



CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, April 20, 2006

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, Ron Ahlberg, Ted Bryant, Mark Poppoff and Derek Hiser, and Jo Ann Wixon

Absent: Dean Wilcox

Staff: Gene Parker, City Attorney, Dan Durow, Community Development Director, Dale McCabe, City Engineer, Dick Gassman, Senior Planner; and Denise Ball, Admin. Secretary

AGENDA:

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

MINUTES:

Chair Lavier asked if there were any corrections for the minutes of April 6, 2006. Commissioner Ahlberg moved to approve the minutes and Commissioner Wixon seconded. The motion carried unanimously, Wilcox absent.

PUBLIC COMMENT:

Jason Corey, 603 E. 18th, The Dalles, spoke about his concerns regarding development at the College. He left the hearing on January 5, 2006 with the belief that any activity on the east side of the college would need to come back to the Planning Commission. Corey said the college informed the neighbors a few Saturday's ago that they would be placing a minimum of 4 feet of fill on the soccer field. This fill material would be excavated from the south part of the college property as well as the baseball field. Corey said that he appreciates the College having the neighborhood meetings but was very concerned when he was told the project was going to start June 1. Corey said he contacted the Planning Office and was told that the College will need to have an engineered cut and fill permit if the materials exceeded 250 cu.yds. There currently is no permit application on file. The City Engineer will need to review and approve the permit. Mr. Corey said it was also suggested he appear before the Planning Commission to make his concerns known.

Chair Lavier asked City Attorney Parker what his position is on this situation. Parker said he would need to review the Resolution to be sure of the exact language. His recollection is that the Planning Commission would need to review proposed new structures or infrastructure, but not fill.

Senior Planner Gassman said Mr. Whitehouse had emailed him regarding using the area for a temporary equipment staging area during construction. Because this is not a structure or infrastructure he told Whitehouse to go ahead.

The Commissioners and Staff discussed the situation. Commissioner Ahlberg said it is his understanding that this is a permitting and enforcement issue and Staff concurred. He added that he encourages the College to work with the neighbors on future plans.

Eric Nerdin, 702 E. 21st Place, The Dalles, told the Commission that he also felt, after the first public hearing decision, that the College would need to come back to the Planning Commission for any proposed change east of the new roundabouts. Nerdin asked if a cut and fill is just a permitting process and was told it is. Nerdin said he feels the college omitted the information about this excavation during their original hearing.

Senior Planner Gassman told the Commission that he will invite Mr. Whitehouse to the May 18th Commission meeting to update the Commissioners on what is planned for the college. Mr. Corey and Mr. Nerdin will be mailed copies of the agenda.

Staff and Commissioners discussed the possibility of modifying the original resolution if needed. City Attorney Parker said he was not prepared to make a legal decision on that at this meeting. Chair Lavier asked if there are any other steps the Commission could take. City Attorney Parker said he is not sure what other remedy the Commission might have. Commissioner Wixon said she would like to know if the College plans have materially changed before making any decision. Commissioner Ahlberg said he does not feel the earth moving is in any way a violation of the resolution and Chair Lavier agreed.

CONTINUED PUBLIC HEARING – QUASI JUDICIAL:

PUD 14-06 of Bustos Construction for Creek View LLC- This application is for a Planned Unit Development that will legally divide the land into nine lots. The applicant is also requesting a 50% reduction on the front yard set back for one of the properties. The property is located at 702 W. 6th Street and is further described as 1N 13E 4 AB tax lot 2200. Property is zoned “RH” – Residential High-Medium Density.

Chair Lavier read the rules for conducting a public hearing. Chair Lavier asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact to declare. There was none. The audience did not challenge any of the Commissioners.

Chair Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the supplemental Staff Report to clarify the issues that were not included in the original notice. Gassman entered a letter from Mr. Backstrand into the records and copies were provided to the Commission. Photos were also provided to the Commission to help with the visual aspect of the requested setback reduction. Gassman asked the Commission if they had any questions.

Commissioner Bryant asked if anyone else had made comments and Gassman said there had been no other comments.

Commissioner Ahlberg asked if the driveways to the west are grandfathered and Director Durow said they are. Ahlberg said the reality of on-street parking for visitors would be parking on the north side of W. 6th Street. There is no crosswalk in this area, so people would have to walk half a mile or jay walk.

Proponents: Barbara Bailey, 3325 Dry Hollow Lane, The Dalles, Oregon, the owner of the property spoke in favor of the application. Mrs. Bailey said she is absolutely thrilled to be able to own this property. She explained that the entire site is a little over 3 acres. She will be developing three quarters of an acre with the remaining property going to Parks and Recreation. Mrs. Bailey has established a Friends of the Park association to keep the Mill Creek area clean. She asked that the Planning Commission approve the smaller PUD so that more of the property can be donated to the Park.

Opponent Testimony: None

Rebuttal Testimony: None

Chair Lavier closed the public testimony portion of the hearing.

Deliberation: Bryant moved to approve PUD 14-06 of Bustos Construction for Creek View LLC based upon findings of fact and conditions of approval as presented by Staff. Hiser seconded the motion and it carried unanimously; Wilcox absent.

RESOLUTIONS: Bryant moved to adopt Resolution 459-06 approving PUD 14-06. Poppoff seconded the motion and it carried unanimously, Wilcox absent.

URBAN GROWTH BOUNDARY AMENDMENT PROJECT: Director Durow informed the Commission that there will be a work session for the sub-committees on May 25, 2006 at 6:30 pm in the Council Chambers. The consultants will be in attendance. An agenda and additional information will be mailed prior to the meeting. Poppoff and Bryant are not sure if they will be available but the other Commissioners said it was fine with them.

COMMISSIONER COMMENTS: Commissioner Bryant said he received a Notice of Decision regarding the Human Resource building for the hospital. However, he has driven past the building; they have had a sign up, and appear to have been using the building as an office for quite a while. Senior Planner Gassman explained that this is an after-the-fact Site Plan Review. Commissioner Lavier said it makes a person wonder about the credibility of these organizations.

STAFF COMMENTS: Gassman informed the Commission that Staff is working on the next round of LUDO amendments. One request is to look at the tree requirement and whether or not we can put more teeth into our regulations that would help preserve significant trees. Gassman said there is language in the LUDO that "recommends" significant trees be saved. The language could be changed to require significant trees be saved or replaced with an amount that would equal the removed tree. Commissioner Ahlberg asked if this could be a Measure 37 Claim and Director Durow said the potential for a claim is there.

NEXT MEETING: The next meeting is May 18, 2006.

ADJOURNMENT: The regular Planning Commission meeting was adjourned at 7:50 p.m.

Respectfully submitted by Denise Ball, Secretary.



Bruce Lavier, Planning Commission Chair