

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 28, 2020**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:01 p.m. following which she left the meeting due to a computer issue and rejoined at 4:10 p.m. This meeting was held via Zoom. Vice Chair Hiltenbrand continued the meeting during her absence reviewing the public hearing procedures and introducing the guests in the audience.

II. ROLL: Members present were: Karen Reddick-Yurka, Burt Went, Phil Mannan, John Nanson, Steve Bloom, Lee Hiltenbrand and Jenna Edginton. There was a quorum. Staff present: Assistant City Manager Kristin Grasseeth, License and Ordinance Specialist Judy Wilson, and Building Official Scott Gebhart.

III. AUDIENCE: There were 9 persons in the audience.

IV. APPROVAL OF MINUTES: August 17, 2020

Commissioner Bloom stated that the minutes should be changed to include that applicant Rick Hinkes had stated that the name of the development was being changed from Pacific Dunes #8 to Highlands 1.

A motion was made by Hiltenbrand seconded by Mannan, to approve the minutes of the August 17, 2020 Planning Commission meeting as amended. Motion passed unanimously.

LEGISLATIVE ITEM

V. ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Karen Reddick-Yurka explained the applications being considered. She opened the public testimony at 4:17 p.m.

VI. PUBLIC HEARING: DESIGN REVIEW OF PINE GROVE COMMUNITY HOUSE ADDITION AND REQUEST FOR A VARIANCE (LYNNE GROSS)

A. CHALLENGE TO PLANNING COMMISSON JURISDICTION – None

B. CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS
– Mannan stated that he has visited the site and has no other declarations to make. Bloom stated that he is member of the Pine Grove, is familiar with the site, and has no conflict of interest, ex parte contact, and no bias. Nanson stated that he has visited the site and has no bias or ex parte contact. Went stated that he is a member of the Pine Grove, has visited the site, and has no bias, ex parte contact, or conflict of interest. Hiltenbrand stated that he has visited the site, has had no ex parte contact, and has no bias toward this project. Edginton stated that she is a member of the Pine Grove, has visited the site, has no bias or conflict of interest, and no ex parte contact.

Reddick-Yurka stated that she has been a member of the Pine Grove on and off but is not currently a member; that she listened in on the pre-application conference with staff, the architect and board members but left the meeting before discussion of potential options that the Planning Commissioners may be considering at this meeting; has visited the site many times, has had no other ex parte contact, and has no bias.

- C. CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT** – None
- D. APPLICANTS' PRESENTATION** – Applicant Lynn Gross thanked the Planning Commission for changing the date of this hearing to accommodate them. She explained their need for additional storage and updating at the approximately 90-year-old facility. She stated that this project would be completed using grant money. Architect Jessica Iselin added that the objective of the master planning project of this addition and remodel is the preservation of the building which is on the National Registry of Historic Buildings.
- E. STAFF REPORT** - Assistant City Manager Grassetth presented the proposed project and staff's findings of fact. She explained that under Finding 7 Section 7.040 Change of a Nonconforming Structure, the finding states that the proposed addition does not conform to the current requirements. Under Finding 8 Section 3.040 Commercial Zone C-1, she noted that a community meeting hall and its accessory use is stated as a conditional use; therefore, staff's finding is that this condition is met. She then reviewed how the ensuing conditions are not applicable or have been met, such as those related to setbacks, landscaping and parking. Grassetth continued onto Finding 8 Section 3.040 (3) Standards (j) related to floor area ratio. She explained that this standard has not been met and that the applicant has submitted documentation to request a variance to this standard, that staff would allow the Planning Commission to determine the next steps with this criteria, and that staff recommended the identification of a tradeoff to mitigate this deficiency. She noted that the remaining findings were either not applicable or have been met.
- F. GENERAL COMMENTS AND QUESTIONS** – Went expressed that, under Section 3.025 on page 2 concerning a community meeting hall being considered a conditional use issue, some conditions should be placed on how Pine Grove is used to preserve the history and continue the history or the use into the future as it was in the past. Bloom referenced that Section 5.040 specifically states as a conditional use "Meeting Hall or Community Center" and that describes what the Pine Grove is. Went noted that it states in Section 5.025 that if the structure is modified in any way that the process for a conditional use has to be followed. He suggested that they have not followed a procedure for a conditional use in classifying this building. Reddick-Yurka suggested that the building and the building's usage pre-date the Zoning Ordinance and typically the Planning Commission has grandfathered those uses. She stated that she does not see this as a request for a new conditional use of the property, but does think that as part of this process they should codify that the uses of the building

would need to continue primarily as a community meeting hall, and as part of the approval process they should declare that the use is considered a conditional use that pre-dates the Zoning Ordinance and in order to continue and expand the building the uses need to be preserved as a community meeting hall.

Went stated that there are some specific conditions that should be applied to the continued use of the building as if it were a conditional use to start with and there were conditions that either were established when the building was built or that the traditional use of the building primarily as a community use building should be preserved. He stated an example of community use as that the primary use of the building shall be for the community which is the people and organizations within the community that need or want to use space for functions that they have. He noted stories that he has heard of people who have tried to use the Pine Grove for family functions and other things, and that the price of the facility was prohibitive to them.

Reddick-Yurka clarified that the conditional use as a community meeting hall would be different if it were considered primarily a commercial venture as it is not up to the Planning Commission to protect the value of any commercial venture over another. If this were primarily intended to be a venue that brings people from outside the community in to use the space, that would be different from a space that is used primarily for the benefit of the community. Reddick-Yurka next commented on page 3 of the staff report concerning the minimum landscaped area and noted the need for a correction explaining that, per City standard, 10% of the lot area is devoted to landscaping unless the number of on-site parking spaces is not met in which case an additional 10% of the total lot area needs to be devoted to landscaping; therefore, throughout the staff report, wherever it says the 10% landscaping requirement is met, she wants to disagree and state that the required amount is 20%. However, she stated that she is not arguing because if they are correct that the entire landscaping on the site is 33% of the lot; she just wants to make sure that the staff report is clear and that the findings are correct. Grassetth will make the correction to the staff report.

Reddick-Yurka noted that the applicant has applied for a variance to the floor area ratio requirement which would add an additional nonconformity to their floor area ratio. Grassetth stated that if they could find a trade-off it would be a benefit to the community, but she could not offer what a reasonable trade-off might be. Reddick-Yurka explained that, because of the City's standards that the Planning Commission is not allowed to exceed the standards of a nonconforming use and cannot allow an increase to the nonconformity, the applicant has requested a variance to this standard. She added that, in addition to the design review hearing, the Planning Commission is holding a consecutive variance application hearing and will need to make decisions on both items, and that they need to decide if they can allow an increased nonconformity in the building before they look at what the building plans entail.

Hilttenbrand commented on the jurisdictional definitions of floor area, the inclusion

of the basement in Manzanita's definition, the low ceiling height in the basement storage space, and if the occupancy would change if this were approved. Iselin responded that the Pine Grove board was creating ancillary space and was not looking to increase the occupancy of the building. Bloom stated that it is important to enhance the use of the building within the letter of the law, but also to continue the viability of the Pine Grove building noting that it is an important part of Manzanita's culture.

Nanson asked if there were any ideas of trade-offs as mentioned previously. None were offered. Iselin offered that, as part of the National Trust and as part of The Restore Oregon Program, the building must be held open for public viewing once a year and that approval of this variance is important because this building is on the National Trust and that approval would help ensure the preservation of this resource for the community could be considered a trade-off. Grassetth concurred that because this is the only historic building in the City of Manzanita it could be considered a trade-off in her eyes.

Mannan asked for elaboration on the future of the Pine Grove's master plan stating he is concerned that this may cause a push for increased usage beyond the type being discussed. Applicant Gross explained that they are trying to prevent piecemealing the building and have a plan for future board members to follow it as a blueprint moving forward, and noted that the current grant money available will not complete the entire master plan. Edginton asked Gross where the line was between community meeting place versus wedding venue wanting to make sure that as popularity grows, there is still community availability. Gross responded that there were seven weddings at Pine Grove in 2019 and that the community-uses are penciled into the calendar before other reservations are booked. Gross explained that paying reservations provide revenue to help maintain the building and noted that many of the renters are community member uses and that they do have a local rate.

Citizen Leila Salmon expressed gratitude to Ted Weissbach for his work in getting the Pine Grove building its Historic designation. She stated that the paid rentals are necessary to be able to make the building better for community use with better conditions. Citizen Kathryn Stock stated her support for granting the variance request. Pine Grove board member Stacy Nuttall noted that the Pine Grove board had reached out several years ago to the community with an affinity plan to gather feedback from the community of what they wanted and explained that the master plan is being produced to address the wishes of the community and to better serve them, and to try to keep the building afloat while providing for the community.

Reddick-Yurka asked the applicant if, as stated in the related paperwork, they limit their occupancy to 96 people and if that maximum number would remain in effect and not go up at a future date if the variance is approved and it could be increase by the Fire Marshall or if the basement use changed. Iselin noted that any change of use of a conditional use building would need to come before the Planning Commission.

After discussion, it was noted that the occupancy should be 93, but they advertise it as 96 because they have that number of chairs. Iselin added that, because they have extra exits, they would be able to have an even higher occupancy limit and they are planning to create safer exiting with the updating. Hiltenbrand asked about the standards of alteration for an historic building. Iselin stated they have preliminary approval from Restore Oregon for their plan.

Hiltenbrand then asked if they would be able to meet the City standard for the variance that requires that the applicant must have substantial compliance with the building within one year or will need to come back to the Planning Commission. Iselin explained that they would and that they also have to use the grant monies within three years.

Concerning the design review of the building, Reddick-Yurka asked the applicant if they would be adding lighting to the sidewalk on the west side of the building or in the rear because of safety concerns during evening uses. Iselin stated that none was proposed. Mannan asked what the new patio material would be. Iselin stated that it would probably be part of a future phase due to cost but would be concrete. Mannan noted that he did not see provisions for downspouts and expressed concern about where the water would drain to once the patio is put in. Iselin responded that there would be additional downspouts and that there is a perimeter drain system to drain into. Mannan then asked about the east elevation plan and what the 6' 8" line designates (it is the top of the basement slab) and if the ADA toilet in the basement is ADA compliant. Iselin stated that is line designates the top of the basement slab and that the restroom is close, but they need to make it compliant with this project. Mannan asked if there were any encumbrances to getting to that toilet from the basement level or from the outside ramp. Iselin explained that it was direct access from the outside ramp and there were areas with one and two steps to encounter from the basement.

Citizen Bob Joseph stated that the west wall lighting should be addressed because it will be the entrance to the ADA bathroom and because it could be dark accessing the patio in the dark. He also stated that there is no other place in Manzanita that has a nice place to hold community and public meetings and that should be taken into account. Reddick-Yurka noted that the new city hall is supposed have a place for public meetings as well and concurred that the lighting he noted is needed to make the area safe as well as useful. Hiltenbrand stated that the State Electrical Code will require a light there if it is an exterior door depending upon the amount of illumination from the existing lighting. Reddick-Yurka explained that her concern was for the west and north sides of the building which will not be illuminated as presented and need to be for safety reasons. She stated that this is a condition that she would like to add to the conditions of approval.

G. CORRESPONDENCE – None

H. CLOSE PUBLIC HEARING – Reddick-Yurka closed the public testimony at 5:38 p.m.

I. DISCUSSION BY COMMISSION MEMBERS – Reddick-Yurka stated that the Commission has the conditional use issue that needs to be addressed and the request for a variance to the floor area ratio, and that they have a question about the use of the building going forward as a community asset and not as a commercial venture that they should address. Went read and explained that the purpose of his proposed conditions for Pine Grove Community House was to get the use of the building into the City records and to try to ensure that the mission statement of the Pine Grove Community House reflects the commitment to the public purpose. Gross responded that this would probably need a vote of their membership. Edginton asked if the Planning Commission can dictate the use of the property and noted that, as previously stated, they would have to come back to the Planning Commission to request any change of use. Went explained that this conditional use property does not currently have associated conditions and these would be reasonable conditions.

Reddick-Yurka stated that to grant a variance, they need to be assured that the use of the property would not change. Iselin responded that Went's suggested conditions seemed overly restrictive and would limit the potential of the property and expressed concern about stating a percentage related to its use for community public meetings. Reddick-Yurka explained that Pine Grove is asking for a variance that the Planning Commission is not allowed to grant because they are not allowed to exceed the City standards with this proposed addition, so there needs to be an assurance of community benefit for allowing this change and that they need to ensure that the use would not change and become more restrictive and less available to the community. She stated that it would be good if the Planning Commission could state that one of the reasons they are granting the variance is that historically the building has been used in a way that benefits the community and as a condition of granting the variance, the applicant will assure that it continues in that way.

Went expressed that boards change and ten years from now a different board may have an entirely different idea of what it means to have a meeting hall and this is to try to assure that there are some conditions associated with the use of the building. He concurred with Reddick-Yurka that it may make it more palatable for people seeing the floor area ratio problem that there is something that the organization is doing to make sure that the building has a public use. Gross noted that this is already in Pine Grove's bylaws but Went responded that bylaws can change but these conditions would last. Edginton expressed that if they were to change uses, they would have to come before the Planning Commission. Went stated that if they wanted to turn it into a dance hall or pool hall they would have to come before the Planning Commission; however, the only description of the use in any document is that it will be a meeting hall which is not descriptive enough. Bloom asked if the national historic designation has any descriptive use of the building. Gross stated that she believed it is described as a community meeting hall but would have to confirm. However, she stated, Pine Grove is primarily a community center. Bloom stated that it looks like Went wants to define and put on paper what the Pine Grove is already doing. Nuttall stated that she understands that Went is trying to bind the

Pine Grove to a business plan that fits the community's need, but expressed concern that restricting the number of weddings is not fair and is not the place of the City, and that the basement should not be considered in the floor area ratio. Went stated his understanding of their objection to the percentage of use and that he can get along without it.

Reddick-Yurka suggested that they take the first three paragraphs of Went's proposed conditions and, rather than call them conditions of use, call them justifications for granting the variance in that it has been a community resource, their bylaws state in the preamble that their intention has been and is intend to continue to be a local resource for the community and as such we may be able to justify the floor area ratio variance because there is a benefit to the community. She stated her concern that the next business that comes along will say that they are also restricted as to the lot size and can't push their building out any further any other way and therefore they want to increase the floor area ratio and build a bigger building because that will help them make more money. Reddick-Yurka stated that there is no public benefit for the City to grant this benefit to someone else; therefore, they have to describe that there is a public benefit, and they have to acknowledge and agree that there is a public benefit before they can grant the variance being requested. Went stated that he concurs as long as it is clear to anyone in the future who wants to do something different with Pine Grove that they have to come to the Planning Commission for permission. He noted that a meeting hall can be for all different kinds of meetings that are not beneficial to the community as a whole, and what they approve for the Pine Grove must have some assurances that the community will continue to be the focal point for the business. Went stated that he would go along with Reddick-Yurka's suggestion to use the first three paragraphs of his proposed conditions as a reason to approve the plan for the Pine Grove. Hiltenbrand concurred.

Nanson asked to review Went's proposal again and suggest adding that if the Pine Grove board should feel that at some future point it is necessary to change the purpose of the building in connection with the variance they need to come back to the Planning Commission. Edginton expressed that the language may not be necessary. Reddick-Yurka responded that they may be able to add language that reiterates that with all land use issues, if the use of a property changes, especially a conditional use, that the owner will need to come back to the City with a new application for usage at which point they would have to evaluate parking spaces, setbacks, and all of the other related considerations over again. She stated that this would not change anything; it would just reiterate if they were to consider a change of use in the future.

Went then noted that on page 2 in the findings of fact, the conditional use for the Pine Grove is described as a meeting hall and he would like to have that changed to state community meeting hall. Reddick-Yurka stated that she would like to add to that finding that because the building predates the ordinance, the conditional use is considered grandfathered to clarify that they are not granting a new conditional use

but that it is an existing nonconforming use, not that the standard has been met. Reddick-Yurka then noted that there are several places in the findings where the building is referred to as an assembly site and, because that term now has a different meaning, those references should be changed to community meeting hall throughout the findings document.

- J. DECISION BY COMMISSION WITH MOTION** - Reddick-Yurka noted that she had sent the other commissioners a draft motion and read it into the record. Her draft motion would essentially say “I move that we adopt the staff report, findings of fact and conclusion revised as follows: that it is a grandfathered nonconditional use and as such the standard is met, but not because it is a permitted use, but because it is a conditional use.” She continued that “assuming that we are going to approve the design review plan setting aside the floor area ratio variance request, typically we say that the applicant will follow all applicable building codes and permits, that the applicant will follow all applicable requirements for stormwater system, that the addition part of the building will not be used as a separate assembly area or as part of a larger event, but as auxiliary space and not occupied space, that the applicant needs to provide lighting on the west and north sides of the building for safe exit.”

Reddick-Yurka then stated that as to the variance, assuming approval, they would insert the first three paragraphs of Went’s suggested conditions which state that the primary use of the Pine Grove historically and currently is a place of assembly to serve the local community; this primary use includes things such as social gatherings arranged by members of the community, meetings of local non-profits, public meetings and similar uses that serve the local community; and that the description, purpose, policies, and fees reflect the commitment to this purpose and therefore we find that this variance request has a public benefit commensurate with the floor area ratio.

Reddick-Yurka explained that as far as the requirements for a variance go, there are four specific things that must be met to grant the variance. She presented her proposed explanation of how those four criteria will be met as: Basically, the building is an historical resource, and no additional space is available adjacent to the building lot for expansion. Without the ability to substantially modify the interior of this historic building, its continuing use as a community meeting space is limited. The addition is intended to increase the functionality of the building without increasing the size of the assemblies it attracts. Other property owners are not burdened with this limitation. The Zoning Ordinance established the floor area ratio to ensure that buildings in the commercial zone enhance the village character called for in the Comprehensive Plan. Because the addition is at the rear of the building and will largely be invisible from Laneda Avenue, and the assemblies attracted to the building will not increase in size, the proposed addition is not materially detrimental to the properties in the adjacent Commercial and R4 Zones, nor does it conflict with City policy and the variance requested is the minimum variance which alleviates the hardship. Reddick-Yurka continued that the Commission will want to add the generic condition that, should the primary use of the building change in the future, as

with all land-use matters the new usage must be brought before the Planning Commission for review.

Nanson asked where Went's three paragraphs would be placed. Reddick-Yurka responded they would be before #1 on the variance request as a preamble to show how the variance request was justified. Reddick-Yurka asked for a motion and stated that she will forward the stated motion to the Commissioners for their review and comments.

A motion was made by Went, seconded by Edginton to ADOPT the staff report, findings of fact and conclusions, revised as follows: Page 2, Section 3.040: The building usage predates the ordinance, therefore the usage is an existing conditional use as a meeting hall.

The proposed motion in the staff report is replaced as follows: And that we APPROVE the design review plan for an addition to the existing building at 225 Laneda as submitted by Pine Grove Community House Inc., with the following conditions:

- 1. Applicant shall follow all applicable building codes and permits;**
 - 2. Applicant shall follow all applicable requirements and permits for storm water system;**
 - 3. Applicant shall not allow the proposed addition to be used as an assembly area, either separately or as part of a larger event;**
 - 4. Applicant must provide additional exterior lighting, similar in character to that submitted with the application, on the north and west sides of the addition.**
- Motion passed unanimously.**

A motion was made by Hiltenbrand, seconded by Mannan to APPROVE the request for variance as to Floor Area Ratio, given that the primary use of PGCH is as a place of assembly to serve the local community. This primary use can include things such as social gatherings arranged by members of the community, meetings by local non-profit organizations, public meetings of local government entities and similar uses that serve the local community. The description of purpose, mission statement, policies and fees of PGCH shall reflect a commitment to this primary purpose.

- 1. The building is a historic resource. Its listing on the National Register of Historic Places limits the ability to adapt the existing building. No additional space is available adjacent to the building lot for expansion;**
- 2. Without the ability to substantially modify the interior of the historic building, its continuing use as a community meeting place is limited. The addition is intended to increase the functionality of the building without increasing the size of the assemblies it attracts. Other property owners are not burdened with this limitation;**
- 3. The zoning ordinance established the Floor Area Ratio to ensure that buildings in the commercial zone enhance the village character called for in the**

**Comprehensive Plan. Because the addition is at the rear of the building and will be largely invisible from Laneda, and the assemblies attracted to the building will not increase in size, the proposed addition is not materially detrimental to properties in the adjacent commercial and R-4 zones; nor does it conflict with the objectives of City policy;
The variance requested is the minimum variance which alleviates the hardship.
Motion passed unanimously.**

Reddick-Yurka will restate the motions and circulate them back to the Commissioners for review and approval. Reddick-Yurka noted that the revised findings will also be provided to the Commissioners once completed.

VII. GENERAL UPDATES: Reddick-Yurka noted that Edginton has been working on the ADU (accessory dwelling unit) language and plans to follow up at the October meeting. Grassetth informed the Commission that the name change of Pacific Dunes #8 to Highlands 1 has been completed and the owner has begun working toward phase 2 of the development.

VIII. ADJOURNMENT:

A motion was made by Went, seconded by Hiltenbrand to adjourn the meeting. Motion passed unanimously.

Chair Reddick-Yurka adjourned the meeting at 6:31 p.m.

**MINUTES APPROVED THIS
19TH DAY OCTOBER 2020**

Karen Reddick-Yurka, Chair

ATTEST:

Kristin Grassetth, Assistant City Manager