



## **CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, October 6, 2005**

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

*Conducted in a handicap accessible room*

### **CALL TO ORDER:**

Chair Lavier called the meeting of The Dalles Planning Commission to order at 6:31 P.M.

### **ROLL CALL:**

**Present:** Bruce Lavier, Mark Poppoff, Ron Ahlberg, and Jo Ann Wixon

**Absent:** Ted Bryant, Dean Wilcox

**Staff:** Gene Parker, City Attorney, Dick Gassman, Senior Planner, and Denise Ball, Admin. Secretary

### **AGENDA:**

Commissioner Ahlberg moved to approve the agenda and Commissioner Wixon seconded. The motion carried unanimously, Wilcox and Bryant absent.

### **MINUTES:**

Chair Lavier asked if there were any corrections or comments for the minutes of September 1, 2005. Commissioner Ahlberg moved to approve the minutes as submitted and Commissioner Wixon seconded. The motion carried unanimously, Wilcox and Bryant absent.

### **PUBLIC COMMENT:**

None.

### **PUBLIC HEARINGS- QUASI JUDICIAL:**

**A. Conditional Use Permit Application 135-05 of Greg and Molly Ott** to use the Old Stone Church as an event hall and wedding chapel and request a parking exemption. The property is located at 401 E. 10<sup>th</sup> Street and is further described as 1N 13E 3 CB tax lot 7600. The Property is zoned RH – Residential Medium High Density.

Chair Lavier read the rules for conducting a public hearing. He asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact to declare. There was none. Chair Lavier asked if anyone in the audience wished to challenge the Commissioner and there was no challenge.

Chair Lavier declared the public hearing open and asked for the Staff Report. Senior Planner Gassman presented the Staff Report.

Senior Planner Gassman said there are two issues with this application regarding impact on the

neighborhood. First is the fact there is no on-site parking and no way to create any. Second is the potential for noise that could come from large gatherings.

Gassman said there is, in his opinion, sufficient on-street parking in the vicinity. Gassman went on to say that one of the conditions of approval grants the approval for one year. At that time, the application will be reviewed along with any complaints that may have been turned in. The Planning Commission will have the opportunity to renew or deny the application at that time. Gassman asked if the Commission had any questions.

Lavier asked what the capacity of the church is. Gassman said with non-fixed seating the Fire Marshall allows one person per every 7 square feet and fixed seating is one per every 15 square feet.

Ahlberg asked what the on-site parking requirement would be for this type of facility and Gassman said it would be a total of 17 spaces.

**Proponents:**

Molly Ott, 2109 Dry Hollow Road, The Dalles, said the upstairs square footage is 2,500. This would allow for over 300 occupants.

Ahlberg said he is glad to see the building will be ADA accessible.

Poppoff asked if the applicant could shuttle people back and forth during the larger events. Mrs. Ott said that could be possible.

Ahlberg asked the applicant to discuss the hours of operation and types of activities that will occur there. Mrs. Ott said she would expect to see events such as retirement parties, birthday parties, and small weddings and receptions. These would primarily take place on the weekends. The building would probably not be used much Monday through Friday, 9 am to 5 pm. Mrs. Ott's long range plan is to install a commercial kitchen. Luncheons could then be expected during the weekdays.

Lavier discussed the proposed hours of operation. The applicant has requested Sunday through Thursday, 8 am to 10 pm, and Friday and Saturday 7 am to 11:59 pm. Staff has recommended that Friday and Saturday hours be changed to 7 am to 11 pm. Lavier asked if that is a problem. Mrs. Ott said it is not a huge problem but it could limit people who would like to have their wedding there.

Wixon asked what is planned for on-site supervision. Mrs. Ott said she would supervise the events. Long-term expectation is that the Ott's would live in the apartment at the facility. A contact phone number will be posted both outside and inside the location.

Wixon asked what upgrades are needed for the facility. Mrs. Ott said she will be installing a wheel chair ramp, French door, and ADA restroom. Painting and landscaping will also be done.

**Opponents:** Mary Fondrick, 409 E. 10<sup>th</sup>, The Dalles, said she has concerns with parking. The previous users of the facility parked so close to her narrow driveway that she was unable to get into or out of her driveway when meetings were being held. Mrs. Fondrick said she is also concerned about excessive noise at night. Mrs. Fondrick gets up very early for her job as a bookkeeper. Fondrick said people would throw cigarette butts and other trash into her yard as well. Fondrick wants to know if alcohol

will be served at the events.

Ahlberg asked Fondrick how long ago the drug treatment facility ceased to operate in the building. Fondrick said she thought it was about a year ago. There were meetings three times a day.

Bob McNary, 1525 E. 9<sup>th</sup>, The Dalles, spoke for the Traffic Safety Commission. McNary said the Traffic Safety Commission is of the opinion this will create an unsafe condition on E. 10<sup>th</sup> Street. A large event could have 100 cars and this would cause congestion along E. 10<sup>th</sup> Street. McNary said he would feel the same if the proposed use was a church.

**Rebuttal:** Mrs. Ott said she is aware there were neighborhood problems when this was a treatment center facility. She has been approached by a church to purchase the building from her. The church congregation is currently growing and they want a building for around 250 people. Mrs. Ott said she is not planning on getting a liquor license at this time. However, she might look into it in the future if the facility is successful. She is currently not educated on all the liquor licensing requirements and would not want to promote heavy drinking at the facility.

Wixon asked how old the building is and Ott said that has not been determined. People have indicated that the stone work is similar to that of the early 1900's.

Ott said she would be willing to put up no parking cones to keep the neighborhood driveways accessible during events.

Ahlberg asked if there is anything the City can do to alleviate the parking problem in this area. Gassman said it is an interesting situation. The LUDO only requires 15 parking spaces for a facility of this size. During his site visits, Gassman said there were generally 15 on-street parking spaces in close proximity to the facility. Gassman said there are no parking lots close by.

City Attorney Parker said blocking driveways would be dealt with through enforcement. Poppoff asked how far from the driveway is it legal to park. Parker said he would need to look up the ORS.

Lavier declared a brief recess at 7:13 pm. The meeting was called back to order at 7:16 pm.

Parker said the State statute provides that you cannot park in front of a public or private driveway and does not state a specific distance.

Lavier closed the public testimony portion of the hearing.

**Deliberations:**

Poppoff would like a condition that if an event has more than 100 people, off-site parking and shuttles be provided. Poppoff would also like the hours of operation to be 8 am to 10 pm all seven days of the week. He would also like a provision that no liquor be allowed on the premises for at least the first year.

Ahlberg said he doesn't think the Commission can make that a condition of approval. City Attorney Parker said he believes it does fall within their authority to make it a condition of approval to limit the

use of alcohol for a one year period.

Ahlberg said toasts and light drinking are the heart of this type of event business. Poppoff said they can toast with something non-alcoholic.

Wixon said she thinks for this business to succeed the applicant will have to take personal responsibility to monitor the parking and monitor the use and activities at the building. Wixon said it is fair to allow them to conduct their business the way they choose, keeping the one year approval condition. Wixon said this neighborhood has had mixed uses for a very long time. Even if someone just moved to that area, the building and the probability it would be used again existed.

Ahlberg agreed that the one year approval period is a good idea. He wants the one-year review to come back to the Planning Commission. Ahlberg said he doesn't have a problem with Staff's proposed hours of operation.

Wixon said she agrees with 11 pm for events on weekends.

Poppoff said he still wants to see a condition of approval requiring on site supervision for large events (100 or more people).

Lavier polled the Commission to see where there was consensus. First, the Commission agreed that the Conditional Use Approval should be reviewed at the end of the one year by the Planning Commission. A hearing would only be necessary if there were serious issues to be addressed. Second, on site supervision will be required for large events, those with 100 or more individuals. Third, hours of operation will be Sunday through Thursday 8 am to 10 pm, Friday and Saturday will be 7 am to 11 pm.

Ahlberg moved to approve CUP 135-05 based upon findings of fact, with five conditions of approval as modified. Poppoff seconded the motion and the motion carried unanimously, Bryant and Wilcox absent.

**B. Variances 106-05 & 107-05, Minor Partitions 241-05 & 242-05 & Site Plan Review 328-05 & 329-05 of Mark and Kristi McCavic.** The Applicant is requesting to 1) Partition two parcels into four; 2) Build a four-unit townhouse with two 24' wide drive approaches; and 3) Reduce the minimum lot width and size on two of the four newly created lots. Property is located at 2303 & 2307 E. 10<sup>th</sup> Street and further described as 1N 13E 2 DB tax lots 3400 and 3500. Property is zoned RH – "Residential High Medium Density".

Chair Lavier did not read the rules for conducting a public hearing as there were no new audience members. He asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact to declare. Lavier said his address is 2300 E. 13<sup>th</sup> and he can almost look down on the lots but they are not visible from his house. Lavier said he has not spoken with anyone regarding the application, including his wife. Chair Lavier asked if anyone in the audience wished to challenge the Commissioner and there was no challenge.

Chair Lavier declared the public hearing open and asked for the Staff Report. Senior Planner Gassman presented the Staff Report.

Gassman said the development proposal hinges upon approval of the variance. The proposal does not exceed the housing density for the zone or lot size. To have four townhouses, however, that will each be on their own tax lot, a variance of minimum lot width and square footage is necessary for two the proposed lots. This will encourage and allow for home ownership.

Ahlberg clarified that the variance would be creating two 3,000 square foot lots on the end lots and two 2,000 square foot lots on the interior lots.

Wixon asked if the Planning Commission had previously approved such a variance and Gassman said he is not aware of one.

Gassman told the Commission that one comment was received today and had Secretary Ball hand it out to the Commission.

**Proponents:** Bill Maley, 2727 E. 18<sup>th</sup>, The Dalles, is the owner of the property in question. Maley feels there is a market for townhouses in our area. Maley said he would prefer a neighbor that owns their own home rather than a renter. Young, professionals, who don't want a large lot to maintain but do want to own their own home and property.

Poppoff asked if the garage would be one car or two. Gassman said he understands the actual townhouse will be a one-car garage with an additional parking space in front of the garage.

Wixon asked how wide the units are and Gassman said they are twenty feet.

**Opponents:** Cynthia French, 2313 E. 10<sup>th</sup>, The Dalles, discussed her letter which was handed out to the Commission earlier. She said she does feel better knowing these will not be rented apartments. French said she is not against the development. Her concern is that there is no on-street parking available in the neighborhood except in front of her house. People do not observe the speed limit also.

**Rebuttal:** Maley said the site has 100 feet of frontage and 50 feet in driveways, leaving 50 feet for on-street parking.

**DELIBERATIONS:** Lavier closed the public testimony portion of the hearing and asked for deliberations.

Lavier said he personally has been expecting this to come before the Planning Commission so that this housing option would be available to the public.

Poppoff said he would like to see trees or tall hedges required on the east side of the development.

Lavier said the aerial map shows there is landscaping to the west that does screen the property. The property to the east has some shrubs and is also a triplex. Lavier feels the townhouse development is compatible in this neighborhood.

Ahlberg said he would like a more equitable back yard for all the units but he can live with what is proposed.

Ahlberg said the variance for the lot width is the only reason this application has come to the Planning Commission. The owner has the right to develop the lot with this four unit townhouse density. The variance will allow for townhouse ownership.

Wixon said the project looks good. The parking appears adequate and infill is important. However, our ordinance does not allow for this type of construction. Approving this type of variance could mean a lot more of these applications will come before the Commission.

Ahlberg pointed out that the variance wouldn't be required if the lot was wider but not as deep. As long as there is 10,000 square feet and the lots could be 28 feet wide, the ordinance would allow for this development. He doesn't think the Commission needs to add any landscaping conditions.

Lavier said he thinks the 10 foot side setbacks are important because there is no alley. The side yard setbacks will provide for emergency access to the rear of the property.

Lavier moved to approve Variance 106-05 and 107-05, Minor Partition 241-05 and 242-05, and Site Plan Review 328-05 and 329-05 of Mark and Kristi McCavic based upon findings of fact and conditions of approval as recommended in the Staff Report. Poppoff seconded the motion and it carried with Lavier, Ahlberg, and Poppoff voting for and Wixon voting against.

## **RESOLUTIONS**

Ahlberg moved to adopt Resolution 453-05 approving CUP 135-05 of Greg and Molly Ott with the five conditions of approval as amended. Wixon seconded the motion and it carried unanimously.

Ahlberg moved to adopt Resolution 454-05 approving Variance 106-05 and 107-05, Minor Partition 241-05 and 242-05, and Site Plan Review 328-05 and 329-05 of Mark and Kristi McCavic with conditions as presented in the Staff Report. Poppoff seconded the motion and it carried with Lavier, Ahlberg, and Poppoff voting for and Wixon voting against.

## **STAFF/COMMISSIONER COMMENTS:**

Gassman informed the Commission that the Mill Creek Crossing developers did take some of the Commission's and neighbors suggestions from the hearing and modify their site plan. Some of the open spaces have been moved and are now adjacent to the existing neighbors. Gassman expects the application will not need to be brought back to the Commission.

LUDO amendments go into effect on October 12, 2005. Staff is working very hard to get a final document ready for printing.

Parker notified the Commission that Derek Heiser will be replacing Jean Thomas on the Planning Commission.

Ahlberg asked if the yellow dots in front of curb cuts are a new standard. It appears to be some type of plastic matting. Ahlberg would ask that the yellow plastic be used for the curb cut but not the driveway. Then people can distinguish between the two and not block the curb cut.

Poppoff asked what happened to the Sycamore tree at the Walgreen site. He thought they were supposed to preserve significant trees. Gassman said our code only encourages applicants to keep

trees. We cannot make them keep the trees. Gassman said he can't tell Poppoff exactly why the tree was removed.

Lavier asked if Traffic Safety Committee is involved in Site Team Meetings and Gassman said they are. Ahlberg said he would like a written report or a copy of their minutes if they testify at a Planning Commission meeting. Lavier said he doesn't really know what the Traffic Safety Committee's role is. Parker said they are an advisory Committee.

Lavier said someone is going to have to look at street infrastructure, especially 10<sup>th</sup> and 12<sup>th</sup> Streets. Poppoff said on-street parking may need to be eliminated.

**NEXT MEETING:** The next scheduled meeting is October 20, 2005 but there is no business scheduled at this time.

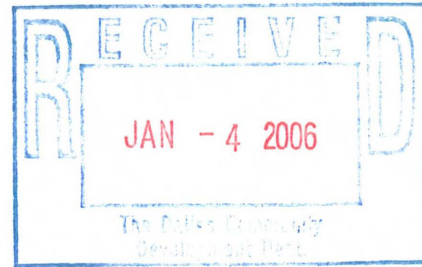
**ADJOURNMENT:** The regular Planning Commission meeting was adjourned at 8:53 p.m.

Respectfully submitted by Denise Ball, Secretary.



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Bruce Lavier, Planning Commission Chair

The Dalles Community Development Dept.  
313 Court St.  
The Dalles,  
OR 97058



2 JAN 2006

Dear Sirs:

In reference to Application Nr CUP 136-05, as an affected property owner I urge approval of the application made by Columbia Gorge Community College.

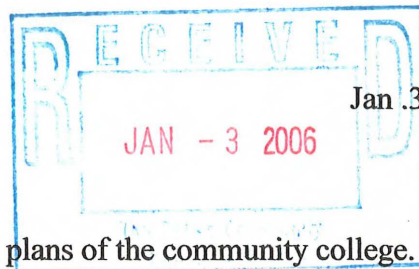
The College is an integral and vital element of our community and our community's education structure.

The College's proposal will have minimal impact on neighboring properties, and will offer a very significant positive impact for the entire community. It is deserving of approval.

Sincerely,

Philip K. Swartz Jr. MD  
711 E. Scenic Dr.  
The Dalles, OR

To: The Dalles Community Development Office



Jan 3, 2006

Dear Madams/Sirs,

I am writing with my concerns related to the expansion plans of the community college. We live in the neighborhood to the east of the college on the corner of 18<sup>th</sup> and Jefferson. My concerns relate to the "potential" road to access the proposed National Guard building.

I understand that the city owns the land between the college property and the Hughitt's property at the corner of 18<sup>th</sup> and Jefferson streets and that the city could cut a road there and the college could continue that onto their property.

My concerns are as follows:

- 1) The college has plans for a building and parking lot with a connecting road that will run 15 feet from the access road. At this point there is no talking of connecting the two, but it would be easy to do at any point after construction.
- 2) If they were connected, access to the college would be readily available to anyone wishing to bypass the curves on Scenic Road leading to the main entrance.
- 3) This would increase traffic in our low density residential neighborhood. There are two entrances to our neighborhood that are intended for that purpose. With the proposed access, our property would become the driveway to the college making it into a thoroughfare rather than the residential streets they were intended to be.
- 4) We have at least 61 children in this neighborhood who ride bikes, rollerblade, do paper routes and generally play. Increased traffic would jeopardize their safety.
- 5) The argument that there are no plans to connect the access road and the college parking lot are moot. If the city puts their part of the road in, then the college can do what they want with any connections on their own property and any assurances now will hold little weight in the future.
- 6) Please allow what little buffer there will be between the college and a thriving neighborhood by not allowing that access road.

(The streets directly affected by this are 18<sup>th</sup>, 19<sup>th</sup> and Jefferson, but the whole neighborhood would feel the effects)

Just a last note: We are glad the college can improve and grow but at the same time our children are losing the soccer field they play on regularly, the hiking trails our families use and the sledding hills kids have used since the 50's when these houses were built. Please allow something for this neighborhood to remain a neighborhood. As property owners and as parents, we ask that the proposed road not be allowed.

Sincerely,

Kristal Corey  
603 E 18<sup>th</sup> St., 296-6082