

BOARDMAN PLANNING COMMISSION MINUTES- REGULAR MEETING-NOVEMBER 17, 2010

Commission Chair Glaya Baker called the meeting to order at 7:00 p.m. and she led the group in the Pledge of Allegiance.

Commissioners Present: Glaya Baker, Kellye Finch, Paul Beagle and Cullen Martin

Staff: Barry Beyeler-Community Development Director, Jackie McCauley-Recorder, and Karen Pettigrew-City Manager

Audience: Martin Rizo, Evencio Salas, and Jerilynn Stephens

APPROVAL OF MINUTES

Commissioner Finch motioned to approve the minutes of September 22, 2010 as presented. Commissioner Beagle seconded the motion. The motion passed 4-0.

OLD BUSINESS

Post Acknowledgement Plan Amendment (PAPA) 01-2010

The City Council approved this PAPA at their November 2, 2010 meeting. Notice of Decision has been submitted and acknowledged by DLCD. Tuesday, November 23, 2010 is the appeal deadline and after that date the language changes will be posted.

NEW BUSINESS

Public Hearing – Variance Request 01-2010 for 313- Dunes Street

Public Hearing opened at 7:05pm

Commission Chair Baker announced the purpose of the Hearing was to hear testimony regarding a variance request for setback requirements at 313 Dunes Street. There were no abstentions from Planning Commissioners and no objections to the Commission's jurisdiction to hear the matter.

- Staff Report – Mr. Beyeler reviewed the City Staff Report with the Commission. The purpose of the request is to allow the property owner to enclose an existing carport to become an attached garage within the front yard setback. The garage would encroach into the allowed front yard setback by 3 foot, 9 inches.

Sunridge Terrace was established in the early 80's as a "Manufactured Home Sub-division" where single wide mobile homes could be placed on lots which could be purchased by the homeowner. In 1991 the City re-wrote an ordinance setting criteria for siting of these manufactured homes. In 2002, the City adopted the Oregon Model Development Code for land use decisions. The model code is the basic framework for the Development Code the City currently uses.

The carport was built by a previous owner within the front yard setback, and is now a non-conforming use. Any changes to the structure could not be allowed to expand the area of or to increase the non-conforming use.

The report also stated that parking on/over a sidewalk is punishable as a traffic offense by state and the owner of the vehicle can be cited by a police officer.

The Commission has three options for decision:

1. Can deny the application in which the portion of enclosure now existing shall be removed from the carport.
 2. Can approve the application in which the Commission shall cite the basis for the subjective decision process of the Commission.
 3. Can approve the application with conditions for resolution of the issues identified in this report.
- Proponent's Case – none
 - Opponent's Case – none
 - Public Agencies – none

**Hearing was closed at 7:21pm .
Regular Meeting resumed at 7:1pm.**

Variance Request 01-2010 for 313- Dunes Street

Commissioner Beagle asked for clarification on how the existing carport was allowed to be built in the in the setback in the first place. Community Development Beyeler explained that it was built at a time when the City did not have a planning department and the building clerk signed off on the project based on her interpretation of the City Development Code. No variances were issued at that time for the project.

Other concerns for discussion were if the carport were to be enclosed, the homeowner follows building code requirements to remove the two windows on that portion of the house, and cars parked in the driveway may encroach on the sidewalk. The sidewalk is only three feet wide and many people walk on the road instead.

City Manager Pettigrew said three foot sidewalks are so small, that hardly anyone notices that it is a sidewalk.

Commissioner Finch said she would prefer to see a garage there instead of a carport. She favors going with option #3 of the Possible Commission Decisions listed in the Staff Report, approving the application with the condition the homeowner follow State Building Code.

Commissioner Beagle is concerned that the Commission is being asked to approve a 20% change. He realizes the current property owner is not responsible for the building of the carport within the front yard setback. He asked for clarification on the history of the City Code to clarify how the carport was allowed to be built. The City did not have a Code Compliance Official at the time. Many of the homes within this subdivision are non-conforming uses due to lot sizes, and the changes to BDC adopted in October 2002. The current code has language for non-conforming uses to address this issue in the future.

Commissioner Finch motioned to approve Variance 01-2010 for setback requirements at 313 Dunes Street with the condition the property owner follows all State Building Code requirements. Commissioner Martin seconded the motion. The motion passed 4-0.

DISCUSSION ITEMS

Upcoming Site Design Review for Health Clinic

The Commission was given handouts on the new health clinic here in town. On December 15, 2010 the Commission will hold a Site Design Review Public Hearing on the matter.

Meeting was adjourned at 7:53 pm