

## **Summary for City Council**

**Zoning change:** motion from Planning Council that property at 409 Beaumeister (currently R1) be rezoned to R3 so that it joins the adjacent property that is already R3 and that the zoning for 405 Beaumeister plus the park to the bridge be changed to C2 matching the other C2 areas. Passed with unanimous vote.

**Livestock east of Harding:** Motion from Planning Commission that language of the proposed motion (*secretary note: this refers to the “Suggested Wording” for ordinance 2016-805 received from City*) is clear enough to be enacted into law. Passed with majority vote.

**Planning Commission function:** Consider expanding the role of the Planning Commission to better coordinate with City Council and staff to provide feedback about planning and zoning issues in addition to the hearing board function which, according to the code, is the only function of the Planning Commission.

## **Planning Commission Meeting Minutes**

Meeting Oct 6, 2016, City Hall

Members present: Mercia Neace, Ron Crossin (vice-chair), Ron Lamb (chair), David Rissley, Jim Jeffreys, Elaine Greene, Jenni Light (secretary)

Public Attendance sign-in sheet: Don & Vickie Gray, Larry & Jacynn Roebeson, Bill Anderson, Jason Anderson, Joe Appleton, Pennie Broyles, Dave Weissenfel, Judy Floch, Blake Neace, Charlotte Tuttle

### **Public Hearing – rezoning R1 to C2**

Hearing opened by Ron Lamb at 7:00 pm.

Ron L. stated there were no minutes from the July meeting but still wanted a motion to accept the minutes. This was made by RC, seconded by MM, motion passed, JL abstained.

RL asked anyone at hearing to please sign in. (*Secretary note: there were more people present than listed on attendance sheet*).

RL - A rezone request was made to change zoning where the old flour mill is located from R1 to commercial zoning. RL noted there was one letter from J&L Robeson requesting their adjacent property either be grandfathered or changed to residential/commercial because they have a residence at 409 Beaumeister.

Robesones - are concerned because if they sell the property and it is in a commercial zone they may not be able to sell or will have problems selling. Their family has been there for 82 years and they recognize things change. They support a commercial setting for the mill property but would not like to have their property included. EG read in codebook that property must abut a city street. Old ordinances say “street” but new ones say “city street.” RL stated that Beaumeister is in city limits and is a “city street.”

C2 1844.045 minimum street frontage –every .....minimal length 20 feet within a street

Robeson – suggested leaving their property out of the rezoning.

RC talked to assessor about zoning – there is no tax change, only the use. The assessor has a code that identifies the use and that is how they are taxed. He suggested putting the property in R3 and use the creek as a dividing point for boundary of R3.

Janet living at 208 Cleveland owns property around creek. Controversy about the property and leaving it as “corp” land. She would like it clarified about the rights and obligations, because right now it does not belong to them and they have to keep it up but don’t own it. She thinks it is USACE property. She is concerned about what the obligation is.

RL states it is private land. JL stated it appears it is USACE land on the zoning maps.

RC said USACE has jurisdiction and there is an issue with shoreline master plan.

EG – was the mill ever C2?

RL – I don’t know but it is R1 now and the owner wants it changed.

Discussion about what mill is used for historically and its current use.

EG brought up height restriction that mill is taller than 35 feet and that there would already be an exception so why not make a zoning exception

DR asked how the zoning could be moved in a way that could be understood.

PC group discussed how zoning might be changed.

MN asked if it could be grandfathered

DR said mill property could be a non-conforming use and that could be lost. Restriction would be that it couldn’t be expanded or changed if it’s a non-conforming use.

Janet asked what business would be going in there.

RL read from package we got from city that Boice Design was interested.

RL suggested following lat/long lines for moving the zoning and moving 409 into the R3 zone.

RL asked for any other concerns.

RL asked for a motion.

RC made a motion that the property at 409 Beaumeister currently R1 be rezoned to R3 so that it joins the adjoining property that is already R3 and that the zoning for 405 Beaumeister plus the park to the bridge be changed to C2, thus adjoining the rest of the other joined C2 areas.

JJ seconded.

Unanimous yes, motion carried, the motion will be recommended to the Council.

### **Next agenda item – Public Hearing for keeping of livestock in R1 zone.**

RL - city sent out questionnaire to neighbors asking if they wanted to change the ordinance or not. There were two choices: leave the ordinance as is, or change it to  $\frac{1}{2}$  acre for first animal,  $\frac{1}{4}$  for next head, and  $\frac{1}{4}$  for any additional head.

City sent out 70 letters, RL said there were at least 13 for and 13 against. Much discussion about responses.

Public comment:

Dickenson 1402 4<sup>th</sup> – Grays moved in and they've been complaining since 1900s and every time I leave town they turn in a complaint. I make a living with horses and they have been trying to get me out of there ever since. And I'm the only one and Steve they are complaining about.

Judy Floch – was asked to join the committee exploring this and did research and provided the commission a written response (packet attached to minutes). Yes I have horses and they are above my property. My proposal and review is intended to review fairly and I would suggest  $\frac{1}{2}$  acre 21,000 ft<sup>2</sup> for first animal and  $\frac{1}{4}$  for each additional animal. Research I've seen indicates you can keep them in a 500 foot area if you take them out and exercise them and take care of the waste. There is an issue with space for visiting royalty during the fair because there are not enough stalls so these nearby neighbors could house the horses. I would like to have an exception for smaller space for these types of events. I use fly predator and other things to keep flies and smells down. There are ways to keep the smell down from small properties. Historically we rode horses around town and this allowed kids and neighbors to see horses up close.

RL asked if all this information is in the packet. Judy said yes.

RC asked if the language could say that there was an exception for events like the fair. Judy would be agreeable to that.

RL asked for clarification about what animals, Judy said any large livestock

Joe Appleton – when those residences were set up on 4<sup>th</sup> they were set up specifically for livestock. Now the area has filled up, but we were here first. Several houses have horses now. Now I notice there are more horses at the end.

RL – is it safe to say that you think the  $\frac{1}{2}$  acre,  $\frac{1}{4}$  for next ones is what you support?

Joe Appleton – yes, we want to change it back to what it was.

Pennie Broyles – agrees  $\frac{1}{2}$  acre  $\frac{1}{4}$  thereafter, concern was about the amendment with the extra language, doesn't agree with "unencumbered."

Jason Anderson – 501 4<sup>th</sup> st – does this have anything to do with fair animals?

JJ & RC said that was already allowed.

RL – it is advisable to stay up and involved because things could change

Janet – I agree with the  $\frac{1}{2}$  and  $\frac{1}{4}$  ordinance

Charlotte – I'm in favor for  $\frac{1}{2}$  acre  $\frac{1}{4}$  thereafter, I have two acres and I would prefer to have it pastured and grazed rather than dry weeds. That's why I allow horses.

RL – since we're talking about livestock but maybe you want to bring in goats to eat the weeds

Bill Anderson – we are a city and we have to look at all that, I am concerned that water will have to be tested and eventually go to treatment. (Provided pictures of problem areas). Described dust and smell and poor conditions for horses. Suggest to PC that people that own animals that they

live on the same property. Animals need to be maintained and not allow horses within close proximity of neighbors.

Don Gray – offered pictures taken 5 years ago. Doesn't want ordinances changed. Pictures show problem with managing manure. Horses are 37 yards within my door. I've lived there first and neighbor didn't start putting horses until later. I have to live day in and day out with manure and dust. If neighbor would make an attempt it would help. Neighbor has been told to put water on field when he had horses, I've seen a sprinkler only once or twice in the last six years.

RL – I want to go back to ordinance 2008-6 section 18.28.030. I – sub category 3 – all livestock shall be kept in such a manner..... 4 – Animal shelters and feed places within 500 feet of lot line and X (*secretary note: didn't catch this number*) to residences. RL stated there is already code and you have to follow it. Contact City Hall regarding ordinance violations so we aren't going to beat a dead horse. We are only dealing with livestock wording. If there are issues with your neighbor it should be brought up with the City.

RL read "suggested language" for the ordinance provided by the City.

Joe Appleton – the way the "suggested wording" ordinance is written it should clarify unencumbered for the first ½ acre but not the rest.

RL – are there any more comments?

Closed the public hearing at 8:10.

Planning commission discussion regarding our recommendation:

DR says that we are not following the code because the City Council tabled the discussion therefore, there is nothing to make a recommendation for.

RL – we are not making any motions we are just discussing.

DR – still a problem because our function is to make a recommendation.

RC – why was it originally changed?

Joe Appleford – research looks like it came from a complaint several years ago.

RL – it's just hearsay so keep that in mind.

MN – conflicts with colt time, encumbered or not

RC – there are conditional uses for 4-h animals already, takes care of the 72 hour exception

DR – says there is no motion from the city council so there is no reason for recommending anything. We don't have a motion so we don't have a recommendation. Our job is to give them a recommendation and findings of fact and we can't because we don't have any recommendation.

Joe Appleford – council passed a first ordinance, the second reading didn't pass and they asked the Planning Commission to hold a public hearing.

DR – we can recommend they deny the suggested language.

DR – I make a motion that we tell the city council that the language of the proposed motion (*secretary note: this refers to the “suggested language” ordinance 2016-805 provided by City*) enough to be enacted into law.

RC – seconded motion

RL – we should not be making a motion on this topic that only inform the city that we had a public hearing and discussion on suggested language.

Vote: Aye – Greene, Light, JJ, DR, RC, MN; No – RL

Motion passed

Discussion about the role of the Planning Commission and how we can coordinate with the City Council. PC would like to provide feedback about planning and zoning issues in addition to the hearing board function which, according to the code, is the only function of the Planning Commission. This discussion ended at 8:32.

Motion made to adjourn to adjourn by JJ, seconded by RC. Motion passed 8:55. Meeting adjourned by RL.