



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125

FAX: (541) 298-5490
COMMUNITY DEVELOPMENT DEPT.

AGENDA
CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

313 COURT SREET

THE DALLES, OREGON 97058

CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, OCTOBER 18, 2012

6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. October 4, 2012
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING**

Application Number: VAR 120-12; Brian and Gloria Tuck; Request: To obtain approval for a carport with less than the required side yard setback; Property is located at 623 Sherman Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 1DB, tax lot 1600.

- VII. RESOLUTIONS
 - A. APL 23-12; Jennifer Blevins
 - B. ADJ 120-12; Brian and Gloria Tuck
- VIII. STAFF COMMENTS
- IX. COMMISSIONER COMMENTS/QUESTIONS
- X. NEXT SCHEDULED MEETING DATE
November 1, 2012
- XI. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, October 4, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:01 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, Dennis Whitehouse, Chris Zukin, Mike Zingg, Jeff Stiles, Robert Raschio

STAFF MEMBERS PRESENT:

Community Development Director Dan Durow, Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Raschio and seconded by Whitehouse to approve the agenda as submitted. The motion carried unanimously.

APPROVAL OF MINUTES:

It was moved by Raschio and seconded by Zingg to approve the September 6, 2012 minutes as submitted. The motion carried unanimously.

It was moved by Whitehouse and seconded by Stiles to approve the September 20, 2012 minutes as submitted. Lavier, Poppoff, Whitehouse, Zukin, Zingg and Stiles approved the motion, Raschio abstained.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARING:

Continuance of Public Hearing

Application Number: APL 23-12; **Jennifer Blevins;** **Request:** Appeal of a land use interpretation of off-street parking requirements dated July 3, 2012. Property is located at 1215-1217 Blakely Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 5 AA, tax lot 200. Property is zoned "RL" – Residential Low Density District.

Chair Lavier announced that this public hearing remained open from the last meeting and called for a report from Senior Planner Gassman. Gassman presented a detailed diagram of the parking area of said property and gave a detailed explanation of the dimensions. On the back side of the diagram, Gassman pointed out a list of random vehicle widths and lengths. Based upon this random list of vehicle sizes and the parking area dimensions, it was staff's opinion there was adequate parking for up to five vehicles in the property's parking area. Chair Lavier assigned staff's parking diagram as Exhibit 2.

Commissioner Whitehouse asked Senior Planner Gassman if he measured clear to the street or to where a sidewalk would go. Gassman answered that he measured clear to the street, because it appeared the front property line was in close proximity to the street, and if a sidewalk was to be installed, it would probably be installed where the diagram was labeled "street." Gassman stated he did not believe the City would install sidewalks in the Blakely area.

Commissioner Stiles asked Senior Planner Gassman if he measured the property width. Gassman said that he did not. Stiles asked if there would be a possibility to widen the driveway area, and Gassman replied that the driveway could be widened where there was currently a grassy area displayed on the right hand side of the diagram. Gassman pointed out that there were standards for the width of a driveway at the street, but the driveway could be widened inside the property area.

Commissioner Poppoff asked if Senior Planner Gassman included side view mirrors in the vehicular width measurements. Gassman stated he did not, and side view mirrors could extend out as much as 6 inches to one foot in width. Poppoff stated side view mirrors should be considered in the width dimensions.

Commissioner Whitehouse commented that, by the calculations, it appeared there would be only one foot of buffer space between either the first vehicle and the building or between the two stacked vehicles.

Testimony

Proponents:

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, stated that the documentation previously submitted supported that modification and alterations, including construction of a new interior staircase to the nonconforming structure in a Low Density zone, must comply with the minimum off-street parking requirements of four standard sized parking spaces. The Land Use and Development Ordinance (LUDO), Blevins stated, required parking space dimensions of 18.5 feet by 9 feet. LUDO also states that there must be safe, logical and consistent site circulation routes designed to avoid conflict between pedestrians and vehicles, Blevins said. In Exhibit 2, Blevins reported there was no delineation of parking spaces and walkways, the type and location of these connections to the building, the location of the garbage area, and emergency exit routes. Blevins pointed out that the property had an exterior staircase, and fire code required a 36 inch by 36 inch square landing at the bottom of the exterior staircase. Blevins purported that if the the required landing were taken into consideration, three feet of the 35.5 feet of vehicular parking would be reduced. Therefore, Blevins stated, two vehicles could not park on that side of the parking area. Blevins said it would not be possible to park two 18 foot vehicles and have pedestrian circulation in that parking area.

Rich Williams, 1212 Blakely Drive, The Dalles, Oregon, stated that the staff had gone to great lengths to provide relief to the property owner when, in fact, the staff required parking area site plans at the time of the property sale. Williams stated the nonconforming driveway could not be expanded legally. Williams also pointed out that it was not mathematically possible to stack four standard sized vehicles in the parking area. Vehicles would hang out six to seven inches into the right of way even if vehicles were parked bumper to bumper.

Commissioner Zukin stated that, at the last meeting, it was pointed out that vehicles were not required to park at a 90 degree angle to the street. Mr. Williams replied that his understanding was that a variance would be required in order to not park at a 90 degree angle. Zukin explained that, according

to Section 6.060.020.B.3, the driveway needed to come off of the street at a 90 degree angle, not the vehicles.

Opponent:

David Bustos, 1215-1217 Blakely Drive, The Dalles, Oregon, stated that, according to the diagram, he could park four, five or maybe six vehicles in the parking area, depending on how he chooses to park.

Rebuttal:

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, stated that the diagram did not show emergency exits or a delineation of the bottom stairway. Blevins reiterated that two vehicles could not be parked off of the side property line at the staircase without providing buffers. To stack vehicles without buffer areas would not be consistent, safe or logical, Blevins commented.

Chair Lavier closed the public hearing at 6:29 PM.

Deliberation:

Commissioner Poppoff suggested limiting the property owner to one car, three cars could park without blocking the stairway.

Commissioner Zukin stated he was going to approve staff's land use interpretation because proof had been provided that four standard sized vehicles could park at the subject property. Zukin stated that Mr. Bustos commented, "It's how I choose to park." Zukin felt that was a key statement. If cars were parked carefully, Zukin commented, there would be room to park four or more cars with space to spare. He referenced picture #16 of Exhibit 1 that showed three parked cars and an empty parking space. Zukin pointed out the picture showed sloppy parking, not lack of space.

Commissioner Whitehouse stated he intended to vote in favor of the applicant because he travels Blakely Drive often and observes the various parking configurations. He felt the parking configurations just didn't work. He didn't believe parking four cars in the area was a safe thing to do.

Commissioner Zingg stated he agreed with Commissioner Zukin, and the case was an issue of how the vehicles were parked. Zingg suggested the property owner consider widening the driveway to help alleviate the parking issue—it would be a neighborly thing to do.

Commissioner Stiles stated that it would be helpful to install some sort of a barrier for a vehicle to park as close to the structure as possible without hitting the structure so that a car parking behind the first vehicle could park without hanging out into the street.

Commissioner Zukin stated it is an enforcement issue, cars should not be sticking out into the street, and if they were, they should be cited. Zukin encouraged the property owner to park safely.

Commissioner Raschio stated he was uncertain as to whether or not he could cast a vote since he was not in attendance at the previous hearing.

Commissioner Poppoff suggested that the structure needed an access to the street or walkway.

Commissioner Zingg commented that the Commission should take into consideration that if the Commission voted in favor of the applicant, it might set a precedent. Commissioner Whitehouse

believed such issues could be handled on a case-by-case basis and would not set a precedence for future property issues.

Raschio asked what would happen if the Commission voted in favor of the applicant. Senior Planner Gassman replied that the staff would ask the Commission to determine what would be an adequate parking space. Gassman also stated there were no LUDO requirements for residential parking, so that would need to be determined.

Commissioner Zukin clarified that one issue that arose at the last meeting was that the scope of the issue was limited. The matter did not concern ingress/egress or fire safety issues. The main issue, Zukin commented, was whether or not four vehicles could park in the parking area, and the applicant was attempting to expand the scope of issue to include the history/nonconformity of the building.

Chair Lavier stated he agreed with Commissioner Zukin's viewpoint and encouraged the land owner to extend the parking area.

It was moved by Zukin and seconded by Zingg to uphold staff's land use decision regarding off-street parking requirements located at 1215-1217 Blakely Drive. The motion carried. Zukin, Zingg, Lavier and Stiles voted in favor, Whitehouse and Poppoff opposed, and Raschio abstained.

STAFF COMMENTS:

Senior Planner Gassman introduced Willy Sercombe, RARE Planner who will focus on three major tasks: 1)the vertical housing program in the downtown area; 2)establishing a housing rehabilitation program; and 3)Urban Growth Boundary work. Director Durow explained that the housing rehabilitation program stemmed from the work done by the Mayor's Committee that was tasked to determine the economic barriers in The Dalles.

Director Durow commented that this was his last Planning Commission meeting as Community Development Director. He retires November 1. Durow thanked the Commissioners for their hours of volunteer work on the Planning Commission. Several of the Commissioners expressed their appreciation for Durow's 35 years of leadership both in Wasco County and the City of The Dalles that made a positive and significant impact on the community.

Senior Planner Gassman advised the Commission that the new LUDO amendments would take effect on October 10, 2012 and would be distributed soon.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Raschio expressed a concern about traffic issues at the 2nd Street and Webber interchange. He felt there needed to be a left turn lane on the north/south end of the road for safety reasons. Senior Planner Gassman said he would contact Public Works about the concern.

Senior Planner Gassman reported that Public Works Director Anderson contacted him regarding the traffic safety concern on Kelly Avenue that was brought up at the September 6, 2012 Planning Commission meeting. Anderson advised that a traffic study had already been completed for that area and the department would look for ways to implement what had been identified in the traffic study.

Director Durow advised the Commission that staff is looking for Planning Commissioner training opportunities.

NEXT MEETING:

October 18, 2012

ADJOURNMENT:

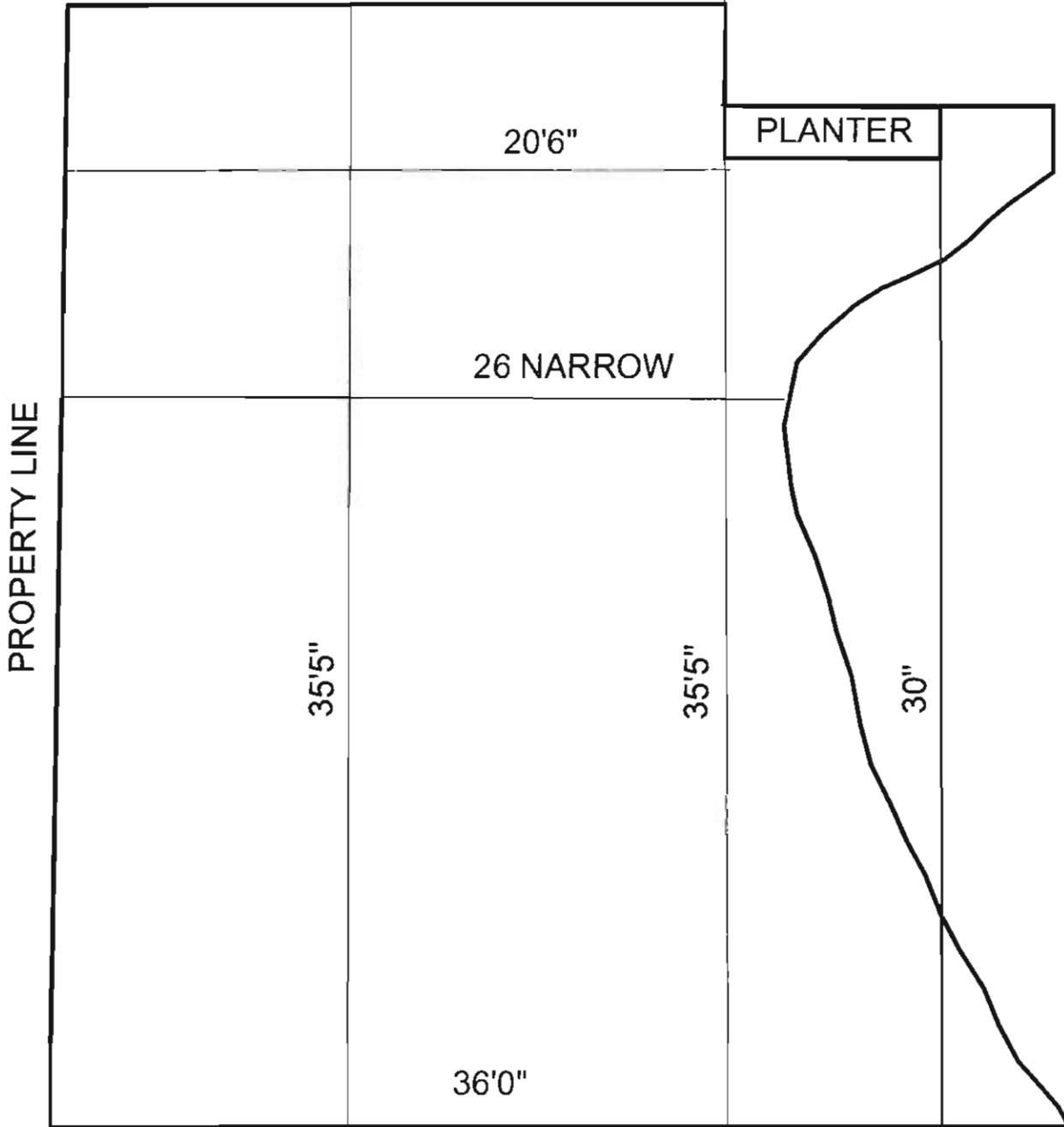
The meeting was adjourned at 7:12 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman

DRAFT

HOUSE



STREET

Richard Gassman

Subject: Car sizes

Using a random selection of cars that were handy, I found the following car sizes

1. City owned Ford Ranger: 5' 8" x 15' 6"
2. My Subaru Legacy: 5" 6" x 15'
3. Subaru Outback SUV: 5' 10" x 15' 6"
4. Ford Expedition 6' 6" x 17'
5. P/U in driveway at 1217 Blakely was 18' 6" long.

City of The Dalles

Staff Report

Variance 120-12

Brian and Gloria Tuck

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Quasi-Judicial

Hearing Date: October 18, 2012

Assessor's Map: Township 1 North, Range 13 East, Map 1DB, tax lot 1600

Address: 623 Sherman Drive

Comprehensive Plan "RL" Low Density Residential District

Zoning District: "RL" Low Density Residential District

City Limits: Inside

Request: To obtain approval for a carport with less than the required side yard setback.

BACKGROUND INFORMATION

The subject property is developed with a single family residence. The owners propose adding a carport on the north side of their property, to connect to their house. The Land Use and Development Ordinance (LUDO) requires a five foot setback for buildings on the side property line. The applicant is requesting a variance to allow them to build the carport up to the property line.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on October 5, 2012, as required by 3.020.050 D.

COMMENTS

On October 10 a comments was received from William and Charlene Young of 629 Sherman Drive, the property immediately to the south of the Tuck's property, expressing no objection to the request.

RECOMMENDATION

Denial of this variance application.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness.

FINDING #1: The application was found to be complete on September 27, 2012. The 120-day State mandated decision deadline is January 25, 2013. The hearing is within the required time line. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

A. Decision types. 4. Variances:

FINDING #2: This application is for a Variance per LUDO Section 3.070. Variances are processed as quasi-judicial hearings per section 3.070.020. B. Criterion met.

B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING #3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

C. Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete.

FINDING #4: The application was deemed complete on September 27. The 45 day period ends November 11, 2012. The public hearing is scheduled for October 18, 2012. Criterion met.

D. Notice of Hearing.

FINDING #5. Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on October 5, 2012. A public notice was published in the Chronicle on September 28, 2012. Criterion met.

Section 3.070.020 Review Procedures

A. Applications. Variance applications shall be accompanied by at least 15 copies of the concept site plan, and a written statement which specifically addresses the review criteria.

FINDING #6: The required plans and written statement have been submitted. Criterion met.

Section 3.070.030 Review Criteria

A variance to the requirements of this Ordinance shall be granted only in the event that each of the following circumstances is found to exist:

A. The proposed variance will not be contrary to the purposes of this Ordinance, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.

FINDING #7: LUDO Section 5.010.050 contains the development standards for the RL district. The side yard setback requirement is five feet. Other than variances or adjustments, the only code exception is an allowance in LUDO Section 6.030.020 C 1 to place detached accessory structures up to three feet from a side yard property line. Placing a carport on or near the property line would be contrary to the purpose of this code. Criterion not met.

B. Exceptional or extraordinary circumstances apply to the subject property which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the applicant has no control.

FINDING #8: This is a typical lot, larger than some in the area. The property is substantially developed with a house, leaving about 15 feet on the side for a carport. The property between the house and the property line is concrete, providing an extra parking space. However, there are no unusual features related to the size or shape of the property that would justify a variance. Criterion not met.

C. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property the same zone or vicinity.

FINDING #9: Without the variance or adjustment, the applicant would be able to construct a small carport which may not provide sufficient width for an RV, but there is no restriction on parking an RV at this location without a carport. Criterion not met.

D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Ordinance since its effective date.

FINDING #10: Whether an owner builds a carport is a discretionary decision on the part of the owner. Such a decision falls within the characterization of a self-imposed hardship. Criterion not met.

E. The proposed variance will not substantially reduce the amount of privacy enjoyed by users of neighboring land uses if the variance were not allowed.

FINDING #11: The variance might not reduce the amount of privacy enjoyed by neighboring land uses, but it would be very close to the neighboring property. Criterion met.

F. The proposed variance is the minimum variance which would alleviate the difficulty.

FINDING #12: A lesser setback might be sufficient to allow a large vehicle such as an RV to be parked on the side of the garage. It would depend on the size of the vehicle and the skill of the driver and would not be suggested. Criterion met.

RECOMMENDATION:

Deny the request as not meeting the variance requirements.

VARIANCE APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us

Date Filed 9/26/2012
File# VAR 120-12
Date Deemed Complete 9/26/2012
Hearing Date 10/18/2012
Approval Date
Permit Log #
Other Cross Reference#



APPLICANT

LEGAL OWNER (If Different than Applicant)

Name Brian & Gloria Tuck
Address 623 Sherman Dr
The Dalles OR
Telephone # 541 296 4942
E-mail Address

Name
Address
Telephone #

*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 623 Sherman Drive
Map and Tax Lot 1N 13E 2 DB Lot 1600
Size of Development Site
Zone District/Overlay RL
Comprehensive Plan Designation RL

REQUEST

[X] New Construction [] Expansion/Alteration [] Change of Use [] Amend Approved Plan

Brief Explanation: To add a carport.

JUSTIFICATION OF REQUEST

- 1. What are the special circumstances (size, shape or topography of lot, location of surroundings) that do not apply to other properties in the same vicinity and zone?

see attached sheet

- 2. What difficulties and unnecessary hardships will be created without a variance to the Ordinance?

- 3. Explain why the variance will not be detrimental to the public safety, health and welfare.

- 4. Explain why this variance, if granted, would not be contrary to the intent of the Zoning Ordinance.

PARKING INFORMATION

Total Number of Spaces Proposed N/A Total Number of Handicap Spaces Proposed _____

Total Number of Compact Spaces Proposed N/A What material will be used for the surface of the parking area _____.

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed N/A Percent of Landscaping Irrigated _____

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

UTILITIES

How will the site be served with water and sewer?

Water: City Water Chenoweth Irrigation Private Well

Sewer: City Sewer Private Septic

Signature of Applicant

Glenn Tuck

Date

Signature of Property Owner*

9-26-2012

Date

* Notarized Owner Consent Letter may substitute for signature of property Owner

NOTE: **This application must be accompanied by the information required in Section 3.070: Variance, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**

Site Team/Pre-Application :

- 15 copies of concept site plan.
- One 11 x 17 concept site plan.

Official Variance App.

- 4 full size copies construction detail plans
- One 11 x 17 construction detail plan
- 4 copies detailed landscape plans

INFORMATION REQUIRED WITH APPLICATION

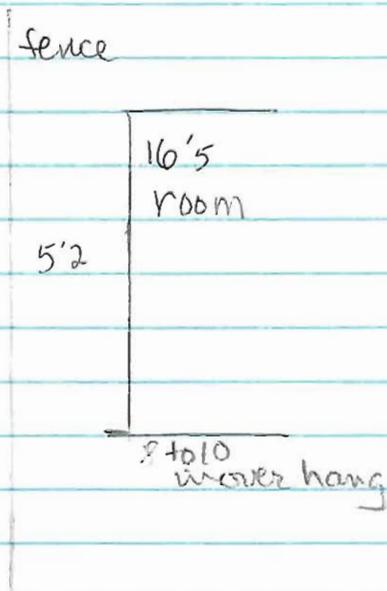
There are 3 types of plan information that can be combined on the same plan or separated onto different plans and reviewed at different times through the approval process. The minimum plan requirements which must accompany a Site Plan Review Application are those specified in the Concept Site Plan below.

1. Concept Site Plan. The concept site plan shall clearly indicate all of the following information applicable to the particular development proposal.

- Project Name
- A separate vicinity map indicating location of the proposed development.

1. Our lot and house is situated on the lot to provide parking for a R.V. and a R.V. cover.
2. So having the variance is very important to provide adequate space to safely park our R.V.
Without the variance it would make it more difficult to park the R.V. space would be too narrow to maneuver the R.V. into the space.
3. We have a license contractor who is over seeing all the building construction on our carport. We personally want this carport to blend in with the side of the house.
4. The carport will blend in to match the house and will not have any impact on adjoining land owners. We will install gutters on carport to direct run off water from the roof away from adjacent land owner. This is just a carport without any side

The neighbor house:



Plot Plan

City of The Dalles

Community Development Dept

Map, Tax Lot: _____

Applicant: _____

Owner(s): _____

ADDRESS - _____

Phone #: _____

Date: _____

NOTE: Lot dimensions and setbacks must be included numerically and drawn to the scale selected below.

**** See back for required plot plan information

Scale: (select one)

One Inch = 10 Feet

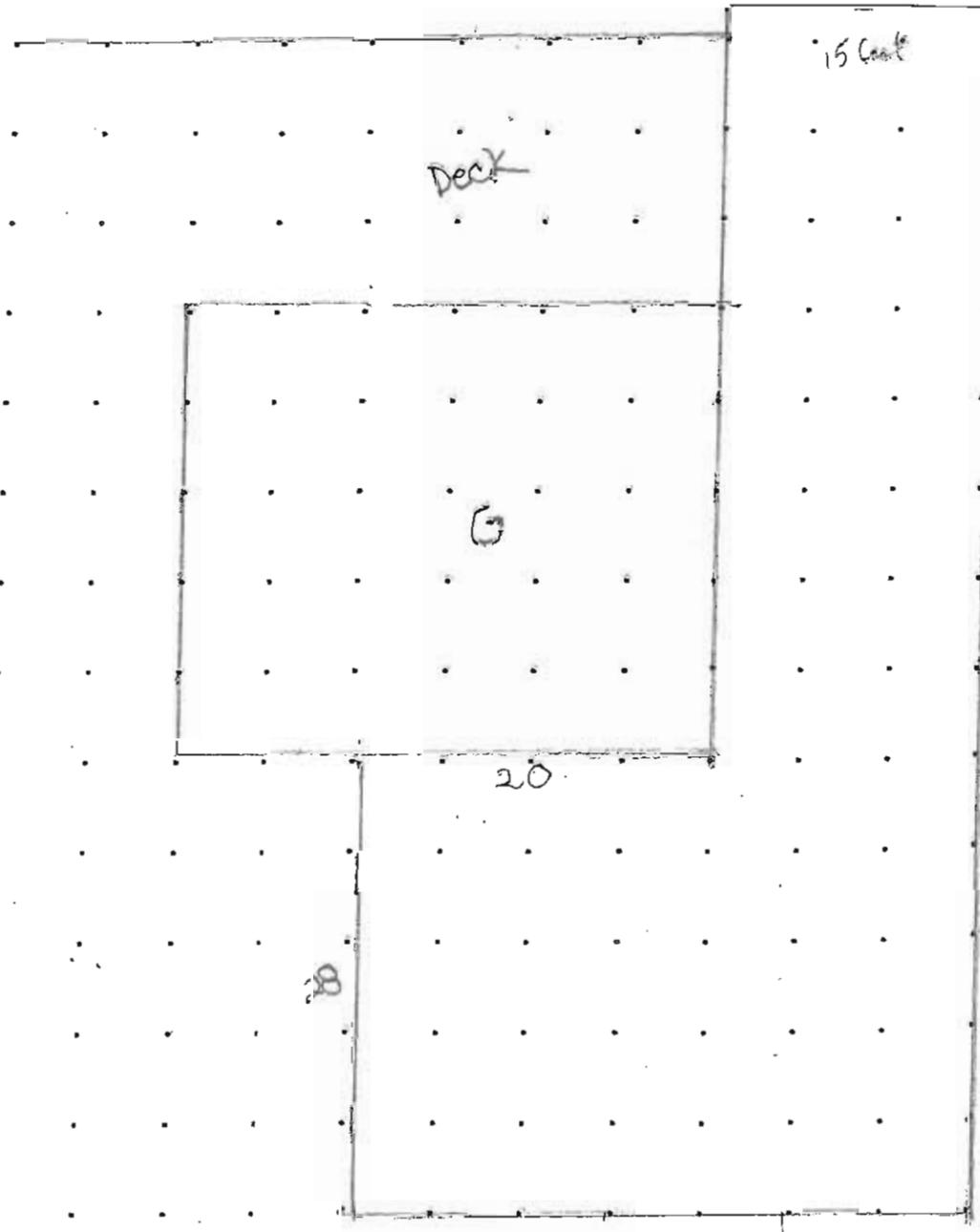
One Inch = 20 Feet

One Inch = 50 Feet

Planning Dept Only:

File #: _____

Approval Date: _____



side walk