

# MINUTES OF THE PLANNING COMMISSION MEETING

November 19<sup>th</sup>, 1998

City Hall Council Chambers  
313 Court Street  
The Dalles, OR 97058

## **CALL TO ORDER:**

The regular meeting of the City of The Dalles Planning Commission was called to order by Chairperson Walter Hoffman at 6:30 P.M.

## **ROLL CALL:**

**Present:** Walter Hoffman, Bruce Lavier, David Peters, Marta Moser, and Anita Payne.

**Absent:** Jim Coggins, and Jerry Wilson.

**Staff:** Tom Boyatt, Acting Planning Director  
Bob Paul, Associate Planner  
Gene Parker, City Attorney  
Sandi Mendonca, City Engineer  
Dan Durow, Economic Development Director  
Dawn Marie Hert, Administrative Secretary

**PUBLIC COMMENT:** No public comment was given.

## **MINUTES**

Minutes of the September 17<sup>th</sup>, 1998 meeting. Hoffman asked if any changes needed to be made.

Hoffman said that there was one misspelled word on page two, in the eleventh paragraph, the word "form" should be "from".

Lavier moved to approve the minutes of September 17<sup>th</sup>, 1998, as amended. Peters seconded, and the motion passed unanimously, Coggins and Wilson absent.

## **PUBLIC HEARING**

### **Recommendation on the proposed Urban Renewal Agency boundary amendment.**

City Attorney Gene Parker briefly summarized the Urban Renewal Agency's request for this amendment.

Parker explained that the Commission had to decide if the Fifth Amendment was in compliance with the Comprehensive Plan.

Parker explained that this amendment was intended to reduce the boundaries for Urban Renewal.

Hoffman asked what the effect was of the hearings.

Durow explained that there was a reduction of boundaries to help reduce the maximum indebtedness. This was also to help the agency focus on a smaller area.

Durow explained that there would be a Sixth Amendment that would be following soon. It also relates to the Comprehensive Plan and the Historic Landmark provisions. At this time they do not have the information, but they will be getting it in the next calendar year.

Hoffman asked that Dan Durow show the Commission the reduction in the boundaries

Durow showed the new boundaries that were approved.

Peters moved for approval of Resolution 405-98 recommending adoption of the proposed Fifth Amendment to the Columbia Gateway Urban Renewal Plan, and forwarding the amendment to the City Council. Lavier seconded, and the motion passed unanimously, Coggins and Wilson absent.

**PUBLIC HEARING- QUASI-JUDICIAL:**

**Site Plan Review 260-98 of Mid Columbia Housing Agency** to site and construct an affordable Senior apartment complex on the site immediately to the South of the West Park Place Apartments (on West 13<sup>th</sup> between Perkins and Blakely). Property is described as 2N 13E 33CC, tax lot 3500.

Hoffman read the rules for the Quasi-Judicial hearing, and asked if any Commissioner wished to abstain, declare a conflict of interest, ex-parte contact or bias.

Commissioner Peters explained that he worked directly with the applicant, and asked to be excused.

Hoffman opened the public hearing.

Paul summarized the amended Staff Report, and read the conditions of approval.

Moser asked if the City encouraged maximum use of land.

Paul said that the Comprehensive Plan encouraged maximum density, but it also contained provisions to create balance with the surrounding areas.

Moser asked if there was a provision for hardships, such as a senior taking on a tenant such as a child or grandchild.

Paul said that he did not know that answer. He said that the applicant would be in a better position to answer that question.

Lavier asked about the daily average traffic, and wanted to know if they were dealing with one or two way streets.

Paul said that one trip is both entering or exiting from the proposed location. Paul explained the traffic study briefly.

Lavier said that the traffic would definitely have an impact on the neighborhood.

Hoffman asked if these units would be rentals or sold.

Paul said that the units would be rented. Staff would be concerned with sale of the property, and if it were to be converted into a multifamily development.

Paul said that staff wished to have an age restriction on the development. If there would be a change of use for the property it would have to be addressed by the Planning Department.

**PROPONENT:**

Richard Morrow, P.O. Box 563, Dallesport, WA, is employed by the applicant.

Morrow handed out the financial reports for Columbia Cascade Housing, and briefly explained Columbia Cascade Housing.

Morrow gave examples of Columbia Cascade Housing projects and building history.

Sara Bergsund, Lepelch & Bergsund Architecture, Eugene, Oregon, was the architect for the project. She showed a copy of the site plan to the Commission and clarified traffic and building locations.

Bergsund explained the overall design of the site, and the goal to be good neighbors to the surrounding properties.

Moser asked what the "tree house" tower was on the plan.

Bergsund said that it was the entry tower, which also housed the elevator. She said that they have not yet decided on the final plans for the walkway that connects the two buildings. She said they will decide that at a later date.

Lavier asked how tenants in the farthest building would be able to deliver furniture to their apartment.

Bergsund showed two possible routes on the map.

Moser asked if the apartment complex would have a fire sprinkler system.

Bergsund said that it was not a requirement with the City of The Dalles.

Bergsund said that she had also talked with the Fire Marshall regarding safety issues, and placement of the fire hydrants and access.

Bergsund said that the Fire Marshall had requested that they make a stairway in the existing retaining wall for an escape route.

Bergsund said that she felt confident that they will meet all of the Fire Marshal's requirements.

Moser was surprised to find that there was not a fire code requiring fire sprinklers for an apartment complex of that size.

Bergsund said that the building type and size does not require fire sprinklers. She said that it has been an ongoing discussion with the Fire Marshall as to preference, but it is not a requirement.

Morrow summarized the neighborhood meeting that Columbia Cascade held to inform the surrounding property owners, and briefly summarized the letter that was sent to all affected property owners.

Morrow explained that the traffic studies that were done were examples of varied times that tenants would be coming and leaving. He said that it would be an advantage having seniors living in the area because they are not all leaving in the morning for work and returning after 5:00pm each day. With seniors, you are not getting a major "traffic hour".

Ted Olcus, Mosier, Oregon, said that he is a tenant at the Senior housing complex in Mosier that Columbia Cascade Housing built. Olcus explained that the traffic at his site is minimal, they have eight cars in the twelve unit complex, and some of those had not moved in years.

Olcus also said that there are usually four reasons for opposition to a new site; traffic, density, loud parties, and vandalism. He said that they do not have a problem with any of those in Mosier.

**OPPONENT:**

Bob Paul entered a letter in opposition from Gale & Gloria May at 1206 Blakely Way, The Dalles.

Karen Maravilla, 221 East 14<sup>th</sup> Street, The Dalles, said that she was the President of a the Mid Columbia Rental Owners Association and was representing 45 landlords from The Dalles area.

Maravilla said that she had recently done a study on occupancy, currently there is an approximate 7 to 12% vacancy rate. She was wondering if anyone had done a study to see if there was any specific need for more housing in The Dalles.

Maravilla said that she wanted a definition of senior low income housing. She said that in her eleven years of experience, she has learned that there are two different kinds of senior housing. She said that senior conventional was for persons that were 62 years and older. She said that senior low income ( defined under HUD regulations) was 62 or older, handicapped, or disabled, which could include families with disabilities.

Maravilla questioned if The Dalles needed additional senior housing. When she worked at Apartment Center Services they had a vacancy rate of 8 to 15 units regularly.

Moser asked if the people that were handicapped or disabled had to be 62 years or older.

Maravilla said no, it could be an 18 year old that is disabled with a child. She said that within the definition of senior low income, to answer Moser's earlier question, a grandmother could house a child or grandchild legally.

Moser asked how this would be a problem for Maravilla's association.

Maravilla said that she was basically concerned if there was a need for senior housing. She said that with the current vacancies they did not feel that it was necessary for additional housing.

Moser asked how many units were handicap accessible.

Maravilla said that the apartments that she is associated with have 34 ground level, handicap accessible, and the other 14 are on the second floor.

Moser asked if these apartments were designed for the handicapped, such as bars on the walls, showers, and higher toilets.

Maravilla said that 20 of her senior only units were fully equipped.

Moser asked what the average rent was for these apartments.

Maravilla said that she had senior, and low income. Her low income rent was from \$0 - \$440 per month.

Moser asked if some of those rentals were subsidized by a government agency.

Maravilla said that 60 of her units were subsidized.

Lavier asked staff what the definition of the seniors only vs. seniors low income.

Boyatt said that staff did not make the distinction, because it is irrelevant to its permitted use. Because it has been represented as seniors only, and staff has added a condition for seniors only, it will be expected as seniors only. Boyatt said that he would like to hear the applicants address this issue in rebuttal.

Bob Ulrich, 1504 West 14<sup>th</sup>, The Dalles, explained that he lives in this neighborhood and also owns a few rentals in town.

Ulrich said that the rental association met recently and prepared a resolution which he read to the Commission.

Ulrich passed out a small packet that he had put together for the Commission, and gave a short explanation of the material.

Ulrich talked about the possible traffic patterns and problems with the increased traffic in the proposed area. Ulrich said that this area does not have any sidewalks or curbs.

Ulrich commented on the occurrences that happened with Columbia Cascade Housing. He said that they made changes, and had inaccuracies in the information they presented.

Ulrich read from a letter dated July 9<sup>th</sup>, 1996, that the agency sent to property owners, pointing out all the inaccuracies.

Ulrich said that the neighborhood compatibility was not addressed sufficiently.

Ulrich asked that the Commission delay their decision until they are able to drive the area to see the small streets, and lack of sidewalks.

Ulrich asked that the Commission put two additional conditions to the site plan, first to access the new site from 10<sup>th</sup> Street, by using the other complex. Second, to return to the single story plan so that the two story buildings do not overpower the existing houses.

Jennifer Blevins, 1212 Blakely Drive, said that since 1994 when Mid Columbia Housing petitioned for a zone change, she and other property owners raised the traffic flow issue.

Blevins said that area property owners proposed a through street at the project site. Mid Columbia housing said that a through street would take up too much of the property.

Blevins said that she felt that Mid Columbia Housing needed to be held accountable for what they guaranteed area property owners. She felt that based on that promise to area property owners, this application must be denied.

### **REBUTTAL**

Ruby Mason, 506 East 2<sup>nd</sup> Street, Director of Mid Columbia Housing. Mason wanted to address the question brought up by Mrs. Maravilla, the HUD definition of elderly was correct. She explained other HUD programs that were also available.

Mason said that the use of the property is restricted or determined by the funding source. In this case there is no restriction. She said in this project there would be heads of households that would be 55 or older.

Mason said that she was concerned with the comments on misrepresentation. Mason explained the problem with the through street. She said that it was not a deliberate misrepresentation to the area property owners, it was a preliminary site plan.

Mason explained that the building that was 6 foot back from the property line was only a one story building.

Richard Morrow commented on the need for affordable senior housing. He said that they had a market assessment done in February 1998.

Morrow said that there has been no new affordable senior housing since the 1980's, which was Flora Thompson.

Morrow concluded by saying that their plan follows the Comprehensive Plan.

Hoffman closed the public portion of the hearing.

Lavier asked if the Commission should add a condition to allow the possibility of children living at the complex.

Paul said that the only possible condition that would need to be changed may be the bicycle parking. He felt that there would be sufficient bicycle parking as submitted.

Hoffman asked how staff based a decision on the need for additional housing.

Paul said that there was a question if there was a housing study that was done. Paul said that there was a study completed and according to the data there is a need for additional housing.

Hoffman asked if the vacancies that were discussed previously were taken into account when making the decision for additional housing.

Paul said that it was not. It is a risk that the organization is taking; it is more of a business decision.

Moser asked if the Commission was responsible for problems with the previous building.

City Attorney Gene Parker explained that the time limit for any appeals on the previous project has expired, and that the Commission was not here to debate the merits of the previous decision.

Moser asked if there would be follow up on the plan that was submitted.

Paul said that there are conditions that are attached to an approval, but things can change. If the changes are pertinent and specifically relevant to the plan, such as an increase in density, it would have to go before the Commission again. If it is a general engineering modification, it would not need to come back before the Commission.

Moser was concerned about addressing Jennifer Blevin's concerns.

City Attorney Parker said that there was no need in addressing those concerns. She was basically bringing up a previous decision, and that was not what was before the Commission at this time.

Boyatt said that the North property is what was approved by the Planning Commission.

Moser asked if the applicant had lived up to their conditions for the previous site.

Boyatt said that they had.

Lavier commented that the City will have to upgrade the streets in that area if they were going to continue to develop. He was concerned about the increase in traffic with the increased development.

Hoffman asked the Commission how they felt about the traffic report, and how it would effect the other streets in the area.

Boyatt suggested that the Commission read page four of traffic study report.

Moser asked if there would be automatic irrigation systems for the site.

Paul said that the irrigation system was included in the site plan.

Moser asked about the added expense for spraying the peach trees that are above the site.

Boyatt said that was more of a County issue rather than a City issue.

City Attorney Gene Parker said that this would not fall under the City's jurisdiction.

Moser asked if there was anything that staff needed to let the Commission know just in case this was to go to LUBA.

Parker said that the Commission needed to address was the criteria. He said that there have been findings that were prepared for the Commission, and if the Commission is satisfied that the evidence supports the findings, the Commission can make a decision on that basis.

Moser asked if staff felt that there was substantial findings to approve the application.

Parker said that was true.

The Commission deliberated the definition of seniors.

City Attorney rewored condition number thirteen.

Lavier moved to approve Site Plan Review 260-98, with the thirteen conditions of approval, and condition thirteen rewored to read " City Attorney will consult with the applicant to develop a set of Conditions, Covenants, and Restrictions to restrict use of the property to be consistent with the use outlined in the site plan review. Moser seconded, and the vote passed unanimously, Peters abstaining, Coggins and Wilson absent.

\*\*\*\*The Commission adjourned for a five minute break.\*\*\*\*

### **PUBLIC HEARING:**

Commissioner Peters rejoined the Commission.

**Conditional Use Permit 109-98 of Center for Living and Bob & Kris McFadden** to use an existing residence for a Day Use Mental Health Program. Property is located at 223 East 10<sup>th</sup> Street and is described as 1N 13E 3CB, tax lot 9500.

Hoffman read the rules for the Quasi-Judicial hearing, and asked if any Commissioner wished to abstain, declare a conflict of interest, ex-parte contact or bias. Hearing none, Hoffman opened the public hearing.

Boyatt summarized the staff report, and read the one proposed condition.

Lavier commented on the lack of on street parking during the school week.

Boyatt said that there is no on street parking requirement in the land use ordinance.

Hoffman asked what the Commission was to decide tonight.

Boyatt said that the decision before the Commission was whether or not to approve the Center for Living's request for a Community Facility in the form of a Day Use Mental Health Facility in an existing residential structure in a residential zone.

Lavier commented that it would be across the street from The Dalles High School.

### **PROPONENTS:**

Todd Jacobson, 419 East 7th Street, #207, The Dalles, said that he was with Mid Columbia Center for Living. Jacobson gave a short explanation of the program that would be held in the proposed site.

Jacobson said that this program was previously operated in the basement of the First United Methodist Church for about four to five years before he came to The Dalles.

Jacobson said that the program has expanded from 8 to 10 people up to 16 to 20.

Jacobson said that they are training people to live independently in the community, to find employment, and work with the patients to maintain their symptoms and medication.

Jacobson said that their program has been proven effective in reducing the number of hospital visits that a mentally ill patient makes.

Jacobson said that one of the largest problem with people that have psychiatric disorders is that they isolate themselves, which exaggerates their problems and symptoms.

Jacobson said that the people that are involved in this program are not a harm to other people, they are more of a harm to themselves.

Jacobson said that the program is three days a week from 10:00am to 3:00pm. He also gave examples of other meeting times that they may have.

Jacobson said that in the eight years that he has been involved in this program, he has never seen a violent outburst or aggressive act.

Bob McFadden, P.O. Box 1342, The Dalles, is the owner of the property. McFadden said that this Conditional Use Permit addresses and meets all the criteria, as stated in the staff report.

McFadden said that the First United Methodist Church has given permission to the Center for Living to use the parking lot for their parking, should the need arise. This church is only one block away, and is not available for students to use.



McFadden commented that this application is very similar to a residential facility, which is allowed in any residentially zoned area. McFadden read the Oregon State Statute that said that this was a permissible use. This application was for a day use facility and not a residential facility, but he wanted to point that out to the Commission.

### **OPPONENTS:**

Boyatt entered three letters into the record from, Bill & Becky Coles and Dudley & Toni Combs dated November 18<sup>th</sup>, 1998. The second letter dated November 17<sup>th</sup>, 1998 from Gregory & Laurie Hughes, and finally a letter dated November 16<sup>th</sup>, 1998 from Michael L. Fritz, MD & Sandra J. Fritz, RN.

The Commission took a few minutes to read the letters that were submitted.

Cheryl Wilson, 200 East 10<sup>th</sup> Street, The Dalles, was concerned about a property value decrease.

Wilson explained that she and her husband had just purchased this house six weeks ago, they purchased the house because it was a nice neighborhood, in a residential area, and not a business zone.

Wilson asked the Commission to think about the fact that the neighbors' quality of life would be adversely affected.

Enrique Esquivas, 217 East 10<sup>th</sup> Street, The Dalles, lives next door to the subject residence. Esquivas read an excerpt from the program description that was sent to all neighboring property owners.

Esquivas was concerned with his children playing in the yard next to this facility. He was unsure how to explain to his children what was wrong with the neighbors.

Esquivas was also concerned with the number of people going in and out of the house. He moved into a residential area to have contact with his neighbors, not to have 15 to 20 different people coming and going regularly.

Esquivas was also concerned with the traffic. He said that the street is very busy during the school hours, and he was concerned with emergency situations.

Esquivas said that he felt that his neighborhood should be for families, and not for a business.

Bob Wilson, 300 East 10<sup>th</sup> Street, The Dalles, said that he and his wife had recently purchased their house.

Wilson said that they purchased the house being aware that it was a residential neighborhood next to a high school. He said if they would have known that there was going to be a business across the street, they would not have purchased the house.

Wilson said that he felt that there must be a better location for this organization.

Mike Jensen, 1002 Court Street, The Dalles said that he lives around the corner from the proposed site. He was concerned with the high traffic situations. He said that it could pose a problem in emergency situations.

Jensen said that there is enough of a burden on the home owners in the area, with the trespassing that occurs regularly.

Jensen was concerned about the “mean” high school students harassing the patients at the facility.

Jensen commented on the patients parking at the church around the corner. They would regularly be in contact with the high school students.

Jensen said that it was an invitation for disaster; it is a residential neighborhood and it does not need to be changed for any reason.

Jody Jensen, 1002 Court Street, was more concerned with the patients that would be using the facility. She said that frightened, introverted people deserve to be a place where it is quiet, calm, and they can have their therapy. She felt that this was the wrong place for the facility to operate.

Jensen said that she thought that some of the people that are attending the program are in drug and alcohol rehabilitation. She said that being located next to the High School offered a temptation to the patients in the program.

Jensen said that she felt that there would be many other places in The Dalles that would be more appropriate for this facility.

Mark Poppoff, 213 East 9<sup>th</sup> Street, The Dalles, said that even though the area is zoned medium/ high density residential, the area is used almost exclusively for single family homes, with exceptions of a few churches and the high school.

Poppoff said that he felt that it was a legitimate concern that this facility may reduce the value of the surrounding homes.

Poppoff said that even though this group has a good “track record”, he was concerned that the next group would be as well managed.

Bonnie Paul, 509 West 9<sup>th</sup>, The Dalles, wanted to make a statement as a Registered Nurse from the Emergency Room.

Paul said that she frequently got the opportunity to work with the Center For Living people, and the service was great for the community. She said that the Center frequently has patients with drug and alcohol problems.

Paul explained that the patients that they work with have a high tendency for a dual diagnosis which includes the psychiatric diagnosis along with drug & alcohol problems.

Paul said that studies that she has read show that it would be more appropriate to locate a rehabilitation facility to a quieter area where there will be no involvement with the high school students.

Boyatt said that staff just received a petition from a few residents expressing a general opposition to the proposed facility.

#### **REBUTTAL:**

Todd Jacobson said that the patients at this site would be adults not children, and there will not be drug and alcohol patients allowed at this facility.

Jacobson said that there are so many misconceptions about the mentally ill, he suggested that there was educational information available for people to read.

Bob McFadden commented on the property value issue, and compared it to being black in the 1960's. He said that the real estate industry operates with a very strict set of laws, which includes non-discrimination in housing.

McFadden stated that there was a business currently across the street from these houses. He said that the business had been there for quite some time.

McFadden reiterated the staff report and the findings of fact.

Hoffman closed the public portion of the hearing.

Lavier asked the City Attorney if there were any legal grounds to deny this application.

Parker said that if the Commission determined that they felt that the evidence showed that the criteria had not been satisfied, they would have to explain what criteria was not met and how it was not met.

Lavier asked what would be described as a harmful impact.

Parker gave examples.

Parker said that he sensed that the Commission may be concerned about a discrimination issue. He said that the Commission needed to be careful. If it came down to a concern about the people, that would not be a proper decision.

Lavier said that he sees few legal grounds to deny this application, but many emotional grounds where you might want to deny the application.

Parker said that emotional grounds are not part of the criteria. Parker said that this application needs to be based on the evidence the Commission heard and the criteria that the Commission would have to weigh against it.

Boyatt told the Commission what pages the review criteria were on in the LUDO.

Hoffman had the Commissioners look at page 3-48 under impact.

Peters commented on the Rose Court apartments, he said that the neighbors were also concerned with a decrease in property value. He said that he felt that the building actually helped the neighborhood.

Hoffman pointed out that it was new construction.

Moser asked if this was a business or a community facility.

Boyatt explained what a community facility overlay was.

Hoffman commented on item #3, on page 3-48 in the LUDO. He said that from what he was hearing from the people was that it was going to have a harmful effect on the desirable neighborhood characteristics and livability. He said that was his main concern.

Lavier said that he felt that was insignificant in comparison to the high school.

The Commission discussed the traffic issue.

Payne said that if the Commission looks at the facts that were presented, the applicant has every right to operate the facility. However, she was concerned with the high school students interacting negatively with the patients.

Lavier said that he would not choose this location for a day use facility because it is across the street from a high school, but he said that the Commission could not tell them that they could not use that site.

Moser commented that she thought this should have gone before the neighbors before it got to the Planning Commission. She thought that it could have been "softened" with some education from the Center for Living.

Hoffman asked if this would be allowed if the property was zoned Residential Low Density.

Boyatt said that a community facility overlay could overlay in any zone district, except for Industrial.

The Commission deliberated the Conditional Use Permit.

Peters asked the City Attorney if the Commission was required to approve the application if the applicant had met the requirements.

Parker said that they would have to find a criteria that has not been met in order to deny the application.

Hoffman said that he does not agree that all the criteria had been met. He said that he saw the facility having a harmful effect on the desirable neighborhood characteristics and livability.

Payne asked how Hoffman would substantiate that.

Hoffman said because he had heard testimony from a good number of people telling the Commission that their livability would be affected.

The Commission discussed livability.

Peters moved to approve Conditional Use Permit 109-98 with one condition, based on findings of fact, Payne seconded, and the vote passed Peters, Payne, Lavier, and Moser voting for , Hoffman opposing, Coggins and Wilson absent.

#### **RESOLUTION:**

**Resolution 406-98 approving SPR 260-98 of Mid-Columbia Housing Agency** to site and construct an affordable Senior apartment complex on the site immediately to the South of the West Park Place Apartments ( on West 13<sup>th</sup>, between Perkins & Blakely). Property is described as 2N 13E 33CC, tax lot 3500.

Lavier moved for approval of Resolution 406-98, as modified. Payne seconded, and the vote passed unanimously, Peters abstained, Coggins & Wilson absent.

**Resolution 407-98 approving CUP 109-98 of Center for Living/McFadden** to use an existing residence for a Day Use Mental Health Program. Property is located at 223 East 10<sup>th</sup> Street and is zoned RH - Residential Medium/ High Density. Property is described as 1N 13E 3CB, tax lot 9500.

Peters moved for approval of Resolution 407-98. Lavier seconded, and the vote passed, Peters, Lavier, Payne, and Moser voting for, Hoffman opposed, Coggins and Wilson absent.

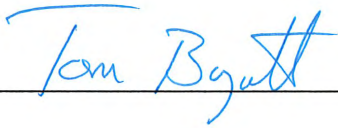
**COMMISSION COMMENTS AND CONCERNS:**

Moser suggested that each Commissioner call the Planning Department and let staff know if they will be attending the meeting the week of each Commission meeting.

Boyatt said that the next meeting will be a LUDO work session, and he would appreciate everyone's attendance.

**ADJOURNMENT:**

The regular Planning Commission meeting was adjourned at 10:17 P.M.



Tom Boyatt - Acting Planning Director



Walter Hoffman-Planning Commission Chair