



## CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 1, 2007

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 6:30 P.M.

### **ROLL CALL:**

**Present:** Bruce Lavier, Ted Bryant, Dean Wilcox, Mark Poppoff, Derek Hiser, and Chris Zukin

**Absent:** Ron Ahlberg

**Staff:** Gene Parker, City Attorney, Dan Durow, Community Development Department Director, Dawn Hert, Associate Planner and Brenda Green, Administrative Secretary.

**AGENDA:** Commissioner Bryant moved to approve the agenda and Commissioner Hiser seconded. The motion carried unanimously, Ahlberg absent.

**MINUTES:** Commissioner Bryant questioned Commissioner Wilcox's statement on the bottom of page 2, regarding the water tower. After a brief discussion, Commissioner Bryant moved to approve the September 7<sup>th</sup> minutes as submitted. Commissioner Poppoff seconded the motion and it carried unanimously, Ahlberg absent.

**PUBLIC COMMENT:** Director Durow introduced Brenda Green as the new half-time Administrative Secretary for the Community Development Department.

**QUASI-JUDICIAL PUBLIC HEARING: APPLICATION NUMBER CUP 142-07:** This application from Flagstone Assisted Living is for a Conditional Use Permit on their existing site that would allow the addition of a three-story wood framed building, 18768 sq. ft., with 17 units for Senior Independent Living. **PROPERTY OWNER:** Flagstone Assisted Living LLC **LOCATION:** Property is located at 3325 Columbia View Drive and is further described as 1N 13E 1AC tax lot 500. Property is split zoned "RH" – Residential High Medium Density and "RL" – Residential Low Density, with a "NC" – Neighborhood Center Overlay.

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 and they had none. There were no challenges from the audience. Lavier declared the public hearing open and asked for the Staff Report.

Associate Planner Hert presented the Staff Report. Hert explained that the permit is being reviewed as a Conditional Use Permit, due to the recent changes in the LUDO requiring land use review on

additions that exceed 20% of the existing development footprint. Hert explained the split zoning and the impact of the "NC" Neighborhood Center Overlay. She then explained the staff's decision to review the structure with the 40 foot height allowance stated in the RH zone. Hert said the project was found to be compatible with the uses of the area. The building orientation was discussed, and found to meet zoning standards with the primary entrance to be located parallel to a private access. Hert mentioned a comment she had received from a phone call regarding Columbia View Drive and the proximity of the proposed structure in relation to the sidewalk. In answer she stated that the set-back criteria are all met. Staff recommended approval.

Commissioner Bryant asked for clarification on page 5 of 10 regarding a waiver of remonstrance. Associate Planner Hert explained that a sidewalk section will be required as a condition of approval but that all other improvements were already installed.

Commissioner Bryant questioned the grade that the height is measured from. Associate Planner Hert explained how height is measured following state structural specialty codes. Bryant asked if the grade is being measured from Columbia View Drive or from the parking lot. After some discussion about the slope and the possibility of a cut along the Columbia View side, Hert confirmed with the architect that the building was being measured from the existing parking lot's grade.

Commissioner Bryant questioned if there will be enough parking once the 7 spaces were removed. After a discussion about the parking analysis, it was shown that there would be adequate spaces.

Commissioner Bryant questioned what will happen to the flag pole. Associate Planner Hert responded that she believed it would be relocated but that was up to the property owner.

Commissioner Poppoff questioned handicap accessibility from the sidewalk to the entrance. Associate Planner Hert responded that they are required to provide handicap accessibility by state code, plus, due to the nature of the facility, the entire complex is handicap accessible.

Commissioner Poppoff questioned the landscaping and the possibility of including trees in the design. Associate Planner Hert responded that the applicant would be required to submit a detailed landscape plan when they applied for a building permit. Poppoff's suggestion was to add trees in order to soften the look of a three story structure. Hert stated that it could be recommended that they add trees within the set-back area on Columbia View Drive.

#### **Public Testimony:**

Andy Bremmeyer, 7600 NE 41<sup>st</sup> Ste 330, Vancouver, WA, 98662 spoke representing the applicant, Flagstone Assisted Living Center. Mr. Bremmeyer responded to the height question by explaining that they measure the building height from 8" below finished floor level, and confirmed that they will begin that measurement at the entryway.

Commissioner Bryant questioned the levels and orientation shown on the drawing regarding slope directions, building height, and location of windows compared to the sidewalk level on Columbia View Dr. Mr. Bremmeyer explained that there will be about a 4-6 foot retaining wall on the west side, however it is less than a 10 foot slope so it is considered flat. There will be an approximate slope of 3-4 feet from South to North. Commissioner Bryant requested to see more information on the cross section to see how much it will slope. Mr. Bremmeyer explained that the grading plans will be

submitted after this stage of the planning process. Planner Hert interjected that the plans being looked at were just elevation drawings of the structure, topography was not included on these drawings. Commissioner Bryant explained that when he went out to look at the site, it looked to him like a 10' elevation change.

Commissioner Poppoff questioned if the building will be on the same level as the other building on site. Mr. Bremmeyer responded that it would be on the same floor level. Commissioner Bryant questioned where the flag pole will be located. Mr. Bremmeyer responded that it will be relocated preferably on the West side. Commissioner Bryant asked about the parking. After some discussion and counting spaces on the drawings, the questions were answered about the 48 space locations.

Commissioner Wilcox brought up a concern about the blustery conditions under the current covered area, and asked if there is any plan to cover the walkway between the new building and the main building especially for moving residents to and from meals. Mr. Bremmeyer explained that the 13.6' covering height is a requirement from the Fire Department. Assuming that the wind isn't blowing, the residents would be protected. Mr. Bremmeyer further explained that the new building is considered independent living and each apartment will have a full kitchen, however if residents do want to go to the main building it is only a 60 foot walk from door to door.

Linda Lorenzen, 380 E Knoll Drive, The Dalles, spoke in favor of the application but had a concern about traffic at the West Driveway. She was concerned about current area residents and construction vehicles not obeying traffic signs. She was concerned about the safety of the residents both walking and driving during the construction period. Commissioner Bryant asked if she had any suggestions to resolve the issue. Ms. Lorenzen had none. Associate Planner Hert interjected that the traffic safety committee had received some concerns regarding the West Driveway; they decided that an internal stop control should be added to the Flagstone site. That sign was added a couple months ago. Commissioner Lavier mentioned that it sounds like an enforcement issue. Director Durow stated that he would talk with Police Chief Waterbury about the enforcement issue.

### **Opponents:**

Jeff Smith, 421 Summit Ridge Drive, The Dalles brought a letter written by Swede Pearson and signed by the following property owners:

Swede and Becky Pearson	425 Summit Ridge Drive
George and Susan Ward	416 Summit Ridge Drive
Juan Carlos Barajas	428 Summit Ridge Drive
Manuel Barajas	402 Summit Ridge Drive
Arnold Harding	302 E 3 <sup>rd</sup> St (owner of 405 Summit Ridge Drive)
Elliott Taner	397 Summit Ridge Drive
Jeff and Summer Smith	421 Summit Ridge Drive

The letter was read to the commission and submitted as Exhibit "A". In summary the letter stated that residents are opposed to the proposal because the height of the building would restrict their views of Mt. Hood and the surrounding hills, and would also reduce their property values due to the loss of that view. They were not against the expansion of Flagstone; they just would like to see it as only two stories instead of three. Commissioner Zukin asked Mr. Smith, with perspective in mind, if they put a flag pole at the north side of the addition, would he be able to see the top of that pole from the street behind. Mr. Smith replied, from his second story, yes. Commissioner Poppoff asked if the existing

building was blocking his view. Mr. Smith replied no. Commissioner Bryant asked if he could see the church from his house. Mr. Smith replied yes, just the top of it. Commissioner Bryant hypothesized/proposed that with the grade being lower, the building will actually only be 34' instead of 40' and asked if that would meet Mr. Smith's concerns. Mr. Smith was unsure.

George Ward, 416 Summit Ridge Drive, The Dalles, stated that he is also a signer of the letter submitted by Mr. Smith. As the buildings stand now, they partially obstruct his view. Considering that the new building will be even taller there will be even more of an obstruction of Mt. Hood. Mr. Ward moved here from the mid-west. One of the deciding factors of choosing his house was the view of Mt. Hood. Mr. Ward was not opposed to an addition of buildings, just would like to see them be the same height. Commissioner Bryant asked if his house was already built or if Mr. Ward built it. Mr. Ward replied it was already built.

**Rebuttal:**

Andy Bremmeyer, 7600 NE 41<sup>st</sup> Ste 330, Vancouver, WA, 98662, explained that when the application was submitted they requested to be considered under the same zoning as the original development, High Density. That way they would not need a variance, and would be able to comply with the height restrictions. Commissioner Poppoff asked which zone the new building would be located in. Mr. Bremmeyer replied it will be in the RH zone. Associate Planner Hert added that it all has a NC overlay.

Commissioner Hiser asked when the zone change took place. Director Durow responded it was 1994 or before.

Commissioner Zukin asked when the Neighborhood Center Overlay was placed. Associate Planner Hert responded that she was not sure. Zukin asked if the overlay extends to the church. Hert responded yes.

Commissioner Bryant confirmed that the NE wing is in High/Medium Density and everything else is in Low Density residential. Hert responded yes, with a NC overlay.

Commissioner Poppoff asked how the NC overlay affects height. Associate Planner Hert explained that an NC overlay increases the allowances and provides for additional exceptions in a zone. Staff read that as: if you put an NC overlay on low density it will increase those standards and allow for additional exceptions. Since RH zone and NC overlay both allow for multi-family, and multi-family allows height of up to 40', staff's interpretation was that with a portion of the development being located in RH, plus adding the NC overlay, the maximum height can be 40'.

Chair Lavier asked if there were any more questions for the applicant. There were none.

Chair Lavier asked if there were any more rebuttal statements. There were none.

Chair Lavier asked for any questions of Staff before deliberations begin. Chair Lavier requested a topographical map to be able to look at the elevations of the area in question.

Chair Lavier called for a break at 7:25 pm in order for a map to be located. The meeting was re-opened at 7:30 pm.

Associate Planner Hert presented a map that showed grade of the area, and explained all the points of interest, as well as elevations, points of entry, etc. on the map.

Commissioner Zukin asked where the actual separation of zoning is between RL and RH. Hert pointed out on the plot map where the zones are. Zukin asked for confirmation that the addition is in the Low Density Zoning, but staff is applying the High Density Zoning to the whole piece because of the overlay. Planner Hert replied, correct.

Commissioner Bryant asked for confirmation that the majority of the existing building is in the Low Density Zoning. Planner Hert replied, yes. Bryant asked about the height of the existing building. Mr. Bremmeyer replied that the current building is 32 feet.

Commissioner Bryant mentioned a concern about this proposal meeting the requirement for blending in with the community. His concern was about it being out of scale with the surrounding neighborhood, including the nearby church.

Chair Lavier closed the public testimony portion of the hearing.

**Deliberation:** Commissioner Zukin stated that the city does not have a view shed ordinance that prohibits a building or structure from blocking the view of another. If there had been one, the homes where the opponents are living would most likely not have been built. In the absence of that, Zukin stated that he looks at the zoning at the time properties were purchased and developed, because everyone has a reasonable expectation of what to expect when they purchase a property. It appears that this property was zoned with the overlay since before the 1990s. That overlay set a 40 foot standard, so that height was to be expected. Commissioner Zukin is prone to approve the application based on the fact that this was not a variance.

Commissioner Bryant disagreed, stating that he thought the neighbors' expectation would be a low density neighborhood. 70% of the existing building is in low density and followed the low density height expectation. Bryant didn't see why an addition shouldn't also follow those limitations, which would then blend in with the existing building instead of sticking up higher.

Commissioner Poppoff stated he would be willing to approve if this was a two story building, but thinks that additions should be within the same scale as the original permit, especially considering it's in a neighborhood with nothing else that tall.

Chair Lavier inquired if Gene Parker, City Attorney had a legal opinion if it's OK for them to build a 40 foot building, according to LUDO. Mr. Parker responded that yes, he supports the staff's interpretation that 40 feet should be permitted. Mr. Parker discouraged the idea of approving the application with only two stories due to the fact that the application is requesting a three story structure. He recommended that if the commissioners can not approve the application with three stories, then they would be better off denying it.

Commissioner Bryant pointed out that they will need to do a cut & fill to build the addition. The cut will be enough that this building is going to sit below grade, and it's not going to be 40 foot actual height, it's going to be closer to 35 or 34 feet.

Based off his memory, Commissioner Zukin pointed out that Mr. Bremmeyer testified that the new building will be 10 feet taller than the existing building. He further remembered the testimony being that the current building is 32 feet, consequently that will make the new building approximately 40 feet.

Chair Lavier clarified Commissioner Bryant's idea by pointing out that with the level of the street being above the base of the building, it will look shorter than 40 feet from the street.

Commissioner Wilcox moved to approve Flagstone Assisted Living's Conditional Use Permit 142-07 with eight conditions as submitted, based on findings of fact. Commissioner Zukin seconded the motion. The motion carried with Lavier, Hiser, Zukin, and Wilcox voting for, Bryant and Poppoff voting against, Ahlberg absent.

**RESOLUTION:** Commissioner Wilcox moved to adopt Resolution PC 469-07 approving the Flagstone Assisted Living, LLC CUP 142-07 with eight conditions as submitted. Commissioner Zukin seconded the motion. The motion carried with Lavier, Hiser, Zukin, and Wilcox voting for, Bryant and Poppoff voting against, Ahlberg absent.

**COMMISSIONER/STAFF COMMENTS:** Commissioner Bryant brought up a concern that the outdoor lighting on the McDonald's restaurant next to the bridge is blatantly in violation of our parking standards 7.030.120. His concern was that the lights were brighter than you would get from a train, shining directly in motorists eyes as they enter The Dalles from the bridge. Commissioner Bryant considers it irresponsible and a hazard and would like it on record that it is a violation of our parking outdoor lighting standards. Associate Planner Hert stated that she had talked to Mr. Dan Bustos who used to be the owner, his son Jason is now the owner. Mr. Bustos stated that some of the lights that were out have recently been replaced. They did not replace them with any high halogen bulbs. Planner Hert will follow up with Mr. Bustos to verify the lighting placement has not been changed, and to verify that they are in compliance.

Associate Planner Hert shared that there is a new purchaser for the Elks Lodge. They are proposing a similar use of the building as before which is restaurant, special events, and perhaps a wine bar. They also have experience with Historical Buildings. Commissioner Wilcox asked if this was the same group that is associated with The Granada. Hert replied they are not.

Director Durow gave an update on the East Gateway Project. An engineering firm has recently been selected as the contractor to do the engineering and design work. That selection will be taken to the council for approval on November 13<sup>th</sup>. After the contract is authorized, it will take approximately 6-9 months to put together design work. The City will use that time to work on putting together the rest of the money; currently have ½ of what is needed. Commissioner Bryant asked if the silos will come down. Durow replied, yes, because the North leg of the four-way intersection comes out right where the silos are. Based on the geography of the area there is no way to change that. However, the plan is to use the silos as fill on site. The concrete has been found to be clean, no asbestos. Commissioner Lavier asked if there will be a traffic light at that intersection. Director Durow responded yes that is the preferred concept; however the purpose of this new contract is to go back, look at the previous assumptions, and decide if there are any configurations that would work better. Commissioner Poppoff asked if all four legs need to be completed at one time, or could the developer of the site tear down the silos. Durow responded the City will not be removing the silos as part of this project that will be the developer's cost. Commissioner Lavier commented that the intersection at 6<sup>th</sup> & Cherry Heights is so

much better now. This is a similar intersection with people turning in all different directions. If the project doesn't include a traffic light it will just be a mess.

Commissioner Bryant pointed out how much progress Director Durow has made, and stated that he should be commended for the work he has accomplished.

Commissioner Hiser asked for an update on the progress the developer has made on the Mill project. Director Durow responded that the developer has a number of growers who are interested in the co-op winery and people interested in the artisan plaza. The winery will primarily be done in a new building, and will use some of the bricks or anything that can be saved from the current warehouse. The large building will be mixed use; commercial first floor, mixed use on the middle floors and perhaps some condos on the upper floors. The material from the silos will be used as fill making the second floor the first floor.


Director Durow reported on the progress of the 1<sup>st</sup> Street Project. A request for proposals has been issued to engineering firms for the design work. The proposals are to encompass a portion of 1<sup>st</sup> street, the railroad underpass, the freeway underpass and the boat dock. Director Durow is hopeful about a Connect Oregon II Grant; they provide funds for building docks. Commissioner Poppoff asked if the dock is going to sit where the old municipal pier used to be. Durow responded yes. However, that project has been one that takes one step forward and then two back. The hope is to get a design done and then just work on getting the money. Part of the issue has been the shadow that the dock will cast on the river and its possible impact on salmon fingerlings.

Planner Hert reported that the ownership issue on the Shop n' Kart property should be resolved soon.

**NEXT MEETING:** The next scheduled meeting is November 15, 2007. There is no business scheduled at this time.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 8:05 p.m.

Respectfully submitted by Brenda Green, Administrative Secretary



Bruce Lavier, Planning Commission Chair



EXHIBIT "A"

**SWEDE PEARSON**

425 Summit Ridge Drive  
The Dalles, OR 97050  
(503) 296-7764

October 27, 2007

City of The Dalles Community Development Department,

We, the signers of this letter, are not in favor of the proposed expansion to the Flagstone Assisted Living Facility.

A three story building, of the proposed size, on that property, would have a decidedly detrimental impact to many of the property owners in the neighborhood. To many of the neighboring property owners, it would potentially mean that the beautiful view of Mt. Hood and surrounding hills that we now have from our homes would be lost. In addition to losing our view we would suffer a significant loss in our property values. For most of us, our homes are the largest investment that we own.

Residences in this neighborhood are subject to height restrictions that are much more restrictive than the height of this proposed building. A structure of that size would simply not be in scale with the rest of the neighborhood.

We believe that an expansion of Flagstone would be better suited to being built on property where the negative aesthetic and financial impact to neighbors would be negligible.

Sincerely,

Signature

*Swede & Becky Pearson* 425 Summit Ridge Drive, The Dalles  
*George & Susan Ward* 416 Summit Ridge Drive, The Dalles  
*Juan Carlos Borges* 428 Summit Ridge  
*Manuel Borges* 402 Summit Ridge  
*[Signature]* 405 Summit Ridge  
*[Signature]* 397 Summit Ridge Dr  
*Jeff & Summer Smith* 421 Summit Ridge