

1. The subject property is developed with a one-bedroom single-family dwelling, a detached garage with

an upper floor, and one off-street parking space which is located in front of the garage, off N. Greenwood Street. A second parking space is located within the garage, but is not eligible as meeting the off-street parking requirement as it is a stacked and blocked-in space.

2. July 2021, the Planning Commission approved conditional use permit, file number 08-CUP-21, granting permission for the applicant to rent the main dwelling (a one-bedroom home) as a bed and breakfast. The parking space in front of the existing garage satisfies the one parking space requirement for this BnB.

3. This request is to improve the upper floor of the garage into a second BnB, one-bedroom unit, on the property. If approved, the applicant intends to construct a second parking space to the expanded BnB use.

4. Within the immediate surrounding area, there are currently three (3) approved BnBs

BOQUIST continued with the parking:

**Application Submittal (August 12, 2022):**

The applicant's initial submittal identified the following two (2) parking spaces, accessed off N. Greenwood Street and the adjacent alley. For the one-bedroom BnB within the main dwelling, a 9'x18' parking space is provided in front of the garage, off N. Greenwood Street; although, it would be accessed off the alley for a vehicle to park within this space and not obstruct the public sidewalk.

For the one-bedroom BnB above the garage, a 10'x10' parking space is "to be" improved on the East side of the garage, accessed off the alley. This space does not meet the minimum design standards for space dimension or access aisle in accordance with LDC Section 5.7.005, as highlighted above. See revised Site Plan submittal with 9'x18' spaces to address this requirement.

As a revision the applicant submitted another scenario:

**REVISED Application Submittal (September 6, 2022)**

The applicant (through their legal counsel, Hostetter Law Group, LLP) submitted a revised application to address the minimum parking requirements.

**Parking Option 1:** The site plan is amended to increase the 10'x10' parking space on the East side of the garage to a 9'x18' space in compliance with City code. This option does not meet the minimum access requirements which must include 24' aisle width. This parking space utilizing the existing 16' wide alley for access, which is 8' short of the 24' needed.

**Parking Option 2:** Alternatively, a 9'x18' parking space could be located at the NE corner of the property, accessed off a new driveway approach from "Y" Avenue. This meets both the parking space dimensional requirement, as well as the access coming off a City street. The driveway cut would require obtaining a Driveway Permit from the City of La Grande Public Works Department.

BOQUIST continued that there was a letter of opposition stating that this would be a 3<sup>rd</sup> BnB surrounding his property making it more commercialized and concerned with strangers coming and going daily. Also increased traffic. There was also letter in favor. These letters were scanned and were emailed to Commission. Additionally, there were support letters received prior to the start of the meeting that was copied and handed out at the meeting and also a confirmation email from Public Works saying they would support a permit for a curb cut. All of which are part of the permanent record.

GOUGHERTY asked has it been established if the structure is a detached accessory dwelling unit (ADU) and does it meet standards. BOQUIST responded it hasn't been established at this point. Subject to the Planning Commission decision, they will work with the Building Department to make it an ADU.

GOUGHERTY asked if the structure meets the height and setback standards. BOQUIST responded that it is a preexisting structure and is grandfathered, but any modification of the outside for example adding an addition would be subject to the current setback and non-conforming standard for improvements.

#### **APPLICANT TESTIMONY**

AVILA asked for testimony from the applicant.

Zach Hostetter made an introductory statement before the applicant testimony. He was hired to help and submit additional information specifically for Criteria C of the Conditional Use Permit code standard. Additionally, he submitted a signed petition from people in other portions of the neighborhood that are in support of application and is a part of the permanent record.

Dustin Fuchs commented that they care about the neighborhood and desire to follow the rules. Worked with staff on the requirements of the submittal. Also spoke with Bill Riley the neighbor about his concerns and felt he didn't express anything during that conversation to be opposed. Additionally, a family member used to live in the main house before falling ill left it vacant when they applied for the first conditional use permit. He used to stay in the shop behind main house when he came back from Boise to help family and they would like to use the shop as the second BnB.

MORRISON asked if the second BnB has had any improvements done. FUCHS responded they haven't done anything currently. There is a bedroom above the garage, but they plan on using the garage as the conversion. MORRISON asked if they structure has running water. FUCHS responded not yet.

#### **PUBLIC TESTIMONY**

AVILA asked for testimony in favor.

Sabrina Stremke commented she is in support of the application. When she applied to be a member for the Air BnB website she had to go through rigorous questioning to become a member and feel they have very strict rules with who can list and who can rent. She has no problem with the property being an Air BnB.

AVILA asked for a few minutes so the Commission could read through the support letters that were handed out at the meeting.

FELLEY commented he sees two letters from Linda Carlsen and Tom Woodworth. BOQUIST commented staff received one letter and the other one was submitted at the meeting.

AVILA asked the applicant what percentage of the time will the rental be in use. FUCHS responded depends on when he is back from Boise so it would be used part of the time as a BnB.

AVILA asked for testimony in opposition

Bill RILEY commented he is the neighbor directly next door. Mr. Riley read from his letter he submitted as verbal testimony and is a part of the permanent record. RILEY voiced he feels he may be at risk for legal threats as the applicants hired an attorney. He commented on the process of the conditional use permit applications. Upon receiving notice, he thought that was the final application and submitted his letter of opposition which in turn was used to help the applicant improve their application. Residents don't receive any support and individually have the burden of having to

mount a defense against the “business”. The “business” should have to prove they will create no negative impacts. If this application is approved, both BnB’s could be immediately sold to anyone and begin operating without speaking to anyone as the permit goes with the property and not owner. Concerned with issuing the permit now with a ‘will build and improve later” condition.

AVILA asked for applicant rebuttal.

HOSTETTER commented he disagreed with Mr. Riley’s comments. He was hired to improve the application for the criteria regarding for neighborhood compatibility and the parking requirement. HOSTETTER indicated Mr. Riley throughout conversation said he would have to hire legal counsel if any damage occurred and the applicants saw that response with the first driveway option being proposed was potentially causing the neighbor thoughts something might be damaged and they took steps to move the driveway to a different place keeping their desire to work with neighbors. The criteria does not talk about going to talk to your neighbors ahead of time, but is a good thing to do. HOSTETTER continued in order to be unbiased and impartial which is a goal of the Commission, the application should only be denied if it doesn’t meet the criteria. This BnB would be a part time rental which is going to be used substantially the same way that it is currently. The off-street parking proposed including the letters of support meets the criteria.

#### COMMISSION DISCUSSION

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MORRISON commented she didn’t realize the structure is not plumbed yet and asked if there has been an application similar to this situation. BOQUIST responded this is not a criteria but the typical process is apply for permits to get approved then you go build it.

FELLEY asked about the project at 2<sup>nd</sup> and H where nothing was built. BOQUIST responded yes that was an application where he got approved for four BnB’s and then started construction.

GOUGHERTY asked if there is an option for altering the first application because the parking is being altered. BOQUIST responded regardless of how many BnB’s on a property it’s one application and its one permit up to 5 bedrooms. This application expands the existing CUP to allow for the second BnB. If this application were to be denied, it doesn’t affect the first permit.

FELLEY commented Criteria C for size, location, and will not have significant adverse impacts is subjective

and hopefully will get worked out with future code changes. The opposing neighbor feels he is adversely impacted and the application should be denied. Additionally, if there is much doubt among the Commission and the application is denied, the application can be appealed to City Council and might be an unrelated advantage showing the City Council what the Commission has been dealing with BnB applications.

MORRISON commented this neighborhood has small lots, houses close together and compacted. She felt this makes a difference on how a neighborhood will be affected. She understands how someone could feel there is no sense of community or be able to establish relationships as people are always coming and going.

AVILA commented she has less concern with it being proposed as a part time rental. MORRISON added that there is no control from using it as part time or full time.

GOUGHERTY stated he feels the application meets the first 2 criteria, but not Criteria C.

The Commission continued the discussion of Criteria C (adverse effect) and character of neighborhood.

FELLEY stated that the neighbor that is opposed really feels he will be affected and is he concerned which is the adverse effect. MORRISON added on to that point the opposed defines specific factual concerns in his letter about why he is opposed to a second BnB

AVILA commented on the non-conforming setback of the structure and that it is close to the alley, close to other properties and asked if the structure has to conform if there is a change in use going from an ADU to a short-term rental. BOQUIST responded that if the building is not changing other than interior improvements you wouldn't have to move the building. The non-conforming elements could be an impact however, if there was a full-time renter would that impact be any different than a short-term renter.

MORRISON commented there isn't a description of what this neighborhood is like other than it is a residential neighborhood with more long-term occupants. With the introduction of a second BnB on the same lot with people coming and going, she feels it becomes more of a commercial use in a neighborhood that is already compacted, could change the character and would be an impact.

AVILA commented she is hesitant to deny the application based on the character of the neighborhood would be impacted since other applications have gone

through and agrees that the code needs to be looked into for better clarification. Additionally, she commented the application is different with the addition of the second BnB. FELLELY responded with the other applications there wasn't opposition, but this application the neighbor has a perception he will be adversely affected by the use of a second BnB.

BOQUIST showed the vicinity map in the staff report where he has circled the approved BnB's within the surrounding area of the proposed. He pointed to 1420 Z Avenue where the application was denied for a second BnB on the same property which is almost identical to this application. Both have a 2-story ADU on the alley that looks over the neighbor and received opposition from neighbors for adverse impacts.

MORRISON stated she recalled that application and the neighborhood is similar with it being compacted and there were neighbors that felt they would be adversely impacted and also concerned with have a second BnB on the same property.

AVILA asked about the process of amending an application up until the hearing date as it was raised during meeting. BOQUIST responded historically after notification is sent out and comments start coming in, if there is a conflict with an application, he sends out the comment to the applicant immediately as they need to be prepared to come to the meeting with a solution instead of having to "table" the application because not enough information was provided.

MORRISON commented with all the meetings that we have had for BnB's and with the amount of time spent on Criteria C, it is apparent that the code really needs to be looked at for a change.

FELLY commented if we deny the application, it can be appealed to the City Council and by elevating it to that level is a valuable way to let them see what the Commission has been fighting with. Also, a person's property is a priceless thing and one person's objection because they feel they will be affected should hold weight. AVILA commented to the flip side to also not to set a precedent that an application is a risk for denial because one person objects.

**(PUBLIC HEARING CLOSED 7:31P.M.)**

MORRISON introduced the following Motion with FELLELY providing the Second.

**MOTION**

**MOTION:** I move that the Conditional Use Permit be denied.

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**VOTE**

**USC:** 3 yes, 1 abstained

**OLD BUSINESS:**

None

**CITY PLANNER COMMENTS:**

None

**COMMISSIONER COMMENTS:**

AVILA asked about the status of the BnB moratorium. BOQUIST commented that it was just discussion at the September 7th meeting and the October 5<sup>th</sup> meeting Council will be voting.

FELLEY asked if this application is appealed when would City Council hear it. BOQUIST commented it would be the November meeting.

**There being no further business to come before this Regular Session of the Commission, adjourned the meeting at 6:16 pm. The Commission is scheduled to meet again in Regular Session, Tuesday, August 9, 2022 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