

**City of Rainier
Planning Meeting/Public Hearing
July 25, 2006**

The meeting was called to order at 6:00 PM.

All Present

Jan Moon, Chairman	Terry Bogardus, Vice Chairman	Crystal Boothe
Robin Langford	Marty Sprinzl	Phil Butcher
Carole Connell, AICP	Bobby Jo Brusco-Harding, Secretary	

Flag Salute

Moon introduced the new Planning Commissioners (Sprinzl, Boothe & R. Langford).

Public Hearing: Conditional Use Permit request by Lyman Salisbury to construct a three-dwelling unit in a residential zone.

Moon opened the hearing and read the hearing's disclosure statement. There were no conflicts of interest, personal biases or ex parte contact declared.

Staff Report

Connell explained the applicant was applying for a conditional use permit since the site is zoned R2 and a three-dwelling unit is identified as permitted as a conditional use if approved by the Planning Commission. Connell explained that usually she is able to view the subject site prior to writing a staff report, however the first opportunity she had to view the site was a few minutes before the hearing and after the staff report was written.

Connell stated the Rainier zoning code, Section 3.3 Medium Density Residential Zone (R-2), does not indicate the size of a tri-plex and the subject property is approximately 9,000 SF, however the minimum lot size for a single family dwelling is 6,000 SF. and the minimum lot size for a two family dwelling is 8,000 SF. Connell said there are ways to interpret if 9,000 SF is big enough as compared to the 6,000 and 8000 SF lot sizes but since the size for a tri-plex is not indicated in the zoning ordinance there is not a clear ability to require a calculated lot size standard. Connell explained the location is sloped.

Connell added to the Exhibits Columbia County Road Department's response to the Facility Review Form stating they would accept the conditional use permit as long as there was adequate parking and an approved access permit from them off Debast Road.

Connell explained the lot meets the average depth and width and has the minimum road frontage. Connell stated the setbacks in the R-2 zone have been met by the proposed building (20' from the front property line and the building is proposed to be 20' from the front; 5' on the sides and the site plan illustrates a 5' setback on one side and a 15' setback on the other; and 10' in the rear, which is shown as 18' on the plan).

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Connell stated that maximum lot coverage for R-2 zone is 40% and the applicant has indicated that based on the square footage they have 36% of the lot covered by the proposed building.

Connell stated the building height is fine. Connell explained there is no reference that the multi-family unit standards in Section 3.4 apply to a multi-family unit in the R-2 Zone so there are no specific or additional development standards for a tri-plex in an R-2 Zone.

Connell stated the Code requires 2 parking spaces per unit, for a total of 6 parking stalls which means the parking has to be off the street. Connell stated the upper two units will have single car garages so you have one car going in the garage and there is space outside the garage for one car in the 20' setback which is just minimum. Connell explained access to the lower unit is via a driveway and the lower unit will not have a garage, however there will be tandem parking.

Connell explained that after viewing the site, parking is more of an issue that she previously thought because the road is very close, there is no shoulder or curb, and cars speed by. Connell stated it appears cars would have to back out onto Debast Road since there is not a lot of maneuvering room on the site. Connell explained that Columbia County Road Department responded to the facility review form by stating they wanted the applicant to provide an approved access permit and adequate parking for the tri-plex other than the Debast Road right-of-way.

Connell reviewed the criteria applicable to the application as follows:

1. *Is a tri-plex permitted as a conditional use?* Yes.
2. *Are the characteristics of the site suitable for the use considering the size, shape, location, topography, existing improvements and natural features?* Connell stated the area is suitable, there is duplex on one side of the applicant's property and a single family residence on the other side, the density is not too much for the area, and there are no special natural features that would be negatively impacted. Connell explained there are trees and shrubs existing on the site, there is no city park in the area and there is not a large usable outdoor space on the site.

Connell explained that vehicle access is from Debast Road, which is a county road that is designated a collector street by the City. The County's concerns are an access permit and adequate parking. Connell suggested on-street parking be prohibited and prior to the road being improved the applicant enter into a non-remonstrance agreement so that instead of requiring the applicant to do some partial street improvements now, that they agree in the future if there is ever an improvement to the street they will participate in their financial share. Connell explained the City does non-remonstrance agreements for sewer, water and streets typically. Connell stated that if there are no improvements being required now a

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non-remonstrance agreement will assure the applicant will participate when improvements are extended or made available. Connell stated it is a legal improvement, the owner has to sign it and it becomes part of the deed and travels with the property title.

Connell stated that fencing or landscaping improvements are not indicated on the plan. Connell explained that because three families would inhabit the tri-plex, staff recommends, for privacy and compatibility, that the site be landscaped to include evergreen plant materials that mature to at least 6 feet in height on both of the parcel's side yards.

Connell stated that after looking at the site she has concerns regarding the size of the site in relation to maneuvering in and out of driveways without having to back into the road.

3. *Is the proposed conditional use adequately served by public facilities?* Connell said the proposed building has access to city sewer, water, fire and police services. Connell stated that storm water runoff will have to be conveyed to the roadside system, there will not be a common area for refuse storage, but there will be individual garbage pick-up. Connell stated that all utility connections and provision shall be constructed in accordance with City and agency requirements. Connell stated there are no neighborhood parks in the area for recreational use.
4. *Will the proposed conditional use comply with applicable policies of the Rainier Comprehensive Plan, the Oregon Highway Plan, and the Columbia County or Rainier Transportation System Plan (TSP)?* Connell stated the Oregon Highway Plan is not applicable, the TSP is relevant because there is a substandard street, no pedestrian facilities, no curbs, no sidewalks, or street striping. Connell stated that because the street is designated a collector street it is planned someday, no time line, to be improved and that is why the non-remonstrance agreement is recommended. Connell reiterated her concern about residents having to back onto DeBast Road.

Connell reviewed the Comprehensive Plan policies that apply to the application:

- a. Goal 2 Land Use Planning Policy 7: states that the intent of the R-2 Zone is for single (6,000 SF lot) and two-family (7,000 SF lot) uses but the Zoning Code provides for a three-unit dwelling if approved as a conditional use by the Planning Commission. A unit size for a tri-plex is not defined.
- b. Goal 7 Natural Hazards Policy 2: states that no construction of structures or roads will be allowed in known slide hazard areas, on slopes exceeding 20% without evidence submitted by a registered

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engineer to document that the proposed that the proposed construction can be accommodated safely. The site is within the hazard overlay zone and a geo-technical analysis should be a condition of approval.

Connell stated the site is on a hillside that could slide and what is required by the City before a building permit is issued is that a geotechnical engineer look at the site, consider the proposal and write a report to assure the City whether or not the site can withstand the building. Connell explained there is always a list of conditions on how the site is to be graded considering the pre-construction site work is done carefully so that the property does not slide. Connell stated that if the Planning Commission approved the Conditional Use Permit to build the facility then there should be a condition that says before the applicant is issued a building permit they would need a positive geotechnical analysis done in accordance with the City's standards. Connell explained the geo process is not done through the Planning Commission but is done through the City Staff, code and standards that are in place.

- c. Goal 8 Recreational Needs: Connell explained this goal emphasizes that neighborhood parks should be established in conjunction with large residential subdivisions. The City has a few neighborhood parks, but has made significant improvements to the citywide park on the river that is the city park that would serve this site. Connell reminded the Planning Commission that the City has a goal to create a parks systems development charge (SDC) to assure new residential development contributes land or fees to the city parks system, but that the parks SDC has not been adopted yet.
- d. Goal 10 Housing Policy 2: states that the Comprehensive Plan Map includes a wide range of different designations to accommodate construction of a variety of housing types and densities. Connell stated that if the Planning Commission finds the location is an appropriate place for a tri-plex dwelling it could be approved in the R-2 zone as a conditional use. Connell explained that conditions may be attached to the approval to assure the building is compatible with the neighborhood and has adequate services and facilities.
- e. Goal 11 Public Facilities and Services Policies: states that the construction of new utility laterals shall be the responsibility of the benefiting property owner. Connell stated that if the conditional use permit is approved the owner will work with the Director of Public Works to go through the details sewer, water connections, and storm

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water runoff, etc. Connell explained that in regard to local schools there is no fee to help plan for future school needs in the City system.

5. *Will the proposed conditional use create any hazardous or adverse conditions?*
Connell stated the City has found there could be a potential geologic hazard and a geo-technical review needs to be done. Connell stated it may also be hazardous for new residents to back into the street.

Sprinzel stated he assumed the fire department gave it their approval as far as getting access into the property for emergency situations and would that suffice or is it an issue of people parking on the street. Connell answered by stating that was the fire department's answer to their problem but the City's concern is whether there is enough room on the site to avoid a hazard of someone backing onto the street and causing an accident. Connell stated she felt it was the Planning Commission's obligation and the City's obligation to make sure there is enough room to maneuver. Connell stated not every street is like that but this particular street doesn't have a lot of room for backing out.

Connell stated that she would recommend approval subject to the Planning Commission's question's, the applicant's report and any input from the citizens with conditions attached that:

- (1) Prior to or at the time of a building permit request, the applicant shall provide the City with a site Geo-technical Report in accordance with TZC Section 4.3. (The application form and requirements are provided by the City).
- (2) Assure that there are at least six off-street parking spaces on the property indicated on the site plan for City approval.
- (3) Prior to issuance of a building permit, the applicant shall indicate detailed sanitary sewer, water and storm water provisions in conformance with city requirements.

Further, the property owner shall enter into a non-remonstrance agreement to guarantee participation in future public improvements to Debast Road, as well as City sanitary sewer, water and storm water systems. (Utility plan approval and the Agreement are provided by the City Public Works Director).

(4) Provide a 6-foot sight-obscuring fence or an evergreen screen on the two side yards that will mature to at least 6 feet in height to be reviewed and approved by the Planner or Public Works Director.

(5) The Conditional Use Permit is valid indefinitely, for the subject use only.

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(6) Provide the City with an approved access permit and adequate off-street parking provisions. (Added by vote of the Commission)

Applicant

Lyman Salisbury, 2194 Green Mtn. Road, Kalama, WA 98625 stated that the only thing he would like to comment on in relation to Connell's report was that about 80% of the driveways and roads into a piece of property in Rainier and Longview back into the street. Salisbury stated that was not the best way, a circle drive would be better, but most of the sites do have back in situations into the street and everybody on Neer Road, which is above the proposed site, backs into the street.

Connell explained there are different street designations. She stated that local streets are less used, collector streets are second to next, arterials are highways and Debast Road is a collector street so it is not a neighborhood street and it is planned to get more traffic. Connell suggested it would not have to be circular, but a place on the side to back into and then go forward instead of backward out onto Debast Road would help.

Proponents

None.

Opponents

None.

Moon closed the hearing.

Discussion

Moon expressed concern regarding parking by stating there were two single car garages assumed to be for parking which is not always the case since a lot of people do not use their garages for parking. Moon stated it appeared the target market was going to be retirees and a lot of times that means boats, trailers and things like that and she wanted to know how that was going to be dealt with as a landlord.

Salisbury commented that he imagined that if they could fit it in the parking space that would be okay and there was not going to be any on-street parking because there wasn't room for that. Salisbury stated they had talked about possibly adding space next to the driveway where the driveway comes into the garage.

Moon asked if everyone on the street signs off on a non-remonstrance agreement. Connell explained only with new development as it comes up. Moon asked how that works when Debast Road gets improved. Connell stated there are a couple ways, one being if there was only one person like Mr. Salisbury providing a non-remonstrance agreement, that would not work so the City would put it on a priority of street improvements projects and get their own funding. Connell stated that one or two parties would not be responsible. Connell explained that if a local improvement district was

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formed that is when a non-remonstrance agreement works best so that if the City had a whole street of agreements signed they could take that and form a local improvement district and all those people would pay their share. But it doesn't work when there is only a few sporadic participants.

Moon asked why the City would ask Salisbury to sign a remonstrance agreement and Connell replied that was the only way to start to go in that direction of getting the property owners to pay their share and if we don't get it the City finds other funding elsewhere. Connell explained that with a big development the improvements are required. Connell stated you have to be careful not to require more than you are legally in a position to require.

Langford asked what the distance was from the front of the garage to the street. Connell answered 20 feet and Salisbury and son, Dustin Salisbury, answered 30 feet to 35 feet. Langford asked if there was a room to put a backing up space on each side. L. Salisbury stated there could be, he hadn't planned it at this point but after submitting the plan it has been talked about putting additional spaces and a back-in space that could be implemented at the same time.

Sprinzi asked if it got to be dangerous for the tenants it would be something L. Salisbury would probably do and L. Salisbury stated he would do that.

Langford asked if there would be any problem doing that now while building was occurring and L. Salisbury stated it would not be a problem. D. Salisbury stated the property line sits 10 feet from the edge of the road and then there is a 25-foot off-set. Connell asked if there was 20 feet from the building to the curb. Both Salisbury's said it was the natural off-set and D. Salisbury said there was a little bit of room to the road so from the line to the edge of the road is another 5 feet to 10 feet. Connell stated that if the road were improved that would go away and that would become sidewalk and curb which D. Salisbury agreed. Connell reiterated that there was 20 feet from the house foundation to the front property line and L. Salisbury stated that was the actual setback required and that was what was submitted as an attachment to the Conditional Use Permit application. Connell stated that was the minimum and stated that some trucks are 22 feet long.

Butcher commented that a tenant could back out of a garage and back into the area in front of the other garage and go out onto Debast Road facing front ways if there was not enough space. Connell stated that could be done if there wasn't another car parked in that area.

L. Salisbury stated that the driveway to the bottom unit could be used for a turning around area and Connell stated she did not think it was a perfectly flat connection over to the property line. L. Salisbury stated that 25 feet to 35 feet in front of the house would be flat out to the road and that it would be flat all the way over to the edge of the property.

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Bogardus stated that he would rather see some of the parking and turning around straighten out rather than adding extra parking to the front so it would not appear to be a parking lot in front of the structure. Bogardus asked if the extra parking space could be stopped and not required and create one parking zone in front and create something for a turnaround rather than just creating a big parking lot in front. Connell stated there was going to be a lot of concrete in front regardless whether it was for backing or side by side.

Connell stated the house illustration is deceiving because there's a lot more than 20 feet depicted in the drawing in front. Butcher asked if the front of the house was going to be graded to the road level and Connell said it was. D. Salisbury stated the duplex next to the site location drops down significantly from the road.

In regard to the storm water run off to the south Butcher inquired if that was going to be okay and L. Salisbury stated they own the property behind it and would pipe it down to the drain on Lewis Road which would go into a creek. D. Salisbury said that in the front he envisions a curb type bump that would catch the water that runs across the road and channel it into a catch basin and pipe it through the lower lots into the ditch on Lewis Road. Connell confirmed that it would be a rolled curb to direct the water.

Butcher asked the applicant if he had any problems with the conditions recommended by Staff and both Salisbury's indicated there were no problems.

Butcher moved, Bogardus 2nd, to approve the Conditional Use Permit application requested by Lyman Salisbury to construct a three-dwelling unit in a residential zone based on the findings and conditions in the July 18, 2006 Staff Report with the addition of #6 –Provide the City with an approved access permit and adequate off-street parking provisions. The motion passed unanimously.

General Discussion

Chad Olsen, City Administrator, gave a review of City projects: Olsen announced the upcoming August 14, 2006 Joint Meeting to review past, current and future City projects. Olsen stated a Land Use Training Seminar is scheduled for November 2006.

Olsen distributed information in draft form regarding past and future projects. Olsen explained projects that Redco was going to be looking at during the year. Olsen explained that Redco has budgeted certain amount of money for general projects, unanticipated projects if things surface during the year that look attractive. Olsen explained and stated examples of where the Redco budget could be distributed.

Olsen stated the business service grant and community service grant programs are programs that Redco makes available for applicants in the community and gave examples.

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Olsen explained the Highway 30 Enhancement Project included streets, curbs, gutters, trees, utilities etc. between East 2nd Street, the Interstate Tavern, and West 3rd Street at the County Kitchen. Olsen then gave an overview of several projects such as the First Street Square, Riverfront Trail/Marina Square, etc.

Gary Holcomb, PO Box 1000, Rainier, OR 97048 initiated a conversation regarding the status of the railroad and “A” Street. Olsen stated there was a meeting about a month ago where a lot of Columbia County met with the railroad and ODOT rail.

Butcher asked what was the status of the “A” Street Redevelopment Project with the railroad. Olsen stated that right now it is in a conceptual design phase.

City Councilman Mike Avent, PO Box 1056, Rainier, OR 97048 prompted a discussion regarding Sue Drummond in regard to becoming a Planning Commissioner. Olsen stated Ms. Drummond, who lives outside of the urban growth boundary area (UGB), submitted an application and the City Code provides for the membership to be a city resident or up to two members that live outside the City limits and in the UGB or adjacent to the UGB line. Avent suggested the criteria could be changed to the 97048 zipcode. Olsen stated there was not anything that would prevent the City from appointing planning commissions that live outside of the City limits or the UGB.

Olsen stated that Mayor Cole asked him to check and see if the Planning Commission wanted to have some discussion on membership issue and make a recommendation to the Council. Avent said he and City Councilman Moon had talked to Mayor Cole about this issue and suggested that maybe one person from the zip code area would be eligible for the appointment but a recommendation would be needed from the Planning Commission to the City Council.

Moon said the Planning Commission would discuss that issue later. Moon asked if there was any chance the City could place garbage cans on “A” Street. Olsen said the City could do it but there was a work load issue of staying on top of picking up the trash unless Rainier Sanitary would be willing to do that. Olsen said he would review the franchise agreement to see if that is included. Olsen stated that trashcans were expensive.

Work Session

Non-Conforming Use – Modifications to the discontinuance period of 6 months:

Connell explained that the time period currently in effect was too short for somebody who has abandoned a house that is non-conforming, find a new owner and move back in within 6 months. So Staff is recommending to lengthen that non-conforming vacant period to 18 months. Connell explained that would be a code amendment that would involve a hearing in a more formal form later.

Central Business District boundary (CBD): Connell stated there have been previous work sessions on this subject. Connell explained the CBD zone has been modified once

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for the Hov property and since then one of the Planning Commission members is living as a temporary situation hoping to get the boundary expanded to the east. Brusco-Harding stated she had given the CBD section of the zoning ordinance to Kelly Barnes of H.O.P.E. to see if the H.O.P.E. board members would be interested in changing the location's zoning to CBD. Barnes told Brusco-Harding that the subject was addressed at a board meeting and the board had some concerns. Barnes told Brusco-Harding that someone from the H.O.P.E. board would be attending tonight's meeting but no one from the board was in attendance.

Gary Holcomb, H.O.P.E. board member, stated the consensus of the board was to find out the intent and acquire further information as to why the Planning Commission was interested in changing the zoning. Moon stated the Planning Commission was not trying to convince the board the change the zoning but just asking if they were interested in being rezoned. Holcomb suggested a Planning Commission member should explain to the H.O.P.E. board the advantages and/or disadvantages of the CBD zone. Holcomb suggested that all of the property owners within the area the Planning Commission was considering rezoning to CBD be invited to a meeting regarding the CBD boundary.

Moon suggested returning to the subject of Planning Commission membership criteria. Butcher suggested having one member of the 97048 zip code and one member within the UGB. Avent suggested having two members within the 97048 zip code. Langford stated she felt there should be at least one to two members outside of the UGB. Bogardus stated there are a lot of people inside the 97048 zip code that would contribute. Brusco-Harding stated she felt the current membership criteria allows people outside of the City limits and UGB to have input in the meetings, however allowing two people to become members of the Planning Commission because they live within the 97048 zip code is not a good idea because they do not pay taxes towards the City but would be able to make decisions regarding land use issues within the City limits and UGB. Bogardus agreed. Moon said she was in favor of one outside the UGB and one member could be within the UGB.

Langford suggested the Planning Commission recommend to the City Council that two members of the Planning Commission may reside outside of the City limits; one of the two would be within the UGB and one outside of the UGB but within the 97048 zip code area. There was a discussion regarding a member of the Planning Commission be involved in the interviewing process with the City Council for a potential new Planning Commissioner.

Transportation System Plan (TSP): Connell stated the City Council has suggested that the Planning Commission review some elements of the 1997 TSP as possibly in need of update. Connell stated there were some particular areas that have come before the Planning Commission that could be addressed and those are:

- Reconsider the planned improvements to "C" Street (sidewalks, parking).
- Reconsider the "A" Street alignment
- Reconsider the riverfront trail alignment

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- Reconsider the downtown “A” Street improvements plan for parallel parking, sidewalk widths, street tree and utility corridor designs and bike rack locations.
- Update the Finance Plan by removing completed projects and reflecting new dollar amounts.
- Other

Moon said she would like to see sidewalks on both sides of West “C” Street. Avent said the Council would not be receptive to cutting into people’s yards and a survey should be done to determine property lines, easements, right-of-ways etc. Avent said the Council would like the Planning Commissions to review what was in place regarding “A” Street and see if it was still where the City wanted to be regarding the TSP.

Moon said the West 6th Street signal is a high priority due to safety. Avent said that would be a good issue to address to Senator Betsy Johnson. Connell said that should be added to the list and ODOT would have to do a traffic study.

In regard to the trail financing method Connell said the payment of trails needed to be established. Avent and Moon said that the same process should be implemented for private and public property. Connell stated what the City needs is a systems development charge (SDC) for parks.

The Planning Commission directed Connell to start writing reports regarding the before mentioned work session issues. “A” Street and the riverfront trail were mentioned as priority issues by the Planning Commission for work session discussion. Connell was directed to see if “A” Street plan was still viable. Sprinzl suggested getting the property owners on “A” Street to see what was wanted and not wanted. Moon, Avent and Holcomb stated there had been previous meetings regarding “A” Street but there hasn’t been any follow-up to those meetings. The railroad was discussed and to see what their plan was in relation to the TSP.

It was decided the CBD matter would be addressed at the next meeting in September with property owners in the area.

Minutes of May 23, 2006 Planning Meeting/Public Hearing

Bogardus moved, Butcher 2nd, to approve the minutes. The motion passed unanimously.

The meeting was adjourned.

Jan Moon, Chairman

Bobby Jo Brusco-Harding, Secretary

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