

MINUTES
Warrenton Planning Commission
March 11, 2021
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Chair Paul Mitchell called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Chair Paul Mitchell, Kevin Swanson, Chris Hayward (via Zoom), Mike Moha (via Zoom), Ken Yuill (via Zoom), and Lylla Gaebel (via Zoom)

Excused: Commissioner Christine Bridgens

Staff Present: Community Development Director Scott Hess, Permit Technician Janice Weese, City of Warrenton Attorney Spencer Parsons (via Zoom), and Secretary Rebecca Sprengeler

PUBLIC COMMENT ON NON-AGENDA ITEMS - None

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 02.11.21

Commissioner Gaebel made the motion to approve the Planning Commission Meeting Minutes from 2.11.21. Motion was seconded by Commissioner Swanson and passed unanimously.

Mitchell – aye; Swanson - aye; Hayward - aye; Moha – aye; Yuill – aye; Gaebel - aye

PUBLIC HEARING

ITEM 5 – The public hearing for the Site Design Review (SDR) for the Trillium House multi-family development was opened last month and is to be continued to the next meeting.

Commissioner Yuill recused himself from this item.

Commissioner Hayward made the motion to reopen and continue the public hearing for the Site Design Review for the Trillium House to the next meeting. Motion was seconded by Commissioner Gaebel and passed by majority.

Mitchell – aye; Swanson - aye; Hayward - aye; Moha – aye; Yuill – abstain; Gaebel – aye

Community Development Director Scott Hess presented a brief update on the Trillium House project. The applicant and staff have been working together on storm water issues and traffic mitigation plans. The applicant has requested in writing that this item be moved to the next meeting to allow for full consideration of the applicant's most recently submitted report.

Mr. Hess gave an overview of the variance proposal requested by the Trillium House applicant. The proposed variance is a 16% reduction in vehicular parking. Mr. Hess stated he feels that this would be better heard as a Class II variance in front of the Planning Commission along with remaining site design elements as opposed to making an administrative decision, then doing a Type III review on a site design. There was discussion about how the public hearing will work for this item in the next meeting. Mr. Hess elaborated on the City parking code and reasoning for bringing the variance proposal to the Planning Commission.

Commissioner Gaebel stated that at the applicant's request, I move that the open public hearing for the Site Design Review of Trillium House apartments, located approximately 700 SE 14th Place, be continued to the April 8, 2021 Planning Commission meeting. Mr. Hess noted that this motion had already been made. Mr. Parsons clarified that the motion can be withdrawn and restated. Commissioner Gaebel withdrew the previous motion and made a new motion.

Commissioner Gaebel stated that at the applicant's request, I move that the public hearing for the Variance for Trillium House apartments, located approximately 700 SE 14th Place, be opened, and continued to the April 8, 2021 Planning Commission meeting. Motion was seconded by Commissioner Swanson and passed by majority.

Swanson - aye; Hayward - aye; Moha - aye; Yuill - abstain; Mitchell - aye; Gaebel - aye

ITEM 6 – Amendment to Warrenton Municipal Code (WMC) Title 16 Development Code, Division 2 Land Use Districts to include Homestay Lodging and Vacation Rental Dwellings.

Chair Mitchell asked if the public hearing script is required for this item. It is not true quasi-judicial, but a recommendation to the City. Mr. Hess confirmed. Chair Mitchell stated that while he feels comfortable making comments into this, as a realtor in the City who sometimes sells property or sells buildings to people who may want to do this, he thinks he can still act independently and give his opinion especially because the City Commission makes the final decision. Mr. Parsons clarified noting the script requirement for legislative hearing is not as onerous as for quasi-judicia. He recommended allowing the other commissioners to disclose conflicts of interest. Commissioner Yuill stated he has rental units but feels this will not influence his decisions. Commissioner Moha stated the same. Commissioner Hayward stated that he previously had a short-term rental property that is not being used right now but does not feel this will affect his decision. No other conflicts were disclosed.

Mr. Hess presented his staff report update as shown in the agenda packet. There was discussion about Goal 10 and the ORS (Oregon Revised Statutes) rules and regulations. Mr. Hess said he is working with the Fair Housing Council of Oregon who was notified through the DLCD (Department of Land and Conservation Development) notice process and who will be assisting with Findings to assure the City meets the state requirements. There was brief discussion about

the ability to grandfather rental properties when the property is sold, noting that Vacation Rental Permits are not transferable upon sale. There was discussion about why Goal 11 is not impacted. Commissioner Yuill asked if vacation rentals are being banned if they are not owner-occupied and noted concerns about appeals. Mr. Hess gave his thoughts, noting that short-term rentals are not housing. There was discussion about conditional use permits in the CMU (Commercial Mixed Use) zone. There was discussion about conditional use permits with standards in the code versus removing the use from the code. Mr. Parsons noted this would only apply in the context of homestay lodging. He referenced House Bill 2001 that requires the City to allow ADUs (Accessory Dwelling Units) where the City is zoned to allow single family detached homes. This would disallow those ADUs as homestay lodging. Commissioner Yuill asked about ORS regulations taking precedence over City Code. Spencer clarified and elaborated. Mr. Hess clarified regarding the ORS referencing current requirements and discussed how the City will regulate long-term versus short-term rentals. Discussion about ADU's continued. Mr. Parsons stated for the record that 197.312 is the statute that has incorporated House Bill 2001 into the ORS, or at least the portion that we are talking about, and what it says is that cities of Warrenton's size greater than 2,500 people shall allow within urban growth boundaries in all areas within zone detached single family dwelling with the development of at least one accessory dwelling unit for each single-family dwelling. This is subject to reasonable local regulations relating to siting and design. Further, subsection five of this section, does not prohibit local governments from regulating vacation occupancies as defined under state law to require owner occupancy or off-street parking. Mr. Parsons noted this gives back to the City the ability to impose additional regulations if the ADU is going to be used for homestay lodging. There was discussion about mixed-use properties in commercial and residential areas. There was discussion about appeals and approval process under the permitted use.

Commissioner Gaebel made the motion to recommend approval of DCR 21-1, Ordinance 1248, to the Warrenton City Commission to amend Warrenton Municipal Code (WMC) Title 16 Development Code, Division 2 Land Use Districts to include Homestay Lodging and Vacation Rental Dwellings, and recommend amendments to WMC 16.180.040 Accessory Dwelling Standards, provision C to allow an ADU to be rented so long as the main home is owner occupied, as presented in the Staff Report and Draft Findings and per discussion during this meeting. Motion was seconded by Commissioner Moha and passed unanimously.

Swanson - aye; Hayward - aye; Moha – aye; Yuill – aye; Mitchell – aye; Gaebel - aye

ITEM 7 – DCR 21-2 Marijuana Text Amendment – Conditional use Permit

Mr. Hess presented the proposed amendment and referenced the citizen's letter in the agenda packet. Commissioner Mitchell voiced two concerns: lenient future commission decisions if this becomes a conditional use instead of not permitted, and he expressed concerns about future administrative site design reviews and whether they would permit these businesses without Planning Commission approval. Mr. Hess explained site design approval versus planning land-use approval. Administrative site design decisions will not exempt an applicant from meeting requirements for conditional use permits. There was further discussion about code requirements.

There was discussion about whether the public hearing was opened or not. Mr. Parsons gave clarification. Chair Mitchell opened the public hearing by gavel on DCR 21-2 Marijuana Text Amendment and asked if there were any conflicts of interest to disclose. There were none. Chair Mitchell noted that there was nobody in the audience wishing to give public comment. There were no further comments. Chair Mitchell closed the public hearing by gavel.

Commissioner Gaebel made the motion to recommend approval of DCR 21-2, Ordinance 1249, to the Warrenton City Commission to amend Warrenton Municipal Code Title 16 Development Code updating Marijuana businesses in General Commercial (C-1) and General Industrial (I-1) to Conditional Uses as opposed to Permitted Uses as presented in the Staff Report and Draft Findings with the changes in language presented by staff. Motion was seconded by Commissioner Yuill and passed unanimously.

Swanson - aye; Hayward - aye; Moha – aye; Yuill – aye; Mitchell – aye; Gaebel - aye

STAFF ANNOUNCEMENTS & PROJECT UPDATES

Mr. Hess presented the Food Pod Parking Lot Contract Update. He gave brief history of the lot and gave an overview and informal feedback on the Greenworks designs in the agenda packet. Option two was the recommendation from the Urban Renewal Agency (URA). The next steps will be a full cost analysis and decision on the level of temporary versus permanency moving forward. Paving the lot is a URA project for this year. There was discussion about restrooms, grey-water disposal, concerns with tents, and lighting.

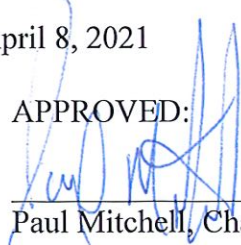
Mr. Hess presented the DLCDD Economic Study Update. Two of the four task forces have met on resource extraction and infrastructure. The next groups to meet are retail & hospitality and manufacturing, then the consultant will prepare the Goal 5 recommended Economic Update that will be shared with the Planning Commission. This needs to be completed prior to June 30th. After the Economic Analysis will be Comprehensive Plan Goal 5 incorporation into the Comprehensive Plan that the Planning Commission will weigh in on.

Mr. Hess recognized Janice Weese for her long and dedicated service as the Planning Commission Secretary and introduced Deputy City Recorder, Rebecca Sprengeler as the new secretary.

There being no further business, Chair Paul Mitchell adjourned the regular meeting at 7:07 p.m.

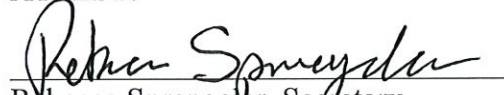
Next Meeting: April 8, 2021

APPROVED:



Paul Mitchell, Chair

ATTEST:



Rebecca Sprengeler, Secretary