

CITY OF MOSIER

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CITY COUNCIL MEETING
Wednesday, February 5, 2020 6:30 P.M.
Mosier Senior Center at 500 Second Ave

AGENDA

I	6:30 pm	Call to Order/Roll Call – Mayor Burns	
II	6:32	Agenda corrections or additions	
III	6:35 pm	Business from the Audience - This is for Mosier residents and anyone else to express concerns, needs, or opportunities. Please keep your comments succinct and under two minutes. You may bring in written materials for Committee and Staff to review. The Facilitator can assign the issue to a future Committee meeting, or to an appropriate Committee or staff member. Please realize that we cannot always offer a response immediately but will give the matter due consideration. We encourage the participation of all stakeholders in our community.	5 mins
IV	6:40 pm	Approval of: 11/20/19, 11/6/19 & 12/4/19 Council Meeting Minutes	30 mins
V		BUSINESS	
1.	7:10 pm	CUP Application 204 Center St. – Klein Associates / Nick Kraemer	40 mins
2.	7:50 pm	Council Training State Planning Commission Guidelines – Nick Kraemer	30 mins
3.	8:20 pm	Wasco County Request for Letter of Support for FEMA Study – City Manager	10 mins
4.	8:30 pm	Announcements	10 mins
VI.	8:40 pm	ADJOURN	

CITY COUNCIL MEETING

November 6, 2019 at 6:30 P.M.
Mosier Senior Center at 500 Second Ave.
Mosier, Oregon 97040

MINUTES

6:30 Call MTG to Order: Peny Wallace

Attendance: Emily Reed (late; excused), Acasia Berry, Peny Wallace (Chair), Lacy Gries, Charlie Cannon, Colleen Coleman City Manager, Nick Kraemer City Planner, Jayme Bennett City Recorder

Matthew Koerner, resident
Jordan Schmidt, applicant

Agenda Corrections or Additions: Add Mosier Center updates (contracts) (5 mins)

Approval of October 16, 2019 Minutes:

Corrections: Emily Reed name spelling (section 2)

Additional attendee: Kris McNall, Mosier Fire Volunteer and Watershed Council

Motion: Peny Wallace

Second: Lacy Gries

All in: 6:35

Business from the audience: Matthew Koerner is requesting updated or additional signage at the Post Office. Existing signage not sufficient and is faded. The city will install new signs that are already on site at City Hall.

I. Public Hearing - Staff Report: Quasi-Judicial Rezone Application

Nick Kraemer opens the Public Hearing: 6:37 p.m.

Conflicts of personal interest? None.

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Public comment received regarding a similar circumstance: (they also have a lot across the street), they would like the same consideration if the circumstances present themselves.

The property is currently split zone, with commercial to the South and residential to the North. Legal lots of record from first plat remains and underlies.

They would like to place a single-family home on this lot.
The lot is 50X100 - not viable for stand-alone commercial.

Mosier has limited C1 commercial property supply:

Mosier core is 5 acres total commercial on the South side of the HWY (not including the North side which was recently acquired by the City). The re-zone represents roughly 2% of the South side only of HWY 30. The total acreage is closer to 10-12 inclusive of the UPRR property.

C1 zoning in the core downtown area should be preserved, the crux of the issue is that in the core of downtown, we have more residential than commercial.

Any decision made in deliberation has to meet the following criteria:

Goals, policies, comprehensive plan, and the statewide planning goals.
Nicks findings is that this has been met. His report supports this.

Quasi-judicial is just for one property, each subsequent request would be considered separately - decisions are to be made based on criteria.

DLCD was noticed, they had no objections with our interpretation of the State goals.
Our comprehensive plan implements the state planning goals and sees that it meets State policies.

Socio-economic goals: (meaning - will this hurt the downtown economic viability?)
Nick went through analysis and doesn't think it will.

When moving residential to commercial there are more logistical considerations.
Nicks findings: He does not feel it sets a precedent for other parcels - difference being size of the property, location. Each property is a case by case basis, as stated earlier.

Reinstating the underlying existing lot of record will supersede the existing formation without the requirement of a partition.

House would need to meet residential setback requirements etc.
Nick completed his staff report overview and answered questions.

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Applicant speaks (Jordan Schmidt): the existing shed on the lot has been there for 40-50 years. Size of lot, parking, residential surroundings etc. make commercial business not viable. Tried to work within the zoning of the lot, couldn't find a solution.

Strategic plan recognizes need for attainable housing in Mosier. There is a surplus of unregulated short-term rentals. Jordan requests to do a single-family dwelling on the lot. Infrastructure investment generates water and sewer revenue for the city. Sitting as a vacant lot with a shed on it doesn't serve Mosier long or short term.

Koerner: Owns adjacent lot across the street. Intends to develop it as commercial. He has served on council, and as Mayor at one point. A short-term decision could be long term detriment to the City of Mosier. Commercial property is in demand.

When he served as Mayor, they acquired Pocket Park. DC study at the time showed commercial properties added to the value of the infrastructure and the City at the time, showing residential properties as draining the value.

He wanted to share with the Council as the old guard, or the folks that came before me, what our values have been. That community does not want to add more residential but would like to protect the commercial boundary.

Nick: In the commercial zone, there is not a way to allow for a residential in commercial.

Nick asks if they would like to close the public testimony or if they would like to ask more questions?

Council asks multiple questions about various business scenarios including office space which could fit in the same space as a dwelling while keeping with the commercial zoning.

Acasia Berry requests additional information on the background of the commercial zone being placed on residential blocks, with the division being the middle of the block rather than delineated.

Jordans current position would be to put a nonconforming house on it, leave it for a rezone later, that's not an option, therefore the rezone is being requested now. It is a single-family dwelling, it has sat vacant for over 20 years, we have a long term rental shortage.

Peny Wallace closes the Public Hearing: 8:00

Approve or deny or add conditions to your approval?

Peny: Agree to amend comp plan going forward to include the RFP for the North property and agree with Jordan also that we need some affordable/attainable housing.

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This would open up the lots to the east as well as a possibility for a zoning change which Peny is in support.

Charlie in support acknowledging the importance of both housing and future development that is less ambiguous. Intent to preserve commercial interest with more fine tuning.

Lacy: Agree office and residential would be ideal. However, you're the property owner, and there will be a vacant shed there which is less optimal than a home being there.

Acasia: Is there something we can do for affordable housing or conditions? Tie something to the criteria somehow?

Nick: Explains this is not directly possible. Rent control, affordability, length of time etc makes it difficult. Policy, housing goal, comp plan. Will address this.

Nick: Are you fine with the residential use and what's allowed on this lot?

Emily: This is where being on council is really hard. I want to help Jordan but we also have to think of the town as a whole. I have been looking for office space for years. You can't find it. It's not here. I know how hard it is to get commercial going. I feel really strongly we need to protect commercial. I would love to have a house built on it and have it stay commercial. But that is not an option here. The main case for this change is that the property is butting up against residential but I also see it butting up against commercial.

Jordon: Businesses, risks, turnover, pop ups, shutdowns etc - Jordan stopped doing Airbnb and switched to long term housing already in his other rental. The buildings at the exit sat vacant for 10 years.

Emily: People were trying to rent those spaces at the exit, but the owners were not interested.

Koerner: It's important to try and break the pattern we find ourselves in. We have a bunch of anchor buildings that are empty. Our brains have a negative bias because of the way things are, rather than the way things could be.

Jordon: How is the office space you speak of adding to the downtown viability and vibrance of Mosier? How is that any different than a family of 3 or 4 being there? Why are all the businesses leaving? The gas stations, coffee shops. Where is the workforce? You have been waiting for 30 years. Nothing has changed.

Emily: People who work in downtown spend their money here during the day.

Colleen: If Council wants to develop the downtown area, they should have a plan.

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Emily: The strategic plan is in place with action steps to change our downtown. We are in the middle of many of these projects now. The zoning is our main tool to make these changes. The UPRR property has only been owned by the City for less than 30 days at this point.

Jordon: We need affordable housing in town. I have employees at Mosier Company who can't find housing.

Emily points out that there are vacancies in the Mosier Manor but they require an upfront purchase. For the same cost (of the rezone) Jordon could purchase several of those homes and lease to own, creating many more options for his employees.

Jordon states that he does not have time or interest in this direction or in an office space.

Emily points out that it is not the Council's role to solve this issue for Jordon. That the only thing the Council can do is maintain commercial as a tool for developing the town in the way the residents have asked for. She points out that if we change to residential that we lose control of that tool.

Emily points out that the lot is in a valuable commercial block, partly due to the success of Mosier Company that the lot sits next to. She says MoCo is the perfect example of a vibrant local business that we want in town.

Peny would like to put it off to settle in her own thoughts and think about the economy over the next couple years.

Acasia: What about Witt and Arlene?

Nick will email them (Witt and Arlene) for informational public testimony.

Charlie: What's the schedule for the mtgs? Could we do it in 2 week?

Lacy would vote now. We aren't going to get more information. It is literally just thinking.

Nick: the record will show we are taking more testimony for a week.

Jordan: I put the application in August and have been waiting. I've spent \$1200 to have this talk with you.

Nick will find the history behind the zone placement and more accurate numbers on the % of commercial

You can only look at the 4 criteria: finding of fact for your decision. If you choose economic development as your argument. You submit to Nick, and Jordan has the ability to appeal to the

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State - which is the authority - Nick did his staff report, you have your parameters for your decision. His recommendation to Council is to approve it.

7 days written record offered. Next public hearing, we make a decision.

Nick's recommendation to City Council is to approve the re-zone. There has been 7 days of written record offered, the intent of a hearing is to make a decision.

Council wants Witt Anderson and Mayor Burns to provide their perspective.

Nick Kraemer reminds City Council they can only look at 4 criteria for decision making.

At the next Public Hearing, there will be a vote.

II. Rock Creek Park and UPRR/JUF (Colleen Coleman):

What sign does City Council want at the park?
(Stacked stone appearance)- decision made.

Park is roughly \$16,000.00 a year to maintain - UPRR will pay for the park maintenance for the first 5 years- then the City of Mosier will take on the additional financial burden.

Mosier Center Update: 65-70 ppl attended the kickoff/update mtg. There was a survey ranking support, which concluded almost everyone was very supportive and happy (generally).

There was another training today for fundraising and it was very positive.

Selection committee for the contractor for the CMGC as an hourly service - we received two proposals only.

City Council is the contracting board. The selection subcommittee makes the recommendation to the Council and the Council votes.

Motion to approve to begin the contract negotiations:

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Acasia Berry
Second: Peny Wallace
9:00

Discussion: N/A

All in: Lacy Gries would like to hear references from her colleagues before voting.

Adjourn 9:04

DR

CITY COUNCIL MEETING

November 20, 2019 at 6:30 P.M.
Mosier Senior Center at 500 Second Ave.
Mosier, Oregon 97040

MINUTES

NOV 20 City Council Mtg Transcript

6:36 Call MTG to Order: Emily Reed

Attendance: Emily Reed, Acasia Berry, Penny Wallace, Lacy Gries, Charlie Cannon, Colleen Coleman City Manager, Nick Kraemer City Planner, Jayme Bennett City Recorder

No agenda corrections or additions

Business from the Audience

Sheriff McGill described approval from Wasco County to staff up to 17 positions - currently staffed at 7. The 18th position was approved at county board for resident deputy in south Wasco County.

This frees up the call load for a deputy that used to work the North to South end of Wasco County. Additionally, we hired a lateral deputy who is a resident of Mosier now. He will be on his own post-training within 4-6 weeks and you will see a police car coming through town every day.

Lots of other positive news in other areas (mental health and human trafficking).

205 Riverside Rusty Lewis: Comments on commercial zoning: not specific to the zoning on the agenda. It is more geared toward the general topic. Nick suggests he wait for the public hearing, to have it be on the record. Rusty requests to address it here instead.

I owned 203 Riverside and 203 Idaho both are commercially zoned; both are single-family homes. Almost didn't buy either property because of the zoning. We were told at one time, if the homes burned down, we would not have the opportunity to rebuild. We feel these streets (Oregon and Idaho) are residential blocks. We have sold both properties and have no vested interest in this.

The lot to the S of 203 (Oregon) is an empty lot - commercially zoned- between 2 houses - can't have a viable house. Across the street is the tin shack, etc.

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Todd Reeves' mother in law (Maria Cisneros) lives on 2nd and Oregon, she applied to improve her quality of life from a single wide to a double wide manufactured home and was turned down because of the footprint rule. I feel this opportunity was superseded by this zoning restriction in a largely commercial zone with non-conforming residential use. 17 years have gone by since I have owned rentals, and 2nd street is currently still full of full-time residents contributing to our community that are being restricted by this zone.

Council not able to respond outside of agenda topic.

Any other business from the audience? None.

6:45 Minutes Approval

Emily requests the details of the discussion be included in the minutes.
(Detailed version included rather than: Council deliberates 45 more mins).
No motion to approve or reject.

Lacy: "The City will install the signs needed" to be changed from "Colleen will install the signs"
Page 2: Question of North vs. South of HWY 30 for further clarification: Nick: (5 acres South of HWY 30).

Emily: How many of the homes in the commercial zone are residential?

Nick would like to open the hearing before discussion on the commercial and residential uses.

Tri-County Hazardous Waste Discussion

Tri-County Hazardous Waste (TCHW) (9 jurisdictions):

Hazardous waste program, disposal, and recycling "education". Not recycling.

Some jurisdictions have a surcharge to allow the recycling to go to Portland to keep it out of the landfill etc.

The representative from the committee thought someone from Waste Connections was going to be here.

Goes on to explain the current position of the committee (Mosier representative reporting):
China no longer accepting co-mingle recycling and dismantled the sorting process locally.
Provides an overview/educational perspective on the system overall.

Tri-County Hazardous Waste (TCHW) is proposing a baling facility next to the dump. This is just a concept - no numbers have been run yet. By baling locally, they could take larger loads to Portland, which would lower the transportation costs.

Comments from DEQ distributed in a letter along with letter from committee members.

They wanted permission by the jurisdictions by the next steering committee MTG by the (11th of December).

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No show from TCHW- with proposal, they wanted a decision about the new program - they (steering committee) wanted to visit jurisdictions prior to decisions being made.

On the Dec 4th mtg the County and likely TCHW will be here to propose the vote/decision. Concept is new, they are exploring a baling facility as an option, and if it is, how should it be funded.

Steering committee is wanting a professional development firm to oversee the business plan and feasibility study prior to moving the hazardous waste program to the TCHW site.

Colleen speaks on behalf of small businesses in the Gorge that are already operating in this manner would suffer negative consequences.

Committee member (Pat Bozanich) calls out that facility is no longer baling, Jayme corrects her that it is. Just not at the previous location.

Jayme asks if Wasco County owns the land fill, or what benefit they have in participating with a garbage facility and if the franchise fee agreement requires them to already be recycling, therefore the concept sounds like further abuse of franchise agreement authority.

Jayme states that it is cheaper to fill a hole in the ground than recycle.

Pat Bozanich: Steve Kramer is the only person in Wasco County that supports this.

Waste connections (The Dalles and Hood River and the land fill) own the property the garbage facilities are on. Baling would be next door.

TCHW and Recycle (collection facilities are located at the garbage company) -

Wasco County is the lead agency on the recycle program. The land fill is also owned by Waste Connections.

Acasia would like to know more about HR education program to see if you can mimic it here. PR and education program that went out was done by the Tri-County program. City of Hood River did the education lead (Kevin Liberty, Hood River)

7:15 Doug Minarik Presentation of proposed Mosier Center Master Plan with proposed additional commercial lot design for City

Emily Reed introduced Doug Minarik.

Doug Minarik gives overview of the process leading up to the placement of the building and the potential of the site overall, and how they interact.

Placement of building moving East- to create more room for open space and preserve a larger portion of public plaza for central gathering.

Charlie Cannon inquires into parking and truck access for new proposed commercial spaces. Penny Wallace inquires into sidewalks and ingress/egress/pedestrian safety and access throughout the entire parcel both North and South of the buildings.

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The masterplan overview is a general context document, not a specific build out based on use. The rhythm of the historical building context can be nuanced and picked up by a developer.

Purpose of the varying building storefront is to articulate the smaller downtown feel according to the long-term vision and goals etc.

Peny: Tonight, we are just looking at this and generally accepting the concept? And regarding what else we are reviewing tonight we need a broader understanding of Commercial vs residential, correct?

Colleen: we are looking for general consent on the masterplan for development going forward.

Emily: with the BLDG shifting 20 feet East, we will want to get the JUF committee on board prior to the council approving.

Lacy inquires into the grading of the access for all residents to share the opportunity to explore the public space.

Minarik: all public gathering spaces will require points of access for inclusionary form and function.

7:45 Public Hearing on Application for Rezone

New testimony: De-Novo Hearing (retry a motion): Nick Kraemer gives overview of testimony rules and procedures -

Provides order of operations and contextual format, sets expectations.

Conflict of interest check: 7:50

Kramer: reads Witt's comments.

Emily: It is hard to give Witt and Arlene the full details. There are still lots of questions - propose re-delay until they are back. Emily has email from Witt from Monday this week, conflicting with the earlier email Nick Kramer has.

Kraemer has last email from him last week that states Witt now agrees with the Mayor, (allow it with restrictions on type of home) though still has concerns for hearing what the public wants.

Questions regarding history of zoning line drawn through middle of block: Nick reached out to 80's and 90's planner - who noted that they were trying to get more commercial zoning.

Doty brought up the condos as a residential development in a commercial area. The old comp plan - shows a commercial development S of 2nd Ave. and East of Oregon. - (Matthew's property: Boneyard II).

Peny: Those condos were proposed as affordable housing and approved with that reason

There was a mobile home on this property at this point. Not many historical records.

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Matthew Koerner and Sheila D? are the only vacant C1 lots surrounded by residential.

South side of Commercial core on HWY 30: 1.5 acres is C1 currently used as residential, 1 acre in the core that is residential, the school is using the Dwelling Station as a school, which is zoned commercial, not public use. So, there are 2.5 acres of viable commercial developable property excluding the North side of HWY 30 (UPRR).

Emily: Notes that Nick's designation of Main St. going West as the "core commercial area" has not been agreed on, the core is also East of Commercial Street.

Kramer: It is just an arbitrary landmark referring to your primary commercial activity.

Emily: Since we do not have an official map of zoning and use of downtown properties, I have pulled one from Google maps and marked it based on current use. Distributes a map of google image - describes unavailability for a variety of reasons vs. availability - she took a guess in an effort to have context: 22% of our current commercial zoning is used for commercial. Is concerned that taking more commercial away from only a few possible options left.

Jordan Schmidt: There are a few empty lots in Mosier. Approximately 2.5 acres of commercial land available that is not committed to another use.

Kraemer reflecting on earlier comments from prior meeting regarding rezone:
You can deed restrict with conditions given your concern of a manufactured home.
Appears to be at odds with affordable housing goals, and you would need to tie your decision back to the standards. There are manufactured home sighting standards (porches, etc).

Another option would be to require screening around the mobile home. Not sure if you're trying to screen out residential or screen out commercial - whatever your goals are.

Additionally, requiring commercial materials be utilized in the building if you want to achieve an appearance.

Lastly, is there some way to allow this to be residential now without the re-zone?
In the non-conforming use section (through type 3 process) - you can consider the alteration of the non-conforming use and the applicant can propose to alter it to be an accessory to the home - they couldn't be separated. It would be limited to the ADU standards 680 sq ft- stays commercial - tied as residential-sold together.

Jordan was offered this; he prefers to keep going with the rezone request.

That's the only new info from Kraemer.

Peny: It is one tax lot but 2 lots of record. Correct?

Kraemer: yes

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Testimony from Jordan Schmidt: Summarizes 3 main issues that came up last time and addresses each one:

1. Concern you will lose opportunity to have commercial aspect on that lot: If and when there is a need for commercial, an owner will pay the \$1200 to revisit the opportunity to be a business. Growth is a natural process.
2. Concerns about everyone else wanting to rezone their lots to residential - The only vacant lots that are available (listed out by Jordan) have no desire to rezone their lots. Each case is considered on a case by case basis, as you stated.
3. Losing valuable commercial space- I have owned a business for 2 years, Rack and Cloth failed, the hair salon sat vacant for years. We need residents to support the business we do have. We need homes to support the residents. I don't think this lot is viable to carry the risk of commercial investment - my lot, between 2 residential houses, off the main strip is not desired by commercial developers.

This is vacant unused land, that will sit for another 20 years. I can pay SDC fees, and years of revenue, which will contribute to the viability of the commercial district as a whole.

I showed the lot to Rick Leibowitz (small business consultant in the gorge, owned businesses etc). He looked at the lot and stated it is too small to have a viable commercial business, additionally thought it was not viable to have a business on a small residential side street. Mike Glass also stated that it's not viable for commercial and recommends residential. Nick Kraemer is your City Planner, in charge of 14 municipal governments at one time it was his recommendation as well. I am assuming you hired him for a reason.

Lastly, vacant commercial spaces all over Hood River, The Dalles, Mosier, and I have a difficult time accepting the demographic facts that someone would want to make a business on this lot over all the other vacant parcels and buildings. I am not going to do a business on this lot. I will let it sit there.

We are basing our future growth on a line that no one knows where it came from or why, and we need housing now. More community support would be really nice. From a consumer standpoint it might look like we are doing really well, but we are not. We need to have a professional economic growth study done to review these arbitrary lines. We need to use logic.

Kraemer: any other proponents please stand up, state your name and address: **844 Feldspar Drive (Mosier). Greg Dearholt (Father in Law of Jordan):** "Organically grown from within is what I love about Mosier, residential housing and this lot perfectly fits this need. It also helps to fill a number of vacant residential lots that we have sitting currently.

It is a slow growth community and by 2023 within our general community we are projected to have 63 more people living here. Retail business growth is a long way off. The advent of online shopping has completely changed retail. Retail is location, location, location. Traffic patterns are essential for retail. Oregon Street is not a main traffic pattern. They are not coming up Oregon Street. It is not attractive for a business. 50 wide by 100 deep, 65% coverage is not a commercial lot. Business to Business is run in someone's home these days. The chances of an office opening up in Mosier, sure, but not on Oregon Street with the constraints on that lot.

Brick and mortar is not financially viable.

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Tax revenue and water and sewer revenue generates money today. Rather than something you might get in 15-20 years. Trends do not suggest this is going to happen. Mosier needs affordable housing - not multi-million dollar second homes. The strategic plan does not call for a wealthy homeowners playground, it calls for a livable, viable community for locals year around.

Carol Dearholt (Mother of Jordan, Current Owner of Property): Owned the property for 20 years, moved to Mosier in 1978 - seen a lot of history, council mtgs and decisions being made in Mosier.

No one has ever asked me to develop the property in 20 years. Jordan will take ownership of this property Jan 1. Strategic plans guide decision making. The 2018 strategic plan is a tool for you to use to carry out your vision.

Vision: lively functional town where you can live, work and play. Carol has concerns with livability. Quoting the City's strategic plan: "We make decisions for the next generation of Mosier" - Carol: that's not me that's Jordan.

Jordan's business now is developing a residential lot. You say you want a school. I am on the board. 46% of the kids in the school are from Mosier. The other kids go home at the end of the day. They don't live in Mosier. We need people that live in Mosier that want to support the Mosier School. We cannot hire a teacher that cannot find a home in Mosier.

2. Innovation is in your values: local, creative and entrepreneurial - Jordan was born and raised here.

Goal 3: slow down on HWY 30 and enjoy the improvements. No mentions of slowing down on Oregon St. to enjoy the improvements.

Goal 4: ensure housing security for Mosier residents - that's your long-term goal - a long term rental for a family - supports a balance of long term locals vs tourists and short term rentals.

Goal 6: generate revenue: water and sewer revenue - this would be immediate. SDC fees. Immediate.

Your plan has 13 challenge factors- lists concerns.

Housing, not enough people living here. Oregon law requires you accommodate housing for residents. BLI 218: more useful to go through vacant land to find rezoning opportunities to create housing. Rezoning doesn't conflict. It meets your strategic plan goals and meets 3 of your challenges

Laura 1820 Mosier Creek Rd- has visited Council before asking for Mosier City Council to consider affordable housing initiatives in the past. She is imploring the Council to consider this re-zone to allow even one more family a place to live in Mosier.

Brenna Campbell 2175 Hood River Road - No statistics, or bylaws to quote, but as the owner of the market, and being a new business - we could always use new people. It appears overwhelming to me to even look at your proposed new retail space on the UPRR site. I am pro development. The idea of this re-zone at all is a complete no brainer for me. I have nothing new to add to the testimony, I am in complete agreement with the other testimony provided today.

Rusty Lewis' wife for the record, has no new testimony only support of the testimony provided by public.

Kraemer:

Any one else?

Opponents?

Neutral?

Statement?

8:37 Kraemer opens discussion now:

Lists requirements for the decision and basis of consideration.

(4 criteria reviewed again).

These are the places where you need to be looking to determine whether this does or doesn't meet the policy.

Nick hands it over to Emily:

Emily: Reiterates this is not personal we would love to have Jordan get the business that he wants. For Emily it is about approaching this on behalf of the City of Mosier as a whole - not as an individual.

Commercial is very valuable for a city both in terms of income and as a tool for creating the downtown district. It is really difficult to go from residential back to commercial -we give up that control as a City and put it in the hands of an individual. We have done multiple surveys over the past 30 years and created a vision plan that is built on that public input that hasn't changed from survey to survey. What the strategic plan does is to start working in that direction that the community has said it wants.

The Vision Plan is geared for economic viability and vibrancy - downtown core. We haven't defined what the downtown area is. We agreed that we have limited commercial. It is a tool to use to look long term strategically and at the whole, rather than the individual. If we let go of one of our valuable pieces of commercial, then where do we stop? That's why a strategic plan is important. Most of the arguments I have heard have been that Mosier is not going to change. Which goes against this vision and what we are fighting for. I don't see a reason to move a line that we have fought a long time for. That's why we created a plan.

Peny: The applicant has a justified position in this particular place and space, I think it has broadened the understanding for the need of the review of the map and the boundary line as a whole. This is a way bigger issue. As far as the applicant's lot, based on the interpretation: business is very important- but if you don't have the people here, then you don't have the business. I am concerned with affordable housing, and I think the applicant has that in mind. I don't think it is our job to put parameters on that. I am excited about the future planning of the UPRR property design presented tonight - as it supports the vibrancies of the strategic plan and the core and we are in the right direction, but I am in favor of the change.

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Charlie - I agree with Emily. Commercial property is essential. Jordan's property doesn't make sense as commercial. If we grant Jordan the zone change, he will have to go through the regular SDP process - and he will adhere to guidelines. I think the viability of the residents being able to support the commercial we have now which aren't even open 7 days a week - we might have stronger businesses longer term. There is no commerce center other than the ice cream shop, which is now closed. I am in full favor of Jordan Schmidt's re-zone - the re-zone or redrawing of boundaries would be a more viable longer-term solution than adhering to the past arbitrary lines.

Acasia - I really appreciate that Emily is looking out for the commercial aspects. I had not thought about commercial priorities or viable downtown since I first moved here. I had a very hard time finding housing, that speaks to me. There are not many businesses with much going on, so looking at #6 - I don't see how that lot fits that criteria or enhances downtown as commercial.

Lacy- I love that you did your homework (speaks to audience) - and you dove into this. I am a teacher and I work with humans; you can have all the systems in place you want. If your humans are not happy and you're not listening to them, then the system doesn't work. This line on the map needs to be reconsidered going forward. It doesn't make sense the way it is currently drawn. We need to listen to our residents and our community, and no one was here to oppose this.

Emily: Our audience is the strategic plan as opposed to the people in the room here today. It represents hundreds of people over 30 years. This doesn't solve affordable housing; this is one home. And we cannot guarantee it will be affordable housing. This decision is not about affordable housing. The rezone doesn't bring people downtown. If you want people downtown, turn that lot into office spaces. They will eat lunch at Moco and Brenna's and create more people downtown.

Jordan: We aren't saying Mosier is bad. We didn't move here for the downtown life.

Greg Dearholt: We are talking about conceptual vs true need. There's a tipping point at which you will bring businesses in. This is a tiny community with a lot of commercial space. It's going to be decades before you see it utilized.

Emily: There is a need for office space in this town.

Carol: People don't buy office space now. We need housing. We are going to get 60 new people in 5 years. Where will they live?

Nick: I hear what Emily is saying. We have to think about zoning without property lines. What's unique about this is that it is split zoned - it isn't as simple as ownership -

Peny: This opens up a larger conversation of how we are going to fulfill the future long term goals and plans for commercial and residential space in Mosier. -

Charlie: Jordan wants to put in water electric and sewer now.

Emily: We only have 12 commercial spots.

Peny: Can Nick read the expansion non-conforming use portion of the property to achieve an ADU?

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Emily: I spoke with Arthur Babitz about this topic generally and he cautioned to never to give up commercial. We need a downtown and more businesses.

Carol: We need housing and we need a School. We need homes, teachers, people to support our businesses. If 60 ppl come in 5 years. My request again is that I have a vacant lot I would like to sell to Jordan, it is invaluable if I can't sell it. You're not following the strategic plan. The number one thing is housing.

Emily: Economic development is the most important goal of the strategy. Affordable housing is important, but the Strategic Plan is clear in its main goal of creating commercial vibrancy.

Carol: Totally disagree - if you put that out to the general public.....

Nick: Nothing good happens at public mtgs after 9:00

Colleen: Is there anywhere we can swap the zone, so you wouldn't be giving it up?

Nick: We can look at that as a bigger re-zone conversation - as a planner the only reason I brought this to you is that nothing else in that area is viable as commercial. This is a viable re-zone option.

Emily points out that it is being argued that the lot is too small for business but that it is larger than the new UPRR lots presented tonight by Minarik

Charlie: What is the process on this- does someone put forward a motion?

Emily: What's the planning process?

Nick: This zoning was put in place in the 70's our comp plan is not a quasi-judicial process. This is a hearing for literally one parcel.

Emily: I thought the strategic plan was our guide.

Charlie: I would like to make a motion to vote to approve the re-zone on this one property.

Nick: Conditions?

Peny: I would like to add the dwelling ADU solution

Nick: That won't be necessary.

Peny: Charlie can you re-motion?

Charlie: I make a motion to rezone the applicant's current lot from commercial to residential.

Peny: Second

Discussion:

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Acacia asked for a reiteration of conditions allowed for consideration.

Emily: Nick made it clear that it is impossible to track conditions (as stated previously). We do not have any say as a Council on the type of house to be added there.

Nick: You can - they are just hard to track- I looked for reasons to make it fit and make it work.

Peny: Aren't these issues we would consider at a later point?

Nick: They need to be tied back to the criteria - I have never conditioned a re-zone---

Peny: The applicant is not conflicting with commercial.

Emily: It sits within a commercial block with businesses all to the North.

Lacy: People living in the buildings adjacent to it. ---

Peny: Or it would be residential ---

Emily: Everyone there did that---there will always be residential adjacent to business.

Greg: This happens one step at a time, not at once.

Charlie: Are we ready to vote or how do we move this forward?

Emily: We are in discussion.

Acasia (to Emily): Is there anything that would make you feel okay about this?
Audience interjects

Emily: No - we are giving away from the City/good of the whole zoning for an individual to become a landlord.

Acasia - This is not what I am thinking of.

Peny: I am not thinking of this zone as a new home - it is that the size is restrictive, the parking, the location, the access, the side street. Viability and growth for Mosier supports activity now rather than a hope for the future.

Acasia: this rezone supports the viability
Audience interjects

Emily: I hear the points here as it is more advantageous to have a home than a business.

Peny: I am basing this on one property not the probability of future requests or precedent

Emily: Why did we do the strategic plan?

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Lacy: They aren't questioning it. They are saying the re-zone works with the plan.

Emily: No it doesn't

Nick: The townhouses were commercial, and they are now residential - it was a quasi-judicial decision, and not every property was then eligible. Dotty (last city planner) put a note in there as to why it worked. It's not black and white. Every one of these will be individual and unique.

Peny: Are we done with discussion yet? What would be an appropriate way to move through this? What do you want to see?

Emily: I would like to see it denied.

Emily: The hair salon and Rack and Cloth are not good examples.

Peny: So Emily do you feel that now we have new businesses coming in to Mosier so we couldn't give away zoning?

Emily argues that the plan was created to build steps that lead to a viable downtown with limited space. That growth is not natural but created.

Peny: That wasn't my question

Lacy: I don't love the feel of this

Sheriff Magill interrupts discussion and tries to bring order with review of public meeting (Robert's Rules)- walks out and gestures his shared frustration and support with Jordon.

Charlie: I hear Emily's points.

Peny: Am I clear that the last date we have for this is February? What could we accomplish in the mapping and zoning before the plan -

Emily: We are redoing the downtown; we are making it change and part of that is having a commercial area and holding space for that.

Peny: I am here to support what I heard last week and what I am hearing this week to make a change for that resident and with the additional commercial pieces north of HWY 30 - my interpretation of this is that I am willing to support this commercial zone change and hope for a viable commercial direction and future someday.

Colleen: I think what Nick is getting at is there is a nuance to decisions for the quasi-judicial process that can allow for accommodation of the community.

Emily: The zoning in the downtown is the only thing we have any control over as a City and I don't want to give up that control.

Acasia: We can't control everything, can we?

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Nick: This is the area that is difficult for you, this public welfare piece.

Charlie: The consensus I have heard in the last 2 mtgs is that they are supportive

Nick: It's past 9 and you have a motion - you can make a vote - you are at a public hearing. What do you want to do?

Emily: I feel it is for the public good over one particular person. It is for a plan and vision.

Nick: So, do you want to do this at your next mtg and have discussion then?

Colleen: The rezone was 1970 - the comp plan was more recent and when we revisit our comp plan, we can adjust it.

Nick: Make a call on what to do please.

Acasia: What are the processes?

Nick: Keep record open for written testimony for another week. So even if Witt and Arlene were here, it would be a 4:3 and it would pass.

Nick: We have to issue a decision within 120 days of application. August 21st was the day. We have 120 days.

Charlie expresses frustration that we are not voting now.

Emily: This is how our Council makes decisions, we like consensus.

Peny makes a motion to continue hearing to December 4th - Peny wants to keep the record open for 10 days.

Peny, Witt and Arlene will not have votes on the 4th of Dec. It will be the other 4.

Acasia seconds motion to continue hearing -

Nick: How do you want to receive testimony from the other councilors

Jordan states he does not understand why a majority vote doesn't constitute a decision. He is not interested in extending the decision beyond the 120 days - given the amount of time and money currently vested. I am seeing your camaraderie; you have made a good attempt over the last 2.5 hours of doing that. I am not debating your friendships. I am trying to respect the process. 4 of 7 council members are approving it two meetings in a row.

Peny: We could vote on it tonight, but I feel based on what you said about having all of our council here for all decisions we should do that.

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Motion on the table is to continue the hearing Dec 4. Oral testimony is closed - written is open for a week from now. Each individual can talk to the Mayor and Witt on their own. They can submit their writing to Nick. Next week you can deliberate again.

All in favor but Charlie

Adjourn 10:12 p.m.

DR

CITY COUNCIL MEETING

December 4, 2019 at 6:30 P.M.
Mosier Senior Center at 500 Second Ave.
Mosier, Oregon 97040

MINUTES

6:30 Call MTG to Order: Emily Reed

Attendance: Emily Reed Council President, Acasia Berry, Lacy Gries, Charlie Cannon, Colleen Coleman City Manager, Laura Westmeyer City Attorney, Nick Kraemer City Planner, Jayme Bennett City Recorder

Absent Excused: Mayor Burns, Witt Anderson, Peny Wallace

Jim Winterbottom, Chris Rippy (The Dalles Disposal)

Steve Kramer (Wasco County Commissioner #2, Solid Waste Advisory Committee member, Tri-County Household Hazardous Waste Steering Committee – Chair)

Tyler Stone (Wasco County Administrator)

Pat Bozanich Tri-County Household Hazardous Waste Steering Committee

Bruce Lumper, baling and recycling facility agenda item

Marianna Robert, Ellen Donoghue for climate change

Agenda additions or corrections: N/A

Minute Corrections: N/A

Jim Winterbottom: Waste Connections annual rate increase

Motion to pass increase: Acacia

Second: Lacy

All in favor

6:48

Climate Declaration: Ellen Donoghue

Ellen is a natural resource social scientist (connecting people to the natural world and resource management).

Ellen is here to talk about the leadership required for climate change, imploring city council and the local community to respond with more urgency. She reviewed the historical timelines of resiliency, climate change and adaptation, highlighting goal 5 in the Mosier Strategic Plan (protect and enhance the environment).

She educated city council on the Climate Mobilization Project (coordinated governments and citizens from all over the world on a mission to mobilize people towards emergency action on climate change through educational activities, research, and sharing of information.

Learn more here:

<https://www.theclimatemobilization.org/>

The City of Mosier has been given examples of declarations of the emergency (resolutions). Local solutions tend to be more grass roots and more sustainable, as consideration of local justice translates to more environmental justice.

Closes with Dr. Martin Luther king quote.

Charlie Cannon: What did Hood River (given their proximity to us) - have in their declaration?

Ellen: Colleen has a copy of the declaration they passed; they changed the word from emergency to crisis.

Peter Cornel: Hood River passed it - set a date for the municipal part of the city to lead by example to be carbon free by 2013 – date was originally 2050 (Hood River Valley High School pressured for a reduced timeline). Additionally, there was pressure to the city council to add inclusive language for lower income residents to be a part of this change.

Colleen: We need a committee - Arlene, Lacy and Acacia?

Mosier Tri-County Household Hazardous Waste

Intro (Tyler): feedback on recycling issues around our county - going to landfill rather than being recycled – a couple other jurisdictions have passed resolutions for fees to ensure it is being recycled.

If we had a baling center it would take a 12-15 ton load and turn it into a 30-35 ton load and we could send them on the road to the Portland.

This would reduce the transportation cost; Steve Kramer and I had a conversation with Waste Connections looking for a solution.

They want to put the Hazardous Waste and Waste Connections together under one roof. Enhancing service is our request - We have a public employees job in the balance - if we had a non-starter - we wouldn't bring it up to the steering committee - what we decided upon, was we were going to have a couple conversations on whether or not this was even feasible before we approached the employee - we are talking about a 20-30 year lease and expensive facility so we need to make sure the government piece of this structure is solid.

It got emotional and political, but we are here today to ask - we have a concept here today that will handle the hazardous waste and recycling - and at no net increase - (references 16% increase) in cost.

Steering committee wanted us to go to jurisdictions and councils and ask them for their feedback or support. Once we do that, this concept goes back to the steering committee to be worked on and to be vetted further.

(Wasco Co with our Franchisee)
So, we can start recycling again -

Steve Kramer appeals to the council to consider this structure to keep recyclables out of the landfill.

Cannon: have you done the research on where this is going and if it is fact being recycled?

Winterbottom: yeah, its viable

Cannon: is there enough serviceability to move this from Portland to wherever?

Pat Bozanich: the baling center itself is a flawed idea - it doesn't address the contamination issues at all - which is 40% then sending them to The Dalles to be baled then sending them to Portland - doesn't address the contamination issues.

We feel it is overkill - proposes 600K goes into this facility - which addresses an import problem - doesn't address the market - other issue is overreach - combines two different things without

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talking about it. Is a baling center the right thing in our area? Should it be addressed by taking public funds (tri county waste) and transferring to a private company and they say the steering committee will still have oversight – but the way this was done shows it circumvents that process entirely. Transferring this program - which is overseen by Wasco county to the private sector is not the way to go. However, it could be worth exploring -

Please ensure it does in fact go through the committee and we can have an RFP and business plan done. That way we can be non-bias and implement best practice.

Kris McNall: What is the rationale behind pushing to jurisdictions?

Committee: we are all partners in the IGA - we didn't feel we should make decisions without going to the council.

Bruce: Intent of Tyler and Steve is to still the process of the committee and to develop the concept in its entirety prior to taking it back to the committee - take it now and hand it to the steering committee - how would this look in an RFP so we can get a comprehensive review prior?

Tyler – it has never been our intention to exclude the steering committee - there is a public employees' job at stake here.

Colleen: what would be the harm of a third-party feasibility assessment?

Tyler: this came up today and this is Bruce's attempt to reign this back to a larger discussion to the steering committee - right now what we are doing is free.

Acacia: how many years has the recycling been going in the landfill?

Oct 2017

Member from the audience to Wasco County: If you're so concerned, why the plastic bags and single used plastics?

Table to the next meeting

Charlie Cannon requests whatever your agenda items are, have a concrete list and make a concrete plan before you come back.

Council Strategy Session

Emily: The original purpose of this agenda item was to address some of the issues we had at the last meeting. It was clear to me that our conversation was complicated by having three different topics at once: the strategic vision of the City, how we make decisions as a council, and the specific rezone. Since we have new members who have not had the chance to take the training, the goal was to back up and align on the first two so that we are efficient and clear with our discussion on the last item. Unfortunately, it has been suggested by our legal counsel that we not address this at this time.

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So we will be skipping this item tonight. I do want to say that we as a council are going to have many of these types of issues come to us over the next year - and I hope we can commit to be kind to each other and have a process where we can have discussion and disagreements while maintaining the culture of respect we've built over the years.

Review of OAPA Handbook and Public Hearing Procedures

Handing everything to Nick Kraemer - we also have Laura Westmeyer here today, the City Attorney.

Nick goes over the booklets of the land use laws, general rules, different types of land use decisions, educates the crowd on what it looks like to do a quasi-judicial hearing, covers criteria and findings. Reviews appeals, and findings, highly recommends League of Oregon Cities training for all council and staff.

Rezone Public Hearing

Public Record is closed: no oral or written testimony will be accepted.

Nick go through commercial lands inventory, we can only ask nick questions, council can deliberate - Nick can facilitate.

Then you can approve a motion or deny it.

1. Nick: ex parte questions:

Laura: we are bringing the facts to the table that you learned outside of the hearing to dispose for fair review.

Emily Reed: I responded to Carole Schmidt's letter to council rebutting her interpretation of the Strategic Plan and spoke with Arthur Babitz not specifically to this land use hearing, just in general.

In response to the accusations of bias or Conflict of Interest:

In a letter submitted to Council on Dec 2nd, Jordon Schmidt raised concerns that I have a Conflict of Interest in this case. He asserts that I hold a grudge against him and his current businesses due to an incident in May of this year where I was "escorted" by my husband off Mosier Company's property. He also claims that I have not supported their business since that day over 7 months ago. And that this plays a role in my concerns about his rezoning application.

First of all, I've been a customer at MoCo at least 4 x in the past 4 months (you can even find pictures of two of these visits on Facebook, including their Anniversary party). I spoke with the owners on 3 of those visits and spent \$214 (which I am happy to show the credit card receipts) and more if you count the pizza I bought at their booth at the Mosier Fest in June.

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I have also never been escorted from MoCo nor any other business. Let alone by my husband. I find the assertion that I'm biased to be insulting and I worry that these unfounded accusations work to discredit me personally in our community and as a council member. These kind of personal attacks also have a chilling effect on the discussion of the facts.

Matthew Koerner emailed council members.

Lacy disclosed conversation with residents in lot across the street – they told her they were not interested in rezoning to residential at this time.

No other counselor disclosed conversations they had on this topic.

The Public Record is fully closed.

Commercial lands inventory:

12.44 acres

5 of that 12 is owned by public

7.3 acres is private

2 is used as residential

Estimating number of sites available 15-20 (possibly as low as 12-15) depending how you look at it- downtown HR is about 50 acres of commercial – heights of Hood River is about 5 acres.

Useful criteria for a comprehensive plan update, it is relevant for the re-zone and understanding the impact of the potential re-zone of the subject property.

Chapter 15.04- regarding existing nonconforming uses in the commercial zone (rusty not Matthew). Because of how many non-conforming uses we have; it allows for non-conforming uses to be rebuilt - within one year. Some of the residential uses we do have, may be rebuilt as residential.

4 criteria: each councilor gets one mention per criteria. Reviews statewide goals and how they are implemented in the statewide planning.

5 statewide planning goals (findings in the staff report) - One of which is not applicable.

Emily: we have a comp plan and it has a line - so I am asking how this fits the comp plan. (regarding proposed re-zone).

Nick: you are making a map amendment; the zoning ordinance gives us steps on how to apply the criteria - when there is a QJR in front of you.

Emily: So we are following our process.

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Nick: yes.

Laura: Next slide covers your goals, comp plan.

Nick reviews additional state criteria, which are based on specific characteristics of each property, which alleviates us of the burden of all out approval of all future requests.

Gives Mosier Creek Condos as example.

Reviews goal 10

Reviews the Mosier Comp Plan policies:

Similar goals to the Statewide - emphasis on the 6C:

Nick: discussion on this?

Charlie supports Nicks findings

Acacia: I agree that the narrow street and that particular parcel would be consistent with the appearance and quality with those around it as residential.

Neutral on second point.

Emily: I think there is an argument to be made for parking to be off site - so the size and scale are the same as many of the other places in the downtown area. I don't see it as unique and people can park offsite.

We have 3 commercial half blocks - by taking a small square of the block, it takes away a part of that downtown viability. I feel like we have a plan and a map - the question should be: Why is this different or why should we change our map

Nick: the why is: does it check these boxes of this criteria

Emily: I feel these few small parcels are tools we will use for the economic viability in the future.

Lacy: I understand the strategic plan, which I fully support, why is this map the way it is? When I look at the map, I think about gladly giving this one up and picking up others that fit better.

Nick – this is a downzone - no impacts on public facilities or planned transportation system (reviewing our zoning ordinance - normally applies to up zoning not downzoning).

Emily: It is absolutely inside the downtown core - once you move that line, the next property is up against that line - this is not in the public interest.

Acasia- We have commercial vacant property - we don't have rentals. Where Mosier is suffering is we don't have anywhere for anyone to live.

Emily: We have far more residential property in town than commercial. Why are we not looking to develop within that zoning?

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Nick: we should have a 30-year supply of housing. We had more than a 30-year supply which relied on infill happening, even via our comp plan update - that will still be a subjective question.

Lacy: to re-draw these lines for the city - what does that look like?

Nick: start with the comp plan and go from there.

Emily: This is one of 12 commercial zoned properties we have left. And there is no guarantee that this home will be kept affordable if we change the zoning. Instead we give up our ability to create a downtown area that is in line with our vision – both for economic viability and aesthetics. Commercial zoning is inherently more valuable to the City than residential. We are giving away that value. And at a time when we have a strategic vision with many projects under way to make it a reality.

The lot in question is larger than the new lots proposed at our last meeting on the UPRR property. Office space is in demand and takes the same infrastructure.

I am also frustrated that this project was brought to us in the middle of our process of evaluating our properties. I'm disheartened that this council is arguing for the short-term solution rather than the long-term solutions.

Charlie makes a motion.

Laura interjects for the motion and reviews the resolution.

9:20 move to adopt ordinance single reading by title only

Second: Acacia

Discussion:

Lacy: I feel bad about the letters that were written, and bad for voting against Arlene's wishes.

Nick: if you can tie her conditions to one of the criteria, it is fine.

Discussion

All in favor: Acasia, Lacy, Charlie

all opposed: Emily

Passes

Read the title of the ordinance Emily reads the title 9:23

Adjourn

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PO Box 456 | 208 Washington Street, Mosier, OR 97040
Phone: 541.478.3505 | www.CityofMosier.com

STAFF REPORT

Conditional Use Permit and Variance Application
at 204 Center St - 2N 11E 1 CB tax lots 4900 & 5000.
January 29, 2020

PREPARED BY: Nick Kraemer, City Planner

PROCEDURE TYPE: TYPE III, Quasi-Judicial

HEARING DATE: February 5, 2020

APPLICANT: Bryan McGeeney and Brian Nichols being represented by Klein Architecture and Engineering

PROPERTY LOCATION: 204 Center Street. The property is described as 22N 11E 1 CB tax lots 4900 & 5000 in Wasco County Assessor's Maps.

PROPERTY SIZE: 0.58 acres including all tax lots under same ownership

EXISTING USE: Existing restaurant (10 Speed Coffee), outside seating, and ~4 off street parking spaces. Vacant land on southern portion.

PLAN AND ZONING DESIGNATION: C-1 Commercial

REVIEW CRITERIA: The City of Mosier Municipal Code (MMC) Title 15 – Zoning (Section 15.020.060 R-10, Section 15.05 Conditional Use Permits and 15.04 Variances)

REQUEST: Construct four short-term rental units, expand covered seating area of an existing restaurant (10 Speed Coffee), and complete various site improvements, including parking. The application also includes a request for a variance to off-street parking standards.

NOTIFICATION: Notice of application and an invitation to comment has been mailed to the applicant and property owners within 100 feet. Published in the newspaper. Posted around town

COMMENTS RECEIVED: None.

RECCOMENDATION: Approval with conditions based on the following findings of fact.

REVIEW CRITERIA:

The City of Mosier Municipal Code (MMC) Title 15 – Zoning (Section 15.020.060 R-10, Section 15.05 Conditional Use Permits

15.05.030 – Approval Criteria. No conditional use permit shall be approved unless the applicant demonstrates compliance with, and provides substantial evidence that, the following standards are met:

A. The use proposed is listed as a conditionally allowed use in the zoning regulations applicable to the subject property.

FINDING #1: In the Commercial Zone (C), “19. Commercial uses such as motels, gasoline service station or restaurant” are allowed subject to Conditional Use Criteria.

The proposed expansion of an existing restaurant/café clearly falls under #19 listed commercial uses allowed in the Commercial Zone.

The four proposed short-term rental units are more difficult to define. The applicant has proposed that they will operate as rentals on a short-term basis and will essentially function as detached motel units. Therefore, the proposed use falls under the “motel” use listed in #19 as commercial uses allowed in the Commercial Zone.

To ensure that the short-term rental units meet the uses allowed in the Commercial Zone and don’t become long-term permanent residences – I recommend the following conditions of approval:

- The proposed short-term rentals units shall not be occupied as long-term principal residences.
- The proposed short-term rentals shall be occupied by persons for periods of less than 30 consecutive days.
- No physical changes may be made to the short-term rentals (such as additions, garages, etc.) that would facilitate the use of the units as long-term principal residences.
- The use of the proposed short-term rental units shall be subject to Transient Lodging Taxes and reporting.

Further, the entire subject property is under the same ownership and the site includes an existing Commercial Use – the restaurant/café. Therefore, the four proposed short-term rentals can be considered an accessory to the existing Commercial Use. The entire subject property shall remain under one ownership and function as one commercial development site. In the future, if separate portions of the property are sold and removed from the overall commercial development – each separate portion must meet the standards in the Commercial Zone on its own.

There has been a lot of discussion in the City of Mosier about the use of residentially zoned properties for short-term vacation rentals and the impacts on housing affordability/availability. The proposed short-term rental units will be located in the Commercial Zone – where this type of use is allowed on a conditional basis. This may take pressure off of the use of residentially zoned areas for vacation rentals.

Criterion met with conditions.

B. The characteristics and location of the subject property are suitable to accommodate the proposed use, including availability and capacity of sanitary sewer, storm drainage facilities, water, transportation and pedestrian facilities.

FINDING #2:

Characteristics and Location of Subject Property

As stated in the application materials, the characteristics and location of the subject property are suitable to accommodate the proposed uses.

The restaurant/café addition will simply enclose an existing outside seating area. These operations are compatible with other uses in the Commercial Zone along Highway 30.

The short-term rental units will be located along 3rd Ave which aligns with the adjacent residential zone to the South, which maintains the residential feel/scale of this area while providing a use that is allowed in the Commercial Zone.

Availability and Capacity of Utilities

The overall availability of public services in this area – coupled with the proposed improvements – show that the subject property is suitable for the proposed development. Detailed plans for connections to utilities, stormwater management, and frontage improvements will be reviewed at the Site Plan Review step by City Staff and City Engineer.

As a condition of approval, all applicable system development charges (SDCs) will be required to be paid by the developer before issuance of a building permit for the proposed development. In addition, all connections and any improvements to connect to City utilities will be at the expense of the developer.

Sanitary Sewer: City Sewer is available in the street adjacent to the site and the sewer system has capacity to handle the proposed uses. The restaurant expansion will not require any changes to sewer connections. The short-term rental units will be connected to City Sewer.

Storm Drainage Facilities: Stormwater will be managed on-site with emergency outflow connected to existing City stormwater facility in Center Street (subject to available capacity).

Water: City Water is available in the street adjacent to the site and the water system has capacity to handle the proposed uses. The restaurant expansion will not require any changes to water connections. The short-term rental units will be connected to City Water.

Transportation and Pedestrian Facilities:

Traffic: The potential trip generation from the proposed uses does not trigger the need for a Traffic Impact Study or Traffic Impact Letter – which applies to uses likely to generate over 400 average daily trips. Notice of the proposed use was sent to ODOT, as a portion of the subject property has frontage along Highway 30 – no comments were received from ODOT.

Improvement and Design Standards: City Staff has worked with the applicants on the proposed site design to find a balance between the proportionality of the potential impacts of the proposed uses and the street/pedestrian improvements required onsite. The applicants have requested a variance to off-street parking standards to place the required parking in an improved on-street parking area – the variance criteria are addressed later in this report. This approach to parking is intended to follow the existing parking arrangement in this area, provide

connections to existing pedestrian facilities and enable the applicants to maintain open space in the center of the project site.

The applicant is not showing any improvements on Center Street or Highway 30 frontage. The City Council has several options for how to proceed with this request:

- 1) Require full improvements (half-street, curb, sidewalk, planting strip) to be completed at this time along all frontage of the property along Center Street and require deferred development agreement for Highway 30 as a condition of approval.
- 2) Require no improvements along Center and Highway 30 at this time and require a deferred development agreement that requires the applicant to contribute to future improvements on both frontages.
- 3) Require a deferred development agreement on both frontages and require temporary parking solution along Center and interior walkways that meet same objectives of sidewalks.

City Staff has vacillated with this part of the application and is looking for City Council input as to how to best apply this criterion in the zoning ordinance for this application.

Overall, conditions that impose an exaction (improvement) must be reasonably related and proportionate to the impact of the development.

Reasonably Related: As discussed above, the subject property is considered to be the entire site, therefore improvements along all frontages could be considered to be “*reasonably related*” to the overall development. However, the applicants have made a case that most of the Center Street frontage is not being developed at this time and will remain mostly open space along this frontage – so they contend that improvements should not be required at this time along the Center Street Frontage.

Proportionality: As discussed above, the overall traffic generated from the proposed uses will be relatively minor, therefore there are no major street improvements needed – like a stoplight or turn lanes. The proportionately of requiring full improvements (half-street, curb, sidewalk, planting strip) to Center Street are less clear. Again, the applicants have made a case that most of the Center Street frontage is not being developed at this time and will remain mostly open space along this frontage – so they contend that improvements should not be required at this time.

Transportation System Plan (TSP) Alternatives: To further complicate this issue, the TSP calls for Center Street to be converted in to a one-way couplet with Washington Street as the preferred unconstrained cost alternative. The City does not have the funds or completed designs to complete this one-way couplet at this time. Therefore, requiring any major improvements along Center Street at this time might ultimately conflict with future street improvement projects in this area. The no route change alternative is the cost-constrained alternative for this area.

At this time, City Staff supports option 3 – where a deferred development agreement would be required to be executed as a condition of approval that requires the applicants to participate in any future street improvements in this area. In addition, a condition of approval would require an interim parking solution along Center Street that would allow for diagonal/head-in parking to continue along the East side and interior walkways would be required that meet same objectives of sidewalks. In exchange, no major street improvements would be required along Center Street at this time.

Fire: All proposed development must meet State Building Code Standards – which includes fire, life, safety requirements. Two fire hydrants are located near the subject property. The proposed development is all accessible by fire department vehicles from the existing streets and proposed parking area along 3rd Ave. No comments were received from Fire Chief.

If variance is approved for proposed parking configuration and all other conditions of approval are met – this criterion can be found to be met.

C. The proposed use will not have any unacceptable adverse impacts upon any use existing or allowed on any properties in the area and will not be materially detrimental to the health, safety, or general welfare of persons residing or working in the area. In making this determination, the city shall consider any possible conditions or limitations that may be placed on the use or activity so as to avoid or reduce impacts to the minimum practicable level and mitigate any impacts that cannot be avoided or minimized. The use may be subject to a periodic or annual review requirement to verify that impacts, in fact, have been eliminated or mitigated to an acceptable level.

FINDING #3: As discussed in previous sections the proposed uses are compatible with the Commercial Zone and surrounding uses. No comments have been received from neighboring property owners with concerns about adverse impacts. Adequate City Services exist in this area and can serve the development.

Existing Trees: There are at least a half a dozen large trees that are proposed to be removed to accommodate the proposed development. There is not a specific quantitative measure in the Zoning Ordinance for when to require existing trees to be maintained. The removal of these trees could be considered to be detrimental to the health and general welfare to the area – as the City of Mosier highly values existing large trees. The code gives direction on natural features and site design in the Conditional Use Approval Criteria (above). In addition, the Site Plan Review section addresses trees:

Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.

City Staff has again vacillated with this part of the application and is looking for City Council input as to how to best apply this criterion in the zoning ordinance for this application.

Overall, the site will have a large amount of open space and there is a half dozen larger trees that will not be impacted by the development. And, in the Commercial Zone – the City encourages density of development to utilize our limited supply of Commercial lands. Requiring the trees to be maintained could be overly burdensome for the applicants and result in a much smaller open space area.

A condition of approval is recommended to provide a vegetative buffer along the Center street frontage over the frontage of the property being developed to mitigate removal of large trees on the south end of the property. All other existing large trees shown on the site plan must not be impacted by the proposed development. This condition could be considered to limit the impact to an acceptable level without being overly burdensome on the applicants.

Criterion met with conditions.

D. All needed public facilities including sewer, water, stormwater drainage and transportation are available to the subject property with adequate capacity to serve the proposed use.

FINDING #4: Same as Finding #2 - the proposed development will utilize all of the public facilities that currently exist in this area and several conditions are recommend for improvements to serve the proposed use. **Criterion met with conditions recommended in Finding #2 above.**

E. Approval of the proposed use does not conflict with any provision of the Comprehensive Plan, applicable city ordinance or regulations, nor any previously approved permit.

FINDING #5: The applicants are proposing a variance to off-street parking standards that will be addressed in following section. If variance is approved for proposed parking configuration, then the proposed use can be found to meet all other City Ordinance and regulations.

The proposed ADU does not conflict with any provision of the Comprehensive Plan- which are detailed below:

1. The proposed uses are consistent with the Comprehensive Plan Policies #1, *Land Use* in the following ways:
 - a. The proposed uses are listed as a conditionally allowed use in the zoning regulations applicable to the subject property. The proposed uses are also required to meet all Land Use related standards in the Mosier Zoning Ordinance.
2. The proposed amendments are consistent with the Comprehensive Plan Policies #2, *Local State and Federal Coordination* in the following ways:
 - a. Notice was completed - including to ODOT - and a condition of approval will require all development to meet State Building Code Standards. The short-term rentals must pay Transient Lodging Taxes - a portion of which will go to the State of Oregon. The restaurant/café must comply with County Environmental Health Standards.
3. The proposed amendments are consistent with the Comprehensive Plan Policies #3, *Transportation* in the following ways:
 - a. As discussed in Finding #2, the required improvements and deferred development agreement ensure that the proposed development will not have an adverse impact on the transportation facilities in this area. The trip generation from this project is relatively low and no traffic impact study is required. Lastly, pedestrian improvements are proposed to connect to existing sidewalks and improve connectivity in this area.
4. The proposed uses are consistent with Policies #4 *Public Facilities and Services* as the subject property is readily served by existing public facilities and services.
5. The proposed uses are consistent with Policies #5, *Resource*, as there are not any known major natural resources, hazards, or other impacts associated with the proposed uses.

6. The proposed uses are consistent with Policies #6, *Social-Economic*, in the following ways:
 - b. *That development of Mosier's downtown will enhance the appearance and quality of life for community residents and visitors and support economic development objectives.*
 - c. *That development of Mosier's downtown will build on the unique character of the community and be consistent with development standards and guidelines as defined by the Mosier Zoning Ordinance.*
7. The proposed uses are consistent with Policies #7, *Housing*, because the short-term rental uses are proposed in the Commercial Zone and may take pressure off of converting existing single family residential in short-term rentals.
8. The proposed amendments are consistent with Policies #8, *Recreation*, as no recreational resources are impacted. In addition, some open space area is maintained and improved with the proposed project.
9. The proposed amendments are consistent with the Comprehensive Plan *Policies #9, Citizen Involvement*, in the following ways:
 - a. Citizens of Mosier were afforded an opportunity to participate in the quasi-judicial planning process through the City Council public hearing and could submit written comments.
 - b. The City Council Public Hearing was noticed in local newspaper, mailed to neighbors within 100 feet and posted at City Hall.

The City of Mosier Municipal Code (MMC) Title 15 – 15.04.020 – Variances.

Parking Regulations: Parking is required and shall comply with the applicable parking regulations in Section 15.03.130 General Requirements for Parking Lots of this ordinance.

D. Minimum parking spaces: Hotels and motels. One space for each guest room, plus one space for the manager.

-Code requires a minimum of 9 off-street parking spaces for (4) 2 room cabins and one space for manager.

E. Restaurants, bars, ice cream parlors and similar uses. One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.

-Code requires up requires a minimum of 6 parking spaces for an additional 600 sq. feet of floor area.

The applicants have requested a variance to the off-street parking standards. They are proposing to meet the off-street parking requirements by improving a parking area on the south side of the property that is mostly within public right of way and will dedicate a portion of property to the public (see Application Materials). This is considered on-street parking; therefore, a major variance is required (see Variance Criteria for major variance below). This parking area to the south of the property along 3rd Ave currently exists in this general configuration but it is un-improved. The applicants are proposing to improve this parking area

with hard surface, stormwater management, landscaping, and sidewalk. If the variance is approved – several of the parking spaces would be reserved for the proposed short-term rentals and several spaces would remain public parking.

A major variance may only be approved if all of the following criteria are met:

- 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography or some other physical or natural aspect of the property, over which the owners of property have had no control.*

FINDING #6: The subject property frontage along 3rd Ave is currently used informally for head-in parking and the topography of the property is conducive to this type of parking arrangement. The variance request allows the applicants to utilize this area for parking and in turn can maintain a larger area of open space in the center of the subject property. **There are a few properties along 3rd Ave that have similar topography and are used informally for head-in parking areas.** The City Council has indicated a preference for limiting parking minimums and allowing developers to utilize building sites. This variance could achieve those preferences with minimal impacts to adjacent streets. **Criterion met with City Council approval.**

- 2. The variance is necessary for the preservation of a property right of the applicant substantially the same as one enjoyed by the owners of other property in the same zone or vicinity.*

FINDING #7: As discussed in Finding #1, there are several commercial properties throughout Mosier that have informal head-in parking where the topography is favorable for this type of configuration. The applicants don't necessarily lose a property right by requiring off-street parking – but the open space area would be ultimately need to be used for parking – if the variance isn't granted. **Criterion met with City Council approval.**

- 3. The variance would not be materially detrimental to the purposes of the ordinance, or to the rights or uses of near-by property owners or otherwise conflict with any Comprehensive Plan goal or policy.*

FINDING #8: As discussed in Finding #1, the City Council has indicated a preference for limiting parking minimums and allowing developers to utilize building sites. Therefore, off-street parking minimums and on-street parking improvements will need to be considered on a case-by-case basis. Approval of this variance may open the door to requests by future developers to request variances to parking. The unique characteristics of this property – which includes the historical/informal use of this area for head-in parking limit the amount of precedence being set by allowing this variance. Further, the type of use – short-term rental units – is not a high traffic generating use and will not entail lots of turnover in parking spaces each day/hour. Several parking spaces would be marked as reserved for the short-term rental units – so that could be considered to be an impact to residents or nearby owners, however several spaces will remain open to the general public and will be improved from current status (gravel). Overall, granting the variance would not conflict with any Comprehensive Plan goal or policy. **Criterion met with City Council approval.**

4. The magnitude of variance requested is the minimum necessary to alleviate the identified hardship.

FINDING #9: As discussed above, the requested variance is to meet all off-street parking standards by improving on-street head-in parking along 3rd Ave. The magnitude of the request is minimum necessary to alleviate the hardship and maintain a maximum amount of open space in the center of the subject property. **Criterion met with City Council approval.**

The City of Mosier Municipal Code (MMC) Title 15 - 15.02.070 - Commercial Zone (C)

A. Uses Permitted Outright: None

B. Conditional Uses

19. Commercial uses such as motels, gasoline service station or restaurant

FINDING #10: As discussed in Finding #1, both proposed uses can be found to be consistent with commercial uses allowed in the Commercial zone subject to conditions of approval.

Criterion met with conditions.

D. Site Development Requirements

1. Minimum Lot Size: None

2. Minimum Street Frontage: 25 feet on a dedicated public street.

3. Maximum Lot Coverage: Maximum lot coverage subject to Chapter 15.03 Supplemental Provisions (65% maximum lot coverage in commercial zone)

FINDING #11: The subject property is ~.58 acres and easily meets street frontage and lot coverage requirements. The proposed plans for the subject property show lot coverage of ~ less than 25%. This will be confirmed at Site Plan Review step. **Criterion met with confirmation at Site Plan Review step.**

4. Minimum Yard Setbacks:

a. Front - none required

b. Side and rear - Not required except in the case where the structure is adjacent to a residential zone, in which case a 10-foot setback is required for all structures.

5. Maximum Yard Setbacks:

a. Front – 10 feet. This standard may be increased when a sidewalk, bicycle path, multi-use path and/or planting strip is provided between the building and front property line.

b. Side and rear - Not required.

6. Maximum Building Height:

a. For buildings south of Hwy 30, 28 feet

b. For buildings north of Hwy 30, 1 story or 18 feet as measured from top of the pavement of Hwy 30.

FINDING #12: The submitted site plan shows that all setbacks are met. The building height is approximately 24' for the short-term rental units and will be set down below grade of 3rd Ave. The height of covered area for restaurant will need to meet building height requirements. These will all be confirmed at Site Plan Review step. **Criterion met with confirmation at Site Plan Review step.**

E. Signs. All signs shall comply with the sign regulations in Chapter 8.20 of MMC.

F. Lighting. All exterior lighting is subject to the lighting regulations in Chapter 8.30 of MMC.

G. Landscaping. Landscaping is required and shall comply with the landscaping standards of Chapter 15.09.

FINDING #13: No additional signs are proposed at this time. Detailed lighting and landscaping plans are required as part of the Site Plan Review step and will be addressed at that time.

Parking Regulations (addressed in Variance Section)

H. Sanitation Regulations. No structure may be occupied or otherwise used in the Commercial Zone unless it is first connected to the city sewer and water systems at the expense of the property owner.

FINDING #14: As discussed above, the existing restaurant is connected to City Sewer and the proposed short-term rental units will be required to connect.

RECOMMENDATION

This concludes the review of the Conditional Use, Variance, and Zoning Designation Criteria for the proposed uses. Again the applicant is seeking a decision on these criteria at this time and the Site Plan Review process will be completed by City Staff as a Type II decision without a public hearing (unless appealed to the City Council or it is requested that the Site Plan Review be elevated to a Type III public hearing by the City Planner or City Council). The final Site Plan Review plans will be shared with City Council for informational purposes and City Staff will work to apply all the relevant standards to this application. There are several other sections that will be applied at the Site Plan Review step such as:

- 15.03.180 – Architectural Design Standards For Commercial Uses
- 15.03.110 – Vision Clearance Areas.

Overall, the Council needs to consider the criteria outlined above and determine whether the proposal can meet these criteria. **My recommendation is for Approval of the proposed development with the recommended conditions of approval on the following page.**

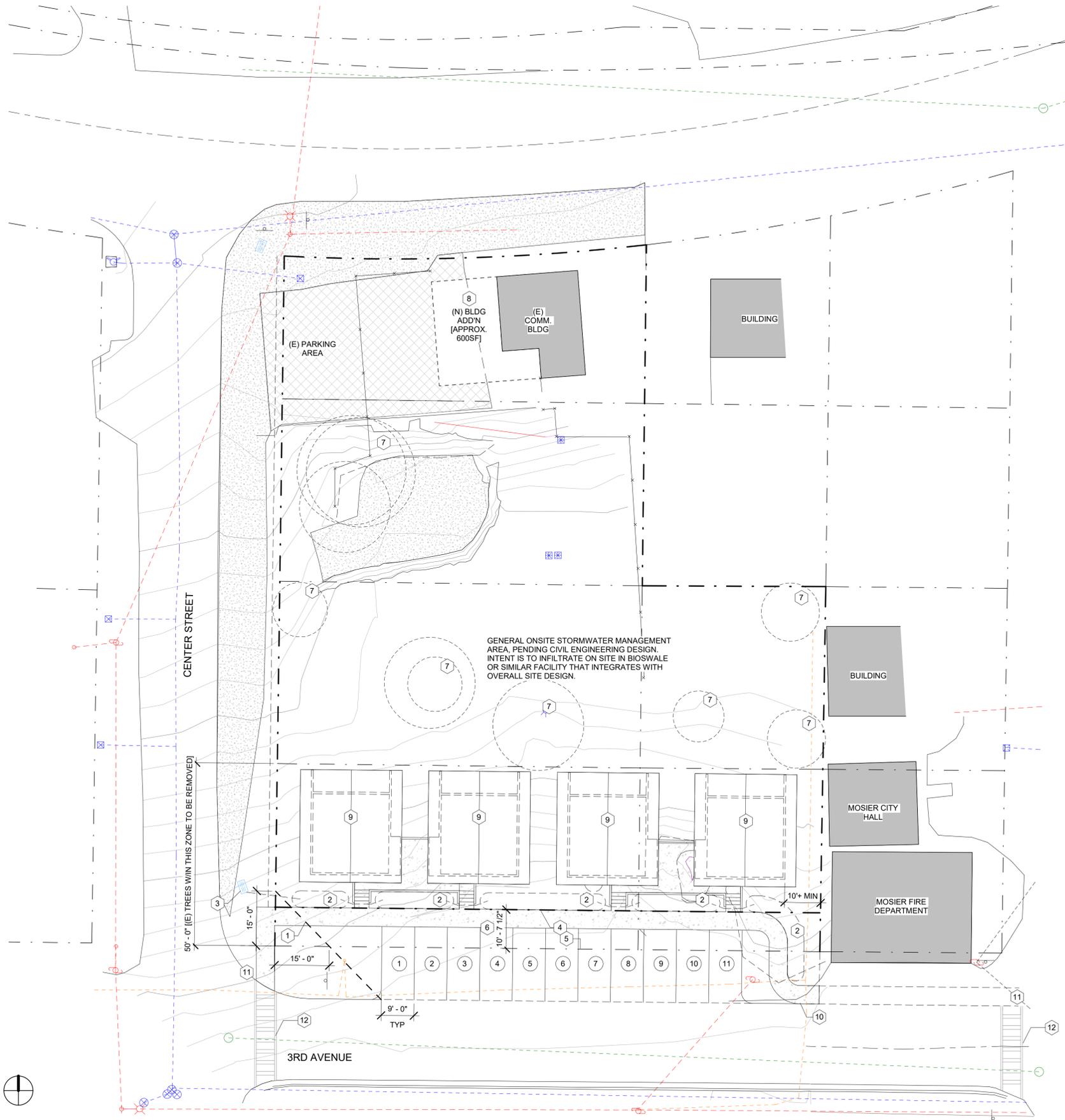
CITY COUNCIL ACTIONS

- 1) Continue the Public Hearing to a future date to gather further information.
- 2) Consider motion to deny.
- 3) Consider motion to approve the proposed rezone with conditions as presented/with changes to the conditions.

CONDITONS OF APPROVAL:

- 1) The proposed short-term rentals units shall not be occupied as long-term principal residences.
- 2) The proposed short-term rentals shall be occupied by persons for periods of less than 30 consecutive days.
- 3) No physical changes may be made to the short-term rental units (such as additions, garages, etc.) that would facilitate the use of the units as long-term principal residences.
- 4) The use of the proposed short-term rental units shall be subject to Transient Lodging Taxes and reporting.
- 5) The entire subject property shall remain under one ownership and function as one commercial development site. In the future, if separate portions of the property are sold and removed from the overall commercial development – each separate portion must meet the standards in the Commercial Zone on its own.
- 6) All applicable system development charges (SDCs) will be required to be paid by the applicants before issuance of a building permit for the proposed development.
- 7) Any improvements required to connect to City utilities will be completed at the expense of the applicants.
- 8) Applicants must enter into a Deferred Development Agreement, that requires the applicants to participate in any future street improvements along their frontage on Center Street and Highway 30.
- 9) Applicants must work with City Staff in the Site Plan Review step to complete interim parking improvements along Center Street that would allow for diagonal/head-in parking to continue along the East side of Center Street
- 10) Applicants must install interior walkways that meet same objectives of sidewalks – improving connectivity through the subject property to adjacent streets. Detailed improvements will be reviewed by City Staff at Site Plan Review step.
- 11) Applicants must make interim improvements along Highway 30 frontage to ensure proper sight distance standards are met, interior walkways connect across the frontage of the property, and no encroachments into the existing right of way of Highway 30. Detailed improvements will be reviewed by City Staff at Site Plan Review step.
- 12) All proposed development must meet State Building Code Standards – which includes fire, life, safety requirements.
- 13) Provide a vegetative buffer along the Center street frontage to mitigate removal of large trees on the south end of the property. All other existing large trees shown on the site plan must not be impacted by the proposed development.
- 14) The restaurant/café must comply with County Environmental Health Standards.
- 15) Applicant must complete Site Plan Review Process.

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SHEET GENERAL NOTES

- A. EXISTING TOPOGRAPHY SHOWN, ACTUAL GRADING FOR THE PROJECT SUBJECT TO CIVIL ENGINEERING DESIGN.
- B. UTILITIES CONNECTIONS NOT SHOWN AND ARE SUBJECT TO CIVIL ENGINEERING DESIGN AND COORDINATION WITH UTILITIES PROVIDERS & CITY.

SHEET KEYNOTES

- 1. CLEAR SIGHT TRIANGLE LINE.
- 2. STORMWATER SWALE, CONTINUOUS ALONG SOUTH PROPERTY LINE AND SUBJECT TO CIVIL ENGINEERING DESIGN.
- 3. CONNECT STORMWATER SWALE OUTFALL TO (E) JUNCTION BOX.
- 4. (E) PROPERTY LINE.
- 5. (N) PROPERTY LINE THROUGH PUBLIC DEDICATION PROCESS.
- 6. DELTA SHOWN SUBJECT TO FURTHER ANALYSIS AND CIVIL ENGINEERING DESIGN.
- 7. (E) TREE(S) TO REMAIN.
- 8. (N) COMMERCIAL ADDITION OVER A PORTION OF (E) PATIO. INTENT IS TO PROVIDE MORE ENCLOSED SEATING AREA OVER (E) EXTERIOR SEATING AREA. (N) ROOFLINE TO PITCH WEST IN "SHIELD" STYLE TO MATCH (E) ROOFLINE.
- 9. (N) SHORT TERM RENTAL COTTAGE, APPROXIMATELY 860SF FOOTPRINT (INCLUDING ROOF OVERHANGS).
- 10. (N) SIDEWALK.
- 11. (N) NO-CROSSING SIGN.
- 12. (N) CROSSWALK STRIPING.



Klein Architecture & Engineering, Inc.

1411 13th Street
Hood River, OR 97031 541.386.3322 -
kleinassocinc.com

Stamp

Consultant Logo

Key Plan

Project Owner:
Mosier Mixed Use

Project Name:
Bryan McGeeny and Brian Nichols

Project Address:
**204 Center Street
Mosier, OR 97040**

Revisions to Sheet

No.	Revision	Date

Status: **PRELIMINARY**
Date: **12/18/2019**

Sheet Title
PRELIMINARY SITE PLAN

Sheet No.
A120

Project No. **191001**

1 Preliminary Site Plan
1/16" = 1'-0"

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SHEET GENERAL NOTES

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 B. UTILITIES CONNECTIONS NOT SHOWN AND ARE SUBJECT TO CIVIL ENGINEERING DESIGN AND COORDINATION WITH UTILITIES PROVIDERS & CITY.

SHEET KEYNOTES

1. x.
2. STORMWATER SWALE, CONTINUOUS ALONG SOUTH PROPERTY LINE AND SUBJECT TO CIVIL ENGINEERING DESIGN. AREA WILL BE PLANTED WITH VEGETATIVE BUFFER.
3. CONNECT STORMWATER SWALE OUTFALL TO (E) JUNCTION BOX.
4. (E) PROPERTY LINE.
5. (N) PROPERTY LINE THROUGH PUBLIC DEDICATION PROCESS.
6. DELTA SHOWN SUBJECT TO FURTHER ANALYSIS AND CIVIL ENGINEERING DESIGN.
7. (E) TREE(S) TO REMAIN.
8. (E) TREES TO BE REMOVED.
9. (N) SHORT TERM RENTAL COTTAGE, APPROXIMATELY 860SF FOOTPRINT (INCLUDING ROOF OVERHANGS).
10. (N) SIDEWALK.

① Partial Landscaping Plan - Preliminary
 1/16" = 1'-0"



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Stamp

Consultant Logo

Key Plan

Project Owner:
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Bryan McGeeny and Brian Nichols

Project Address:
**204 Center Street
 Mosier, OR 97040**

Revisions to Sheet

No.	Revision	Date

Status: **PRELIMINARY**

Date: **01/14/20**

Sheet Title
**PARTIAL LANDSCAPING
 PLAN - PRELIMINARY**

Sheet No.

L120

Project No. **191001**

Subject **Re: City of Mosier - Public Notice - McGeeney/10 speed coffee/Short-term Rentals - Conditional Use Permit and Variance - 204 Center Street**



From <nick.kraemer@cityofmosier.com>
To Witt Anderson <wittanderson@comcast.net>
Cc Colleen Coleman <colleen.coleman@cityofmosier.com>, Arlene Burns <Arlene.Burns@cityofmosier.com>
Date 2020-01-30 16:12

- Scheler deferral agreement.doc (~45 KB)

Thanks. Great questions Witt.

1) What enforcement/assurances does the City have for follow through on the deferred development agreement regarding participation in future street improvements on Center St and Highway 30 (if we include that condition)? And, would the participation be negotiated at the time of improvements? No level of commitment, or sideboards, understood/agreed at time of this approval?

See attached for the Deferred Development Agreement (DDA) that was completed for the Loretta Scheler CUP - which is the mixed use development that has roots salon on first floor. You can see the type of language used in the agreement gives the City options for when, how, and how much to require the developer to contribute. Overall, these DDAs can be as loose or tight as we want to make them on paper. In reality though they can be tough to call-in as it is a big expense to require of a property owner at any time in the future. A rough, rough estimate would be \$150/per lineal foot of frontage for full improvements street improvements. The subject property has 300 feet of frontage - so they could be on the hook for ~\$45,000 in improvements. You can see that would be a large ask for business owner in Mosier-scale commercial terms. I can share this DDA with Laura Westmeyer and have her work up a Draft DDA - so we all are on the same page about what is contained in a DDA. As I stated in the Staff Report, this issue was a difficult one to tackle - as it might be difficult to ever get those improvements on Center - if we don't require them now. But it needs to be balanced with the size/scale of proposed development.

2) Not sure I understand the south property line adjustment through public dedication process.

A portion of the newly improved parking area would be on private property (~4' along the south property line). We would require them to dedicate this ~4' parking area and maybe the stormwater mgmt area to the City to be included in the public right of way of 3rd Ave. The details of how much area would be determined at Site Plan Review Step - as it depends on final design, depth of car stalls etc.

3) I guess it is obvious, but to make sure I get it - residents on south side of 3rd, or fire volunteers, or anyone...could use the parking spaces on 3rd? Related Q - In Klein's 23 Dec 2019 letter, what does "The burden of parking management within this area will be on the owner, not the City" mean? (15.05.030, par. E, ii.)

Great question. I've struggled with this from the start - as it is relatively uncommon to have privately reserved parking spaces in the public ROW.

The applicants estimate that we can get 11 parking spaces. A portion of those will be signed as reserved for the short term rental units (probably 5-6 spaces marked as reserved) and not available to the public. The remaining spaces will be available to the public. The City doesn't have any parking/code enforcement mechanism - so it would be on the owner of the development to enforce the reserved spaces - such as they would call a towing company and enforce the reserved spot if someone is parked in the space. I'm not sure how this will work in practice and we probably need some more detail to understand how enforcement would go with this.

I hope that answers some questions and please let me know if you have any others. I will compile questions from Councilors and share them back with the whole group.

Thanks
Nick

On 2020-01-30 08:26, Witt Anderson wrote:

Thanks Nick. Great staff report; I had lots of questions which you addressed in the report. A couple others:

1) What enforcement/assurances does the City have for follow through on the deferred development agreement regarding participation in future street improvements on Center St and Highway 30 (if we include that condition)? And, would the participation be negotiated at the time of improvements? No level of commitment, or sideboards, understood/agreed at time of this approval?

2) Not sure I understand the south property line adjustment through public dedication process.

3) I guess it is obvious, but to make sure I get it - residents on south side of 3rd, or fire volunteers, or anyone...could use the parking spaces on 3rd? Related Q - In Klein's 23 Dec 2019 letter, what does "The burden of parking management within this area will be on the owner, not the City" mean? (15.05.030, par. E, ii.)

Thanks,

Witt

On Jan 29, 2020, at 8:24 PM, nick.kraemer@cityofmosier.com wrote:

Hello All

See attached for Staff Report and Updated Site Plan.

No comments received at this point.

I will see you all at the Mosier City Council Public Hearing beginning at 6:30 pm on February 5, 2020 at the Mosier Senior Center.

Let me know if you have any questions.

Thanks,
Nick Kraemer
City Planner
City of Mosier
541.399.6812

On 2020-01-20 11:18, nick.kraemer@cityofmosier.com wrote:

Hello All

See attached for public notice (which includes application and site plan) & transmittal letter to City Council which explains the process. The Mosier City Council will conduct a public hearing beginning at 6:30 pm on February 5, 2020 at the Mosier Senior Center 500 E. Second Ave., Mosier, OR.

The purpose of the public hearing is for the City Council to consider a request from Bryan McGeeney and Brian Nichols being represented by Klein Architecture and Engineering for a Conditional Use Permit to develop four short-term rental units, expand covered seating area of an existing restaurant (10 Speed Coffee), and complete various site improvements, including parking. The application also includes a request for a variance to off-street parking standards.

The subject property is located at 204 Center St and shown on the Wasco County Assessors map as 2N 11E 1 CB tax lots 4900 & 5000. The subject property is currently zoned and planned for C-1 Commercial. Now that a quasi-judicial Type III application has been received - you shouldn't be discussing the land use decision with the applicants outside of a publicly noticed meeting. You can ask City Staff

questions about the application and we will respond to the entire City Council.
Let me know if you have any questions.
Thanks
Nick Kraemer
City Planner
City of Mosier
541.399.6812

<200127 - Mosier Mixed Use_SITE PLANS REV.pdf><Staff Report -204 Center McGeeney Nichols 10 Speed CUP & Variance.pdf>

900 3rd Avenue
Mosier, OR 97040
541-490-5180
om@mowinet.com
February 5, 2020

Re: Conditional Use Permit and Variance Application at 204 Center St - 2N 11E 1 CB tax lots 4900 & 5000.

Nick Kraemer and the Mosier City Council:

I have reviewed this proposal and the staff report. It is cogent and thorough, addressing many of my concerns. I especially admire the planned improvements to the south side make shift parking lot allowing safe, well-constructed on street parking

As a neighbor of this proposed development, only 2.5 blocks away, I greatly desire that it have few, if any, impacts on my quality of life. Therefore, I strongly request adding three additional conditions to address potential problems of rowdy and destructive guests. I see these required conditions when I visit the Oregon coast and think they would be most appropriate here.

- 1) A limit on number of occupants – suggest 2 adults per bedroom, plus 2 children
- 2) A limit on the total number of cars allowed per rental night – suggest 2 (and a prohibition of recreation vehicles of any type)
 - a. Reference Lincoln City ordinance: *Parking in any residential or commercial zone, one parking space will be allowed for each bedroom in the dwelling unit. No more vehicles shall be parked on the property or nearby streets than there are designated parking spaces.*
- 3) A minimum age for the primary renter – suggest 25.

Thank you for your consideration.

Sincerely,

Mary Lou Perry
Mosier Concerned Citizen

February 2, 2020

City of Mosier
P.O. Box 456
Mosier, Oregon 97040

Dear Mayor and Councilors,

We are writing in regard to the Conditional Use Permit Request from Bryan McGeeney and Brian Nichols for the property at 204 Center St. (2N 11E 1 CB tax lots 4900 and 5000). This property contains 17 oak trees, 12 of them quite large. These trees are an asset that add to the character of downtown Mosier and would not easily be replaced as oak trees are very slow to mature.

If you do decide to grant this request, we ask that you make preserving the oak trees a condition of approval with the architects developing a design that leaves the trees intact to the extent possible.

Thank you for your consideration of our request.

Sincerely,



Sheila Dooley
Philip Swaim
3300 Vensel Rd.
Mosier, Oregon 97040
Sdooley3300@yahoo.com

NOW THEREFORE, based on the foregoing Recitals, PETITIONER, as the record owner of the Burdened Property, hereby agrees to be responsible for, and shall pay, the costs of constructing the Pedestrian Improvements along the Burdened Property's Highway 30 frontage as designed and prescribed by the CITY as follows:

1. The CITY, through its City Council, in its sole discretion may initiate construction of the Pedestrian Improvements as a single stand-alone project or as part of a larger public improvements project and shall determine the design and method of construction of the Pedestrian Improvements.
2. The CITY, in its sole discretion, may include the Burdened Property in an assessment district (Local Improvement District) and assess the Burdened Property its proportionate share of the cost of constructing the Pedestrian Improvements, in which case, PETITIONER hereby expressly waives its right to remonstrate against the formation of such an assessment district and hereby consents to the district's formation.
3. Alternatively, the CITY, in its sole discretion, may construct the improvements without forming an assessment district and may charge PETITIONER its full cost of constructing the Pedestrian Improvements along the Burdened Property's Highway 30 frontage, in which case PETITIONER hereby agrees to be responsible for payment, and shall pay, to the CITY these costs upon written demand from the CITY.
4. Alternatively, once the CITY has completed plans and designs for the construction of the Pedestrian Improvements, the CITY may allow PETITIONER a reasonable time, as specified by the CITY, to construct the Pedestrian Improvements according to the plans and designs provided by the CITY. Under this method, PETITIONER shall be required to pay the CITY's customary plan check and permit fees prescribed by Council resolution, in addition to paying the contractor and consultants for the construction. Should the CITY allow this method of constructing the Pedestrian Improvements, and PETITIONER fails to perform in a reasonable time, the CITY may automatically without further notice proceed under either method 2 or 3 to construct the Pedestrian Improvements and assess the construction costs on PETITIONER.
5. In the event that the CITY constructs the Pedestrian Improvements along the Burdened Property's Highway 30 frontage and PETITIONER fails to pay any fee or construction cost allowed by this Agreement, PETITIONER hereby agrees and consents that the CITY may pursue any legal remedy available against PETITIONER for the payment of those amounts due, including the recordation of a lien against the Burdened Property to secure payment of the CITY's costs allowed here under.
6. This Agreement shall run with title to the Burdened Property and shall be binding upon PETITIONER and its heirs, assigns and successors in interest.
7. This Agreement shall be recorded in the Wasco County property deed records with title to the Burdened Property, and PETITIONER shall pay the actual cost of recording this Agreement.

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IT IS SO AGREED:

PETITIONER: _____ Loretta Scheler Title: _____ Date: _____	PETITIONER: _____ Title: _____ Date: _____
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State of Oregon)
)
County of _____) ss

This instrument was acknowledged before me on _____ by
Loretta Scheler the authorized representative of PETITIONER named herein.

Notary Public for Oregon
My Commission Expires: _____

Accepted and Acknowledged by CITY,
City of Mosier

Kathy Fitzpatrick, City Manager



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

November 8, 2019

MEMORANDUM

SUBJECT: Letters of Support for DOGAMI Landslide Hazard & Risk Assessment Project in Wasco County

REQUEST

The Wasco County Planning Department is seeking feedback and letters of support for a proposed countywide Landslide Hazard and Risk Assessment Project provided by the Oregon Department of Geology and Mineral Industries (DOGAMI) through a FEMA Cooperating Technical Partners Program grant. The proposed study area includes all incorporated and unincorporated municipalities, the Washington Family Ranch, and other critical assets in the county.

BACKGROUND

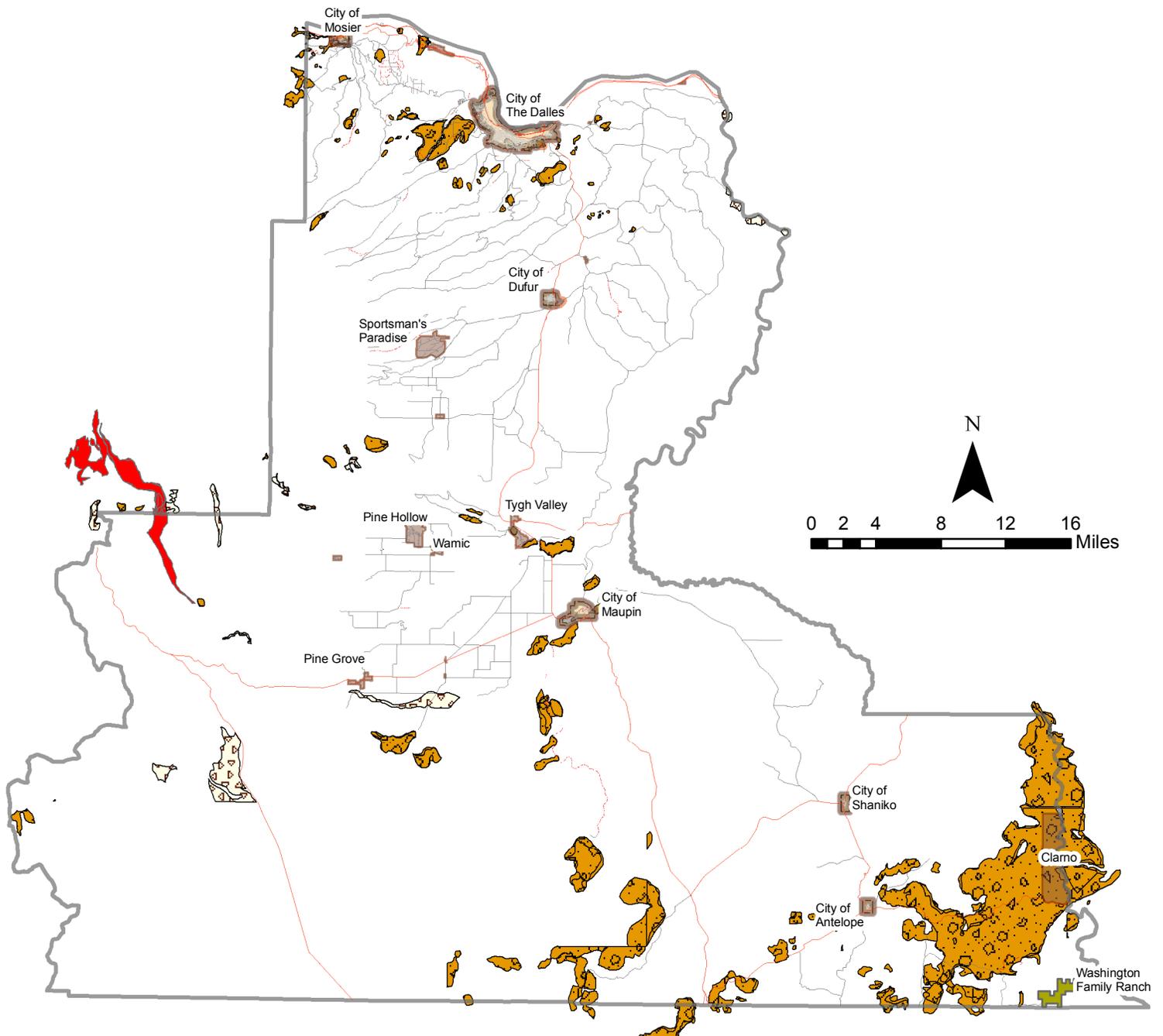
The purpose of Wasco County's Geologic Hazards Overlay Zone (EPD-2) is to protect the public health, safety and welfare by assuring that development in geologic hazard areas or potential hazard areas is appropriately planned to mitigate threats to life and property.

Currently, EPD-2 utilizes DOGAMI's Statewide Landslide Information Database 3.4 (SLIDO 3.4) to map the type and location of geologic hazards throughout the county. SLIDO 3.4 consists of a variety of geo-hazard information sources that date back to the 1960s. The proposed DOGAMI Landslide Hazard and Risk Assessment seeks to produce an updated and comprehensive analysis of light imaging, detection, and ranging (LIDAR) data that was recently mapped in northern and central parts of Wasco County. The proposal also requests funding to collect LIDAR data in areas of Wasco County that have not been mapped, so that DOGAMI can provide geo-hazard analysis in those areas.

The Wasco County Planning Department will use DOGAMI's geo-hazard analysis to update the Comprehensive Plan and EPD-2. This project also aligns with the County's Natural Hazards Mitigation Plan's Proposed Action Item to update the County Landslide Ordinance with the end-state goal of improving the County's ability to mitigate hazards and protect the public health, safety and welfare.

We appreciate any feedback you may have and request letters of support if this proposal aligns with your organization's mission or goals. Attached are maps of current LIDAR mapped areas in Wasco County and the proposed study area produced by Wasco County and DOGAMI.

Wasco County: Geologic Hazards Overlay (EPD-2)



Legend

-  Municipalities
-  Urban Growth Boundaries
-  Unincorporated Places
-  Washington Family Ranch
-  Talus-Colluvium
-  Landslide
-  Fan

This product is for informational purposes only. Daniel Dougherty 29OCT2019

Sources: Wasco County GIS; SLIDO 3.4

CITY OF MOSIER
small enough to make a difference

P.O. BOX 456 / 208 WASHINGTON ST.
MOSIER, OR 97040

Brad Avy
Director and State Geologist
Oregon Department of Geology and Mineral Industries (DOGAMI)
800 NE Oregon Street
Portland, OR 97232

Dear Mr. Avy,

It is with great pleasure that we provide this letter of support for DOGAMI's Multi-Hazard Risk Assessment and mapping proposal for Wasco County. As you know, it is imperative that land use planners, engineers, emergency managers and others have detailed and reliable hazard maps and risk analysis to support planning, investments, development of policies, and other risk reduction activities.

This study is very important to the City of Mosier as we have a large (~40 acre) tract of land within our urban growth boundary that was a previous gravel mining and batching operation. In order to plan for future economic development there, we are in need of a soils stability, risk and landslide assessment.

We have talked with the Wasco County planning department to assure DOGAMI's risk assessments for this project will cover the aforementioned tract of land in Mosier and we believe the study will provide the basis for sound planning decisions that protect public health and safety in our community for years to come.

We look forward to the successful conclusion of this project and are pleased to champion this effort.

Respectfully,

Arlene Burns, Mayor
City of Mosier