



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

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(541) 296-5481 ext. 1125  
COMMUNITY DEVELOPMENT DEPARTMENT

**AGENDA**  
**CITY OF THE DALLES PLANNING COMMISSION**  
**THURSDAY, AUGUST 6, 2020**  
**6:00 P.M.**  
VIA ZOOM

Join Zoom Meeting

<https://zoom.us/j/92346191386?pwd=V0pjTkhGOEphellL1RpU2M4YmJSZz09>

Meeting ID: **923 4619 1386** Password: **264149**

Dial by your location: 1-253-215-8782 or 1-669-900-6833

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES – July 16, 2020**
- V. PUBLIC COMMENT**
- VI. QUASI-JUDICIAL PUBLIC HEARING**
  - VAR 127-20: Shanelle Smith, 1420 Oregon Avenue, 1N 13E 2 CC tax lot 1800
  - REQUEST: Approval to construct a 6 ft. fence in the front and side yards to address concerns of privacy and security.
- VII. RESOLUTION**
  - Resolution 594-20: Approval of VAR 127-20, Shanelle Smith
- VIII. STAFF COMMENTS**
  - Next regularly scheduled meeting: August 20, 2020
- IX. COMMISSIONER COMMENTS OR QUESTIONS**
- X. ADJOURNMENT**

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## CITY of THE DALLES

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THE DALLES, OREGON 97058

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(541) 296-5481 ext. 1125  
COMMUNITY DEVELOPMENT DEPARTMENT

# MINUTES

## CITY OF THE DALLES PLANNING COMMISSION

MEETING HELD VIA ZOOM  
THURSDAY, JULY 16, 2020  
6:00 P.M.

### CALL TO ORDER

Chair Bybee called the meeting to order at 6:02 p.m.

### ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett, Alan Easling, Bruce Lavier, Philip Mascher and Jeff Stiles (joined meeting at 6:08 p.m.)

Commissioners Absent: Mark Poppoff

Staff Present: Senior Planner Dawn Marie Hert, Associate Planner Joshua Chandler, City Attorney Christopher Crean and Secretary Paula Webb

### APPROVAL OF AGENDA

It was moved by Cornett and seconded by Mascher to approve the agenda as written. The motion passed 5/0; Bybee, Cornett, Easling, Lavier and Mascher in favor, none opposed, Poppoff and Stiles absent.

### ELECTION OF OFFICER

Commission consensus was to postpone the election until all Commissioners were present.

### APPROVAL OF MINUTES

It was moved by Mascher and seconded by Cornett to approve the minutes of June 18 and July 2, 2020, as written. The motion passed 5/0; Bybee, Cornett, Lavier, Mascher and Stiles in favor, none opposed, Easling abstained, Poppoff absent.

Commissioner Stiles joined the meeting at 6:08 p.m.

### PUBLIC COMMENT

None.

## **RESOLUTION**

Resolution 593-20: Denial of APL 030-20 and affirming approval of SUB 74-19

The public hearing was closed at the July 2, 2020 meeting.

It was moved by Bybee and seconded by Cornett to approve Resolution 593-20, denying APL 030-20 and affirming approval of SUB 74-19. The motion passed 5/0; Bybee, Cornett, and Lavier, in favor, Stiles opposed, Easling and Mascher abstained, Poppoff absent.

## **STAFF COMMENTS**

Senior Planner Hert stated the next meeting is scheduled August 6, 2020; one Variance request is on the agenda.

## **COMMISSIONER COMMENTS OR QUESTIONS**

None.

## **ADJOURNMENT**

Chair Bybee adjourned the meeting at 6:18 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department

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Brent Bybee, Chair



## CITY of THE DALLES

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COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT VARIANCE #127-20

**Applicant:** Shanelle Smith

**Procedure Type:** Quasi-Judicial

**Public Hearing Date:** August 6, 2020

**Assessor's Map:** Township 1 North, 13 East, Section 2 CC

**Tax Lot:** 1800

**Address:** 1420 Oregon Avenue

**Comprehensive Plan Designation:** "RL" Residential Low Density

**Zoning District:** "RL" Residential Low Density

**Prepared by:** Dawn Marie Hert, Senior Planner

**REQUEST:** The applicant is requesting Approval to construct a 6 ft. fence in the front and side yards to address concerns of privacy and security.

#### **BACKGROUND INFORMATION:**

On May 14, 2020 an inquiry was made to the Community Development Department about the construction of a new fence that exceeded the maximum height allowed at the subject property. A letter was mailed to the property owner asking for compliance. The property owner reached out to staff and stated she was unaware of the fencing height limitations. Staff explained that the fence needed to come into compliance or an application for a Variance could be pursued. The applicant decide to pursue a Variance.

The subject property is adjacent to Quinton Street Ballpark, which is a Community Facility owned by North Wasco County School District 21. This proximity to the public property brings concerns of privacy and security for the property owner. Section 10.6.010.050 of The Dalles Municipal Code requires fencing within the front yard setback to not exceed 4 ft. in height. The subject property is a corner lot in a residential zone. The property has a unique layout due to the topography, grade and location of

the buildings/structures which forces the north of the property to function as the rear yard.

## **NOTIFICATION**

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

## **COMMENTS RECEIVED**

Site Team (Pre-Application) was held on June 25, 2020. The applicant's request was presented to the Site Team members; comments were provided to the applicant and have been incorporated in this staff report. Following the meeting, the City Engineer made a site visit and noted that clear vision was not previously met and would be very difficult to obtain with any height fence. It was also noted in the meeting that Clear Vision is not required for driveways.

Diana Bailey, 1416 Nevada Street, The Dalles, Oregon submitted an email to staff on July, 29, 2020. Ms. Bailey is a neighbor to the subject property and wrote in opposition to the application for the following reasons:

- A solid six-foot fence design, if allowed on front and side of property, would limit visibility of/and for pedestrians and vehicles. It would drastically reduce visibility and reaction time for both emergency vehicle drivers and/or pedestrians that wish to cross the street.
- Oregon and 14th Street is an exceedingly utilized intersection. Both employees of Mid-Columbia Medical Center (MCMC) and emergency vehicles accessing MCMC often travel Oregon Avenue with lights and sirens.
- Quinton Street Ball Park is a community event site that has activities throughout the year. These events bring about large numbers of community members to this neighborhood.
- Many drivers often exceed this limit frequently up to thirty-five or forty miles per hour.

Ms. Bailey also stated that all comments made represented her viewpoint alone and did not represent her employers or any organization that she is affiliated with.

**RESPONSE:** As stated later in this staff report (finding #17), Vision Clearance is not required for driveways. The added height may impose a visual restriction to drivers entering or exiting the ballfield parking lot, however it was noted that the Municipal Code does not require Vision Clearance be met. Also, as stated above in the Site Team meeting comments, it was noted the site did not have prior vision clearance; even with the installation of a 4 foot fence, vision clearance would be very difficult to meet.

Oregon Avenue is classified as a Residential Street, which is not considered a high-volume street. The classification accounts for volumes of 500-1,000 average daily trips.

The Planning Commission will need to weigh the concerns of public safety to determine if this Variance request will increase the potential conflicts if approved.

**RECOMMENDATION:** Approval, with conditions, based upon the following findings of fact.

**A. THE DALLES MUNICIPAL CODE – TITLE 10-LAND USE AND DEVELOPMENT:**

**Section 10.3.010.040 Applications**

*Subsection B. Completeness.*

**FINDING #1:** This application was found to be complete on July 10, 2020. The 120-day State mandated decision deadline is November 9, 2020.

**Section 10.3.020.050 Quasi-Judicial Actions**

*Subsection A. Decision Types, (3) Variances (Article 3.070):*

**FINDING #2:** This application is for a Variance per Article 10.5.060.030 K. The decision criteria listed in this ordinance section is addressed in the body of this staff report. The hearing is a quasi-judicial hearing. Criterion met.

*Subsection 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.

*Subsection C. Public Hearings. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.*

**FINDING #4:** The public hearing is scheduled for August 6, 2020, which is within 45 days from the date the application was deemed complete. Criterion met.

*Subsection D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notices shall be mailed to property owners within 300 feet of the property.*

**FINDING #5:** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on July 24, 2020. Criterion met.

**Section 10.3.070.020 Review Procedures**

*Subsection A. Applications. In addition to the requirements of Article 3.010: Application Procedures, variance applications shall be accompanied by at least 15*

*copies of a concept site plan, per the provisions of Article 3.030: Site Plan Review, and a written statement which specifically addresses the review criteria as described in Section 10.3.070.030: Review Criteria.*

*Subsection B. Review. Variance applications shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.*

**FINDING #6:** The required plans have been submitted and the application is being processed as a quasi-judicial action. Criterion met.

### **Section 10.3.070.030 Review Criteria**

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

**FINDING #7:** The residential property is unique due to the use of the adjacent property as well as layout and topography of the lot. The purpose of Section 10.6.010.010 of The Dalles Municipal Code is to "...recognize the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots..."

The intent of Section 10.6.010.050 of The Dalles Municipal Code is to allow screening where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Without a variance to the code, the functioning rear yard lacks both privacy and security. The proposed 6 ft. fencing location does not violate Section 10.6.100.030 Vision Clearance standards due to the location of the fence not being adjacent to an intersection or alleyway.

*Subsection 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:** The property is addressed and has a front door facing Oregon Avenue, with a driveway both on Oregon Avenue and E. 14<sup>th</sup> Street. By Municipal Code definition, the portion of the property requested for the 6 foot height fence is considered a front and side yard. The portion of the property that functions as a "rear yard" is on the north side, which is adjacent to the Quinton Street ballfield and parking lot. Due to topography, the site was developed with a day-light basement residence. Both rear doors on the house face north towards the yard that functions as a rear yard. Extraordinary circumstances also include that the subject property is adjacent to an identified Community Facility and parking lot.

*Subsection 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 in the same zone or vicinity.*



**FINDING #9:** Many corner residential properties in the same vicinity and zone, even with similar topography features, lack the circumstance of abutting the ballpark and associated parking lot. While some abut the ballfield, it is considered to be their rear yard, which allows for the 6 foot fencing.

The applicant believes that she would lose a high degree of comfort and safety due to the ability for individuals to easily access the rear yard due to the use of the adjacent property. She states that a 4 ft. fence would not be sufficient to provide adequate privacy and that a 6 ft. fence will assist in preventing individuals from easily viewing and accessing her rear yard. This will in turn increase the privacy she is allowed in a residential area. The applicant is requesting that the Planning Commission consider this when making a decision.

*Subsection 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 Title since its effective date.*

**FINDING #10:** As stated in the background, the applicant is applying for a Variance for a recently installed fence that exceeds the maximum allowed height. While the fence is currently in violation, the applicant has been very responsive to staff and desires to bring this fence into compliance through this Variance request. The circumstances justifying the Variance were not self-imposed, the applicant purchased the home with existing arborvitae that were overgrown and unsightly, but provided a much needed buffer from the adjacent use. Once the arborvitae were removed, it was necessary for the property owner to install a fence to ensure security and privacy were maintained.

If the property were addressed off of E. 14<sup>th</sup> Street and/or had a door facing E. 14<sup>th</sup> Street, this fence could be approved through a ministerial building permit process by following our front lot line definition in the Municipal Code. The City's previous land use code did not specifically define our lot lines, which allowed for staff to interpret front, rear and side lot lines. With the current definitions in place, any deviation of the code requires the Planning Commission's analysis.

*Subsection 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 increased height of the fenced area in the front and side yard enclosing the property's functioning back yard will provide an effective barrier against unauthorized access and will enhance the privacy enjoyed by the residential property owner and assist in providing a buffer from the neighboring land use.

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

**FINDING #12:** The additional 2 feet of fence height is the minimum which will alleviate the difficulty and provide a practical solution to issues with privacy and security.

## **Section 10.6 General Regulations**

### **Article 10.6.010 Landscaping Standards**

#### **Subsection 10.6.010.050 Screening – Hedges, Fences, Walls other than Retaining Walls, Berms.**

*Subsection A. General. Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. All screening shall comply with the provisions of Article 6.100: Vision Clearance.*

**FINDING #13:** The applicant has stated that the proposed fencing is planned for use in the privacy and security of her property. Criterion met.

*Subsection B. Fences and Walls. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, metal, or other commonly used fencing/wall materials. Acoustically designed fences and walls may also be used where noise pollution requires mitigation.*

**FINDING #14:** The proposed fence is vinyl, a commonly used fencing material. Criterion met.

*Subsection E. Height. The height of hedges, fences, walls, and berms shall be measured as provided for in Section 10.6.070.050(B), except where used to comply with screening requirements for parking, loading, storage, and similar areas. Hedges, fences, walls, and berms must comply with vision clearance requirements of Section 10.6.010.030(K). Height requirements for hedges, fences, and walls are as follows:*

*1. Residential Areas.*

- a. Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10-foot triangle adjacent to an alley or driveway.*
- b. Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.*
- c. Hedges, fences and walls not located in required yards may exceed the height standards listed above.*

**FINDING #15:** The proposed fencing is located on the property line and currently exceeds the height allowance of 4 feet when located within a front and side yard. Criterion not met. A Variance approval is necessary in order to allow the additional two feet in height.

- 3. All Areas. Fences and walls over 4 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.*

**FINDING #16:** A permit is required for any fence exceeding 4 feet in height. Criterion will be addressed as a condition of approval.

**Article 10.6.100 Vision Clearance**

**Subsection 10.6.100.010 Purpose**

*Vision clearance areas shall be provided on all lots and parcels located at corner intersections of all streets, and at intersections of alleys with streets, to promote pedestrian, bicycle and vehicular safety.*

**FINDING #17:** The proposed fencing is not located adjacent to an intersection or alleyway. Vision Clearance is not required for driveways. Criterion does not apply.

**B. Conclusion:** The above findings demonstrate compliance with The Dalles Municipal Code - Title 10 Land Use and Development. Recommended conditions are added at the end of this document to provide compliance with City ordinances.

**IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:**

1. All onsite improvements must be installed by the applicant in accordance with The Dalles Municipal Code, Title 10 – Land Use Development, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
2. Fences over 4 feet in height shall require a building permit with the City of The Dalles.

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# 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 \_\_\_\_\_  
File# VAR 127-20  
Date Deemed Complete \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Permit Log # \_\_\_\_\_  
Other Cross Reference# \_\_\_\_\_

## APPLICANT

Name Shanelle Smith  
Address 1420 Oregon St  
The Dalles OR 97058  
Telephone # 541-980-7720  
E-mail Address shanelle.d.smith@gmail.com

## LEGAL OWNER (If Different than Applicant)

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 1420 Oregon St, The Dalles, OR 97058  
Map and Tax Lot 1N 13E 2 CC 1800  
Size of Development Site 0.18 acres  
Zone District/Overlay RL - Low Density Residential  
Comprehensive Plan Designation Not applicable.

## REQUEST

New Construction     Expansion/Alteration     Change of Use     Amend Approved Plan

Brief Explanation: See attachment.  
\_\_\_\_\_  
\_\_\_\_\_

**JUSTIFICAION 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 attachment.

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

See attachment.

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

See attachment.

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

See attachment.

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**PARKING INFORMATION**

Total Number of Spaces Proposed Not applicable Total Number of Handicap Spaces Proposed Not applicable

Total Number of Compact Spaces Proposed Not applicable What material will be used for the surface of the parking area Not applicable.

**LANDSCAPING INFORMATION**

Total Square Footage Landscaping Proposed Not applicable Percent of Landscaping Irrigated Not applicable

**ECONOMIC DEVELOPMENT INFORMATION**

Proposed Project is located in the Enterprise Zone

Not applicable Full Time Equivalent (FTE) jobs are currently provided.

Not applicable 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

Signature of Property Owner\*

\_\_\_\_\_ Date

\_\_\_\_\_ 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.**

**PLANS SUBMITTED:**     At least 15 copies of concept site plan.

2 copies detailed landscape plans     2 copies construction detail 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.
- Scale – The scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director.



## Request

Brief Explanation: Request for variance to Section 10.6.010.050 of The Dalles Municipal Code which requires fencing within the front yard setback to not exceed 4 ft. in height. The property is a residential corner lot with a unique layout due to the topography, grade and location of the buildings/structures which forces the north of the property to act as the rear yard. In addition, the lot is adjacent to a public parking lot which increases proximity to public access and concerns of privacy and security. The proposed 6 ft. fence line was previously marked with 12-14 ft. hedges and separates the rear yard from the parking lot and unfinished sidewalk. The proposed fencing also sits away and below the intersection of Oregon St. and 14<sup>th</sup> St. therefore not encroaching on clear vision requirements.

## 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?**

The lot is uniquely located next to a public parking lot. While the front door faces west, the rear yard is on the north side of the property and is adjacent to the school district parking lot. The location of a typical rear yard is not capable in this setting due to the layout of the property: the garage is located at the rear of the house (east) and sits level with the main floor of the house. The rear yard sits north of the house and is level with the basement due to the topography of the property and grade of the surrounding area. Both back doors face north towards the rear yard (main level and basement). Many corner residential properties in the same vicinity and zone, even with similar topography features, lack the adjacent property of a parking lot and proximity to public access.

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

Due to the unique layout of the property, the fencing location is not located in the front yard setback as stated in the letter dated 15 May 2020 RE: 1420 Oregon Street – 1N 13E 2 CC 1800. Instead, the proposed fencing is located in the rear yard as required by the topography of the lot and location of garage at the rear of house.

Without a variance to the Ordinance, the residential property loses the requisite of a residential setting and privacy in the rear yard. When the property was acquired, 12-14 ft. arborvitae lined the proposed fencing line and served as a means of privacy while in the rear yard. Many of the trees were dead/dying and resources were spent to remove the trees and clean up the property to replace with a 6 ft. fence. The arborvitae created a fire-hazard, especially adjacent to a public parking lot. A reasonable individual would not have assumed that removing 12-14 ft. hedges and replacing with a 6 ft. fence would be detrimental to the public safety, health and welfare. With the Ordinance requirement of a fence no taller than 4 ft., the property owner loses a high degree of comfort and safety due to the ability for individuals to easily access the rear yard due to the adjacent property and proximity of public access. A 4 ft. fence would also not be sufficient to provide adequate privacy to individuals on the street. A 6 ft. fence prevents individuals from easily viewing and accessing the rear yard, therefore increasing privacy and allowing a residential setting.

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

The proposed 6 ft. fence complies with the purpose of 10.6.010.010, the ability to use landscaping “to establish a pleasant community character, unify developments, and buffer or screen unsightly features;



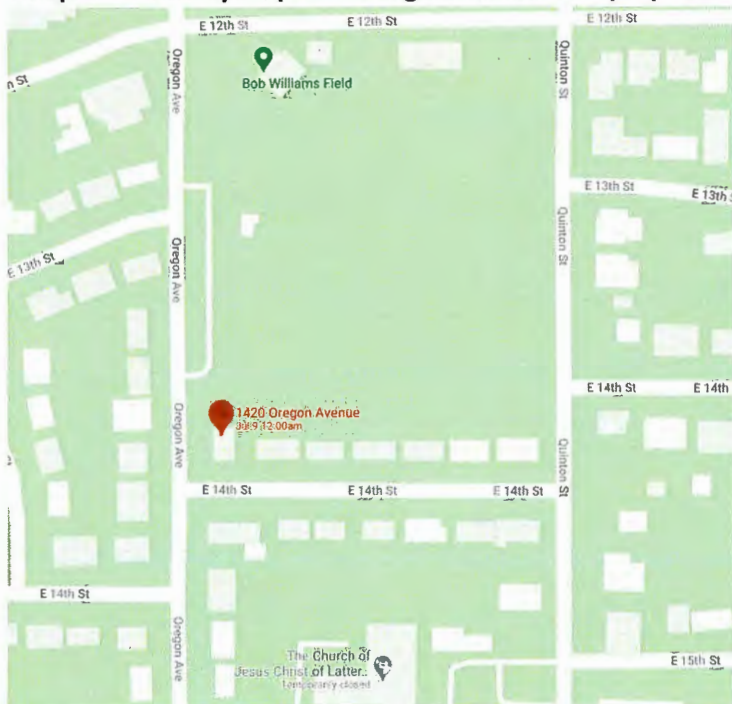
to soften and buffer large scale structures and parking lots..." The proposed 6 ft. fence serves the same purpose as the 12-14 ft. arborvitae that lined the same location previously. There is no threat to public safety, health and welfare with the proposed 6 ft. fence. Instead, the fencing cleans up the property and improves the neighborhood while increasing the safety and comfort of the property owner.

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

The residential property is unique due to the nature of the adjacent property as well as layout and topography of the lot. As previously mentioned, many corner residential properties, even with similar topography features, lack the neighboring property of a parking lot. The purpose of Section 10.6.010.010 of The Dalles Municipal Code is to "...recognize the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots..." The intent of Section 10.6.010.050 of The Dalles Municipal Code is to allow screening where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Without a variance to the aforementioned code, the rear yard lacks both privacy and security. The proposed 6 ft. fencing location does not violate Section 10.6.100.030 due to the distance from the corner of the residential property and does not encroach the purpose of promoting pedestrian, bicycle and vehicular safety. The proposed variance fence line is not located adjacent to a residential property.

### Concept Site Plan Information

- **Project name**  
1420 Oregon St – Rear Yard Fence.
- **A separate vicinity map indicating location of the proposed development**





- Scale – the scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director 1:20.
- North arrow

Included in plot plan.

- **Date**  
11 June 2020.
- **Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development**  
Existing streets: Oregon St borders western property line; 14<sup>th</sup> St borders southern property line.  
Drawn in plot plan.  
Proposed streets: not applicable.
- **Lot layout with dimensions for all lot lines**  
100 ft. (north to south) x 78 ft. (east to west). Drawn in plot plan.
- **Location, dimensions, and height of all existing and proposed buildings, structures, fences and dates. Indicate which buildings, structures and fences are to remain and which are to be removed**  
Location and dimensions of all existing buildings, structures: house, garage, deck drawn in plot plan.  
Height of existing buildings, structures: not applicable.  
Location, dimensions, and height of proposed buildings, structures: not applicable.  
Location, dimensions and height of existing and proposed fences: existing 4 ft. fence and proposed 6 ft. fence drawn in plot plan.  
Date: June / July 2020.
- **Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings**  
Drawn in plot plan.
- **Location and dimensions of all driveways and bicycle and vehicle parking areas**  
Location and dimensions of driveway: located on southeast portion of property. Drawn in plot plan.  
Location and dimensions of bicycle and vehicle parking areas: not applicable.
- **Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern**  
Not applicable.
- **Size and location of existing and proposed curb openings (access from street to property), and distance to curb openings on adjacent property**  
Size and location of existing curb openings: drawn in plot plan.  
Size and location of proposed curb openings: not applicable.  
Distance to curb openings on adjacent property: not applicable.
- **All points of entrance and exits for pedestrians, bicycles, and vehicles, including service vehicles**  
All points of entrance and exits for pedestrians, bicycles: not applicable.

All points of entrance and exits for vehicles (including service vehicles): proposed double gate, 6 ft. height, 11 ft. wide.

- **Location and description of any slopes greater than 20%, and any proposed cut and fill activity**  
Not applicable.
- **General nature and location of all exterior lighting**  
Not applicable.
- **Outdoor storage and activities where permitted, and height and type of screening**  
Not applicable.
- **Conceptual draining and grading plan**  
Not applicable.
- **Location, size, height, materials and method of illumination of existing and proposed signs**  
Not applicable.
- **Location of existing utilities, easements, and rights of way**  
Location of existing utilities: water/sewer, gas drawn in plot plan.  
Location of easements, rights of way: not applicable.
- **Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, draining ways and wetlands**  
Not applicable.
- **Location, size, and use of any proposed underground activity (storage tanks, septic systems, heat transfer coils, etc.)**  
Not applicable.
- **Location of existing fire hydrants**  
Southwest corner of property. Drawn in plot plan.
- **Location and dimension of all areas devoted to landscaping, and a general description of proposed planting and materials (trees, rocks, shrubs, flowers, bark, etc.)**  
Not applicable.
- **Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes**  
Not applicable.
- **Any additional information required by the Director to act on the application**  
Not applicable at this time.







Images from June 2020 – March 2020 (in chronological order)

















Map, Tax Lots:

Applicant: SK

Owner(s): S

Address: 1

Phone #: S

Date:    

PROJECT NAME:

**R**

Scale: (

One In

One In

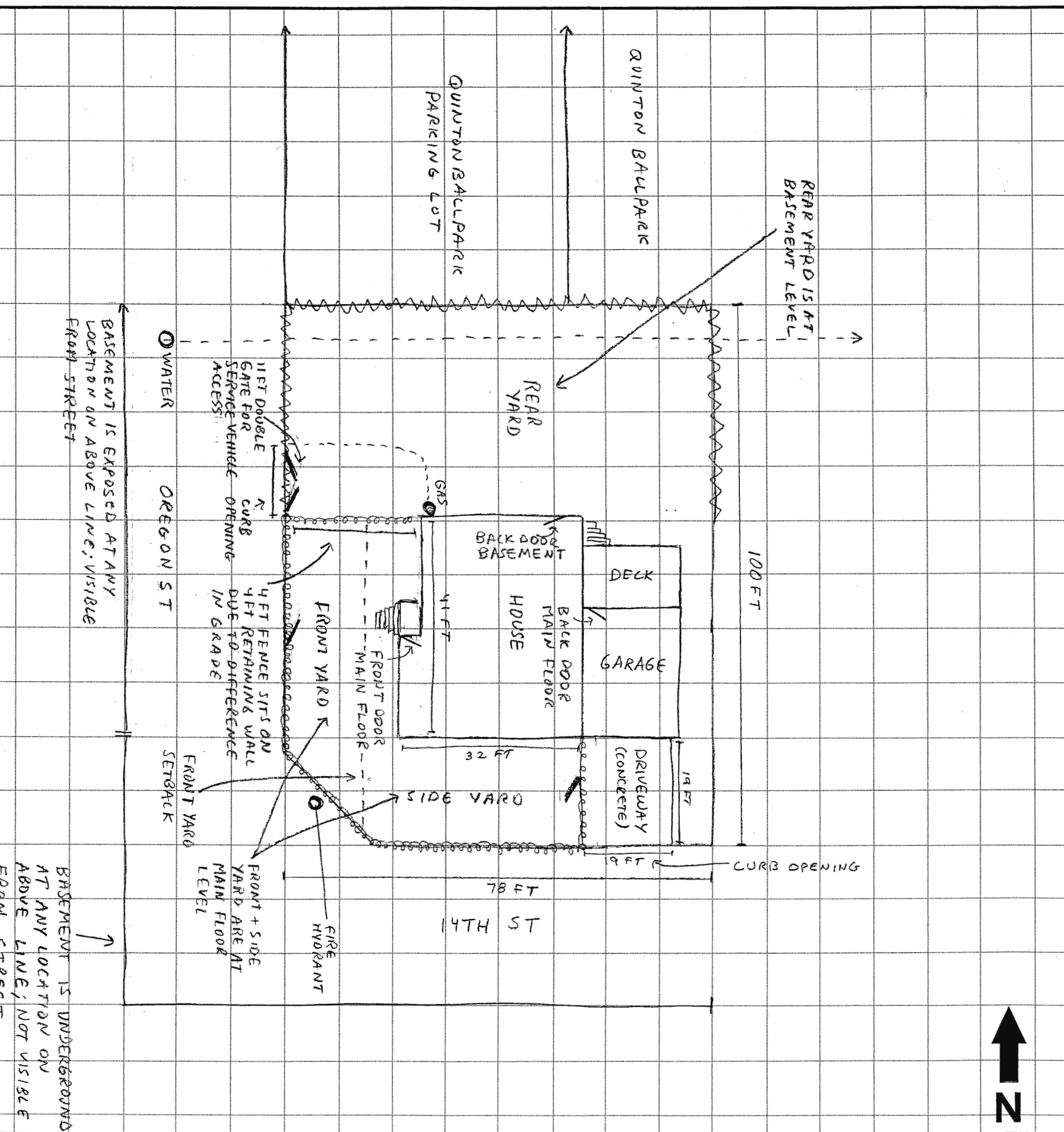
One In

Planning Department

File #:    

Approval Date

Signature:    



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Dawn Hert  
Senior Planner  
313 Court Street  
The Dalles, Or 97058

Dear Ms. Hert,

I am writing to you in regards to public hearing VAR 127-20. I, as a resident of 1416 Nevada Street, write to you in opposition to said variance. I oppose the variance for the following reasons:

- Resident currently has a solid fence design on property.
  - A solid fence design, if allowed on front and side of property, would limit visibility of/and for pedestrians and vehicles.
    - It is not outlined in the Public Hearing letter if resident is proceeding with a solid fence design or one that allows for visibility. However, if this is the intention a solid fence would greatly reduce the safety of the Oregon and 14<sup>th</sup> Street intersection.
- Oregon and 14<sup>th</sup> Street is an exceedingly utilized intersection.
  - Employees of Mid-Columbia Medical Center (MCMC), Wasco County's largest employer, use Oregon Street for work access.
  - Emergency vehicles accessing MCMC often travel this route with lights and sirens. A six-foot fence would drastically reduce visibility and reaction time for both emergency vehicle drivers and/or pedestrians that wish to cross the street.
  - Although not currently happening due to Covid-19, Quinton Street Ball Park is a community event site that has activities throughout the year. These events bring about large numbers of community members to this neighborhood.
- Our neighborhood residents have recognized that although the speed posted for Oregon Street is twenty-five miles per hour many drivers often exceed this limit frequently up to thirty-five or forty miles per hour.
  - Again, a six-foot fence would drastically reduce visibility and reduce reaction time for both drivers and/or pedestrians who are crossing street.

Thank you for the opportunity to express my concerns with acceptance of VAR 127-20. I do wish to state that all comments made in this communication represent my viewpoint alone. They do not represent my employers or any organization that I am affiliated with.

Feel free to contact me if you have any further questions of me,

*Diana L. Bailey*

Diana Bailey  
Property Owner  
1416 Nevada Street  
The Dalles, OR 97058  
[ruddylamar@gmail.com](mailto:ruddylamar@gmail.com)  
541-296-7735



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
PLANNING DEPARTMENT

### RESOLUTION NO. PC 595-20

Approval of Variance Application **VAR 127-20, Shanelle Smith**, to construct a 6 ft. fence in the front and side yards to address concerns of privacy and security. Property is located at 1420 Oregon Street, The Dalles, Oregon and is further described as 1N 13E 2 CC tax lot 1800. Property is zoned RL – Low Density Residential.

#### I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on August 6, 2020, conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B. Staff's report of Variance 127-20 and the minutes of the August 6, 2020, Planning Commission meeting, upon approval, provide the basis for this resolution and are incorporated herein by reference.

#### II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A. In all respects as set forth in Recitals, Part "I" of this resolution.

Variance 127-20 is hereby approved with the following conditions of approval:

1. All onsite improvements must be installed by the applicant in accordance with The Dalles Municipal Code, Title 10 – Land Use Development, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
2. Fences over 4 feet in height shall require a building permit with the City of The Dalles.

#### III. APPEALS, COMPLIANCE, AND PENALTIES:

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF AUGUST, 2020.

\_\_\_\_\_  
Brent Bybee, Chair  
Planning Commission

I, Steven K. Harris, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 6<sup>th</sup> day of August, 2020.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Steven K. Harris – AICP  
Community Development Director, City of The Dalles