



**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**

CITY HALL COUNCIL CHAMBERS  
313 COURT SREET  
THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, MARCH 5, 2020**

**6:00 P.M.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF AGENDA**

**IV. APPROVAL OF MINUTES** – February 20, 2020

**V. PUBLIC COMMENT**

**VI. QUASI-JUDICIAL HEARING**

Adjustment 050-19, Michael and Christine Irish, 221 W. 15<sup>th</sup> Street, 1N 13E 4 DB 9300

REQUEST: A side yard setback reduction of 2 feet and a rear yard setback reduction of 5 feet, a reduction of 40% and 50% respectively.

**VII. RESOLUTION**

Resolution PC 590-20: Approval of ADJ 050-19, Michael and Christine Irish

**VIII. STAFF COMMENTS**

Next regularly scheduled meeting: March 19, 2020

**IX. COMMISSIONER COMMENTS OR QUESTIONS**

**X. ADJOURNMENT**

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## CITY of THE DALLES

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

# MINUTES

## CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

313 COURT SREET

THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, FEBRUARY 20, 2020**

**6:00 P.M.**

### CALL TO ORDER

Chair Bybee called the meeting to order at 6:00 p.m.

### ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett, Sherry DuFault, Bruce Lavier, and Steve Ross

Commissioners Absent: Mark Poppoff and Steve Ross

Staff Present: Director Steve Harris, City Attorney Gene Parker and Senior Planner Dawn Marie Hert

### APPROVAL OF AGENDA

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

Commissioner Poppoff arrived at 6:02 p.m.

### APPROVAL OF MINUTES

Commissioner Lavier noted the signature block of the minutes was incorrect.

It was moved by DuFault and seconded by Ross to approve the minutes of February 6, 2020, as corrected. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Ross in favor, none opposed, Stiles absent.

### PUBLIC COMMENT

None.

## LEGISLATIVE HEARING

### Comprehensive Plan Amendment No. 46-20

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had ex parte contact or conflict of interest. Hearing none, Chair Bybee opened the public hearing at 6:04 p.m.

Senior Planner Hert presented the staff report. There were no questions.

Chair Bybee closed the public hearing at 6:06 p.m.

Commission discussion included:

Page 2 of the staff report, Goal 8 Policies, states,

~~“...A parks and open space standard of ten acres per 1,000 population should be adopted as part of the Parks Master Plan.~~ **The Parks and Recreation Master Plan shall include improvement, acquisition, and development recommendations that maintain the ratio of acres of park land per 1,000 residents at the current level of service.**

Commissioner Cornett asked if the removal of “10 acres” was incorrect. Senior Planner Hert replied the intent was to get away from a defined number and follow the current level of service. The current Master Plan does not include a specific number for the current level of service.

Harris said the industry standard for Parks and Recreation is moving away from a definitive number of acres per 1,000 population. The Master Plan will go toward a qualitative standard, i.e., parks within a certain distance of neighborhoods, various park sizes, community and regional parks. For that reason, they did not include a specific number in the update and approached the City to amend the Comprehensive Plan.

Parks in the area include 127.44 acres, almost 11 undeveloped acres, and nine acres of Riverfront Trail, totaling just over 320 acres. School facilities and other resources also available for recreation total just over 520 acres.

Commissioner DuFault said this amendment did not specify the current level of service. Cornett replied the current level of service is to maintain 8.71 acres per 1,000 residents, based on the equation provided by the National Recreation and Park Association (NRPA). The area they are improving is the distribution of parks.

Harris said based on the Master Plan 8.71 acres per 1,000 residents is the current ratio, not the current standard. The Parks District has recognized what the current standard is today and would like to maintain that standard. The staff report includes how many additional acres are required per year to maintain that standard.

DuFault suggested including a definition of the current level of service.

Harris suggested: “...The Parks and Recreation Master Plan shall include improvement, acquisition, and development recommendations that maintain the ratio of **8.71** acres of park land per 1,000 residents at the current level of service.

Hert clarified the Parks District concern was including a specific number. In the future, the District may be at a higher level of service. Removing the number would eliminate the need to again update the Comprehensive Plan.

Harris stated the existing language of Policy 10 has a parks and open space standard of 10 acres per 1,000. The highlighted portion reflects what exists today, 8.71 acres per 1,000. It would appear they want to maintain that current level.

DuFault suggested including, “maintain ratio consistent with NRPA standards.” Harris replied the policy language could be amended to reflect what the standard is in the currently adopted Parks

and Recreation Master Plan. Some discretion would be given up if the Parks District changed the standard.

Chair Bybee stated it had been a trend of other jurisdictions to eliminate a numerical value.

Cornett said he would like verbiage stating, "No resident shall have to walk further than x distance to a park."

Commission consensus was to continue this item until a representative of the Parks District is present to provide clarification.

It was moved by DuFault and seconded by Cornett to postpone a decision on CPA 46-20 pending clarification on the Goal 8 policy wording for current level of service. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Ross in favor, none opposed, Stiles absent.

## **RESOLUTION**

### Resolution PC 589-20: Adoption of Comprehensive Plan Amendment CPA 46-20

The resolution was tabled to a later date.

Director Harris clarified if the Board's action was to extend the public hearing to a date certain additional noticing would not be required. Should the Board extend the public hearing to a date uncertain, the public hearing must be re-noticed.

City Attorney Parker said the public hearing must be re-opened to allow further testimony from a Parks District representative.

It was moved by Cornett and seconded by Lavier to re-open the public hearing until a date uncertain. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Ross in favor, none opposed, Stiles absent.

## **STAFF COMMENTS**

Director Harris provided the following updates:

The next meeting is scheduled for March 5, 2020; one item is on the agenda.

Budget preparation is in progress. A RARE planner will be requested through the University of Oregon for an internship. If successful, the position should begin in September or October and will assist with the West Side Area Study.

A meeting was conducted for the Economic Opportunities Analysis Advisory Committee to look at the commercial and industrial land supply. A second meeting will be held in March. The consultants will provide findings to the Planning Commission in April. This study is required by the State to allow expansion of the Urban Growth Boundary (UGB).

Additional items in the budget proposal include economic development, business retention and business attraction.

Design charrettes will be held on February 21, 2020, to create a public gathering place on Federal Street between East Second Street and the alley. This project has a tentative conclusion date of May 1. Design concepts and cost estimates will be presented to the Planning Commission, the Urban Renewal Agency, City Council and area businesses to determine if there is interest in moving forward.

Director Harris extended his thanks to City Attorney Parker for his efforts and said it was a pleasure to work with him.

## **COMMISSIONER COMMENTS OR QUESTIONS**

Commissioner Poppoff commented that with higher densities we need rules on rental housing with a commission to review the housing ensuring grounds are maintained and safety standards met. These properties require oversight.

Harris replied there are cities that require a business license for rental properties and require an annual safety inspection for license renewal.

Poppoff suggested an inspection prior to new tenants. Harris replied the City may not have a role in that process. In some areas, an owner is required to go through a self-certification. Harris said he would be hesitant to go down that path.

DuFault asked if City Council had taken action on a business license. Harris responded there had been internal discussions regarding a business license; the item had not been presented before the Council.

Director Harris said the Urban Renewal Agency is under an Exclusive Negotiating Agreement with a prospective buyer for the Tony's Building. Due diligence is under way. The intended use is a fitness center.

A second addendum to the Disposition and Development Agreement (DDA) for the Recreation Building will be presented to the Urban Renewal Agency February 27, 2020. The exterior wall was further stabilized. Carpenter would like to move forward with the two undamaged buildings.

In response to Commission inquiries, Harris replied the Honald Building renovations are complete and ready to go on the market. Harris has had no contact with the new owner of the Griffith Motors site.

## **ADJOURNMENT**

Chair Bybee adjourned the meeting at 6:53 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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THE DALLES, OREGON 97058

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

### STAFF REPORT ADJUSTMENT 050-19

**Applicant:** Michael & Christine Irish  
**Procedure Type:** Quasi-judicial  
**Decision Date:** February 06, 2020  
**Assessor's Map:** Township 1 North, 13 East, Section 4 DB  
**Tax Lot:** 9300  
**Address:** N/A  
**Comprehensive Plan Designation:** "RH" High Density Residential  
**Zoning District:** "RH" High Density Residential  
**Prepared by:** Riley Marcus, Associate Planner

**REQUEST:** The request is for the approval to reduce the side yard setback from 5 feet to 3 feet and the rear yard setback from 10 feet to 5 feet, requiring a 40% and 50% reduction.

**RECOMMENDATION:** Approval, with conditions.

**NOTIFICATION:** Notification was mailed on February 24, 2020 to surrounding property owners within 300 feet, in addition to other local and state entities, city departments and franchise utilities.

**COMMENTS RECEIVED:**  
No comments were received.

#### I. City of The Dalles Municipal Code – Title 10 Land Use and Development

##### Chapter 10.3 Application Review Procedures

##### Article 3.020 Review Procedures

##### *Section 10.3.020.050 Quasi-Judicial Actions*

*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, approval with conditions, or denial.

*C. Public Hearings.*

- 1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.*
- 2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.*
- 3. Unless otherwise ordered by the hearings body, the Director shall take complete applications for quasi-judicial actions in the order in which they are filed.*
- 4. The hearings body shall hold at least one public hearing on a complete application.*
- 5. The burden of proof is placed on the applicant seeking a planning action.*
- 6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.*
- 7. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.*

*D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:*

- 1. The applicant and owners of property within 300 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.*
- 2. Any affected governmental agency, department, or public district whose boundaries include the subject property.*
- 3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.*
- 4. The notice provided by the Department shall:*
  - a. Explain the nature of the application and the proposed use or uses which could be authorized.*
  - b. Set forth the street address or other easily understood geographical reference to the subject property.*
  - c. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to LUBA on that issue.*
  - d. List by commonly used citation the applicable criteria for the decision.*
  - e. State the place, date, and time of the hearing.*



- f. *State that a copy of the application, all documents and evidence submitted by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.*
  - g. *State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least 7 days prior to the hearing.*
  - h. *Include the name and telephone number of the Director to contact for additional information.*
  - i. *Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*
5. *The failure of a property owner to receive notice as provided in this Article shall not invalidate such proceedings if the Department can show that such notice was given.*

**FINDING:** The Applicants are requesting Adjustments to the side yard and rear yard setbacks on their property. The required side yard setback for the RH zoning district in which they are located is 5 feet and the required rear yard setback is 10 feet for a single family dwelling. The Applicants are requesting for the side yard setback to be reduced 40% to 3 feet and the rear yard setback to be reduced by 50% to 5 feet.

The Applicants submitted their Adjustment Application on December 20, 2019. The Application was not deemed complete until January 10, 2019. The Applicants were out of town and therefore the Application was reviewed at Site Team on February 6, 2020. The Notice of Public Hearing was published by The Dalles Chronicle on February 22, 2020. A Notice of Public hearing went out to landowners located within 300 feet of the subject property on February 24, 2020. The Mail Out was mailed February 27, 2020 and the Public Hearing was scheduled for March 5, 2020 at 6pm. A copy of the Staff Report was made available on February 27, 2020. A decision was required to be made within 45-days of deeming the application as complete, which would be March 4, 2020, one day prior to the Planning Commission meeting date, however due to noticing requirements and the limited publishing dates available for The Dalles Chronicle, the decision will be made one day late. Staff finds the request to comply with Section 10.3.020.040(B), (C), and (D).

### **Article 3.080 Adjustments**

#### **Section 10.3.080.020 Applicability**

*D. The quasi-judicial adjustment process may be used to change the following items:*

- 1. *Up to 50% reduction in standard setback requirements.*

**FINDING:** The Applicants are proposing a 40% reduction to the standard side yard setback for a 3 foot side yard setback and a 50% reduction to the rear yard setback for a 5 yard setback. Staff finds the request to comply with Section 10.3.080.020(D).

#### **Section 10.3.080.040 Review Criteria**

- A. *An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 (Administrative Action) or 6 through 8 (Quasi-Judicial Adjustment) below, has been met.*

6. *Application of the regulation in questions would preclude all reasonable economic value of the site; and*
7. *Granting the adjustment is the minimum necessary to allow the use of the site; and*
8. *Any impacts resulting from the adjustment are mitigated to the extent practicable.*

**FINDING:** The Applicants submitted the following justification for the above review criteria:

*“Approximately 50% of the lot is dominated by an outcrop of the Chenowith Formation Conglomerate (per Mark Yinger’s Geo Hazards Assessment – attached) making the lot extraordinarily challenging to build on. To attempt to level it would not only be a nuisance to the entire neighborhood, but would impose extreme practical difficulties and is not economically viable”*

*“With an Adjustment to the setbacks, there is not enough square footage on the north end of the lot for a new house and garage. Strict adherence to the prescribed setbacks will, most likely, preclude our use of the site.”*

*“A home on the lot is appropriate and compatible use of the land in this neighborhood where many buildings are located on the alley easement, and will promote orderly growth in an established neighborhood.”*

Staff finds that due to the large amount of rock located on the subject property that the Applicants are limited on siting locations for a single family dwelling that would not require a large amount of rock to be removed or engineered plans to be provided for a building to be located on top of the existing rock formation. The location the Applicants are proposing to site their single family dwelling would be in the location of a former accessory building. This building was located against the eastern property boundary line. This site is the flattest on the subject property and would require the least amount of excavation to occur. By allowing the Applicants to use the existing accessory building’s site, expensive excavation that would result from building on the rock formation would be eliminated, as well as any impacts that sound nuisances from any type of rock excavation that another location may create. Staff finds the request to comply with Section 10.3.080.040(A).

*B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the approving authority may also take into consideration, when applicable, whether the proposal will:*

1. *Result in a more efficient use of the site;*
2. *Provide adequate provisions of light, air, and privacy to adjoining property;*
3. *Provide for accessibility, including emergency vehicles, per City standards;*
4. *Result in a structure that conforms to the general character of the neighborhood or zone district;*
5. *If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.*

**FINDING:** The Applicants submitted the following justification for the above review criteria:

*“Our house plan is very modest in size and scope, approximately 1,088 square feet with 888 square feet being heated living space and 200 square feet for a small garage. It will be one and a half stories, approximately 16 feet tall on the west end and 26 feet tall on the east. Its*

*small and, therefore, will not present an encroachment on light and air for any properties. The east side of the house- the only side with a contiguous neighbor – will have 4 windows, each 20” x 20”, placed high in the wall and thereby retaining privacy for that property.*

*The lot provides accessibility from West 15<sup>th</sup> Street, Lincoln Street and the alley easement on the North. The driveway has accommodated a dump truck so we believe an emergency vehicle, i.e. ambulance, would have no issue of accessing the house.*

*Again, our planned build will result in a small, modest home in a neighborhood of the same. This area includes small to medium sized houses, some of which appear to have been updated. While it will have a bit more modern appearances than most, our house will be compatible in size and neutral in color.*

*We are planning a single car garage and can accommodate 2 cars, parking tandem, in the driveway.”*

In reviewing the submitted application materials and the subject property, staff believes that the proposed location of the single family dwelling, would result in the most efficient use of the site. The least amount of excavation would occur by using an already flat location that use to site the former accessory building on the property. This location is additionally the furthest away from the existing single family dwelling on the adjacent property. The Applicants are proposing to use a slanted roof, which would prevent runoff from going onto the adjacent property. The Applicants are additionally proposing on using smaller windows that will be higher on the walls to increase privacy. By using the existing driveway, the Applicants are additionally not having to do any further excavation. By reducing the amount of excavation having to occur by using the existing site location, by implementing additional design criteria, and by locating the dwelling the furthest possible location from the adjacent property’s single family dwelling, the light, air and privacy to adjoining properties would be the most preserved than using any other location on the site.

For accessibility, the Applicants are proposing on using the existing driveway which, as further reviewed below, can provide for enough width for emergency vehicles and for two off-street parking spaces. In terms of neighborhood compatibility, the surrounding properties all contain single family development. These properties are all within the RH – High Density Residential zone, which does allow for more than one dwelling unit on a lot. Staff finds the request to comply with Section 10.3.080.040(B).

## **Article 5.020 RH High Density Residential District**

### **Section 10.5.020.020 Permitted Uses**

#### **A. Primary Uses Permitted Outright.**

1. *Residential use types:*
  - a. *Single-family.*

**FINDING:** The Applicants are proposing to build a single family dwelling on the subject property. Staff finds the request to comply with Section 10.5.020.020.

**Section 10.5.020.060 Development Standards**

<b>RH High Density Residential</b>	<b>Standard</b>			
	<b>One Dwelling Unit per Lot</b>	<b>Two Dwelling Units per Lot</b>	<b>Three Dwelling Units per Lot</b>	<b>Four or More Dwelling Units per Lot</b>
<i>Minimum Lot Area</i>	<i>1,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre</i>	<i>3,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre</i>	<i>4,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre</i>	<i>6,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre</i>
<i>Minimum Site Area per Dwelling Unit</i>	<i>3,500 sq. ft. <b>OR</b> 2,000 sq. ft. for small lot and townhouse clusters (3-8 units)</i>	<i>2,000 sq. ft.</i>	<i>2,000 sq. ft.</i>	<i>1,500 sq. ft.</i>
<i>Minimum Lot Width</i>	<i>25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots</i>	<i>40 ft.</i>	<i>60 ft.</i>	<i>75 ft.</i>
<i>Minimum Lot Depth</i>	<i>60 ft.</i>	<i>60 ft.</i>	<i>85 ft.</i>	<i>85 ft.</i>
<i>Building Height*</i>	<i>35 ft.</i>	<i>35 ft.</i>	<i>40 ft.</i>	<i>40 ft.</i>
<i>Minimum Setbacks</i>				
<i>Front Yard</i>	<i>10 ft.</i>			
<i>Rear Yard</i>	<i>10 ft.</i>			
<i>Side Yard (interior)</i>	<i>5 ft., except 8 ft. where dwelling has zero setback on opposite side, including end unit of townhouse building; and 10 ft. separation between buildings</i>			
<i>Side Yard (exterior)</i>	<i>8 ft., except 20 ft. for garage entrance</i>			
<i>Garage/Carport Entrances (facing street)</i>	<i>20 ft. minimum (corner lots and interior lots)</i>			
<i>Lot Coverage</i>	<i>60% of lot area maximum</i>			
<i>Building Orientation</i>	<i>The front building line shall be parallel to the street, or private accessway if there is no street frontage to which to orient. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.</i>			
<i>Pedestrian Access</i>	<i>All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.020.070(E): Pedestrian Walkways</i>			
<i>Off-Street Parking (Bicycles and Vehicles)</i>	<i>See Chapter 10.7 - Parking Standards</i>			

<b>RH High Density Residential</b>	<b>Standard</b>			
	<b>One Dwelling Unit per Lot</b>	<b>Two Dwelling Units per Lot</b>	<b>Three Dwelling Units per Lot</b>	<b>Four or More Dwelling Units per Lot</b>
<i>Accessory Uses, Buildings and Structures</i>	<i>See Article 6.030: Accessory Development</i>			
<i>Landscaping</i>	<i>See Article 6.010: Landscaping Standards</i>			
<i>Access Management</i>	<i>See Article 6.050: Access Management</i>			
<i>Minimum Density**</i>	<i>Not more than 4,000 net buildable sq. ft. gross area per dwelling unit.</i>			

\* Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

\*\* Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one net buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).

**FINDING:** The subject property is located within the RH – High Density Residential zone. The subject property is approximately .11 acres in size, or 4,965 sq. ft. For one dwelling unit per lot, the Applicants will need to comply with the Minimum Site and Lot Area. This would be further reviewed at the time of a Building Permit. However, based on the size of the lot, the Applicants can comply with these requirements. The subject lot meets the minimum lot width and depth as the existing lot is approximately 50 by 100 feet in size. The Applicants will need to comply with a maximum height of 35 feet and this will be further reviewed at the time of a Building Permit. The Applicants are proposing on using the existing driveway, which provides access from West 15<sup>th</sup> Street. The Applicants are proposing an attached garage, which will face West 15<sup>th</sup> Street and be over 20 feet from the front property boundary line. The front building door will also face West 15<sup>th</sup> Street. The existing driveway, approximately 50 feet long and 13 feet wide, will be able to provide for parking for at least two vehicles. Landscaping will be further addressed below. Access Management will be addressed further below. The minimum density for the subject property is 1.485, rounded down to 1 dwelling required for the minimum density. Staff finds the request to comply with Section 10.5.020.060.

## **Chapter 10.6 General Regulations**

### **Article 6.010 Landscaping Standards**

#### **Section 10.6.010.030 General Provisions**

- A. *Applicability. The provisions of this Article shall apply to all applications for new development and to applications for additions or modifications to existing development which increases the building(s) combined total footprint area by more than 20%.*
- B. *Landscaping Plans. Where landscaping is required by this Title, detailed landscaping plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the site plan review process. Requirements for detailed landscape plans are listed in Section 10.3.030.030(B): Detailed landscape plans. Building Permits shall not be issued until the approving authority*

*has determined the landscape plans comply with both the purpose and specific requirements of this Article.*

- C. Completion Prior to Occupancy. Except for landscaping for single-family homes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of Section 10.9.040.060(I): Performance Guarantee prior to occupancy.*

...

- E. Maintenance. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. All landscaping, buffering, and screening required by this Title shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind by the developer or party responsible for removing the trees and/or plant material.*

- F. Parking lot landscaping. The landscaping requirements for parking lots are described in Section 10.7.030.040: Landscaping Requirements. Parking lot landscaping shall be required in addition to the landscaping requirements described in this Article.*

- G. Trees in Public Rights-of-Way. A city permit is required to plant, remove, significantly prune, top, or pollard any trees in a public right-of-way.*

...

- I. Planters and Screen/Buffer Areas. Planters and screen/buffer areas used for required plantings shall have a minimum width, or diameter, of 5 feet (2.5 feet radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, that planter or buffer area shall be a minimum width of 7.5 feet.*

- J. Irrigation Systems. Irrigation systems shall be required where necessary to assure survival of plant materials.*

- K. Vision Clearance. In no case shall site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles. See Article 6.100: Vision Clearance.*

- L. Fences. All fences over 4 feet in height shall require a permit. Permits for fences 6 feet or under in height shall not require a permit fee.*

**FINDING:** The Applicants did not submit a landscaping plan. However, the Applicants will be required to landscape according to Article 6.010 and equal to 1.5 times the first floor area of all structures minimum. A **Condition** of Approval will be included in the Notice of Decision to make sure that the Applicant comply with the landscaping requirements. They will be reviewed additionally at the time of a Building Permit application submittal. A **Condition** of Approval has been included in the Notice of Decision to require all landscaping, buffering, and screening required by this Title to be maintained; and if any street trees or other plant materials do not survive or removed, that they be required to be replaced in kind by the developer or responsible party for removing the trees and/or plant material. Parking lot landscaping is further addressed in Section 10.7.030.040 below. A **Condition** of Approval has been included in the Notice of Decision to require a city permit for any planting, removal, or significant pruning, topping or pollarding of any trees within the public right-of-way. A **Condition** of Approval has been included in the Notice of Decision to require irrigation systems if deemed necessary to assure survival of plant materials. A **Condition** of Approval has been included in the Notice of Decision to ensure that no site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening be permitted within vision clearance areas of street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger

pedestrians or vehicles. A **Condition** of Approval has also been included in the Notice of Decision to require any fencing over four feet in height to require a Building Permit submittal. With the above conditions, staff finds the request to comply with Section 10.6.010.030.

#### **Section 10.6.010.040 Buffering**

*Buffer plantings are used to reduce building scale, provide transition between different land uses (i.e., residential and commercial) and contrasting architectural styles, and generally mitigates incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.*

#### **10.6.010.050 Screening—Hedges, Fences, Walls other than Retaining Walls, Berms**

- 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.*
- 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.*
- C. *Landscaping As Screening. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80% opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.*
- D. *Chain Link with Slats. A chain link fence with slats shall qualify for screening only if a landscape buffer is provided outside the fence. In this case, the landscape buffer shall have an average height of 50% of the height of the fence within 1 year of planting. (See Section 10.6.010.040: Buffering of this Article.)*
- 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.*

2. *Commercial and Industrial Areas. Barbed wire may be allowed above the fence or wall height requirement.*
  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.*
- F. *Berms. Earthen berms up to 6 feet in height may be used to comply with screening requirements. The slope of the berm may not exceed 2:1, the top of the berm shall be relatively flat, and the faces of the slope shall be planted with ground cover, shrubs, and trees.*
  - G. *Design. Fences and walls over 200 feet in length (of a single run) shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping in all zone districts except the I - Industrial district.*
  - H. *Visual Clearance. Screening is not permitted within vision clearance areas, as described in Article 6.100: Vision Clearance.*
  - I. *Gates. Gates are required in rear yard fences on through lots for maintenance access to the area from curb to a proposed fence. (Gates shall not be used to make an access connection to the right-of way.)*
  - J. *Service Facilities. Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be screened from off-site view with a fence, wall or plantings.*
  - K. *Swimming Pools, Spas, and Hot Tubs. In addition to all other requirements in the Oregon Structural Specialty Code, swimming pools, spas and hot tubs more than 18 inches deep shall be surrounded and screened with a minimum 4-foot high secured fence or wall. Access to the secured area must have a self-latching gate.*

**FINDING:** A **Condition** of Approval has been included in the Notice of Decision to require any screening to comply with Section 10.6.010.050 above. With the above condition, staff finds the request to comply with Section 10.6.010.050.

#### **Section 10.6.010.060 Street Trees**

- A. *General. Street trees shall count toward the required landscape requirement. Street trees shall be planted and maintained in accordance with the following standards for all public street frontages, and along private street and accessways more than 150 feet long. Street trees shall be required in all zoning districts where there is a designated planting strip in the public right-of-way. Selection of species may be made from the recommended tree list provided by the Director. Alternate selections must be requested in writing and approved by the Director.*
- B. *Spacing. Medium canopy trees shall be spaced a maximum of 30 feet on center, and large canopy trees shall be spaced a maximum of 50 feet on center.*
- C. *Planting Requirements. Trees planted within 5 feet of permanent hard surface paving or walkways shall use special planting techniques and specifications approved by the Public Works Director.*



- D. *Fire Hydrants. Clearance from fire hydrants shall be as specified in the Uniform Fire Code as adopted by the local fire protection district.*
- E. *Location. Unless approved otherwise by the City Engineer, trees may not be planted:*
  - 1. *Within 20 feet of street light standards.*
  - 2. *Within 10 feet of a public sanitary sewer, storm drainage or water line.*
  - 3. *In drainage ditch channels and floodways.*
  - 4. *Within 10 feet of the top of retaining walls located in the public right-of-way.*
  - 5. *In vision clearance areas.*
- F. *Public Safety. Trees may not be planted in areas where the Director determines the trees may be a hazard to the public interest or general welfare.*
- G. *Clearance. Trees shall be pruned, by the property owner, to provide a minimum clearance of 9 feet above sidewalks and 14 feet above street and roadway surfaces.*

**FINDING:** A **Condition** of Approval has been included in the Notice of Decision to require any street trees planted to comply with Section 10.6.010.060. With the above condition, staff finds the request to comply with Section 10.6.010.060.

**10.6.010.070 Required Landscaping By Zone**

*Where required by this Title, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.*

ZONE	SITE REQUIREMENT
RH 3+ Family	Equal to 1.5 times the first floor area of all structures minimum

**FINDING:** The Applicants did not submit a landscaping plan. A **Condition** of Approval has been included in the Notice of Decision to require the applicant to submit a landscaping plan that complies with the requirement of providing landscaping equal to 1.5 times the first floor area of all structures minimum. With the above condition, Staff finds the request to comply with Section 10.6.010.070.

**Article 6.050 Access Management**

**Section 10.6.050.040 Access Standards**

- A. *Separation Standards. Separation between access points shall conform to the access spacing standards as specified below in Table 1; however, access separation may be reduced to accommodate characteristics specific to a proposed site and/or use. In cases where separation is reduced below the preferred spacing standard, the reduction shall not be less than the appropriate stopping sight*

distance standard listed in Table 2 for arterial and collector streets, unless the approving authority finds that all of the provisions of Section 10.6.050.050 of this Article have been met. In no case shall the residential spacing standards for local residential streets listed in Table 3 be reduced.

- B. Vertical and Horizontal Curves. Plans should be checked in both the vertical and horizontal plan for site distance obstructions. If vertical or horizontal curves are located within the City's preferred access separation distance, a licensed professional engineer specializing in traffic shall recommend the spacing standard.
- C. Oregon Department of Transportation (ODOT) Jurisdiction. ODOT access classification systems and standards shall apply to all roadways on the ODOT State Highway System.

**Table 1: Access Spacing Standards for City Roadways.**

<b>Functional Classification</b>	<b>Minimum Speed Posted</b>	<b>Minimum Spacing between Driveways and/or Streets</b>
Arterial Street (2-Way)	25 - 40 mph	300 - 400 feet
Arterial Street (1-Way)	25 - 35 mph	150 - 300 feet
Major Collector Street	25 - 35 mph	150 - 300 feet
Minor Collector Street	25 - 35 mph	75 - 150 feet
Major/Minor Collector Street in Industrial Area	25 - 35 mph	150 - 300 feet

**Table 3: Residential Minimum Spacing Standards**

<b>Local Residential Streets</b>	<b>Spacing</b>
20 - 25 MPH	<ul style="list-style-type: none"> <li>• Interior Lots: 10 feet (shared driveways allowed)</li> </ul>
	<ul style="list-style-type: none"> <li>• Corner Lots: minimum 5 feet and maximum 10 feet from the interior property line</li> </ul>

\* NOTE: Access to lots of record existing at the time of adoption of this Title shall not be denied. Table 1 identifies the City's access spacing standards as they relate to new development and redevelopment. Separation requirements between street intersections are listed in Section 10.9.020.020(B)(2): Size.

**FINDING:** The Applicants are proposing on using the existing driveway to access the subject property. The existing driveway is approximately 13 wide by 50 feet long. West 15<sup>th</sup> is a local residential street. The location of the existing driveway complies with the above spacing standards. Staff finds the request to comply with Section 10.6.050.040.

**Article 6.060 Driveway and Entrance Standards**

**Section 10.6.060.020 General Standards**

**B. Residential Local Streets and Alleys.**

1. Width. No entrance shall be less than 12 feet wide. Driveway width shall be practical to serve the development, and, where determined by the Fire

Marshal to be necessary for the purposes of firefighting and life safety, shall be a minimum of 12 feet wide. Number and width of driveways/entrances shall also be in accordance with the following table:

<b>Frontage</b>	<b>Maximum Width, One Driveway</b>	<b>Maximum Width, Two Driveways</b>
<i>Up to 50 feet</i>	<i>20 feet</i>	<i>Two driveways not permitted</i>
<i>51 to 100 feet</i>	<i>24 feet</i>	<i>15 feet each</i>
<i>Over 100 feet</i>	<i>24 feet</i>	<i>24 feet each</i>

2. *Angle. All driveways and entrances shall have a right angle intersection with the street, except one-way driveways/entries which may be placed on a 60 degree angle.*
3. *Maneuvering Within Street.*
  - a. *One- and Two-Family Dwellings. Ninety degree in/back out vehicular movements will be allowed for single-family and duplex dwellings with 4 or fewer parking spaces only. Other angles may be allowed with the approval of the City Engineer, based on unique topographic conditions that may exist on site.*
  - b. *Rear Lot Development. All driveways serving rear lot development shall be designed for forward in/forward out vehicle movement only.*
  - c. *Other Permitted Uses. All drives or entrances accessing uses other than one- and two-family dwellings or accommodating groups of more than 4 parking spaces shall be designed for forward in/forward out vehicle movement only. No backing movements or other maneuvering within the street right-of-way will be allowed.*

**FINDING:** The subject property is located off of West 15<sup>th</sup> which is a city residential road. Based on the frontage for the subject lot, which is approximately 50 feet, the Applicants can only have one 20 foot wide driveway maximum. The site plan submitted shows the driveway width to be less than 20 feet wide. The existing driveway is approximately 13 feet in width now, which would accommodate for emergency vehicles. Additionally, the Applicants will need to bring their existing driveway up to compliance with our current code standards, which would require the new driveway to comply with Section 10.6.060.030, which would further help emergency vehicle have better access. Staff finds the request to comply with Section 10.6.060.020.

**Section 10.6.060.030 Grade**

- A. *At Sidewalk. Driveway and entrance grade at the sidewalk shall not exceed 2%. Where the sidewalk forms part of the entrance apron, the sidewalk shall bump out around the apron to allow for the 2% grade.*
- B. *Approach Grade. Approach grades for all driveways on arterial or collector streets shall not exceed 5% for the first 20 feet.*
- C. *Grade Preferred drive grade is 12% or less.*

**Section 10.6.060.040 Surfacing**

*Drive approaches installed in the public right-of-way shall be constructed of concrete, in accordance with City Public Works Department Standards. Driveways on private property shall meet the requirements set out in subsection B or C of this section.*

- A. *Drive Pads. Runners are generally not acceptable for use as driveway approaches. Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right-of-way. Pavement width shall be a minimum of 12 feet. Driveway approaches to alleys may be constructed of concrete, asphalt, pavers, or other hard surface approved by the City Engineer. Gravel alley approaches may be allowed with the approval of the City Engineer.*
- C. *Drives and Entrances from Local Streets.*
  - 1. *One- and Two-Family Dwellings. Surface with pavers, asphalt, or concrete, concrete runways (2' 6" wide, runways 2' 8" apart, widened for all turns), chip seal, or other surface approved by the City Engineer, based on unique topographic conditions. Concrete runways shall not be allowed on grades over 5%.*
  - 2. *All Other Development. Surface with asphalt, concrete, or other surface approved by the City Engineer, based on unique topographic conditions.*
  - 3. *Grades over 10% required approval from both the City Engineer and the Fire Marshal.*

**FINDING:** A **Condition** of Approval has been included in the Notice of Decision to require the surfacing of the driveway to comply with Section 10.6.060.040 above. With the above condition, staff finds the request to comply with Section 10.6.060.040.

## **Article 6.080 Projections into Yards**

### **Section 10.6.080.010 Projections into Yards**

*Projections from buildings into required yards shall meet the following criteria. See Article 6.070: Measurements for measuring requirements.*

- A. *Architectural Features.*
  - 1. *Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 feet into a required yard, provided a 30-inch minimum setback is maintained from any property line.*
  - 2. *Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons or property of any kind.*
  - 3. *No architectural features shall be located within the vision clearance area, per the provisions of Article 6.100: Vision Clearance.*
- B. *Porches, Terraces, Decks, Balconies, Patios, and Fire Escapes.*
  - 1. *Front and Rear Yards.*
    - a. *Porches, terraces, decks, patios, and balconies that are limited in elevation to the first floor of the building may project or extend into a required front or rear yard up to 5 feet from the property line.*

- b. Fire escapes may project into the front or rear yard up to 5 feet from the property line.
- 2. Side Yards.
  - a. Porches, terraces, decks, patios, and balconies less than 10 inches above grade may project or extend into a required side yard up to the property line.
  - b. Uncovered terraces, decks, patios, and balconies greater than 10 inches above grade, and fire escapes may project or extend into a required side yard up to 3 feet from the property line.

**FINDING:** The Applicants are requesting an adjustment to the side and rear yard setbacks. A **Condition** of Approval has been included in the Notice of Decision to require the Applicants to comply with Section 10.6.080.010 Projections into Yards. Staff finds the request to comply with Article 6.080.

**Chapter 10.7 – Parking Standards**

**Article 7.060 Minimum and Maximum Off-Street Parking Requirements**

**Section 10.7.060.010 Minimum and Maximum Off-Street Parking Requirements**

*Each of the use types described below are subject to the following minimum and maximum off-street parking requirements in accordance with the provisions of this Title and other City ordinances. Development which mixes more than one use type shall calculate the parking requirement based on the requirement for each of the uses. Reductions in parking requirements are allowed in Section 10.7.020.040, and further reductions may be requested through the adjustment process in Article 3.080 or through the conditional use procedure in Article 3.050. The Director shall determine similarity of use type for those uses not specifically listed:*

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
<b>RESIDENTIAL</b>			
1, 2, and 3 dwelling units	2 spaces per dwelling unit	None	None

**FINDING:** The Applicants will be required to provide two parking spaces for the proposed single family dwelling. The site plan does show an existing driveway that the Applicants are proposing to use, which will be able to provide for at least two off-street parking spaces. Staff finds the request to comply with Section 10.7.060.010.

**RECOMMENDATION:**

Staff is recommending approval of the adjustments to the setbacks as the proposed location of the single family dwelling would result in the least amount of excavation from occurring. The siting options are limited on the subject property due to a large rock outcropping. Additionally, the proposed dwelling’s location is the furthest away from the existing single family dwelling on the adjacent property to the east. The Applicants are proposing to use a slanted roof, which would prevent runoff from going onto the adjacent property. The Applicants are additionally proposing on using smaller windows that will be higher on the walls to increase privacy. By using the proposed dwelling location, the Applicants could additionally remain using the existing driveway and not have to construct a new one resulting in additional excavation.

**PLANNING COMMISSION ALTERNATIVES:**

1. Approval of the 40% reduction to the side yard setback and 50% reduction to the rear yard setback; and to direct staff to prepare the resolution with Conditions of Approval.
2. Other actions as deemed appropriate by the Planning Commission.
3. Deny approval of ADJ #050-19.

**PROPOSED CONDITIONS OF APPROVAL:**

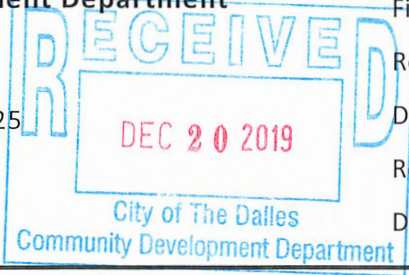
1. The Applicants shall submit a landscaping plan that complies with the requirement of providing landscaping equal to 1.5 times the first floor area of all structures minimum.
2. The surfacing of the driveway shall comply with Section 10.6.060.040 above.
3. Any street trees planted shall comply with Section 10.6.010.060 above.
4. All screening shall comply with Section 10.6.010.050 above.
5. Any required landscaping, buffering, and screening shall be maintained; and if any street trees or other plant materials do not survive or are removed they will be required to be replaced in kind by the developer or responsible party for removing the trees and/or plant material.
6. A city permit is required for any planting, removal, or significant pruning, topping or pollarding of any trees within the public right-of-way.
7. Irrigation systems will be required if necessary to assure survival of plant materials.
8. No site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening is permitted within vision clearance areas of the street or alley intersections, or where the City Engineer otherwise deems such plantings would
9. Fencing over four feet in height will require a Building Permit submittal.
10. A Building Permit application will be required to be reviewed and approved for the proposed single family dwelling.
11. The Site Plan submitted at the time of a Building Permit will need to comply with Section 10.6.080.010 Projections into Yards.



**City of The Dalles**  
**Community Development Department**  
 313 Court Street  
 The Dalles, OR 97058  
 (541) 296-5481, ext. 1125  
 www.thedalles.org

**Office Hours -**

Monday through Friday: 8:00 am - 5:00 pm



Application #: ADJ 050-19  
 Filing Fee: \$310  
 Receipt #: 853559  
 Deemed Complete: \_\_\_\_\_  
 Ready to Issue: \_\_\_\_\_  
 Date Issued: \_\_\_\_\_

**Land Use Application**

- Building Permit   
  Demolition   
  Physical Constraints   
  Change of Use  
 Property Line Adjustment   
  Minor Partition / Tract Map   
 Adjustment   
 Fence

**Applicant**

Name: Michael & Christina Vrush  
 Address: PO Box 1358  
221 W 15th, The Dalles, OR  
 Phone #: 541-296-5225 97058  
 Email: irish@gorge.net

**Legal Owner (if different than Applicant)**

Name: Same  
 Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Property Information**

Address: 221 W. 15th, The Dalles, OR 97058 Map and Tax Lot: IN 13E 4 DB 9300  
 Project Description: Adjustment app

acct # 5857

**Department Use Only**

City Limits:  Yes / No Zone: RH Overlay: Ø  
 Geohazard Zone: Central City Inactive Landslide Deposition Flood Designation: Ø  
 Historic Structure: Yes /  No Current Use: Vacant  
 Previous Planning Actions: Ø

Erosion Control Issues? Access Issues? Utilities and Public Improvements? Items Needing Attention?  
Large basalt rocks on subject property

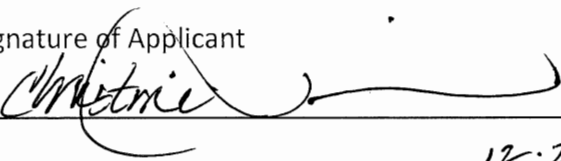
Ministerial   
  Administrative   
 PC / URA / HLC / CC | Hearing Date: \_\_\_\_\_  
quasi-judicial adjustment

# Application Policy

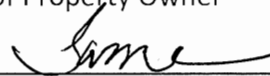
I certify that I am the applicant or owner identified below. I acknowledge that the final approval by the City of The Dalles, if any, may result in restrictions, limitations, and construction obligations being imposed on this real property. I understand that if the property is owned in part or totality by a trust, partnership, corporation or LLC, I will be required to present legal documentation listing all persons that make-up the entity, as well as proof of my authorization to act on the entity's behalf. I consent and hereby authorize City representative(s) to enter upon my property for any purpose of examination or inspection related to this application. I certify that all information provided is true and correct, and consent to the filing of the application, authorized by my original signature below.

*If the undersigned is different from the legal property owner, a notarized letter of authorization signed by the legal property owner must accompany this form.*

Signature of Applicant



Signature of Property Owner



12.20.2019

Date

# Additional Information

## Department Comments

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## Conditions of Approval

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## Decision

Approved

Denied

Community Development Department

Public Works

Date

Date



# Adjustment Application

#: ADJ 050-19

New Construction     Expansion/Alteration     Change of Use     Amend Approved Plan

Brief Explanation: requesting 50% quasi-judicial adjustment in reduction of standard set-back requirements.

## JUSTIFICATION OF REQUEST

Review Criteria for Adjustments are found in The Dalles Municipal Code Section 3.080.040

For approval the applicant must satisfy the criteria in EITHER Section A or Section B.

On a separate piece of paper provide sufficient information for the review body to determine each of the issues listed in the section chosen. The information may be written, photographic, or any other method which will provide useful information to the review body. Except for the application, information may be sent by fax or E-mail.

- A.
  1. If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.
  2. If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
  3. City designated scenic resources and historic resources are preserved.
  4. Any impacts resulting from the adjustment are mitigated to the extent practical.
  5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.
- B.
  1. Application of the regulation in question would preclude all reasonable economic use of the site.
  2. Granting the adjustment is the minimum necessary to allow the use of the site.
  3. Any impacts resulting from the adjustment are mitigated to the extent practical.
- C.
  1. Result in a more efficient use of the site.
  2. Provide adequate provisions of light, air, and privacy to adjoining property.
  3. Provide for accessibility, including emergency vehicles, per City standards.
  4. Result in a structure that conforms to the general character of the neighborhood or zone district.
  5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements. (The applicant may also provide comments on any of the issues in part C.)

There are no mandatory plans or other types of information required with this application. It is the applicant's responsibility to provide sufficient information and documentation on each of the issues for the review body to make a decision. Insufficient justification will result in a denial.

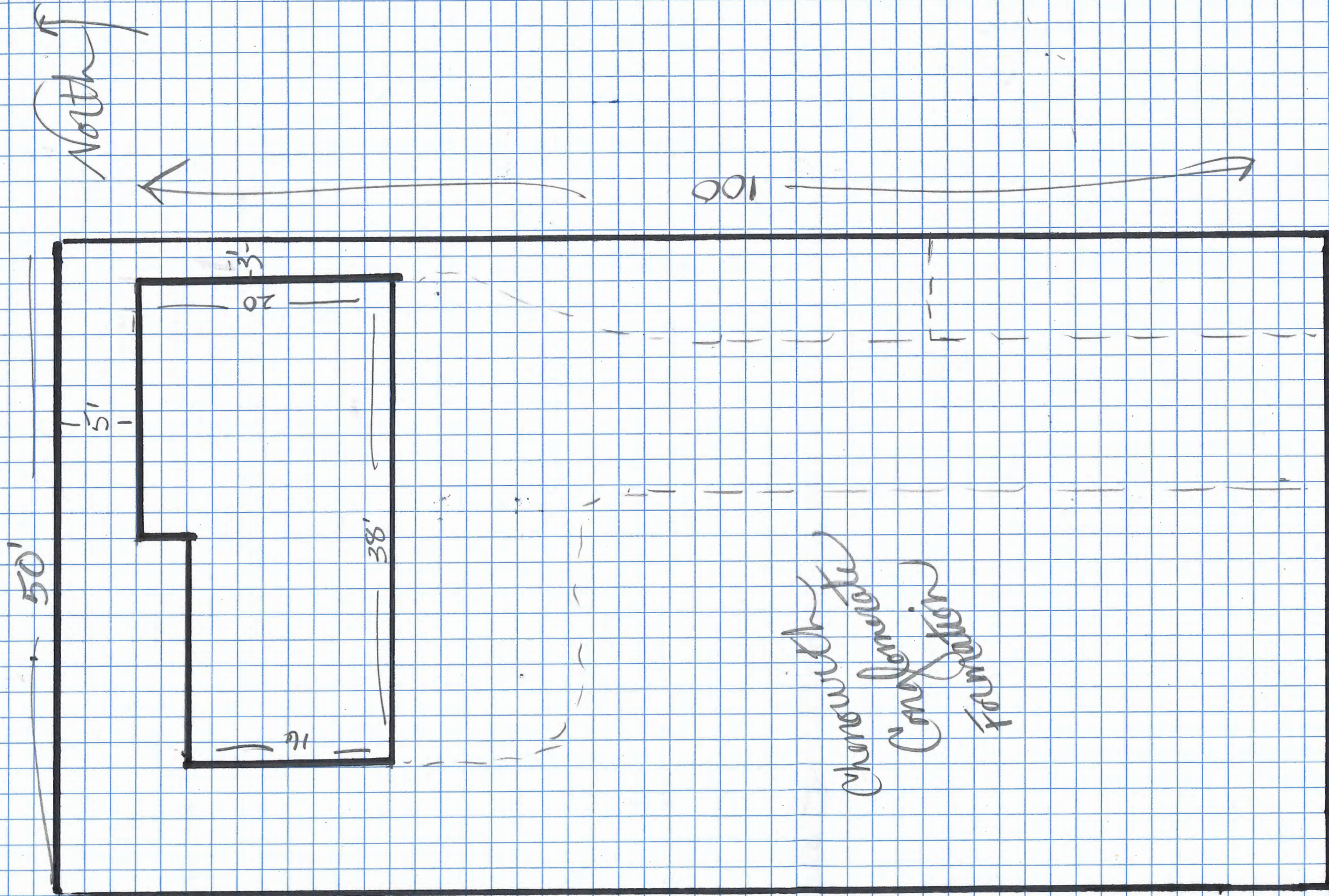
Signature of Applicant

*Christine*  
March 17, 2020 Date

Signature of Property Owner

*Christine*  
March 17, 2020 Date





Lincoln



# Adjustment App Justification

- B. 1. Approx 50% of the lot is dominated by an outcrop of the Chonwath formation conglomerate (per Mark Yinger's Geo Hazards Assessment - attached) making the lot extraordinarily challenging to build on. To attempt to level it would not only be a nuisance to the entire neighborhood, but would impose extreme practical difficulties and is not ~~even~~ economically viable.
2. Without adjustment to the setbacks, there is not enough square footage on the north end of the lot for a new house and garage. Strict adherence to the prescribed setbacks will, most likely, preclude our use of the site.
3. A home on the lot is appropriate and compatible use of the land in this neighborhood where many bldgs are located on the alley easements and will promote orderly growth in an established neighborhood.

## Riley Marcus

---

**From:** irish@gorge.net  
**Sent:** Tuesday, February 11, 2020 10:28 AM  
**To:** Riley Marcus  
**Subject:** Re: Adjustment

Good morning, Riley - Following are responses for the additional criteria:

1. Light, air, privacy. Our house plan is very modest in size and scope, approximately 1088 sq ft, with 888 sq ft being heated living space and 200 sq ft for a small garage. It will be 1 and half stories, approx 16 ft tall on the west end and 26 ft on the east. Its small and, therefore, will not present an encroachment on light and air for any properties. The east side of the house - the only side with a contiguous neighbor - will have 4 windows, each 20"x20", placed high in the wall and thereby retaining privacy for that property.
2. Accessibility. The lot provides accessibility from West 15th Street, Lincoln Street and the alley easement on the North. The driveway has accommodated a dump truck so we believe an emergency vehicle, i.e. ambulance, would have no issue accessing the house.
3. General character of the neighborhood. Again, our planned build will result in a small, modest home in a neighborhood of the same. This area includes small to medium sized houses, some of which appear to have been updated. While it will have a bit more modern appearance than most, our house will be compatible in size and neutral in color.
4. Parking. We're planning a single car garage and can accommodate 2 cars, parked tandem, in the driveway.

We'll bring in an updated site plan and illustration of roof slope and downspouts.

See you later. Christy

----- OriginalMessage -----

**From:** "Riley Marcus" <rmarcus@ci.the-dalles.or.us>  
**To:** "irish@gorge.net" <irish@gorge.net>  
**Sent:** Mon, Feb 10, 2020, 10:16 AM  
**Subject:** Adjustment

Good Afternoon Michael and Christine,

Attached you will find your final site team notes. Please let me know if you have any further questions!

Best,

Riley Marcus

# Mark Yinger Associates

69860 Camp Polk Road, Sisters, OR 97759 - 541-549-3030

September 25, 2006

Mike Irish  
P.O. Box 1358  
The Dalles, OR 97058

Ref: Geologic Hazards Assessment for a residential lot at 221 W. 15<sup>th</sup> Street.

Dear Mr. Irish:

This is a letter report concerning potential geologic hazards related to your residential lot upon which you intend to construct a single family residence (see attached site map). The property is located at 221 W. 15<sup>th</sup> Street in the City of The Dalles, Oregon. The property is Tax Lot 9300. The lot is located within the City of The Dalles A2 geologic hazards zone.

I visited site and vicinity on September 14, 2006. This study also included the review of available published and unpublished geologic literature.

## Geologic Setting

The Chenoweth Formation (also known as The Dalles Formation), which underlies the site and surrounding area, consists of well consolidated to poorly consolidated volcanoclastic material of predominantly andesitic composition. The unit includes tuff, mudflows, conglomerates, sandstones and siltstones. The Chenoweth Formation overlies the Columbia River basalts. Deep bedrock landslides involving the Chenoweth Formation have been documented and studied in The Dalles area. The slippage plane often coincides with the contact between the Chenoweth Formation the underlying Columbia River basalts.

This site is located approximately 1,800 feet west of the active Kelly Avenue landslide area. This landslide is largely controlled by dewatering of the slide plane.

The site is dominated by a large outcrop of the Chenoweth Formation conglomerate. There is also a large outcrop on the lot on the south side of 15<sup>th</sup> Street, opposite the site. Bedrock is also exposed at numerous locations within two blocks of the site. The bedrock is a light-tan moderately indurated conglomerate. The conglomerate consists of dark-gray to black subrounded to well-rounded clastics in an open-framework ranging in size from coarse sand and gravel to very large boulders up to 4 feet in diameter.



## **Geologic Hazards**

### **Landslides**

The bedrock beneath the subject property is a volcanic conglomerate of the Chenoweth Formation. Under certain conditions the Chenoweth Formation can be prone to landslide. Activities that increase the risk of landslide include: 1) over-steepening due to cuts and fills, 2) perched groundwater due to poor management of surface runoff and irrigation, and 3) added load due to placement of fills and structures.

The large outcrop that dominates the site is fractured but there is no evidence of active or recent movement. The relatively undisturbed surface of the vacant lot on the opposite side (south) of 15<sup>th</sup> Street was examined. No soil fractures or scarps were observed indicating no active or recent landslide movement.

There is a small and old structure on the northern portion of the site. This structure does not appear to have moved. The roofline is straight and level. The concrete foundation of the 1920's era house at 300 West 15<sup>th</sup> (southwest corner of intersection) appears to be in good condition with no significant fractures. The roofline is straight and level. The concrete block foundation of the house at 209 West 15<sup>th</sup> is not fractured.

The concrete curbs of West 15<sup>th</sup> and Lincoln Streets are straight with no significant offsets or buckling indicated no recent landslide movement. The sidewalks are also not buckled.

### **Rockfall**

There is a potential threat of a rockfall occurring at the site as a result of construction activities. There is a block that is approximately 6 feet across and 3 feet thick approximately in the center of the outcrop along Lincoln Street that could fall onto the sidewalk if disturbed. The block is obvious when the outcrop is observed from Lincoln Street. If the block is disturbed or removed care should be taken control its movement.

### **Soil Movement**

The soil on the site and neighboring properties is generally well drained and stable. No soil fractures or recent slump scarps were observed on the site or other properties in the vicinity of the site.

Large oaks and ponderosa pines to 30-inches in diameter in the area are not leaning down slope and show no evidence of adjustment to soil creep.



The concrete curbs along West 15<sup>th</sup> and Lincoln Streets are straight with no buckling or offsets at fractures. The asphalt paving of Lincoln Street is old and fractured. However, the pavement is not buckled and there are no significant vertical or horizontal offsets across fractures in the pavement. The condition of the curbs and streets indicate that there has been no significant recent soil or ground movement in the area.

Utility poles along the alley to the north and on the south side of West 15<sup>th</sup> Street are not leaning down slope indicating that soil creep in the area is not significant.

### **Earthquake**

The potential for liquefaction of the unsaturated soil at the site is considered nil. There is a potential that the block of conglomerate described above would move down onto the sidewalk in the event of an earthquake.

### **Erosion**

There are no streams or erosional gullies on or near the property. The thin sandy soil will easily erode, and therefore, stormwater runoff from roofs and driveway should be routed to the street curbs.

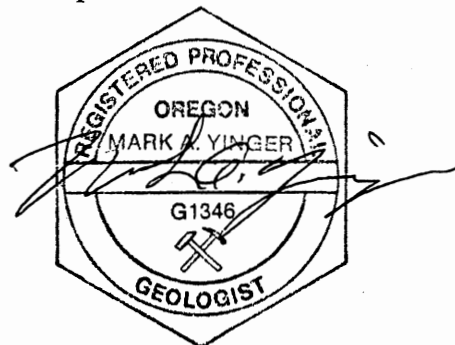
### **Recommendation**

There are no geologic hazards that require special design considerations for the construction of the residence. If a standard steel reinforced concrete footing with stem walls is used for the bedroom on the southern part of the lot the block of conglomerate described above should be removed. If concrete pier foundations are used then the block could be left undisturbed.

If you have any questions please call me.

Sincerely,

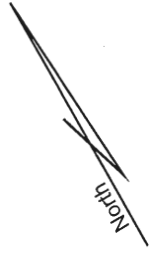
Mark Yinger, R.P.G.  
Hydrogeologist



Attachment: site map

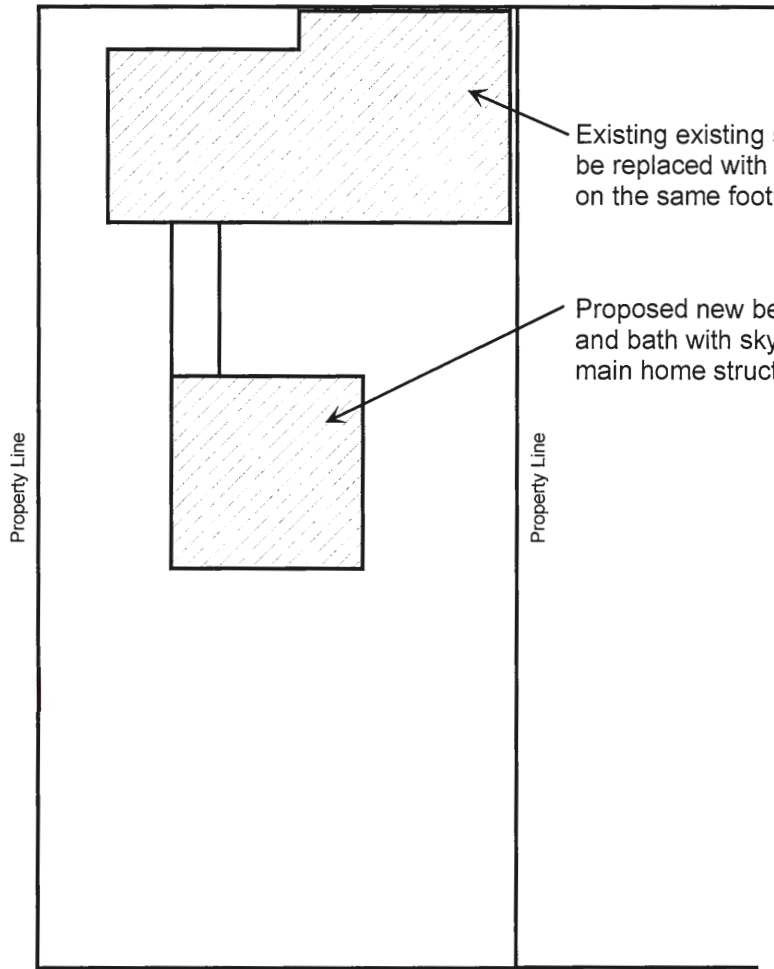






Alley Way

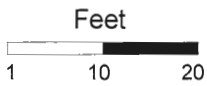
Lincoln Street



Existing existing structure to be replaced with new home on the same footprint.

Proposed new bedroom and bath with sky bridge to main home structure.

West 15th Street



Mike Irish  
221 West 15th Street  
The Dalles, Oregon

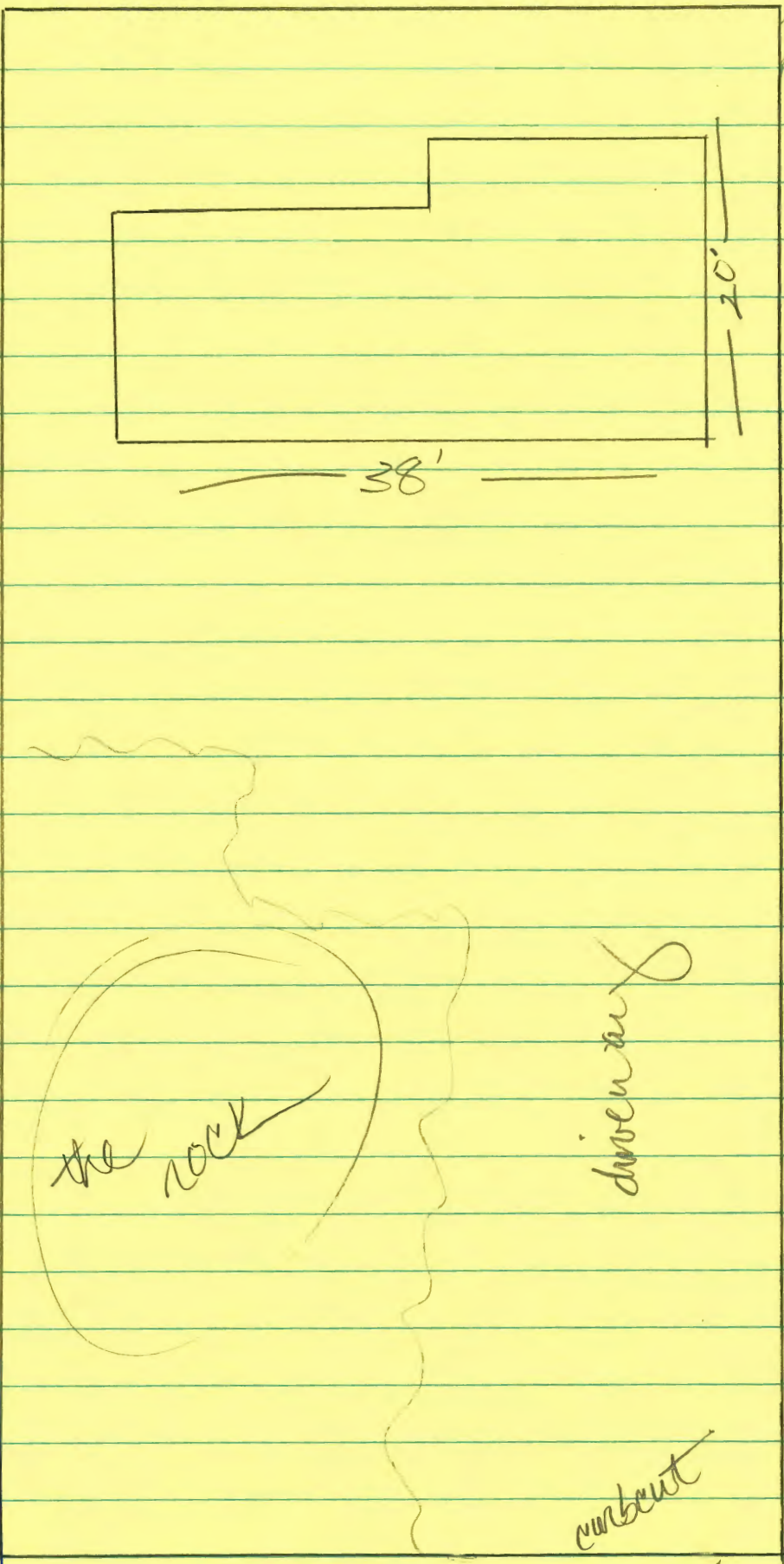
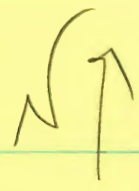


Groundwater & Environmental Consultants  
**Mark Yinger Associates**  
69860 Camp Polk Road, Sisters, OR, 97759 - 541-549-3030

Site Map  
Planning Commission Agenda Packet  
March 5, 2020 | Page 32 of 36



Mike  
Christy  
Christy  
541.296.5225



**RECEIVED**  
JAN 30 2020  
City of The Dalles  
Community Development Department

221 West 15th

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## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

### RESOLUTION NO. PC 590-20

Approval of Adjustment Application 050-19 of Michael and Christine Irish for a reduction in the side yard setback from 5 feet to 3 feet and the rear yard setback from 10 feet to 5 feet, a reduction of 40% and 50% respectively.

#### I. RECITALS:

- A. The Planning Commission of the City of The Dalles has, on March 5, 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 Adjustment 050-19 and the minutes of the March 5, 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.

Adjustment 050-19 is hereby approved with the following conditions of approval:

1. The Applicants shall submit a landscaping plan that complies with the requirement of providing landscaping equal to 1.5 times the first floor area of all structures minimum.
2. The surfacing of the driveway shall comply with The Dalles Municipal Code, Title 10 Land Use and Development, Section 10.6.060.040.
3. Any street trees planted shall comply with The Dalles Municipal Code, Title 10 Land Use and Development, Section 10.6.010.060.
4. All screening shall comply with The Dalles Municipal Code, Title 10 Land Use and Development, Section 10.6.010.050.
5. Any required landscaping, buffering, and screening shall be maintained; and if any street trees or other plant materials do not survive or are removed they will be required to be replaced in kind by the developer or responsible party for removing the trees and/or plant material.
6. A city permit is required for any planting, removal, or significant pruning, topping or pollarding of any trees within the public right-of-way.
7. Irrigation systems will be required if necessary to assure survival of plant materials.
8. No site obscuring shrubs, landscape features, conifer trees, fences exceeding 24 inches in height, or other screening is permitted within vision clearance areas of the street or alley intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians or vehicles.

9. Fencing over four feet in height will require a Building Permit submittal.
10. A Building Permit application will be required to be reviewed and approved for the proposed single family dwelling.
11. The Site Plan submitted at the time of a Building Permit will need to comply with Section 10.6.080.010 Projections into Yards.

**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 The Dalles Municipal Code, Title 10 Land Use and Development, Section 3.020.080 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 5<sup>TH</sup> DAY OF MARCH, 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 5<sup>th</sup> day of March, 2020.

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

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

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

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

ATTEST: \_\_\_\_\_  
 Steven K. Harris, AICP  
 Community Development Director  
 City of The Dalles