



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(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, FEBRUARY 6, 2020

6:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. ELECTION OF OFFICERS

V. APPROVAL OF MINUTES – January 16, 2020

VI. PUBLIC COMMENT

VII. RESOLUTION

Resolution PC 588-20: Adoption of Denial of Adjustment 19-049, Taner Elliott

VIII. QUASI-JUDICIAL HEARING

Adjustment 050-19: Michael and Christine Irish -- Application to be rescheduled for a date to be determined.

IX. DISCUSSION ITEMS

A. Outreach Meetings for Quasi-Judicial Public Hearings: At the Oct 28th CC public hearing Council directed staff to return with alternatives for additional noticing and/or neighborhood meeting requirements for projects in the Residential Zones. Their action was in response to comments from a citizen regarding our housing code amendments on The Dalles Municipal Code, Title 10- Land Use and Development, Section 10.3.020.050 C.7.

10.3.020.050 Quasi-Judicial Actions

C. Public Hearings.

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.

B. Annual Report

X. STAFF COMMENTS

Next regularly scheduled meeting: February 20, 2020

XI. COMMISSIONER COMMENTS OR QUESTIONS

XII. ADJOURNMENT



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THURSDAY, JANUARY 16, 2020

6:00 P.M.

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Brent Bybee, Sherry DuFault, Bruce Lavier, Mark Poppoff and Steve Ross

Commissioners Absent: Cody Cornett, and Jeff Stiles

Staff Present: Director Steve Harris, City Attorney Gene Parker and Planner Joshua Chandler

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved by Cornett and seconded by Ross to approve the minutes of December 5, 2019, as written. The motion passed 4/0; Bybee, Lavier, Poppoff and Ross in favor, none opposed, DuFault abstained, Cornett and Stiles absent.

PUBLIC COMMENT

None.

QUASI-JUDICIAL HEARING

Adjustment 19-049, Taner Elliott, 1489 Elberta Street, 2N 13E 32 DC tax lot 3300

Request: A reduction of the garage front yard setback from 20 feet to 14.75 feet, a 26.25% reduction.

Chair Lavier read the rules of a public hearing. He then asked the Commission if they had any ex parte contact, conflict of interest, or bias that would prevent an impartial decision. Hearing none, Chair Lavier opened the public hearing at 6:05 p.m.

Planner Chandler presented the staff report.

Chair Lavier invited comments from proponents.

Taner Elliott, 397 Summit Ridge Drive, The Dalles

Elliott stated three spec home builders in town currently have a project in progress; Elliott is the only builder that resides in town.

Elliott compared the adjacent property, granted a setback reduction of 22.5% "in house," with his property stating he was asking for a 26% difference. He said the adjacent drive length measured 18 ft. 6 in., while his would measure 17 ft. with an additional 7 in. for garage wall thickness.

In Finding 16 of Elliott's application, he noted the average car length in the nation. Details of that information are provided in Exhibit 1.

Elliott said half of the pictures provided in the staff report came from Mill Creek Crossing, a Planned Unit Development (PUD) that does not require setbacks of 20 ft. Most of the setbacks are 15 ft.

Since the County has taken over Building Codes, the site plan does not return to the contractor to retain on site. Site plans retained on site would prevent these issues.

In summary, Elliott said the neighboring property setback was handled in house but his was not, even though it met the criteria.

Chair Lavier invited comment from the opposition.

JoAn Henricks, 1490 Elberta Street, The Dalles

Henricks stated she did not approve, it would increase on-street parking and congestion on an already congested street. Elberta Street is the only access to 20-30 homes in the development. Codes are only as good as the enforcement. This is the third variance request within two months.

In her estimation, building codes are for enhancement and improvement of our living areas.

Henricks' letter is included as Exhibit 2.

Debbie Hanna, 1479 Elberta Street, The Dalles

Hanna referred to her letter, Exhibit 3.

Hanna said she opposed the adjustment. Homes in the neighborhood are already vying for parking on the street. Her Subaru measured at 15 ft. 9 in.

Her daughter is disabled; ADA compliance is important to her.

Planner Chandler paraphrased two additional letters submitted to the Community Development Department:

Aaron Hageman, 1550 Elberta Street, The Dalles, Exhibit 4, and

Evelyn Johnson, 1549 Elberta Street, The Dalles, Exhibit 5.

Chair Lavier invited rebuttal.

Taner Elliott, 397 Summit Ridge Drive, The Dalles

Elliott said he visited the area to verify setbacks. A home at 13th and Elberta Streets had a 10 ft. setback; the house had been there 20 plus years. GIS measurements showed many homes with less than 20 ft.

Elliott would like to move forward working with Codes to ensure this does not happen again.

In response to Commission questions, Elliott replied the house is framed and trusses are up. The back wall is load bearing, trusses would have to be moved.

Commissioner Bybee stated he worked for Wasco County and asked if this would be a conflict of interest. City Attorney Parker determined there was no conflict.

Chair Lavier asked how the staff recommendation would impact Elliott's work. Elliott replied the exterior of the home was load bearing. Trusses would have to be removed and would be unusable. The foundation would have to be cut and pulled back. Engineering would be required.

The interior of the garage is 22 feet, providing room for two parking spaces. Commissioner Poppoff suggested moving the front wall which would reduce the interior size but allow for a longer drive approach.

Elliott said an angled curb cut would provide longer length for a car.

Director Harris stated financial hardship is not a consideration for a variance or adjustment. The variance or adjustment is to address physical characteristics of the property itself, not to accommodate financial issues.

Harris said once aware of the issue, a stop work order was issued. It was his understanding work continued after the stop work was issued.

Harris stated a parking space less than the minimum size for a compact parking space would not be supported. It was incumbent on the developer to construct per code, take measurements, have approved plans, and construct the building as approved.

In response to Commission questions, Chandler said the site plan approved by the Community Development Department and submitted to Building Codes included a 20 ft. setback. Submittal of a driveway space less than a compact or standard parking space would be denied administratively if not elevated to Planning Commission. The potential to block or encroach on a right-of-way removes livability.

Taner Elliott, 397 Summit Ridge Drive, The Dalles

Elliott clarified Mr. Clark on the neighboring property received an administrative adjustment of 22.5%, down to 18 ft. 6 in. if including the right-of-way. Elliott is asking for a 26% reduction, 17 ft. if including the right-of-way. Elliott thought his application went before the Planning Commission due to reaction to Mr. Clark's adjustment.

In response to Commissioner Bybee's question, Chandler replied there is currently nothing in the Code to prevent a retroactive application.

The public hearing closed at 6:53 p.m.

Commissioner Poppoff said he could not approve the application as is.

Commissioner Bybee said the responsibility falls on the contractor to know property lines and distances. Commissioners Ross and DuFault agreed with Bybee's statement.

Commissioner Poppoff moved to deny Adjustment 19-049 for a 26.25% reduction in the front yard setback and approve a 15% setback reduction resulting in a 17 ft. garage front yard setback which when combined with the additional 1 ft. 6 in. of right-of-way on Elberta Street would result in an

18 ft. 6 in. physical driveway length, complying with the standard parking size per The Dalles Municipal Code. The motion was seconded by Ross.

City Attorney Parker said it was inherent in the motion that Staff would then develop a Resolution with findings of fact to support that decision. Part of those findings would address the livability concerns.

Poppoff withdrew his original motion, Ross withdrew his second to that motion.

Commissioner Poppoff moved to deny Adjustment 19-049 for a 26.25% reduction in the front yard setback and approve a 15% setback reduction resulting in a 17 ft. garage front yard setback which when combined with the additional 1 ft. 6 in. of right-of-way on Elberta Street would result in an 18 ft. 6 in. physical driveway length, complying with the standard parking size per The Dalles Municipal Code, and direct Staff to return with findings of fact to meet those standards. The motion was seconded by Ross. The motion passed 5/0; Bybee, DuFault, Lavier, Poppoff and Ross in favor, none opposed, Cornett and Stiles absent.

STAFF COMMENTS

Director Harris said the next meeting is scheduled for February 6, 2020, and will include an adjustment hearing, annual report, election of officers and a discussion item from City Council regarding neighborhood meetings.

City Council acted on the Mobile Food Vendor ordinance. The Short Term Rental item was pulled from the City Council agenda.

Phase 1 of the Economic Opportunities Analysis was completed. Phase 2 for the land supply analysis has begun. The first meeting of the Advisory Committee will be held January 30, 2020.

COMMISSIONER COMMENTS OR QUESTIONS

Commissioner Bybee inquired about the second hand store at 2315 E. Second Street. Parker stated a complaint was filed by the City against Mr. Worton; the court ruled it was not a violation. The City may pursue further action.

Bybee asked if should recuse himself from UGB discussion. Parker replied it will be a legislative matter and suggested Bybee speak with the city attorney's successor.

ADJOURNMENT

Chair Lavier adjourned the meeting at 7:17 p.m.

Respectfully Submitted
Paula Webb, Secretary
Community Development Department

Bruce Lavier, Chair



The Average car length is around 14 feet. For example, this is the length of a car in the mid-size class like Audi A4, which should give you a perspective of the length of any car models. Of course, some vehicles are both much more extended and shorter.

2020 table of length as per classifications:

In the table below, it shows the length of different Car sizes with a model of example:

Size Class	Model examples	Length (Feet)	Length (mm)
Mini Cars	Suzuki Alto	10.5	3195
Small Car	Kia Rio	13.8	4215
Mid-Sized	Audi A4	14.8	4520
Full-Sized	Audi A6	15.7	4800
Small SUV	Ford Escape	14.4	4400
Large SUV	Cadillac Escalade	16.7	5110
Small Pickup	Nissan Navara	16.3	4981
Large Pickup	Chevrolet Silverado	18.4	5614

Reference: [Average Car Length – List of Car Lengths](#)

Joshua Chandler

From: JoAn Henricks <jhenricks@centurylink.net>
Sent: Tuesday, January 14, 2020 7:24 PM
To: Joshua Chandler
Cc: jhenricks@centurylink.net
Subject: Re: Taner Elliott Variance Request - app # ADJ 19-049

to: Joshua Chandler, Planner
 Community Development Department
 313 Court Street
 The Dalles, Oregon 97058

Re: App# ADJ-19-049/Taner Elliott
 1489 Elberta St., The Dalles, OR

As resident of 1490 Elberta St. I do not approve of the requested variance at above noted address. Elberta Street is a busy street and has become the main(only) access and exit for this growing set of Zoned "low density" housing. This requested variance at 1489 Elberta adds more on-street parking to an already congested area.

Elberta will soon be in danger of congestion such that mail trucks, school buses, fire trucks, garbage trucks, ambulances and other public vehicles may not have access to the homes. And as Whispering Pines Dev. continues to grow over the next few years, there will be more dump trucks, cement trucks, lumber trucks etc. blocking and/or trying to navigate among the parked vehicles on Elberta. **Again, Elberta is the only access street to a growing area of 20-30 homes.**

My understanding has been that The Dalles Planning Codes were developed to protect and enhance our neighborhoods. This will be the third code violation/variance request within 300 feet of my residence in the past 2 months; trailer variance, driveway variance and setback variance. These were all basic violations that would have been easy to check with an on-site inspection by Planning Dept. prior to start of construction. Neighborhood responses to variance requests seem to have been ignored at best.

What was the Planning Department's role in administering these building codes? There were no onsite inspections until neighbors brought them to the dept.'s attention. Laws and codes are only as good as their enforcement. If the Planning Department does not plan on enforcing the codes, then why have them? And why collect taxes from us and fees for them? Again, my understanding is that City of The Dalles Planning codes were developed to protect and enhance our neighborhood. Please "step up to the plate."

Please do not approve this variance request at 1489 Elberta Street. , The Dalles.
ADJ 049-19

Please email confirmation of your receipt of this letter. Thank you.

Respectfully,

JoAn E. Henricks
1490 Elberta Street
The Dalles, Oregon 97058
Cell phone: 541-340-0646

DRAFT

Joshua Chandler

From: Fishtech@gorge.net
Sent: Thursday, January 16, 2020 11:11 AM
To: Joshua Chandler
Subject: ADJ 19-049/Taner Elliott Comment

To The City of The Dalles Planning Commission,

We do not support the request to reduce the garage front yard setback from 20 ft. to 14.75 ft. for the property located at 1489 Elberta Street, The Dalles. We agree with the findings submitted in the Staff Report by Joshua Chandler, Planner, and support the Staff Recommendation to deny the adjustment.

Respectfully,
Todd and Deborah Hanna
1479 Elberta Street
The Dalles, OR 97058

DRAFT

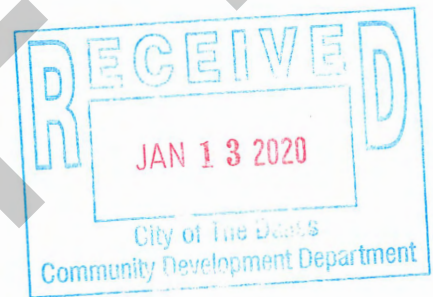
To whom:

My concern is: House is not in code as to close to the street. Driveway for off street parking not long enough. If this is not addressed and your rule in his favor, this would set a precedent for others to follow. He has said that others in the neighborhood were not in compliance. I believe this not to be true. If no off street parking, it will put more cars parking on the street.

MY other concern: It was very obvious it wasn't to code. Who is responsible for checking the footing for set backs? (The Planning department, or the Building department?) We need to either enforce the codes or change them.

Aaron Hageman

Aaron Hageman
1550 Elberta St
The Dalles, Ore.



From: PB Wright pbwright@gorge.ws
Subject: Re: App# ADJ-19-049/Tanner Elliott
Date: Jan 13, 2020 at 8:27:44 AM
To: Barbara Wright bwright7111@gmail.com



Re: App# ADJ-19-049/Tanner Elliott

1489 Elberta St., The Dalles, OR

As resident of 1549 Elberta St. I do not approve of the requested variance at above noted address. This is on a busy street. This will cause blockage of the sidewalk that is used by children and others trying to get their mail. There will be limited off street parking. More street parking causes congestion.

Over the last couple of years there have been several houses built in this neighborhood. We've dealt with code violations on one house. Another one, trailer variance to live in..denied thankfully. Then a driveway variance..also shorter.. All of the neighbors were against it and yet it was approved. Who made that decision and what did they base it on?

If the required setbacks were on the submitted plans, why wouldn't the builder be required to adhere to them? Why did the Building Inspector not address the setback of the "footings" before concrete was poured? They are clearly not correct. Who signed this off?

Knowingly or unknowingly, these driveways are too short. It's the neighborhood that suffers from these code violations. We will have congestion in what is supposedly "low density" residential neighborhoods. It seems a precedent has been set. Start to build a house and if it doesn't fit just ask for a "variance". No consideration for the existing neighbors concerns and how it will affect them. It is really sad to see in a small community. Yes, we are fed up with the lack of respect for our neighborhood.

Respectfully,

Emily R. Johnson
1549 Elberta St.
The Dalles, OR 97058



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

RESOLUTION NO. PC 588-20

Denial of Adjustment Application 049-19 of Taner Elliott for a reduction of the garage front yard setback from 20 ft. to 14.75 ft.; a 26.25% reduction. In addition, this decision resulted in the subsequent approval of a 15% setback reduction; or a 17' garage front yard setback.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has, on January 16, 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 049-19 and the minutes of the January 16, 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.

The specific setback reduction requested in Adjustment 049-19 is hereby denied. The Planning Commission hereby approves a fifteen percent (15%) setback reduction resulting in a seventeen foot (17') garage front yard setback, which when combined with the additional one foot six inch (1'6") of right-of-way on Elberta Street, would result in an eighteen foot six inch (18'6") physical driveway length, which complies with the standard parking size pursuant to The Dalles Municipal Code.

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 16TH DAY OF JANUARY, 2020.

Bruce Lavier, 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 16th day of January, 2020.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

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