



## **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 STREET

THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, JANUARY 16, 2020**

**6:00 P.M.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF AGENDA**

**IV. APPROVAL OF MINUTES – December 5, 2019**

**V. PUBLIC COMMENT**

**VI. 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.

**VII. STAFF COMMENTS**

Next regularly scheduled meeting: February 6, 2020

**VIII. COMMISSIONER COMMENTS OR QUESTIONS**

**IX. ADJOURNMENT**

*(This page intentionally left blank.)*



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(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, DECEMBER 5, 2019**

**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, Cody Cornett, Bruce Lavier, Steve Ross and Jeff Stiles

Commissioners Absent: Sherry DuFault and Mark Poppoff

Staff Present: Director Steve Harris and Senior Planner Dawn Marie Hert

## APPROVAL OF AGENDA

The Agenda was amended to correct Agenda Item VI. Section 10.3.030.030 (K), should read Section 10.3.030.020 (K).

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

## APPROVAL OF MINUTES

It was moved by Cornett and seconded by Ross to approve the Minutes of October 3, 2019, as written. The motion passed 5/0; Bybee, Cornett, Lavier, Ross and Stiles in favor, none opposed, DuFault and Poppoff absent.

## PUBLIC COMMENT

None.

## LEGISLATIVE HEARING

Zoning Ordinance Amendment 101-19, City of The Dalles

Request: To expand *The Dalles Municipal Code, Title 10 – Land Use and Development, Section 10.3.030.020 (K) Emergency Management and Response Plans* to provide language that requires development over 20,000 square feet and/or renewable energy projects to verify that the fire

department has appropriate equipment, training, and personnel to respond to emergency incidents.

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.

Senior Planner Hert presented the staff report.

Commission discussion included:

- Large industrial developments increasing demand on fire department resources
- Applicants will work with Mid-Columbia Fire and Rescue (MCFR) to ensure adequate resource requirements are met
- This requirement affects structures of 20,000 square feet or more

Chair Lavier invited testimony.

Robert Palmer, Fire Chief, Mid-Columbia Fire and Rescue, 1400 W. 8<sup>th</sup> Street

Chief Palmer provided an overview of the fire district. The district covers 110 square miles. In 2018 the district responded to almost 3,000 calls for service.

MCFR must have adequate resources to protect the community. Reduced personnel and recent commercial development have impacted their ability to provide service.

Commissioner Poppoff arrived at 6:18 p.m.

MCFR follows the NFPA standard for staffing. The title page and pertinent sections are attached as Exhibit A. A complete copy of the *NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and special Operations to the Public by Career Fire Departments* is on file in the Community Development Department.

During discussion, Chief Palmer said renewable energy projects bring different requirements for fire suppression. Commission consensus was to remove the word “renewable” from the proposed amendment.

It was moved by Cornett and seconded by Poppoff to recommend City Council approval of the proposed amendment with removal of the word “renewable.” The motion passed 6/0; Bybee, Cornett, Lavier, Poppoff, Ross and Stiles in favor, none opposed, DuFault absent.

The public hearing closed at 6:28 p.m.

## **RESOLUTION**

Resolution PC 587-19: Recommendation for City Council approval of an amendment to The Dalles Municipal Code, Title 10 – Land Use and Development

It was moved by Ross and seconded by Bybee to approve Resolution PC 587-19 recommending City Council approval of the amendment to The Dalles Municipal Code, Title 10 – Land Use and Development, with removal of the word “renewable.” The motion passed 6/0; Bybee, Cornett, Lavier, Poppoff, Ross and Stiles in favor, none opposed, DuFault absent.

## **STAFF COMMENTS**

Director Harris stated the next regularly scheduled meeting was December 19, 2019; there were no public hearings scheduled. The subsequent meeting, January 2, 2019, had nothing scheduled. Commission consensus was to cancel those meetings.

Staff is working with Northern Wasco County Parks and Recreation (NWPRD) regarding their recently adopted Master Plan; this is considered a supporting document for the City's Comprehensive Plan. Due to NWPRD's use of an updated standard (park acreage per 1,000 population), the Comprehensive Plan policy language requires an amendment. This topic will go before the Planning Commission in January.

Results of the public hearing on Code Amendments for residential development were forwarded to, and adopted by, City Council.

The updated document, "Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement," was provided by the Oregon Department of Land Conservation and Development, Exhibit B.

Staff presented the new Short Term Rental ordinance at the last City Council meeting. The ordinance was referred back to staff and will return to City Council at a later date.

Staff will present a new Mobile Food Vendors ordinance to City Council on December 9, 2019.

The Land Use Board of Appeals (LUBA) ruled in favor of the City for Adjustment 18-037. Mr. and Mrs. Hunt stated they would not appeal.

The Urban Renewal Agency received two proposals in response to the RFP issued for the Tony's Building. The proposal by The Dalles Fitness Hub was approved.

A bid opening is scheduled Monday, December 9, 2019, for the Feasibility Study for undergrounding of utilities in the downtown area.

Controlled demolition work and weatherization was completed on the Recreation Building. The engineer's report stated the cause of collapse was due to overall age and deterioration of the structure. When the bowling alley was installed in 1958, a number of supporting columns were removed and a bowstring truss was installed. Over time, deterioration and movement affected the truss; the storm in August contributed to the collapse.

Staff will prepare a year end summary of applications and activities in January.

#### **COMMISSIONER COMMENTS OR QUESTIONS**

None.

#### **ADJOURNMENT**

Chair Lavier adjourned the meeting at 6:43 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department

---

Bruce Lavier, Chair

*(This page intentionally left blank.)*

# NFPA® 1710

## Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments

### 2016 Edition



NFPA, 1 Batterymarch Park, Quincy, MA 02169-7471  
An International Codes and Standards Organization

be made available, availability of interoperable communications, and the designation of the incident commander.

**4.8.2** Procedures and training of personnel for all fire departments in mutual aid, automatic aid, and fire protection agreement plans shall be comprehensive to produce an effective fire force and to ensure uniform operations.

## Chapter 5 Fire Department Services

### 5.1 Purpose.

**5.1.1** The services provided by the fire department shall include those activities identified by the organizational statement developed as required by Chapter 4.

**5.1.2** The procedures involved in providing these services, including operations and deployment, shall be established through written administrative regulations, standard operating procedures (SOPs), and departmental orders.

### 5.2\* Fire Suppression Services.

#### 5.2.1 Fire Suppression Capability.

**5.2.1.1** Fire suppression operations shall be organized to ensure that the fire department's fire suppression capability encompasses deployment of personnel, equipment, and resources for an initial arriving company, the initial full alarm assignment, and additional alarm assignments.

**5.2.1.2** The fire department shall be permitted to use established automatic aid and mutual aid agreements to comply with the requirements of Section 5.2.

**5.2.2\* Staffing.** The number of on-duty fire suppression members shall be sufficient to perform the necessary fire-fighting operations given the expected fire-fighting conditions.

**5.2.2.1** These numbers shall be determined through task analyses that take the following factors into consideration:

- (1) Life hazard to the populace protected
- (2) Provisions of safe and effective fire-fighting performance conditions for the fire fighters
- (3) Potential property loss
- (4) Nature, configuration, hazards, and internal protection of the properties involved
- (5) Types of fireground tactics and evolutions employed as standard procedure, type of apparatus used, and results expected to be obtained at the fire scene

**5.2.2.2\*** On-duty members assigned to fire suppression shall be organized into company units and shall have appropriate apparatus and equipment assigned to such companies.

**5.2.2.2.1\*** The fire department shall identify minimum company staffing levels as necessary to meet the deployment criteria required in 5.2.4 to ensure that a sufficient number of members are assigned, on duty, and available to safely and effectively respond with each company.

**5.2.2.2.2** Each company shall be led by an officer who shall be considered a part of the company.

**5.2.2.2.3\*** Supervisory chief officers shall be dispatched or notified to respond to all full alarm assignments.

**5.2.2.2.4** The supervisory chief officer shall ensure that the incident management system is established as required in Section 6.2.

**5.2.2.2.5\*** Supervisory chief officers shall have staff aides deployed to them for purposes of incident management and accountability at emergency incidents.

**5.2.3 Operating Units.** Fire company staffing requirements shall be based on minimum levels necessary for safe, effective, and efficient emergency operations.

**5.2.3.1** Fire companies whose primary functions are to pump and deliver water and perform basic fire fighting at fires, including search and rescue, shall be known as engine companies.

**5.2.3.1.1** These companies shall be staffed with a minimum of four on-duty members.

**5.2.3.1.2** In jurisdictions with a high number of incidents or geographical restrictions, as identified by the AHJ, these companies shall be staffed with a minimum of five on-duty members.

**5.2.3.1.2.1** In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members.

**5.2.3.2** Fire companies whose primary functions are to perform the variety of services associated with truck work, such as forcible entry, ventilation, search and rescue, aerial operations for water delivery and rescue, utility control, illumination, overhaul, and salvage work, shall be known as ladder or truck companies.

**5.2.3.2.1** These fire companies shall be staffed with a minimum of four on-duty members.

**5.2.3.2.2** In jurisdictions with a high number of incidents or geographical restrictions, as identified by the AHJ, these fire companies shall be staffed with a minimum of five on-duty members.

**5.2.3.2.2.1** In jurisdictions with tactical hazards, high-hazard occupancies, or dense urban areas, as identified by the AHJ, these fire companies shall be staffed with a minimum of six on-duty members.

#### 5.2.3.3 Other Types of Companies.

**5.2.3.3.1** Other types of companies equipped with specialized apparatus and equipment shall be provided to assist engine and ladder companies where necessary to support the fire departments' SOPs.

**5.2.3.3.2** These companies shall be staffed with the minimum number of on-duty members required to deal with the tactical hazards, high-hazard occupancies, high incident frequencies, geographical restrictions, or other pertinent factors as identified by the AHJ.

#### 5.2.3.4 Fire Companies with Quint Apparatus.

**5.2.3.4.1** A fire company that deploys with quint apparatus, designed to operate as either an engine company or a ladder company, shall be staffed as specified in 5.2.3.

**5.2.3.4.2** If the company is expected to perform multiple roles simultaneously, additional staffing, above the levels specified in 5.2.3, shall be provided to ensure that those operations can be performed as required.

### 5.2.4 Deployment.

#### 5.2.4.1 Single-Family Dwelling Initial Full Alarm Assignment Capability.

**5.2.4.1.1\*** The initial full alarm assignment to a structure fire in a typical 2000 ft<sup>2</sup> (186 m<sup>2</sup>), two-story single-family dwelling



without basement and with no exposures shall provide for the following:

- (1) Establishment of incident command outside of the hazard area for the overall coordination and direction of the initial full alarm assignment with a minimum of one member dedicated to this task
- (2) Establishment of an uninterrupted water supply of a minimum of 400 gpm (1520 L/min) for 30 minutes with supply line(s) maintained by an operator
- (3) Establishment of an effective water flow application rate of 300 gpm (1140 L/min) from two handlines, each of which has a minimum flow rate of 100 gpm (380 L/min) with each handline operated by a minimum of two members to effectively and safely maintain the line
- (4) Provision of one support member for each attack and backup line deployed to provide hydrant hookup and to assist in laying of hose lines, utility control, and forcible entry
- (5) Provision of at least one victim search and rescue team with each such team consisting of a minimum of two members
- (6) Provision of at least one team, consisting of a minimum of two members, to raise ground ladders and perform ventilation
- (7) If an aerial device is used in operations, one member to function as an aerial operator to maintain primary control of the aerial device at all times
- (8) Establishment of an IRIC consisting of a minimum of two properly equipped and trained members

**5.2.4.1.2** When an incident escalates beyond an initial full alarm assignment, or when significant risk is present to the member due to the magnitude of the incident, the incident commander shall request an EMS crew consisting of a minimum of two members to provide treatment and transport for injured members and civilians.

**5.2.4.1.3** When an incident escalates beyond an initial full alarm assignment or when significant risk is present to the members due to the magnitude of the incident, the incident commander shall upgrade the IRIC to a full rapid intervention crew (s) (RIC) that consists of an officer and at least three members who are fully equipped and trained in RIC operations.

#### **5.2.4.2 Open-Air Strip Shopping Center Initial Full Alarm Assignment Capability.**

**5.2.4.2.1\*** The initial full alarm assignment to a structure fire in a typical open-air strip shopping center ranging from 13,000 ft<sup>2</sup> to 196,000 ft<sup>2</sup> (1203 m<sup>2</sup> to 18,209 m<sup>2</sup>) in size shall provide for the following:

- (1) Establishment of incident command outside the hazard area for the overall coordination, direction, and safety of the initial full alarm assignment with a minimum of two members dedicated to managing this task.
- (2) Establishment of two uninterrupted water supplies at a minimum of 500 gpm (1892 L/min), with each supply line maintained by an operator.
- (3) Establishment of an effective water flow application rate of 500 gpm (1892 L/min) from three handlines, each of which has a minimum flow rate of 150 gpm (568 L/min), with each handline operated by a minimum of two members to effectively and safely maintain each handline.
- (4) Provision of one support member for each attack, backup, and exposure line deployed to provide hydrant hookup and to assist in laying of hose lines, utility control, and forcible entry.

- (5) Provision of at least two victim search-and-rescue teams, each team consisting of a minimum of two members.
- (6) Provision of at least two teams, each team consisting of a minimum of two members, to raise ground ladders and perform ventilation.
- (7) If an aerial device(s) is used in operations, one member to function as an aerial operator and maintain primary control of the aerial device at all times.
- (8) The establishment of an RIC consisting of an officer and at least three members who are fully equipped and trained in RIC operations.
- (9) The establishment of an initial medical care component consisting of at least two members capable of providing immediate on-scene emergency medical support and transport that provides rapid access to civilians or members potentially needing medical treatment. Where this level of emergency medical care is provided by outside agencies or organizations, these agencies and organizations shall be included in the deployment plan and meet these requirements.

#### **5.2.4.3 Apartment Initial Full Alarm Assignment Capability.**

**5.2.4.3.1** The initial full alarm assignment to a structure fire in a typical 1200 ft<sup>2</sup> (111 m<sup>2</sup>) apartment within a three-story, garden-style apartment building shall provide for the following:

- (1) Establishment of incident command outside the hazard area for the overall coordination, direction, and safety of the initial full alarm assignment with a minimum of two members dedicated to managing this task.
- (2) Establishment of two uninterrupted water supplies at a minimum of 400 gpm (1520 L/min), with each supply line maintained by an operator.
- (3) Establishment of an effective water flow application rate of 300 gpm (1140 L/min) from three handlines, each of which has a minimum flow rate of 100 gpm (380 L/min), with each handline operated by a minimum of two members to effectively and safely maintain each handline.
- (4) Provision of one support member for each attack, backup, and exposure line deployed to provide hydrant hookup and to assist in laying of hose lines, utility control, and forcible entry.
- (5) Provision of at least two victim search-and-rescue teams, each team consisting of a minimum of two members.
- (6) Provision of at least two teams, each team consisting of a minimum of two members, to raise ground ladders and perform ventilation.
- (7) If an aerial device is used in operations, one member to function as an aerial operator and maintain primary control of the aerial device at all times.
- (8) The establishment of an RIC consisting of an officer and at least three members who are fully equipped and trained in RIC operations.
- (9) The establishment of an initial medical care component consisting of at least two members capable of providing immediate on-scene emergency medical support, and transport that provides rapid access to civilian or members potentially needing medical treatment. Where this level of emergency medical care is provided by outside agencies or organizations, those agencies and organizations must be included in the deployment plan and meet these requirements.

#### **5.2.4.4\* High-Rise Initial Full Alarm Assignment Capability.**

**5.2.4.4.1** Initial full alarm assignment to a fire in a building with the highest floor greater than 75 ft (23 m) above the

*(This page intentionally left blank.)*

**GUIDANCE ON IMPLEMENTING  
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT  
UNDER OREGON SENATE BILL 1051  
UPDATED TO INCLUDE HB 2001 (2019)**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.  
(Photo courtesy of Ellen Bassett and [accessorydwellings.org](http://accessorydwellings.org).)*

**OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**

**MARCH 2018, updated SEPTEMBER 2019**



## Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill (HB) 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of HB 2007 into Senate Bill (SB) 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017 (codified in amendments to Oregon Revised Statute 197.312). In addition, a scrivener's error<sup>1</sup> was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This requirement became effective on July 1, 2018 and subject cities and counties must now accept applications for ADUs inside urban growth boundaries (UGBs).

On August 8, 2019, Governor Brown signed HB 2001, which established that off-street parking and owner-occupancy requirements are not "reasonable local regulations relating to siting and design." This means that, even if a local development code requires off-street parking and owner-occupancy, as of January 1, 2020, local jurisdictions may not mandate off-street parking spaces for ADUs nor require a property owner to live in either a primary or

---

<sup>1</sup> The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs. As a result, land within a city with a population greater than 2,500 but that is not within a UGB is not required by this law to be zoned to allow accessory dwelling units. For counties with a population greater than 15,000, only those unincorporated areas within a UGB are required by this law to be zoned to allow accessory dwelling units.

accessory dwelling. The law provides an exception for ADUs that are used as vacation rentals, which may be mandated to provide off-street parking or have owner-occupancy requirements.

Some local governments in Oregon already have ADU regulations that meet the requirements of SB 1051 and HB 2001, however, many do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included at the end of this document.

#### **Guidance by Topic**

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

#### *Number of Units*

The law requires subject cities and counties to allow "at least one accessory dwelling unit for each detached single-family dwelling." While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

#### *Siting Standards*

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don't create a barrier to development. Additionally, some jurisdictions allow greater lot coverage for two ADUs. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

Any legal nonconforming structure (such as a house or outbuilding

that doesn't meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity and it meets building and fire code.

#### *Design Standards*

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like "compatible" or "character." With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed ADU would have been of superior quality to those of the primary dwelling, had they been allowed. Other standards, such as those that regulate where entrances can be located or require porches and covered entrances, can impose logistical and financial barriers to ADU construction.

#### *Public Utilities*

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

#### *System Development Charges (SDCs)*

Local governments should consider revising their SDC ordinances to match the true impact of ADUs in order to remove barriers to their development. In fact, HB 2001, passed by the Oregon Legislature in 2019, requires local governments to consider ways to increase the affordability of middle housing types through ordinances and policies, including waiving or deferring system development charges. ADUs are not a middle housing type, but if a local government is reviewing its SDCs for middle housing, that would be a good time to review ADU SDCs as well. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings. Waiving SDCs for ADUs has been used by some jurisdictions to stimulate the production of more housing units.

This page intentionally left blank.

## Accessory Dwellings (model code)

**Note:** ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. The statute does not allow local jurisdictions to include off-street parking nor owner-occupancy requirements. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section \_\_\_\_\_,] and shall conform to all of the following standards:

**[A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

**A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

### **B. Floor Area.**

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

*(This page intentionally left blank.)*

2. No off-street parking is required for an Accessory Dwelling;
3. Properties with two Accessory Dwellings are allowed [10-20%] greater lot coverage than that allowed by the zone in which they are located; and
4. Accessory dwellings are not included in density calculations.

---

**Definition** (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

### STAFF REPORT Adjustment No. 19-049 Taner Elliott

**Procedure Type:** Quasi-Judicial

**Hearing Date:** January 16, 2020

**Assessor's Map:** Township 2 North, 13 East, Section 32 DC

**Tax Lot:** 3300

**Address:** 1489 Elberta Street

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

**Prepared by:** Joshua Chandler, Planner

**Date Prepared:** January 9, 2020

**SYNOPSIS:** The Applicant is requesting a 26.25% reduction of the front yard garage setback from 20' to 14'9" to accommodate the footprint of a single-family dwelling currently under construction. The Applicant was previously approved for a building permit at this location (BP 216-19) for a single-family dwelling consistent with the 20' garage setback requirement; however, during construction it was determined that the foundation of the dwelling was constructed contrary to this prior approval.

During the week of December 16, Staff received multiple comments from three (3) neighboring property owners regarding a dwelling being built closer to the property line than what is permitted by The Dalles Municipal Code (TDMC). These comments were not reported as formal complaints, but were used to address the development. After performing a site visit on December 17, Staff issued a Stop Work Order for the site until a solution was made to resolve the matter. On December 18, the Applicant submitted an Adjustment Application to the Community Development Department (CDD) with the associated \$80 filing fee for a reduced garage setback of 22.5% or 15'6". On December 26, CDD Staff and the City Engineer conducted a site visit for verification of the submitted dimensions. It was determined at that time that the existing setback, measured from the garage foundation to the property line was a 14'9" setback; resulting in a 26.25% reduction of the 20' required garage front yard setback.

Pursuant to TDMC, adjustments up to a 33% reduction of required yard setbacks are to be treated as an administrative action (Section 10.3.080.020, C.1), but at the discretion of the Director may

be processed as a quasi-judicial action (10.3.020.040, A). On December 19 the CDD Director requested to process this application as a quasi-judicial action and referred the proposal to the Planning Commission. The major issues involved with this additional review request were due to the retroactive nature of the request, non-compliance with an approved building permit (BP 216-19), numerous concerned neighbors, and recent neighborhood disapproval of an adjustment application at 2405 W. 15<sup>th</sup> Street (ADJ 19-043). Although an associated 10-day comment period has been afforded to affected property owners, CDD Staff ultimately felt the need to elevate this application to Planning Commission to provide additional transparency with the community regarding the decision making process.

**NOTIFICATION:** Property owners within 300 feet, City Departments and Franchise Utilities.

**COMMENTS RECEIVED:** Prior to the 10-day comment period, staff received three (3) informal comments. No formal comments were received as of the time this staff report was published.

**REVIEW CRITERIA:**

***I. City of The Dalles Municipal Code, Title 10 Land Use and Development***

***Section 10.3.010.040 General Provisions***

***A. Acceptance***

**FINDING #1:** The application was received at the Community Development Department on December 18, 2019. **Criterion met.**

***B. Completeness***

**FINDING #2:** The application was deemed complete on December 26, 2019. **Criterion met.**

***Section 10.3.020.060 Legislative Actions***

***A. Option to Process as Quasi-Judicial Action.***

**FINDING #3:** On December 19, 2019, the CDD Director requested to process this application as a quasi-judicial action and referred the proposal to the Planning Commission for a final decision. **Criterion met.**

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

***A. Decision Types***

**FINDING #4:** The submitted application was for an administrative adjustment (up to a 33% reduction of a required yard setback); however, at the request of the CDD Director, is being processed as a quasi-judicial action. **Criterion met.**

***B. Staff Report***

**FINDING #5:** This document serves as the staff report. **Criterion met.**

***C. Public Hearings***

**FINDING #6:** The public hearing has been set for January 16, 2020. **Criterion met.**

***D. Notice of Hearing***

**FINDING #7:** A notice of the public hearing was published in The Dalles Chronicle on January 4, 2020. Additionally, appropriate mailings were sent to property owners within

300 feet and notice to affected departments and agencies were made on January 6, 2020.  
**Criterion met.**

### **Article 3.080 Adjustments**

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

- A. *An adjustment will be approved if the review body finds that applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.*
1. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

**FINDING #8:** The Applicant provided an inventory of the existing conditions of the various properties in the surrounding neighborhood for the purposes of highlighting the variation of garage front yard setbacks. This inventory was accomplished using the measurement tool of Wasco County Base Map by measuring the front property line and the distance to each dwelling (using aerial imagery). The Applicant's findings stated that the surrounding neighborhood is a mix of garage setbacks with many properties less than 20'; thus, this request is compatible with nearby properties. Due to the inaccuracies that occur with GIS, Staff does not recommend using GIS layers when determining property lines and associated yard setbacks; therefore, is unable to verify these dimensions. In regard to GIS accuracy, Staff contacted the GIS Coordinator of Wasco County who recommended against using GIS layers for measurements and stated that only a licensed surveyor can determine the accuracy of property lines. As a result, Staff will require that all dimensions in the provided inventory be certified by a licensed surveyor prior to the recognition of this information.

In addition to the inventory, the Applicant stated that the adjacent property at 2405 W. 15<sup>th</sup> Street is a corner lot with a 15' setback on Elberta Street. Staff has confirmed that 2405 W. 15<sup>th</sup> Street is a corner lot facing 15<sup>th</sup> Street, therefore the Elberta Street setback is an exterior side yard setback with a 10' minimum. Pursuant to the site plan for BP 186-19 (new single-family dwelling at 2405 W. 15<sup>th</sup> Street), the exterior side yard was approved at 10', meeting the exterior side yard setback requirements of the RL zoning district. Prior to building permit approval, this property was approved for a garage front yard setback of 15'6" (22.5% reduction) per ADJ 19-043. At the time of that application, Staff determined that although the adjustment request was for a 15'6" setback, additional right-of-way on West 15<sup>th</sup> Street resulted in a physical driveway length of 18'6", a length that will accommodate both standard and compact parking spaces detailed in Chapter 10.7 of the TDMC.

Within the Whispering Pines Subdivision, two separate street details were approved: one for West 14<sup>th</sup> and 15<sup>th</sup> Streets (54' width), and one consistent with the existing Elberta Street detail (50' width). The dimension for West 14<sup>th</sup> and 15<sup>th</sup> Streets included 16' of roadway, 5' of sidewalk, 4'6" of planter strip, 6" of curb, and an additional 1' on each side of the right-of-way. Once development began, the developer installed 30" planter strips, resulting in 3' of right-of-way from the property line to the sidewalk, visually assumed as a portion of each parcels' front yard. The detail for Elberta Street included 18' of roadway, 5' of sidewalk, 6" of curb, and an additional 1'6" on each side of the right-of-way. Staff confirmed during the December 26 site visit, that the existing Elberta Street detail is consistent with these specifications.

The subject dwelling at 1489 Elberta Street was approved for construction on October 28, 2019, with a 20' garage front yard setback. During construction, the foundation

was poured at 14'9" back from the property line; not the approved 20'. Construction of the structure continued on this foundation until CDD Staff was notified by multiple neighbors in regards to the close proximity of the structure to Elberta Street. Due to the additional right-of-way on Elberta Street (1'6"), the physical length of the driveway will now be 16'3", less than the required compact parking space outlined in TDMC. To better understand the impact of a decreased driveway length, Staff has provided multiple photos of reduced driveways throughout the City as an exhibit. These photos were captured during business hours, and may not represent full use within each residential area. Various styles of vehicles are seen in these photos and detail typical right-of-way encroachment resulting from decreased driveway lengths.

Staff has determined that a driveway less than the required dimensions for a regular parking space per TDMC may result in future sidewalk encroachment. This encroachment will result in potentially restricting ADA accessibility of the sidewalk, therefore negatively impacting the livability and connectivity of the residential area. **Criterion not met.**

*2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

**FINDING #9:** The Applicant is requesting only one (1) adjustment with this proposal. **Criterion not applicable.**

*3. City designated scenic resources and historic resources are preserved.*

**FINDING #10:** Staff has determined that there are no city designated scenic or historic resources within the 300 foot wide Neighborhood Area buffer, as defined by Article 3.040 *Neighborhood Compatibility Review*. **Criterion met.**

*4. Any impacts resulting from the adjustment are mitigated to the extent practical.*

**FINDING #11:** Pursuant to the site plan for BP 216-19, the yard setbacks for the subject dwelling were approved as follows: front (20'); sides (13' 5'); rear (11'). By placing the foundation 5'3" closer to Elberta Street, the rear yard setback has been increased to 16'3", resulting in the front yard setback and building distance to the street being reduced. The Applicant has provided that the additional right-of-way on Elberta Street (1'6") will result in a longer driveway than the reduction request suggests (16'3"). Staff finds this length will potentially pose right-of-way encroachment issues in the future as the driveway is less than the requirement for compact vehicles per TDMC. Although this application is for only one (1) request, Staff does not believe that additional mitigation has been taken to offset the impacts of this reduction. **Criterion not met.**

*5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*

**FINDING #12:** The subject property is not located within a City designated environmental sensitive area. **Criterion not applicable.**

*B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the following criteria must also be met:*

*1. Provide adequate provisions of light, air, and privacy to adjoining property.*

**FINDING #13:** The setback reduction request is in the front yard of the subject property, and will maintain previously approved side yard setbacks; both of which

comply with the setback standards of the RL zoning district. Staff finds that this request will not impact the light, air, and privacy of the adjoining properties. **Criterion met.**

2. *Provide for accessibility, including emergency vehicles, per City standards.*

**FINDING #14:** The dwelling currently under construction has a 68' street frontage on Elberta Street, and a lot depth of 80'. Per the Oregon Fire Code, all buildings located within 150' of a fire apparatus access road (Elberta Street) are considered to have adequate fire protection. Neither the originally approved BP 216-19, nor the adjustment request ADJ 19-049 would result in restricting fire access to the subject dwelling. **Criterion met.**

3. *Result in a development that conforms to the general character of the neighborhood or zone district.*

**FINDING #15:** The existing neighborhood consists of varying styles, sizes, and ages of single-family dwellings. Although the Applicant provided an inventory of varying garage front yard setback dimensions, without verification by a licensed surveyor Staff is unable to recognize these dimensions as findings of fact. However, at the time of BP 216-19, Staff found the proposed dwelling met seven (7) of the ten (10) design guidelines (six required per building permit). Staff finds that the single-family use conforms to the general character of the neighborhood and RL zoning district. **Criterion met.**

4. *If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.*

**FINDING #16:** The Applicant has provided that the average car length in the US is roughly 14', therefore the driveway will provide ample parking for two (2) cars. A source for this information was not provided in the Applicant's findings, and TDMC does not have language regarding average vehicle length; therefore, this finding is recognized by Staff as an adequate finding. Due to the fact that the Applicant is not requesting a reduction in required off-street parking spaces, and a two-car garage is currently under construction, Staff finds no applicability to this criterion. **Criterion not applicable.**

#### **COMMISSION ALTERNATIVES:**

1. **Staff recommendation:** *Denial of Adjustment 19-049*, a request for a 26.25% reduction resulting in a 14'9" garage front yard setback, and the subsequent approval of a 15% setback reduction resulting in a 17' garage front yard setback which when combined with the additional 1'6" of right-of-way on Elberta Street would result in an 18'6" physical driveway length, complying with the standard parking size per TDMC.
2. *Approval of Adjustment 19-049*, a request for a 26.25% reduction resulting in a 14'9" garage front yard setback, and direct Staff to prepare and return to Planning Commission a Resolution of Approval with findings supporting the adjustment as determined by the Planning Commission.
3. *Denial of Adjustment 19-049.*

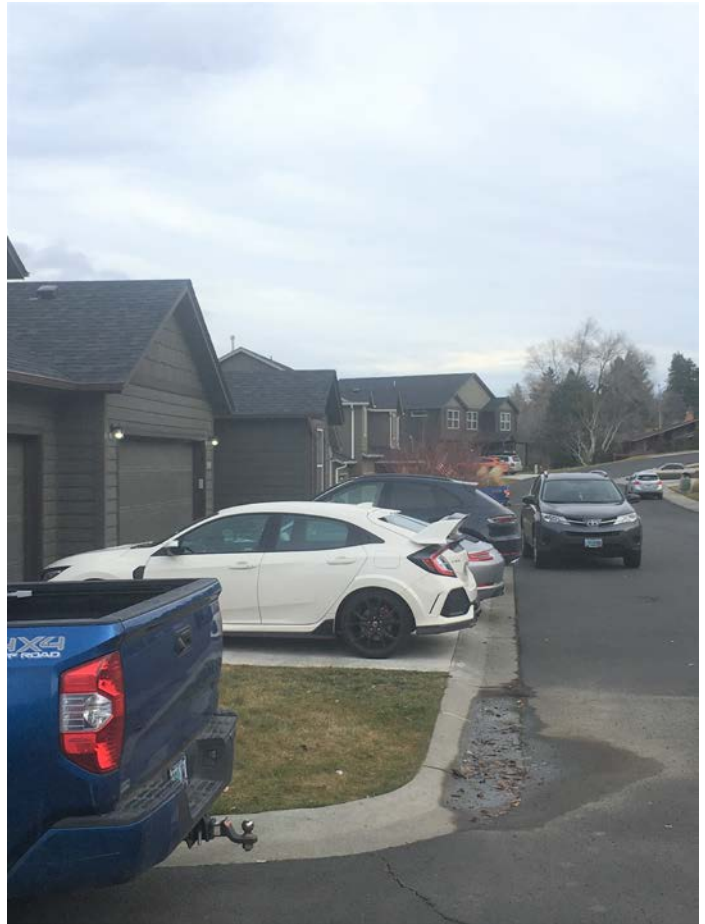
4.

#### **ATTACHMENTS:**

Exhibit A – Photos of properties with reduced driveway lengths (captured by CDD Staff, 1/7/20)  
Exhibit B – Approved Right-of-Way Specifications for the Whispering Pines Subdivision (2005)







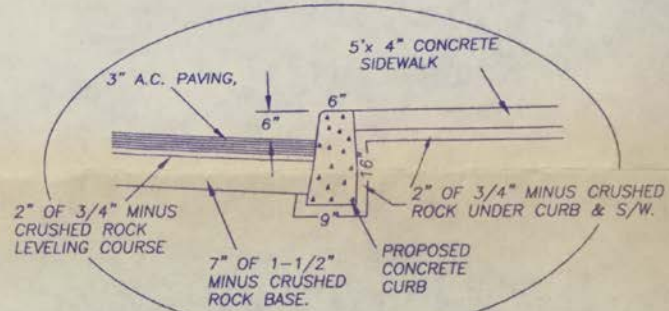
NOT CONTAIN ANY PHYSICAL OR ENVIRONMENTAL HAZARDS SUCH AS LAND SLOPE, EROSION, FLOODING, NATURAL LOGIC HAZARD.

DO NOT CONTAIN ANY NATURAL FEATURES SUCH AS CREEKS, PONDS, RIPARIAN AREAS OR ANY TREES WITH 4" DIAMETER.

KEEP OPEN DURING CONSTRUCTION FOR EMERGENCY VEHICLE ACCESS.

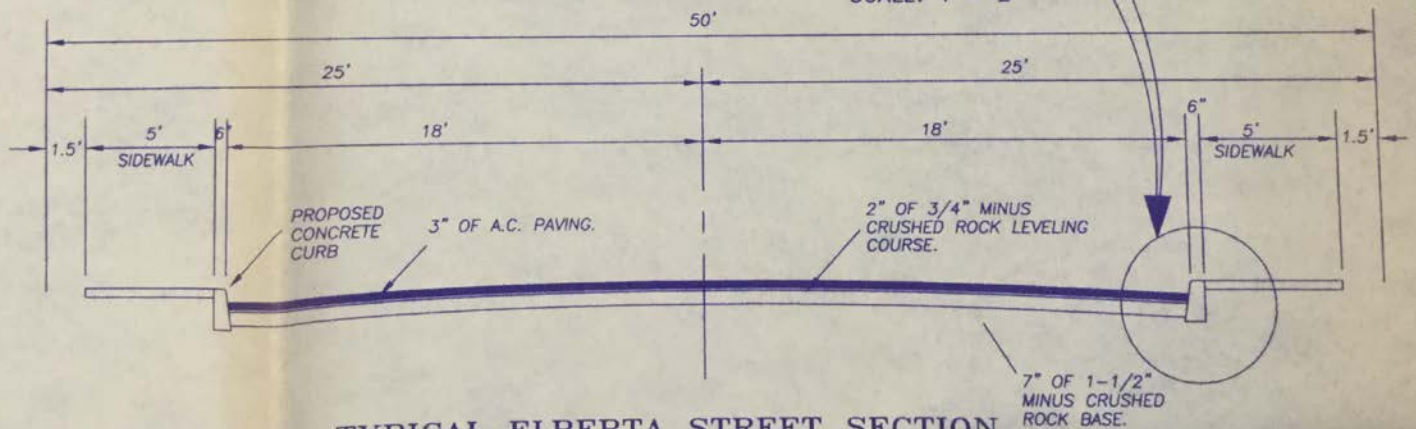
ADJ BY THE ROADWAYS WITHIN THIS DEVELOPMENT CATCH BASINS AND ROUTED TO THE EXISTING IN WEST 13TH. STREET

UTILITIES INCLUDING SERVICES WILL BE INSTALLED WITHIN FINAL DESIGN WILL FOLLOW APPLICATION APPROVAL, CONCURRENT WITH PHASE CONSTRUCTION.



### DETAIL

SCALE: 1" = 2'

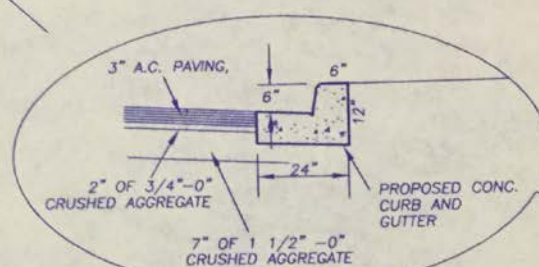


### TYPICAL ELBERTA STREET SECTION

SCALE: 1" = 5'

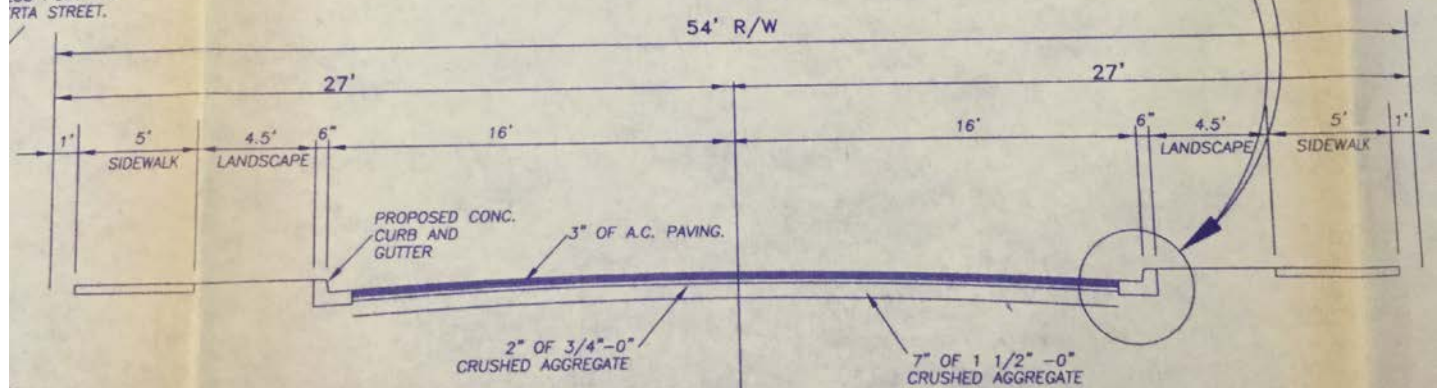
TAX LOT 1000 (2N-13-32DC)  
PROPOSED 8" P.V.C. WATERLINE  
SANITARY M.H. (D=36")  
W.=317.30  
E.=317.40  
W.=317.50  
N.W.=316.78

LOT HAS NO ACCESS POINT TO RTA STREET.



### DETAIL

SCALE: 1" = 2'



### TYPICAL W. 14TH & 15TH. STREET SECTIONS

SCALE: 1" = 5'



## City of The Dalles

### Community Development Department

313 Court Street

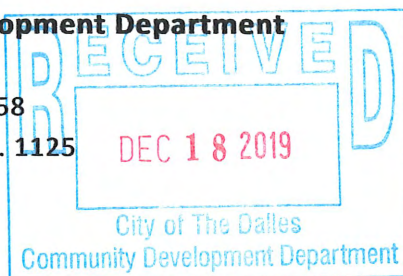
The Dalles, OR 97058

(541) 296-5481, ext. 1125

www.thedalles.org

#### Office Hours -

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



Application #: ADJ 049-19

Filing Fee: \$80

Receipt #: 853556

Deemed Complete: \_\_\_\_\_

Ready to Issue: \_\_\_\_\_

Date Issued: \_\_\_\_\_

## Land Use Application

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Building Permit          | <input type="checkbox"/> Demolition                  | <input type="checkbox"/> Physical Constraints  | <input type="checkbox"/> Change of Use |
| <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Minor Partition / Tract Map | <input checked="" type="checkbox"/> Adjustment | <input type="checkbox"/> Fence         |

### Applicant

Name: Taner Elliott

Address: Site: 1489 Elberta St.

The Dalles OR 97058

Phone #: 541-993-8896

Email: tanerelliott@gmail.com

### Legal Owner (if different than Applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

### Property Information

Address: 1489 Elberta

Map and Tax Lot: 2N 13E 32DC 3300

Project Description: New single family dwelling

### Department Use Only

City Limits: ☒ Yes / ☐ No Zone: RL Overlay: -

Geohazard Zone: - Flood Designation: -

Historic Structure: Yes / ☒ No Current Use: SFD (under const)

Previous Planning Actions: BP (2019)

Erosion Control Issues? Access Issues? Utilities and Public Improvements? Items Needing Attention?

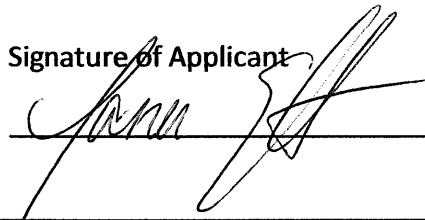
☐ Ministerial ☐ Administrative ☒ PC / URA / HLC / CC | Hearing Date: 1/16/19

## 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.

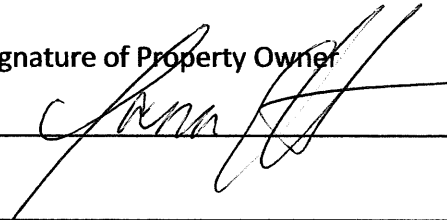
*If the undersigned is different from the legal property owner, a notarized letter of authorization signed by the legal property owner must accompany this form.*

Signature of Applicant



Signature of Property Owner

12/18/19  
Date



Date

## Additional Information

### Department Comments

---

---

---

---

### Conditions of Approval

---

---

---

---

## Decision

☐ Approved

☐ Denied

Community Development Department

Public Works

Date

Date

## Adjustment Application

#: ADJ 049-19

☒ New Construction    ☐ Expansion/Alteration    ☐ Change of Use    ☐ Amend Approved Plan

Brief Explanation: Garage set back is 18'6" off property line not the approved 20'

### JUSTIFICATION OF REQUEST

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

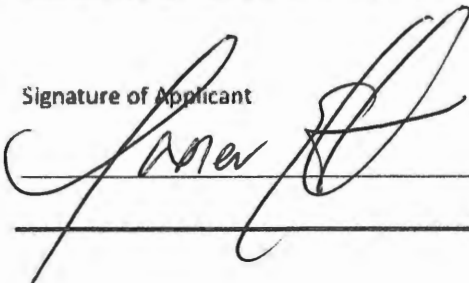
For approval the applicant must satisfy the criteria in EITHER Section A or Section B.

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



Signature of Property Owner

12/8/19  
Date

Date

A1 The Clark residence adjacent to 1489 Elberta is a corner lot and is 15' off property line on Elberta.

2. Only one adjustment all other set backs are in good order.

3. N/A

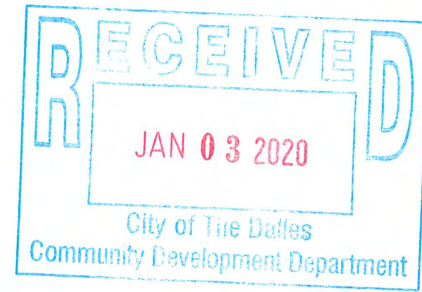
4. Off street parking still provided w/ 15' 6" set back and a two car garage.

5. No environmental impact.

## Joshua Chandler

---

**From:** Taner Elliott <tanerelliott@gmail.com>  
**Sent:** Friday, January 03, 2020 10:29 AM  
**To:** Joshua Chandler  
**Subject:** 1489 Elberta (ADJ 19-049)  
**Attachments:** Elberta.docx; Vicinity Map.docx



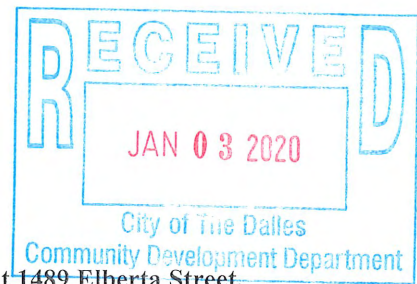
Josh,

Attached is my letter addressing all of the criteria formally and a copy of the GIS map with addresses of the area. Please let me know that you received this today. Also I would be happy to meet you regarding the measurement as I am coming up with a little less than 5.25 feet.

Thanks Taner Elliott

1/2/2020

Josh,



The following response is for your review, regarding my property located at 1489 Elberta Street.

### 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 Adjustment) below, has been met.

1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area; and

**Response:** The request to reduce the front yard setback for the garage by 26.25% will not detract from the livability or appearance of the residential area. The neighborhood has a mix of setbacks for garages. The garage setbacks range from 10 feet (2336 E 13<sup>th</sup> St.) to 30+ feet. Using the Wasco County online GIS, approximate measurements from the property line to the front of the garages are as follow in the surrounding neighborhood:

- 1550 Elberta – 15 ft
- 1549 Elberta – 20 ft
- 1490 Elberta – 16 ft
- 2405 W 15<sup>th</sup> – 15.5 ft (ADJ 19-043)
- 2411 W 15<sup>th</sup> – 25 ft
- 2412 W 15<sup>th</sup> – 20 ft
- 1479 Elberta – 20 ft
- 2403 W 14<sup>th</sup> – 14 ft
- 2409 W 14<sup>th</sup> – 14 ft
- 2415 W 14<sup>th</sup> – 20 ft
- 2336 W 14<sup>th</sup> – 27 ft
- 2335 W 14<sup>th</sup> – 22 ft
- 2327 W 14<sup>th</sup> – 14 ft
- 2319 W 14<sup>th</sup> – 14 ft
- 2328 W 14<sup>th</sup> – 28 ft
- 2320 W 14<sup>th</sup> – 29 ft
- 2313 W 14<sup>th</sup> – 11 ft
- 2305 W 14<sup>th</sup> – No garage
- 2306 W 14<sup>th</sup> – 30 ft
- 2336 W 13<sup>th</sup> – 10 ft (Garage on Elberta)
- 2402 W 13<sup>th</sup> – 21 ft

As detailed above, the built neighborhood has mixed setbacks, many that are less than 20 feet for the attached garages. My request to reduce the garage setback will not significantly detract from the livability or appearance of the neighborhood.

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Response:** I am only requesting one adjustment for this property.

3. City-designated scenic resources and historic resources are preserved; and

**Response:** My property is not a designated scenic or historic resource.

4. Any impacts resulting from the adjustment are mitigated to the extent practical.

**Response:** The reduction of the garage front yard setback will be the only setback reduction requested, and the home placement meets all other required setbacks on the subject parcel. Per the City's code, an Administrative Adjustment application allows an applicant a 33% reduction to required setbacks. A 33% reduction in the required garage front yard setback would be approximately a 13'4" setback (a 6'8" reduction). I am requesting a 26.25% or a 5.25 feet reduction from the property line.

Elberta Street is shown on the plat maps to be 50 feet in width and the curb to curb width is currently 34 feet. Installation of a standard sidewalk would be 5 feet in width on each side of Elberta, along with the curbs that are .5 feet, the total built road for Elberta would be 45 feet in width. The Wasco County GIS shows that the measurement from the inside of the curb includes another .75 foot beyond the 5 foot sidewalk that will be installed with my development. That added .75 feet of Elberta Street would be used for the driveway and increase the driveway length to 15.5 feet in length. This added .75 feet would then appear to be only a 22.5% reduction until a time that Elberta Street would be widened in the future.

5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable; or

**Response:** Not applicable. This property is not located in an environmentally sensitive area.

B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the following criteria must also be met:

1. Provide adequate provisions of light, air, and privacy to adjoining property;

**Response:** The requested reduction is for the front yard setback. I will not be encroaching into the side or rear yard setbacks which could infringe upon adequate light, air and privacy. This adjustment request will be minimal to the built neighborhood.

2. Provide for accessibility, including emergency vehicles, per City standards;

**Response:** Emergency vehicles can access my lot from Elberta. All other setbacks are met and all sides of the house can be accessed in the event of a fire or emergency.

3. Result in a development that conforms to the general character of the neighborhood or zone district;

**Response:** As detailed above, my request to reduce the front garage setback conforms to the mixed setback character in the built neighborhoods.

4. If a reduced number of parking is requested, provide adequate parking based on a parking demand analysis, or supplement on-site parking with joint use agreements.

**Response:** I am not requesting reduced parking. Two parking spaces are provided in the two-car garage. The average car length in the US is roughly 14 feet providing ample two-car parking in the driveway without impeding into the right of way.

Regards,

Taner Elliott  
East Cascade Development LLC  
[tanerelliott@gmail.com](mailto:tanerelliott@gmail.com)  
541-993-8896



