

## **Baker City Planning Commission**

May 16, 2007 @ 7:00pm

The meeting was called to order at 7:03 by Chair Alan Blair. Sharon Rudi, Wayne Burnside, Rick Rembold, Rob Ellingson, and Ryc Rienks were in attendance. Staff members present were Jennifer Murphy, David Fine, and Evan McKenzie. Ken Rockwell was not in attendance.

### **Approval of Meeting Minutes from April 25, 2007**

Sharon Rudi MOVED to approve the minutes and Rick Rembold SECONDED. The motion carried UNANIMOUSLY.

### **Planning Commission Case 07-CUP-11**

*A request by Clue Mountain Fuel to allow three additional above-ground fuel storage tanks and card-lock fueling facility to the existing bulk fuel storage facility in the Industrial zone.*

Alan Blair read aloud the hearing procedures. All commissioners stated they had the opportunity to view the property and all stated that there were no conflicts of interest.

Tony Oust, 3180 Elm St. Baker City: They currently have a CUP for above ground permits and they currently have 5 and hope to increase the amount to 8 or 9 since their current permit only allows 6. The Fire chief has already signed off on this issue.

Rob Ellingson asked why they planned on having a 5ft. fence around this additional area and not as high as the other fence they currently have. Mr. Oust explained that there is 30 inches of dike walls below the fence that will make it the same height as the current fence and will have 3 rows of barbed wire on the top. Rob then asked what about spill there at the islands. Mr. Oust explained the pads will have about a 3 or 4 inch lip on them that will protect this from happening. Trucks sit down in a pad which has a slope and drain to the water fuel separator. As of 2005 the State Fire Marshall decided that tanks cannot be used for bulk trucks, retail distribution and commercial; only for one purpose.

Wayne Burnside asked is this was going to be for private or commercial use. Mr. Oust stated that it must be commercial with no exceptions.

Ryc Rienks asked what type of lighting would be added at the facility. Would there be dawn to dusk lighting? Sharon Rudi asked staff if they do add more lights do they have rules they must follow. David Fine stated that Building codes do not specifically address lighting, just safety issues. The commission may impose reasonable restrictions to protect neighbors. Mr. Oust stated they did not plan adding lighting that would be any different than what they currently have and it would not be a nuisance to the neighbors.

No one was present who was in favor or opposed to the public hearing was closed. Ryc Rienks explained a variety of lighting options and concerns and stated he was more than willing to provide information to the commission or the applicant.

Rob Ellingson MOVED to approve as written with Staff Recommendations and downward facing lighting. Wayne Burnside SECONDED the motion and it carried UNANIMOUSLY.

### **Planning Commission Case 07-CUP&SDR-08**

*A request by Terry & Jeanne Schumacher to construct a townhouse with off-street parking on a corner lot within the Central Commercial zone. The proposed townhouse will be attached to the existing commercial structure at the site.*

Terry & Jeannie Schumacher, 1600 Vista Heights Dr., Baker City: They need a CUP because they are wanting to move a driveway entrance further away from a neighbor. They plan on building a small studio type bed and breakfast. It will not be two residence's just one. There is will be a garage downstairs, one bedroom and the living area on the second floor and the upstairs will be the master bedroom.

The corner lot in a commercial zone does require them to get a CUP for the driveway. They have met with the review board to make the structure as appropriate as possible for their neighbor. The issue for the commission for this CUP is simply the parking. The old parking was 3-4 car in the driveway of an apartment complex. They moved the building over 5 feet to be more accommodating to their neighbor; with that however they need to move the driveway over as well.

Rick Rembold asked how the height of their structure compared to that of the neighbors. Mr. Schumacher explained that the top of the neighbors chimney is 39ft and their plans will be slightly higher since they will be having an elevator in their building.

Rob Ellingson wanted clarification from staff that the only issue they were here to decide on was the parking. Evan stated that yes that is the only thing they are to discuss and decide on. Sharon Rudi asked if there were any safety concerns that staff saw. Evan stated the only possible one is the utility pole which appears to be far enough away, and the Schumacher's are willing to move it if needed.

Ralph Hillman, 2022 Resort, Baker City: He has seen the plans and thinks it is a beautiful idea and has no issues with it at all.

Rob Ellingson stated that he did feel sorry for the neighbor to the east due to the height of the building. He has no doubts that the building will be beautiful however.

Evan passed out additional written testimony from the neighbor to the east, Sandra Butcher.

Sharon Rudi said that the house to the east was a rental, and when the current owner bought the property the lot in question was zoned for commercial use. Alan Blair also pointed out that to the south across Broadway has been zoned Commercial for quite sometime.

Mr. Schumacher stated that was correct, his lot became a commercial lot prior to her buying her home. He has offered to buy the lot for an extra amount and she has declined. He said he had tried everything he could to work with the neighbor in both their best interests. If this does not get approved he will have no choice but to follow his original plan and move back to the property line and build a two story masonry structure.

Ryc Rienks stated he did not think it was appropriate to threaten to put up something that was ugly. Mr. Schumacher stated he did not mean it as a threat at all, he just wanted to explain what his other option was which he felt was not as beneficial to him or the neighbor.

Rob Ellingson MOVED to approve with staff recommendations, and Ryc Rienks SECONDED. The motion carried UNANIMOUSLY.

#### **Planning Commission Case 07-CUP-09**

*A request by Terry and Jeannie Schumacher to operate a bed and breakfast within the Central Commercial zone.*

Terry & Jeannie Schumacher remained at the podium. They stated they have had a B&B for awhile but it hasn't been used more than a time or two. They recently learned they needed approval for this. It is still an apartment and they could rent it but they do not want to. That would require at least one to two parking spots and they really did not want to deal with tenants any longer. They would prefer BNB clients who stay for a night or two. This will really help them accommodate the business's downstairs as well. Their proposal is that this will be a better occupancy and will provide better parking for the area.

Rob Ellingson asked how long it has been operating. Mr. Schumacher stated for one year in advertising, and as of now they have rented it once. David Fine asked if they provide food. Mr. Schumacher explained they have certificates to restaurants and coffee downstairs. They do not prepare food. Mr. Fine asked if they plan on renting it out more. Mr. Schumacher stated they sure hope so once it is discovered. Mr. Fine stated that this does meet the criteria set forth for a B&B. Mr. Schumacher stated right now they are asking for two units but might need four in the future if they lose commercial business. Evan said that the way it stated it currently he could use it as four if needed. Wayne Burnside asked how many will it accommodate. Mr. Schumacher stated up to four in the upstairs and four in the downstairs. Ryc Rienks asked if there was a concern with there being commercial business's downstairs. Mr. Fine stated not that he is aware of but he can look into this.

Jennifer Murphy read aloud a letter written by Dorothy Wooters. Her letter was in full support of the lot.

Alan Blair then closed the public hearing.

Sharon Rudi MOVED to approve with recommendations from staff report and Wayne Burnside SECONDED. The motion carried UNANIMOUSLY.

**Planning Commission Case 07-CUP-10**

*A request by Nicholas Cooke to construct a 2,160 square foot accessory structure within the Residential Low Density Zone.*

Nicholas Cooke, 995 Idlewood, Baker City: He would like to build this shop to the rear of his residence and the size does not exceed the total square feet of his house. There is a small 200 sq. ft. garden shed to keep the lawn mower but that is it. It has been changed to one tax lot now not two. He is going to use the shop primarily to store vehicles, equipment, ATV's, and hopefully a boat in the future. The size will also allow for some woodworking and hobbies as well. The siding of the building will blend in well with the residence and there will be a coordinating metal roof as well. He has not yet contacted the fire department. There would be no additional driveway added just using the current one. He would like to have waste water go out and fresh water in. Rob Ellingson asked where the sewer line was. Mr. Cooke explained that his house is on the north lot and the sewer line is separating the two buildings. OTEC stated that adding power would not be a problem at all.

Sharon Rudi stated that the house is in Cedar Acres which has covenants and restrictions. Mr. Cooke stated he is not aware of any that would prohibit him from building and his neighbors have similar large structures. Rob Ellingson asked if the property was landlocked and Mr. Cooke stated that it was. Ryc Rienks stated that there are already some large accessory structures in that area from what he could see and Mr. Cooke said that yes there were. Rick Rembold asked if there were any plans or options for residential in the future. Mr. Cooke stated that there was not, he would have had to buy a different lot in the past. Now his only option is to use it for himself. Wayne Burnside asked if his would be close to the same size as his neighbor Art's building. He stated he believes his will be a little bigger. He stated his neighbors are in favor of it. Rob Ellingson asked if this is an accessory structure. Evan stated it is since the two properties have been merged. The proposed structure and shed are about 40 feet less than that of the dwelling.

Public hearing was closed.

Rick Rembold stated that the size of the structure is so large but this is a very unique situation and lot and that there are not many options for it.

Sharon Rudi MOVED to approve with staff recommendations and Rob Ellingson SECONDED. The motion carried UNANIMOUSLY.

## **Other Business**

Alan Blair gave out the introductory guide. Rob Ellingson stated his concern is that you cannot have an ag building in city limits. Evan stated that that is incorrect, that you can, the issue is an Ag exempt building for tax purposes in the city. You are not able to do an Ag exempt building in city limits. The fairground however predates current ordinances. Mr. Ellingson stated that Hillsboro fairgrounds has it's own zone. Evan stated that yes they do.

It was agreed that this is an issue that needs to be clarified and updated in the codes.

The meeting was adjourned at 8:54.