**BINGEN CITY COUNCIL MINUTES**

**December 6, 2022**

**Meeting Via Teleconference and In-Person**

The meeting was called to order by Mayor Pro Tempore Joe O’Sullivan at 6:46 p.m. Mayor Kiewit joined at 6:47 p.m.

Council members present: Phil Jones, Ryan O’Connor, Joe O’Sullivan, Izzy Schroder, and Brittany Spratt

Staff present: City Administrator Krista Loney, City Attorney Christopher R Lanz., Fire Chief Carl Spratt, Police Chief Mike Hepner, Mike Beck

Audience Present: Michael Cassar, Jonathan Cohen, John Verlinich, Wen Verlinich, Jacob Bertram

**Executive Session**

Council went into executive session at 6:47 p.m. to discuss pending litigation and came out of executive session at 6:58 p.m.

**Public Comment**

None.

**Meeting Minutes – 11/15/22**

Councilor O’Connor made a motion to approve the November 15, 2022 meeting minutes. Councilor Jones provided the second and the motion carried. Councilor Schroder abstained as she did not attend the November 15, 2022 meeting.

**Bingen Fire Department Update**

Chief Spratt stated that the Bingen Fire Department responded to 22 calls in November and year-to-date calls total 251. Three fire fighters are currently finishing up fire fighter 2 training. Four fire fighters will be attending EMT training beginning in January 2023. This is a higher-level training that will allow the team to assist with more medical calls.

**Bingen-White Salmon Police Update**

Chief Hepner stated that Bingen has 25 of the 84 calls in November. He has submitted new use of force policies to the state attorney general and the training calendar to the state. Kelsey Rooks, a lateral-transfer from Goldendale, began work on the Bingen-White Salmon police force on December 1. She is with a Field Training Officer right now. Chief Hepner stated that he is currently working with Klickitat County Behavioral Health for mental health-related calls. He stated that the challenging piece is obtaining transportation between the person’s current location and a state facility, or similar, as it is required for a trained EMT and a security person to travel to the facility with the person.

**Variance 2022-001 Cassar Public Hearing**

Mayor Kiewit opened the public hearing with a statement about quasi-judicial proceedings. No members of the council had conversations with Michael Cassar about this variance outside of this hearing to disclose.

Mike Beck, Skamania County Building, presented the Variance 2022-001 staff report that was created by his predecessor Alan Peters, The variance requests permission to enclose the outside portion of the carport located at 315 W Jefferson. Council received copies of this variance on December 1, 2022 for their review. David Spratt, Superintendent for Public Works, reviewed this application and had no concerns. Fire Chief Carl Spratt reviewed this application and had no concerns. Administrator Loney stated that there were no public comments received regarding this variance.

Michael Cassar attended the meeting to speak on behalf of the variance request and answer questions. He stated that the variance will not change the footprint of the home. John Verlinich, owner of the neighboring property, attended the meeting and stated that he had no concerns with this variance application.

Mayor Kiewit thanked Michael Cassar for going through the variance request processed. She stated that the carport is already existing within the setback and asked if approving this variance request grants permission ex-post-facto for the carport being within the setback. Chris Lanz confirmed.

Councilor O’Sullivan asked if there is an assumption that this ex-post-facto approval would be grandfathered in. Mike Beck stated that people make that assumption and where the issue lies is when the purpose of the space is changed or intensified.

Councilor Jones asked Michael Cassar if he considered enclosing the space adjoining the home as opposed to the space in the setback. Michael Cassar stated that there are windows on that side of the home and enclosing the space next to the home would mean no natural light inside.

Councilor O’Sullivan inquired if the foundation was strong tied. Michael Cassar stated that the foundation is Simpson strong tied. Councilor O’Sullivan asked if the carport can still be enclosed if it technically doesn’t have a foundation. Mayor Kiewit pointed out that sheds do not require a building permit so no foundation is expected Mike Beck stated that a pier and post foundation could be considered.

Councilor Schroder asked what the neighbor thought and was informed that John Verlinich is in attendance and has no concerns.

Mayor Kiewit asked if there was a window under the carport. Michael Cassar showed her the windows in his application. Mayor Kiewit asked Chief Spratt if he had any concerns. Chief Spratt stated that he had no concerns more than it being a carport and that if there were heat or power being put into the enclosed space he would have concerns. No heat or power is being put into the space.

Councilor Jones asked if this sets a precedent. Chris Lanz stated that this variance would be considered on future variance applications. Mayor Kiewit pointed out a shed built years ago that the person was forced to move.

Mayor Kiewit stated that she didn’t hear much opposition and asked if there were other places on Michael Cassar’s property where a shed could be built in place of enclosing part of the carport.

Councilor O’Sullivan asked if there was a way to phrase an approval to avoid setting a precedent. Chris Lanz stated that there is not.

Mayor Kiewit asked Michael Cassar if he had a plan to move forward if the variance doesn’t get approved. Michael Cassar stated that he does not as he has a vision for his yard and plans to build a fence and create a space for a RV.

Councilor Schroder made a motion to accept variance 2022-001 for 315 W. Jefferson. Councilor Spratt provided the second and the motion carried.

**Conditional Use Permit 2022-003 The Society Hotel Public Hearing**

Mayor Kiewit continued the public hearing and asked Council if they had any conversations with Jonathan Cohen outside of this hearing. Councilor O’Connor disclosed that he had spoken with Jonathan Cohen before the meeting about the conditional use permit and that any information was included in the application packet. Mayor Kiewit stated that she spoke to Jonathan Cohen before the meeting and made recommendations about alternative parking solutions.

Mike Beck presented the Conditional Use Permit 2022-003 staff report that was created by his predecessor Alan Peters. This conditional use permit requests a variance for setbacks and parking as well as conditional approval to establish congregate housing in a Single-Family (R1) zone for the parcel located at 210 N Cedar Street. Council received copies of this variance on December 1, 2022 for their review. David Spratt, Superintendent for Public Works, reviewed this application and had concerns regarding parking in the right-of-way and eventual sidewalks.

Jonathan Cohen and Wen Verlinich attended the meeting to speak on behalf of The Society Hotel’s conditional use permit application.

Mayor Kiewit asked Mike Beck why this was a conditional use application and not a spot-zone change to multifamily (R3) zoning for this lot. Mike Beck stated that he didn’t create this staff report but would assume that Alan Peters thought a conditional use might be more straightforward than a spot-zone.

Councilor Schroder asked what the difference between R1, R2, and R3 is. Administrator Loney displayed Bingen’s municipal code for the group and explained that R1 is single-family houses, R2 is duplexes, and R3 is multi-family or apartments, but not hotels.

Councilor O’Connor asked if this is a new application or an existing application. Mike Beck stated that this is a modification to an existing conditional use permit. Councilor O’Connor clarified that this is expanding the existing conditional use to include another parcel. Mike Beck stated that the original conditional use permit was done in 2017 for the hotel parcel.

Mayor Kiewit stated that it seems unwise to expand the existing conditional use permit to multiple unconnected parcels especially in the case of the future possibility of these parcels being sold separately. Chris Lanz stated that if this conditional use is approved, this condition will be accepted as long as The Society Hotel and this parcel remain contiguous.

Councilor Jones asked if the conditional use would only apply to The Society Hotel. Chris Lanz stated that the conditional use permit stays with the property.

Councilor O’Sullivan asked if the conditional use permit could be married to changes to the parking. Chris Lanz confirmed.

Administrator Loney presented Superintendent Spratt’s concerns about parking in the right-of-way. Loney also confirmed that no public comments had been received in any format as of the date of the hearing.

Councilors Jones and Schroder pointed out that there were names in the conditional use staff report but their comments were not included in the report. Mike Beck clarified that the names included in the packet were from the 2017 conditional use permit application.

Jonathan Cohen provided slides to council and presented them briefly. He stated that the biggest challenge at The Society Hotel (TSH) is attracting employees and finding housing for them, and finding childcare is a large problem. TSH’s insurance would not allow them to establish on-site childcare for their employees so they settled on an off-site nanny-share. Cohen stated that a lot of these challengers will be resolved when the City of Bingen completes a new comprehensive plan. Cohen stated that if the conditional use is approved today it will take two years to build the housing and that he is acting now because of the empty parcel next to the hotel. Cohen’s goal is for rent of $1600 per month or less. The proposed parking of 1 space per unit (variance from the current 2 space requirement) will be paved with permeable pavers. He states that the setbacks required for this parcel, since it is a corner lot, do not allow for the maximum 50% of land use for the building.

Councilor Schroder thanked Jonathan Cohen for going through the conditional use process and stated that she is confused by the design, asking if this building is meant to be in the style of a bed and breakfast or dormitory. Jonathan Cohen stated that the building will be apartments with conjoining walls in the front of the house with fire walls, alarms, and more like a commercial facility. There will be covered porches as well as communal spaces.

Councilor O’Sullivan clarified asking if each apartment will have a bath and kitchen. Jonathan Cohen stated that The Society Hotel spoke to employees with families and they craved the privacy of their own space. Councilor O’Sullivan inquired about the size of each unit. Jonathan Cohen stated that the units will be approximately 700 square feet. As a point of clarity, the cabins at The Society Hotel that have a kitchen and bathroom are only 350 square feet.

Mayor Kiewit inquired how the number of units. Jonathan Cohen stated that there will be a daylight basement with communal space, laundry, and a small apartment for the manager. The first floor will have three units, the second floor will have three units, and the third floor will have an attic/loft.

Councilor Schroder asked if the housing is meant to be transitional or long-term. Jonathan Cohen stated that both descriptions are accurate and that there is a large need for this type of housing. Colloquially, TSH has had employees in rentals whose landlords didn’t renew their leases, leaving them stuck without a place to live. Councilor Schroder complimented Jonathan Cohen on the effort and noted that housing is an all-society problem, not just here in Bingen.

Mayor Kiewit stated that all present agree that we need more housing and affordable housing in Bingen She asked if Jonathan Cohen had considered which street the property would face to maximize the lot space. Jonathan Cohen stated that the door would be on Humboldt. Councilor O’Sullivan stated that this is consistent with existing housing and Councilor O’Connor added that there is more traffic on Humboldt than Cedar.

Mayor Kiewit asked Administrator Loney to read the email that was sent to Mike Beck about existing conditional use concerns, and to read Mike Beck’s response.

*Hi Mike,*

*The City needs to request some additional guidance here.  First thing, can I get a copy of the public notices that were sent out for these hearings?  Second, there are two conditions from the original CUP for TSH that are not/will not be met if this moves forward:*

1. *A minimum of 47 off-street parking spaces: If 8 of these spaces are now taken up by this house, the original condition will not be met.*
2. *Installation of sidewalk on the east side of Cedar Street in conjunction with the City of Bingen*

*East Humboldt Street Improvements: When Bingen approached TSH about this, they said they didn’t have the money and used Covid as the reasoning.  There is no sidewalk at present.*

*Can meeting condition 3 of the original conditional use permit application be enforced prior to issuing a second CUP?  Or can meeting these conditions be another condition of the second CUP?  Please advise.*

*Thanks!*

*Krista*

*Hi Krisha,*

*A combined .pdf is attached with all postcard notices for both projects coming before the city council on the 6th.*

*I’ll have to review the Bingen code before weighing on how to reconcile the concerns about the parking and sidewalk, but with conditional uses, a condition that is related and commensurate to a project can, generally speaking, be included. The Council couldn’t request the Society Hotel pave all sidewalks in Bingen, but holding back approval until prior conditions are met or stacking conditions should all be acceptable under your local ordinance. A stacked condition of approval could withhold issuing the certificate of occupancy for the workforce housing until the sidewalk improvements are met.*

*The parking standard may require a new condition of approval that states something like ‘the loss of xx hotel parking spaces to accommodate the labor housing shall be offset with xx new parking spaces for hotel guests elsewhere in the conditional use area. The new parking plan shall be depicted on a modified site plan. A modified site plan for the conditional use area shall be submitted to the Bingen city administrator before permits are authorized for construction”*

*I hope this helps provide some initial guidance.*

Mike Beck stated that the City has flexibility for the conditional use permit. Mayor Kiewit asked if portions of the conditional use permit can be approved and some can be denied. Mike Beck confirmed.

Jonathan Cohen provided context to answer the questions posed by the City in this email exchange. Regarding parking, there will be not net loss of spaces because employees who would already be parked at The Society Hotel would be living in the building. Regarding the sidewalk, Jonathan Cohen stated that he has an email chain with the previous Mayor [Betty Barnes] showing that he made a large effort to comply. Cohen states that he asked for engineering standards that the sidewalks need to meet on four or five occasions and was told that they weren’t ready. After being told off he was told that the money needed to be spent in a month’s time. He is willing to consider adding the sidewalks now and would still need engineering requirements for the sidewalks.

Councilor O’Sullivan asked to revisit what would happen if this parcel were to sell, would there still be 8 spots in The Society Hotel parking lot for the new owners to park. Jonathan Cohen proposed a solution of Bingen relaxing the two space requirement for parking and stated that other jurisdictions use 1.2 to 1.4 spaces per unit. He also suggested putting in a requirement for the buyers to do a spot-zone to R3 or make a time commitment for TSH to own the property.

Councilor O’Connor asked if the City could dictate how many units could be utilized in the space to meet the parking requirement, ie. retain the two space requirement meaning that only four of the eight units in the building could be rented. Mayor Kiewit stated that this building is a large investment and it should be designed correctly from the beginning, perhaps with parking underneath.

Mike Beck suggested that an easement be created between this parcel and The Society Hotel so that parking will always be guaranteed regardless of who owns this building or The Society Hotel.

Councilor O’Sullivan stated that housing is needed. Mayor Kiewit added that everyone will want to work at The Society Hotel just to live in the building.

Councilor Schroder stated that she is not ready to make a decision tonight and that she wants feedback from the neighbors. Mayor Kiewit inquired what Council Schroder thought she would hear. Councilor Schroder stated that if she were a neighbor to this parcel, she would want to know about this ambitious multi-family unit going in. Mike Beck stated that some cities codify applications of this type and ask the organization to host a public meeting, not a public hearing, to discuss the impacts of development of this type with neighbors.

Mayor Kiewit asked council what other information they would like to see before they can come to a decision. Councilor O’Connor expressed concerns about a setback variance setting precedent. Mayor Kiewit reminded the group that there was an original conditional use for the school to be built in the R1 zone, and then for the school to become The Society Hotel.

Councilor Schroder stated that the City stopped construction for another business owner because of parking and that council needs to be fair and not pick-and-choose who gets approval. Jonathan Cohen stated that there is a public benefit to this housing: it does not need to be limited to TSH employees. His goal is to increase the housing supply.

Mayor Kiewit asked if there is a design option that will work if setbacks do not get approved. Jonathan Cohen stated that he is focused on the per-unit rent cost each month and that everything that makes the building smaller makes in more expensive, thus increasing the rent.

Mayor Kiewit stated that the McKenzie River development is utilizing the 35’ roof limit because the Bingen Fire Department is limited to that height with their current equipment. She asked if this building could utilize a daylight basement to keep under that 35’ roof limit. Jonathan Cohen stated that this is part of his plans.

Councilor O’Connor stated that he feels the options for parking are satisfactory and remains concerned about the setbacks. Jonathan Cohen stated that the conditional use process sets a high bar and not everyone does the conditional use application. Councilor O’Sullivan inquired how many houses are already outside the setbacks. Mayor Kiewit pointed out that the picture Councilor O’Sullivan was looking at was an optical illusion.

Councilor Schroder stated that she had a setback variance approved for her home based on the topography of her lot and that setbacks are not one-size-fits-all.

Mayor Kiewit inquired why this application is an expansion of the existing conditional use permit as opposed to a stand-alone new conditional use permit application. Mike Beck stated that the Bingen Municipal Code would not allow for a stand-alone application.

Councilor O’Sullivan made a motion to table Conditional Use Permit 2022-003 to the December 20, 2022 meeting. Councilor Jones provided the second and the motion carried. Council was instructed by Mayor Kiewit to send any other questions to her via email. Councilor O’Connor asked for a list of recent variances. Mayor Kiewit closed the public hearing and council took a 5 minute break.

**2023 Budget Preparation Public Hearing**

Administrator Loney presented the same budget that was reviewed at the November 1 and November 15, 2022 meetings. Council walked through this budget. Seeing no changes, Councilor Jones made a motion to adopt Ordinance 2022-11-732 Adopting the 2023 Budget. Councilor O’Connor provided the second and the motion carried.

**Agreement to Purchase Water from White Salmon**

Administrator Loney presented the draft agreement with the City of White Salmon. Loney pointed out the increase in prices, as well as the item stating that any improvements to the water system would be negotiated before beginning construction.

**January 2023 Visioning Session Planning**

Mayor Kiewit stated that she would present a “year in review” at the final meeting in 2022 and asked council if they would like to have a visioning session again in 2023. Council emphatically agreed and the visioning session was scheduled or January 24, 2023 at 5:30 p.m. to include dinner.

**Staff Reports**

Administrator Loney presented the following updates:

* The holiday lights went up today, the Christmas tree in the park is getting decorated 12/7/2022.
* Santa in the Park is this Friday night at 6 p.m. The parade will leave City Hall at 6 and arrive at Daubenspeck Park at 6:30. Beneventi’s will be providing pizza and hot cocoa. Chips/Murphys are providing treat bags for the kids. Public Works will take care of the burn barrels and fencing.
* Bingen received both Transportation Improvement Board (TIB) grants that we applied for.
* The Oak Street Reservoir Project Status report is in the packet. Current stage is submittals, the tank order has not gone in yet. Bingen has expended the $129,258 of city funds that must be contributed to the project.
* Fall Brush Pickup collected 67 bags, 5 small piles, 3 medium piles, 2 large piles, and 4 truck loads of leaves. Thanks Public Works!

**Mayor’s Update**

Mayor Kiewit presented the following updates:

* Bingen’s new website is live and has been a challenge. She will ask for some kind of compensation from CivicPlus.
* The next meeting about the roundabout is 12/7/22
* There is no new information from the Hood River Bridge Replacement Bi-State Working Group.
* Bingen submitted a letter of interest for a grant from the Department of Transportation for some technical assistance funding for the comprehensive plan. The city worked with Adam Fiss at RTC.

**Council Comments**

Councilor O’Sullivan asked if the results of the bridge survey would be made publicly available. Mayor Kiewit stated that she would have access to those results and would share them.

**Voucher Approval**

Claims check 23414 (Dated 11/22/2022) totaling $568.64, Treatment Plant und - $568.64.

Councilor O’Connor made a motion to approve the Claims dated November 22, 2022. Councilor O’Sullivan provided the second and it passed unanimously.

Payroll Checks 23415-23418 (Dated 11/30/2022) and Payroll EFT (Dated 11/30/2022) totaling $32,852.01; General Fund - $13,229.60, Street Fund - $5,301.25, Water Fund - $3,690.39, Sewer Fund - $687.04, and Treatment Plant Fund - $9,943.73.

Councilor Jones made a motion to approve the Payroll dated November 30, 2022. Councilor O’Connor provided the second and it passed unanimously.

Payroll Checks 23419-23437 (Dated 12/2/2022) and Payroll EFT (Dated 12/2/2022) totaling $12,115.20; General Fund - $11,757.38, Street Fund - $62.12, Water Fund - $63.95, Sewer Fund - $16.45, and Treatment Plant Fund - $215.30.

Administrator Loney noticed that there may have been a mistake as these are fire checks [General Fund] and there are funds taken out of Street, Water, Sewer, and Treatment Plant. Councilor Jones made a motion to provisionally approve the Payroll dated December 2, 2022 pending correction. Councilor O’Sullivan provided the second and the motion carried.

Payroll EFT (Dated 12/5/2022) totaling $4.299.37; General Fund – (378.13), Street Fund - $812.12, Water Fund - $836.01, Sewer Fund - $214.97, and Treatment Plant Fund - $2.814.40.

Administrator Loney noticed that there may have been a mistake as the amount coming from the General Fund is negative. Councilor O’Connor made a motion to provisionally approve the Payroll dated December 5, 2022 pending correction. Councilor Jones provided the second and it passed unanimously.

Claims Checks 23438-23468 (Dated 12/6/2022) totaling $83,808.52; General Fund - $53,715.84, Street Fund - $1,815.56, Community Development Fund - $1,398.88, Hotel/Motel Tax Fund - $1,862.73, Water Fund - $13,028.76, Sewer Fund - $5,723..48, and Treatment Plant Fund - $6,263.27.

Councilor O’Connor made a motion to approve the Claims dated December 6, 2022. Councilor O

Sullivan seconded the motion, and it passed unanimously.

**Adjournment**

Mayor Kiewit closed the meeting at 9:47 p.m.