

PLANNING COMMISSION MEETING MINUTES
Monday, November 14, 2016
6:00 PM

Call to order 6:04 PM

Preliminary Matters

1. **Chair Selects Public Comment Option #1**
2. **Minutes:** ASHLEY moved, VAN PELT seconded a motion to approve the minutes from 10/10/2016, with typo on last page corrected. Unanimous vote.
3. **Public Comment Period** (For items not located elsewhere on the agenda)
 Repar repeated comments she made to City Council, which is to mind the environment first and foremost. She added we should not sacrifice environment and quality of life for development. She summarized by saying she believes the environment is most important factor to life - we all live, eat, work, breath, drink - planet is us. ASHLEY asked if Ms. Repar's comments were in regards to a specific project and Ms. Repar said no. Ms. Repar added she would not support any pay for Planning Commission members and while she applauds their work, volunteers are needed, and she opposes any pay for the Planning Commission.

New Business

4. **Public Hearing (6:33pm)** Modification of Conditional Use Permit 2014-02 (Hatten Bed & Breakfast Review and Additional Room Request)
 - a. SHUMAKER reviewed the purpose of the meeting, to take public comment and decide whether to grant or deny the proposal for the Conditional Use Permit.
 - b. Appearance of Fairness Disclosures
 SHUMAKER discussed the quasi-judicial process and the needs for fairness and impartiality and asked the Commissioner members present, if any had any ex parte communication, financial interest or any other Appearance of Fairness Disclosures to make, in regards to this public hearing. VAN PELT did comment he wrote the CC&Rs for the development, if that's relevant to the Fairness of Disclosures. SHUMAKER asked VAN PELT whether his knowledge of those CC&Rs prevented him from being impartial in these proceedings and VAN PELT answered no. No other Commissioners reported having any disclosures. There were no challenges to the Fairness of Disclosures.
 - c. Presentation by Staff
 SHUMAKER presented the proposal for a modification of the existing Conditional Use Permit and the history of the current conditional uses and said the property owner/applicant is asking to rent a 2nd room in their home as a Bed & Breakfast overnight guest(s).
 - d. Presentation by Applicant
 Sharon Joan Hatten, speaking as the property owner/applicant discussed the her property and the separate suite on the property, which she currently has conditional use approval to rent and said approval of her request at this meeting will allow her to rent a second

bedroom in the home as a Bed & Breakfast to overnight guest(s), when the first room is already in use. ANDERSON asked how many parking spaces are required, applicant responded the application asks for two parking spaces but confirmed enough off-street parking for up to five cars.

Applicant reiterated, all she wants is approval to rent a 2nd room of her home, when the Bed & Breakfast overnight guest(s) is occupied. ASHLEY asked if she has had any paying Bed & Breakfast overnight guests since the last permit. Hatten answered she hasn't yet offered it to anyone other than family and that she does not intend to serve sit-down meals, as in some more traditional B&B establishments. She added, she lives on site and will insure guests are parking appropriately.

There was general discussion about potential parking scenarios and approved conditional uses. Applicant submitted a photograph of her off-street parking and there was continued discussion about how many guests/cars can be accommodated.

e. **Public Hearing**

ANDERSON opened the floor for public comment. Repar commented if language says well marked parking, mark parking well and asked if applicant isn't there, is it considered a vacation rental. Applicant responded none of the Bed & Breakfast overnight guest rooms will be rented, if she is not home to monitor guests and parking. Applicant said she didn't know she needed to mark the parking spaces and is happy to do so when the weather allows concrete painting. ANDERSON commented the site plan indicates parking and applicant will need to submit an updated site plan to indicate dedicated parking for the Bed & Breakfast overnight guest(s). ANDERSON closed public comments at 6:56 PM.

The Applicant asked for clarification from SHUMAKER about food she is required, or will provide, to her guests during their stay and specified she is not offering traditional B&B dining. SHUMAKER confirmed her offerings are within the provisions of Bed & Breakfast definition.

f. **Planning Commission Discussion**

ASHLEY asked how hotel/motel taxes are paid. SHUMAKER discussed the monitoring and enforcement process. Applicant commented she wants to be a legitimate business, including paying taxes and added she has experience with offline B&B operations and wants to be above board.

SHUMAKER pointed out a cut/paste error in the draft, in the decision page to remove the term 'tourist home', which he will be corrected in the final draft. FORD commented he is OK with two rooms as conditional use permit, so as long as adequate off-street parking is provided and well-marked.

g. **Decision**

FORD moved, ANDERSON seconded to modify current Conditional Use permit, 2014-02, to allow up to no more than two 2 bedrooms, as overnight accommodations and that an updated site plan will be submitted to include additional off street parking be adequately marked and defined. Unanimous vote.

5. **Zoning Interpretation: ZON2016-05 (Mobile Food Cart in M1 District)**

SHUMAKER presented and discussed the current Zoning Code in regards to Mobile

Food Carts in the M1 District and commented this interpretation comes jointly from one of the food carts which was operating downtown this summer and from the Port of Skamania, specifically located in the parking area(s) behind the Tichenor Building. Food uses are not listed in the M1 District, currently but in the past the Planning Commission has allowed food related to a brewery and a distillery.

SHUMAKER briefly discussed the staff report and three key questions which should be addressed in the course of the interpretation the Planning Commission decides this evening:

1. Does a mobile food cart satisfy the accessory use criteria of the M1 Light Industrial District?
2. Is a mobile food cart customarily incidental and subordinate to the principal uses of the M1 District?
3. Is a mobile food cart of the same general character as the principal uses and conditional uses permitted in the M1 Light Industrial District?

SHUMAKER went on to discuss the possible actions outlined in Attachments 1-3, depending on if the Planning Commission answers Yes or No to those questions.

ANDERSON asked what the determination was for Jester & Judge and SHUMAKER answered the Planning Commission considered it as an Accessory Use. There was general discussion about what activities are currently allowed at the location, who the applicant would be and whether review would occur as an Accessory or Conditional Use. SHUMAKER commented he would guide the Port of Skamania to be the applicant so they would have power to regulate the operation of the food cart on their property. FORD asked if it applies to special events and SHUMAKER responded, to date there has been no permitting. FORD asked about the use of generators and SHUMAKER said that issue is currently managed under existing Nuisance/noise regulations. REPAR asked if the Port wants their businesses at the property to open restaurants or if they want to allow competing food carts and SHUMAKER responded that while the proposal is to allow food carts in back lot of Port property, their interpretation could allow food carts on the street as well. ASHLEY asked whether on-street would require a Conditional Use if on-site proposals would. SHUMAKER confirmed, yes.

ANDERSON asked if they need to make distinction between mobile and fixed establishments and SHUMAKER discussed the preservation of the M1 District for Light Industrial Uses only and asked if allowing food carts conflicts.

VAN PELT commented concern about food carts primarily operating during hours (nights/weekends) of limited inspection and asked if health inspection can be included in Conditional Use. VAN PELT also asked about outside seating for food cart customers. ANDERSON cited precedent for allowing food in industrial zone, limited to individual businesses located at the Port and commented parking requirements and too many other variables to be considered Accessory Use and listed items which could be specifically addressed through Conditional Use.

ASHLEY commented she does not see the application as Accessory Use because it's not tied to another business. SHUMAKER reviewed Option 3, to consider food carts in the M1 District as Prohibited Use, when independent of existing on site business. ANDERSON and ASHLEY both agreed they didn't want to take the action

that far. ANDERSON commented he is in favor of allowing the food carts as a Conditional Use, with the Port being the applicant. VAN PELT agreed he feels the activity is best interpreted as a Conditional Use, not Accessory Use of the property.

ANDERSON moved, FORD seconded, to interpret the request for interpretation as outlined in alternate Option A, the activity is allowable by Conditional Use permit. ASHLEY commented she would want to place conditions and SHUMAKER responded those would be determined on a case-by-case basis. Unanimous approval.

6. **Zoning Interpretation: ZON2016-06 (Wedding Venue in SR District)**

SHUMAKER presented the question to Planning Commission members regarding the use of private homes in the SR District as wedding venues. He reviewed the two questions to the Planning Commission.

1. Does a wedding/reception venue satisfy the accessory use criteria of the SR Suburban Residential District?
2. Is a wedding/reception venue allowed in less restrictive districts and/or in general keeping with the uses authorized in the SR District?

SHUMAKER discussed key differences between Accessory Use for private events and Conditional Use permit for commercial events. ANDERSON noted references within the criteria for Conditional Use permit, which apply to this application.

Ashley commented if the activity is for commercial use, it should be allowable through a Conditional use permit. She added the need to consider sufficient parking to accommodate the number of guests for events and FORD added time of day could have impact also. There was general discussion about various parking scenarios associated with wedding venue sites.

VAN PELT moved, ASHLEY seconded a motion to interpret this request for wedding reception venue in SR district, as outlined in Attachment 2. Unanimous vote.

ANDERSON asked for any Public Comment. SHUMAKER asked for comments to be general and not property specific.

Ben and Vickie Sciacca, commented to say they have been residents of Stevenson for 20 years, have had their home for sale, with no buyers for a number of years and after hosting a private family wedding this past summer, they would like to see future conditional use to allow a site like theirs to be used for small seasonal (May-Oct) weddings, for up to 30 people. V. Sciacca added, she believes this would bring people to the area and support local business.

ANDERSON reminded Planning Commission members of the motion, and second, made and called for a vote. Unanimous vote.

7. **Critical Areas Code Update:** Kickoff Report to establish amendment process, timelines

SHUMAKER presented a staff report to establish a process and timeline for updating the Critical Areas Code to get in compliance with State requirements adopted through the Washington Growth Management Act of 1990's. Generally this act applies only to areas of fast growing populations and seeks to avoid detracting from the environment,

sustainable economic development, health and safety of citizens and discussed some policies which lead to the update. He noted, those large and fast growing cities are required, under the Act, to perform certain analyses to obtain state approval of all their development regulations. He said small and slower growing areas, like Skamania, are only required to plan for and regulate Natural Resource Lands and Critical Areas. He noted the City has never designated any Natural Resource and that its regulations for Critical Areas are due to be updated by July 2017.

SHUMAKER discussed Natural Resource Lands, noting currently there are none in City limits, but Skamania County has declared some areas adjacent to the City limits, with minimum 40 acre lot sizes. He asked for Planning Commission input on two decision points on Natural Resource lands and two on Critical Areas. He defined Critical Areas as habitats and hazardous areas such as wetlands, fish and wildlife habitat, critical aquifer recharge areas, frequently flooded areas and geologic hazard areas. The current City code addresses all of those. The code requires review and, if necessary, updating every eight years.

SHUMAKER wants to form an advisory committee to review one small area and bring a recommended action, one of the areas not seen a lot, with likely fewer need for changes, along with the public participation input, so the Planning Commission can get a better sense of the review and update process.

Decision point 1 - Do Planning Commission members want to reconsider whether there are agriculture, forest or mineral resource lands, not already characterized by urban growth within the City. There was general discussion and the Commission members all agreed and said no, they don't want to reevaluate.

Decision Pt 2 - Should the City adopt regulatory protections for adjacent natural resource lands even though none currently exist? There was general discussion about annexation which might be impacted. Given the various scenarios possible, the Commission members all agreed this decision point should be tabled for a future meeting.

Decision Pt 3 - Can staff select an advisory committee and develop a review report for one of the City's less frequent critical areas? Commission members all agreed, yes staff may form an advisory committee.

Decision Pt 4 - If so, is there any Planning Commission guidance on the type selected or Commissioner willingness to serve as liaison for this advisory group? Commissioners didn't have a preference and ASHLEY agreed to serve on the advisory committee.

Old Business

8. **Zoning Code Reformat:** Use Interpretations, Public Districts, Minor Policy Changes

SHUMAKER presented and discussed the latest update. New information in definition section, public districts section and a few changes. He discussed the front page memo outlining the next steps, and general timeline.

SHUMAKER commented specifically on the PR District, page 3 of 8 in attachment 5. He presented a change in use categories which had lumped Recreation and Public Administration types of uses under one category. His proposal separates these into

different categories and relies on similar uses—Government Administration Building vs Public Offices—and removal of the “public” distinction from public medical clinics’ because, in his interpretation, it is harder to justify why a public medical clinic would be allowable but a private medical clinic wouldn’t be. He then briefly discussed changes made to several general definitions, height limits and a Supreme Court decision which heightens scrutiny how much of zoning code is dependent on the content of signage, for example(s) dilapidated/abandoned business and real estate signs.

SHUMAKER discussed the major issue in this update, which regards who makes final decision in interpretation requests. He asked the Commissioners to consider if they want the Planning Commission to retain control to review individual interpretation requests or allow staff more latitude in code interpretation in the Trade districts (Commercial, Commercial Recreation, Light Industrial) to reduce lag time between question and answer. He asked for general direction and noted the Planning Commission can review all interpretation requests, or delegate some or all areas to staff for interpretation.

There was general discussion about the language and specific term(s), ‘expressly allowable in a less restrictive district’ and SHUMAKER clarified the intent of the language to indicate, for example if a use is allowable in the Commercial District, then review to see if it could be allowed in single-family residential district based on changing trends and level of acceptance in more restrictive areas.

SHUMAKER asked whether the Planning Commission wants to retain the more active role in Trade Districts, noting the Commission’s decision on the earlier Food Cart item on this agenda, in which the Commission chose an option other than the staff recommendation.

SHUMAKER discussed the process of cataloging decisions to review for future request for interpretation. General discussion of interpretation review process currently and proposed changes to the review process to annual collection and review of interpretations and when an ordinance is adopted, in the event a code change is made, any staff decisions which are not in line with the Planning Commission ruling, become legal non-conforming uses but would not be allowable in the future.

FORD has no problems with staff conducting interpretations, but would like a mechanism included where staff can refer the issue to the Planning Commission prior to a final decision.

SHUMAKER then discussed the definition of a step back, currently explained as part of the building, over a certain height, is stepped back from the property line. He also reviewed proposed changes to signage language, proposing a change to non-conforming signage language and a clarification of abandoned and dilapidated signs. He read the current language regarding abandoned and dilapidated signs and the proposed modification. SHUMAKER indicated he has not had success with implementing the rule, as it’s currently written. M. Repar asked for SHUMAKER clarify the rules regarding step-backs and maximum building height. SHUMAKER read the current rule regarding setbacks and added the Planning Commission can allow building height to exceed 35 feet in the CR and Educational District.

Staff Reports

9.

Staff & Commission Reports:

SHUMAKER commented he did not submit an independent proposal for the PSU Workshop but that he is hopeful for the proposal by a newly formed partnership between Friends of the Gorge, North Bonneville, and Stevenson for a trail plan proposal, which would seek to connect Beacon Rock to Stevenson by building on to the Bridge of the Gods trail project.

SHUMAKER noted the Joint Meeting on Growth with City Council and Planning Commission members and the public will be held, Thursday, December 1, 2016. He commented he will distribute a more official notice and a suggested agenda with small breakout groups, to help identify friction points and potential solutions. City Council has indicated they will hold adoption of the budget to allow for the joint meeting to take place.

He commented that the Gorge Commission been working on the Urban Area Boundary Line Legal Descriptions for a long time. In regards to the urban area boundaries for places like Stevenson where the scenic area act regulations don't apply and urban level activity can occur. Originally those boundaries were drawn on quad maps with markers and never officially legally defined and now present problems during the review of different proposals. There was general discussion about how the boundaries will be defined. Repair commented on her knowledge of the process and progress, stating there will be community meetings held for public participation and it was well done program.

ASHLEY noted, on a recent trip to Hawaii, she noticed there are no billboards and plastic bags were banned years ago, and commented how far ahead of the mainland the Islands are in their preservation approaches.

ANDERSON commented on N Bonneville hearing on the conditional use permit for the rehab facility at Bonneville Hot Springs resort, is occurring 11/15/16. SHUMAKER noted the decision has been referred to a Hearing Examiner.

ANDERSON added the Stevenson Downtown Association is meeting on 11/15/16 to elect Executive Board members and officers with the first board meeting December, completing the transition from steering to executive committee.

SHUMAKER commented the City Council is thinking about paying Planning Commissioners, up to half of what City Council earns.

ADJOURNMENT at 8:11 PM.

Approved _____; Approved as amended _____

Scott Anderson, Chair

Date

Minutes by: Jennifer Anderson