

MINUTES OF THE DALLES PLANNING COMMISSION MEETING

February 2, 1995
Public Library Meeting Room
722 Court Street
The Dalles, Oregon

CALL TO ORDER

The regular meeting of the City of The Dalles Planning Commission was called to order by Chairman Terry Turner at 7:00 p.m.

ROLL CALL

Present Terry Turner, David Peters, Tom Quinn, Walter Hoffman, Marianne Barrett, Michael Maier and Ken Farner

Absent None

Staff Scott Keillor, Senior Planner
Gene Parker, City Attorney
Kay Prouty, Resource Assistant
Bill Barrier, Transportation Manager

Dee Hill, City Council

PUBLIC COMMENT Chairman Turner opened the Planning Commission meeting asking for those wishing to speak on any subject not on the agenda. Hearing none Turner moved to the minutes of the January 5th meeting.

Farner asked if the proposed Resolution PC 315-95 initiating a Comprehensive Plan Amendment and Zone Change for "Klindt's Beach" on the Port property was going to be open for public comment.

Parker said this is not a scheduled public hearing and it is up to the Commission to decide if public testimony is allowed at this meeting. Staff recommendation will be to postpone the adoption of the resolution to initiate the public hearing process.

MINUTES

Hoffman said on page 2, 4th paragraph from the bottom the last sentence was not complete and the words "as part of the project" needed to be added. Page 6, 2nd paragraph from the bottom the word "change" should be "charge". Hoffman then moved to approve the minutes of the January 5th meeting as amended. Barrett seconded and the motion passed unanimously with Maier and Farner abstaining.

PUBLIC HEARINGS - QUASI-JUDICIAL

Turner explained the rules and procedures for public hearings and asked those testifying to keep comments to the criteria for each application.

VARIANCE 85-95 of Heath Signs to allow alterations of a non conforming roof sign. The result would be an overall reduction in size from 166.7 square feet to 96.1 square feet. Property is known as the Tapadera Motel and located at 111 West 2nd Street in the "CB" Central Business zone.

Turner asked if any Commissioner wished to declare ex-parte contact or conflict of interest. Hearing none, Turner asked if anyone in the audience wished to challenge any of the Commissioners. Hearing none, Turner asked for the staff report.

Keillor presented the staff report stating the reason the variance was necessary was to replace a non-conforming sign. He said that there were no concerns or objections from the City's Site Plan Review Team. He said the roof sign will be modified, reconstructed and down sized in the same location. The staff recommendation is for approval with conditions.

Turner asked for questions of staff.

Farner asked if the roof sign was the only sign being considered in the variance request.

Keillor answered affirmatively. He said the packet includes a full sign change out for the Tapadera but the Variance request only applies to the roof sign.

Hoffman asked how high the roof sign would be.

Keillor said he understood the sign would not be over 40 feet which is over standard height but lower than the present sign height.

PROPONENTS:

Dan Osterman 4644 SE 17th Street, Portland - Heath Signs

Osterman said he had a pre-application meeting with Keillor of the City Planning Department to discuss the variance. He said the plans are to down size the roof sign in the same location but that it is necessary to have the exposure from the freeway. Osterman said the present flashing crown sign will be removed and the new sign will be approximately 10 feet above the roof line.

Osterman asked if the reader board sign on West 2nd Street was a problem. He said the Tapadera would like to continue to use the reader board as it exists.

Keillor said the reader board sign is not a concern.

Jeff Long, Heath Signs

Long said that the Best Western Motels are changing all signs nation wide. He said the intent is to upgrade and update by removing flashing signs and modernizing the design. Long said he

would like to have a letter from the Planning Department stating that the request to retain the 35 square foot reader board as a secondary sign will conform with the sign ordinance.

OPPONENTS:

None

Turner closed the hearing to public testimony.

COMMISSION DELIBERATION

Quinn said he approved of the decision by Best Western to replace the old signs and delete the flashing lights.

Maier moved to approve Variance #85-95. Farner seconded the motion.

Parker asked if Maier wished for the motion to include "with conditions, based on findings of fact".

Turner restated the motion and it was passed unanimously.

VARIANCE 86-95 of Vurel Cloninger to build a duplex on a 5,000 square foot lot where 7,500 square feet is required. Property is located at 1111 East 9th Street in an "R-3" Multiple Family Residential zone.

Turner reread the rules for a quasi-judicial hearing.

Turner asked if any Commissioner wished to declare ex-parte contact or conflict of interest.

Peters said he and Cloninger's daughter-in-law work at the same establishment.

Parker asked Peters if he and the applicant's daughter-in-law had discussed Variance 86-95 and if he could make a fair decision on the request.

Peters said he and his daughter-in-law had not discussed the variance request and he felt he could make a fair decision.

Turner asked if anyone in the audience wished to challenge any of the Commissioners.

Fay McConnell of the audience said she felt Peters should be excused.

The Commission asked Peters to step down during this hearing. Peters removed himself from the hearing and took a seat with the audience.

Turner asked for the staff report.

Keillor presented the staff report, giving a recommendation for approval with conditions. He said there were no objections from the City Site Team. Keillor said the applicant proposed to divide the subject 10,000 square foot lot into two 5,000 square foot lots. The proposed lot division requires no variance, and can be processed administratively as a Minor Partition. The request for a duplex on the easterly lot will, however, require a variance determination to allow the structure to be built on a 5,000 sf lot where 7,500 is required. Keillor said the applicant has proposed compatible design features to help the building fit into the neighborhood. Parking is designed to the rear of the building off of the alley.

Turner asked the Commission if there were any questions of staff.

Farner said he had seen the site and the existing homes along East 9th Street are at a 12 foot front setback. He said it may look better to be consistent with the new structure and stay at the 12 foot setback, rather than the required 15 feet.

Hoffman asked if a precedent would be set by allowing a duplex on a 5,000 square foot lot.

Keillor said each variance request must be evaluated on its merits.

Maier said once the 10,000 square foot lot is divided into two 5,000 sf lots why does this create a special request.

Keillor said no two dwellings are allowed on one lot. He said if developed as is, the applicant could build an extension onto the existing home and create a 5-plex on the entire 10,000 square foot lot. Otherwise, the new 5,000 square foot lot is not unique.

Turner called for those speaking in favor of the project.

PROPOSERS: Vurel Cloninger 1205 Sandy

Cloninger said he felt the staff report is accurate. He said he would prefer to separate the lot and build a duplex.

Hoffman asked Cloninger if he felt the duplex fit into the neighborhood. Cloninger said the design features would fit with the area and there is a need to maximize the use of his property.

OPPOSERS:

Charles Kornagey 1110 East 8th

Kornagey said there are already traffic problems in the area without adding additional housing. He said the existing house is large and could be used as an apartment at this time. He said this request is not compatible with the neighborhood.

Fay McConnell 1110 East 9th

McConnell said she lives across the street from the proposed project. She said she had collected signatures from the neighbors in the area to present at the meeting. She said she felt the square footage of the lot was not adequate to develop a duplex. McConnell said parking is a problem on East 9th Street and that having parking access from the alley will not solve the problem.

Turner said the list of names presented by McConnell will need to become part of the record.

Debbie Howard 1117 East 9th

Howard said she felt building a duplex on the proposed lot will decrease the value of property in the area and create further crowding of the block. She said parking in the area is a problem and she does not feel that access through the alley will provide an answer.

Hoffman asked if Howard would approve of the alternative which could be an addition to the existing house for a 5-plex.

Howard said she felt the lot should have a single family home.

Kornagey asked if there was anything the concerned citizens could do to stop the sale of the existing house.

Turner said the Commission only has the authority to govern land use requests.

Farner asked where Kornagey lives in relation to the property in question.

Kornagey said he lives across the alley from Cloninger's property. He said he is concerned over traffic and stated that the alley is condemned. The City does not maintain the alley.

Bill Barrier, City Transportation Manager

Barrier said the City has a new program in place that will rock and blade all the alleys in the City. He said the project will include having buildings and fences that infringe in the alley removed.

Farner asked for the length of the alley in question and any plans to pave the alleys in the City.

Barrier said the alleys will not be paved and that this alley is 2 blocks long.

Keillor read a letter of opposition from Robert Ferris, 1107 East 9th Street. Ferris said the neighborhood had received a letter from Cloninger which seems to be an attempt to manipulate the neighbors. Ferris said he felt the neighborhood was already

crowded and the streets too narrow.

PROPONENT REBUTTAL: Vurel Cloninger

Cloninger said he felt the development of the duplex was the best arrangement for the neighborhood. He said he did not intend for the letter he had written to the neighbors to be a threat. He said he realized that all citizens have a right to object to the project. Cloninger said he bought the property for an income investment.

Farner asked how many parking spaces there would be off of the alley on the proposed property and of this number, how many are spaces for the existing house.

Cloninger said he would add 4 paved parking spaces but that he could not require the tenants to park in the alley. He said the existing house has no off street parking.

Turner closed the public testimony portion of the hearing.

COMMISSION DELIBERATION

Barrett said she did not feel that Cloninger had proven a hardship that would justify the variance. She said that speculative rental income is not a issue to be considered.

Maier said he did not feel there was enough information to justify the request.

Farner said he felt the request was a good example of infill but that he did not feel that this request met the criteria for a variance.

Barrett said approval of a duplex would be more compatible in this area than the 5-plex, but this fact does not help the request meet the criteria.

Quinn said that the traffic is a problem and the development of a 5-plex will add even more traffic than a duplex

Turner said this traffic problem is not unique for The Dalles. He said there is an existing traffic problem on East 9th Street regardless of impact under this request.

Hoffman asked how the Commission could help to solve the parking problem so this project could be approved.

Parker said it is not the position of the Commission to solve the traffic problem. He suggested that the Traffic Safety Commission could look at the problem.

Barrett moved to deny Variance 86-95 and Maier seconded. The

motion passed unanimously with Peters not hearing or voting on the matter as he had been challenged by the audience and removed.

RESOLUTION PC 315-95; Discussion of "Klindt's Beach" Rezone.

Parker said that it was up to the Planning Commission to decide if the hearing process should be initiated to start a Comprehensive Plan Amendment and Zone Change for a portion of land south of Chenowith Creek in the Port of The Dalles. He said it is the decision of the Commission whether to allow public testimony at this meeting.

Turner asked the Commission how they would like to proceed. He said the question tonight is whether to start the process of public hearing by adoption of the resolution.

Barrett said she felt opening a public hearing for a Comp Plan Amendment and Zone Change would be in conflict with the public interest since there will be a vote of the people whether to proceed with recreation of Klindt's Beach.

Parker said postponing of the Resolution to open the public hearing process would be an indefinite delay. Parker said that the Commission has three options for action on the request for a public hearing. Postpone indefinitely, deny the request or approval of the resolution.

Turner said he would hate to see the Commission make a decision during the hearing process that could later prove to be opposite of the vote of the people.

RESOLUTIONS SUBJECT TO PLANNING COMMISSION APPROVAL

Hoffman moved to adopt Resolution PC 313-95 with conditions approving Variance 85-95 of Heath Signs to allow modification to a nonconforming sign on the Tapadera Motel located at 111 West 2nd Street. Hoffman moved for approval and Quinn seconded, the motion passed unanimously.

Parker said a resolution for denial of Variance 86-95 will be developed for approval at the next Planning Commission meeting.

The Commission agreed to indefinitely postpone of Resolution 315-95 initiating a Comprehensive Plan Amendment and Zone Change for a portion of land south of Chenowith Creek in the Port of The Dalles.

ADJOURNMENT The meeting was adjourned at 9:15 PM.

Submitted by: *Scott Keillor* SK Scott Keillor, Secretary

Terry Turner Terry Turner, Chairman