

AGENDA

REGULAR CITY COUNCIL MEETING

July 9, 2018

5:30 p.m.

CITY HALL COUNCIL CHAMBER

313 COURT STREET

THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS

A. Columbia Gorge Regional Airport Quarterly Report

6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

A. Approval of June 25, 2018 Regular City Council Meeting Minutes

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

- B. Authorization to Provide Sanitary Sewer Service Outside City Limits to 2300 Block of West 16th Street for New Residential Development

11. PUBLIC HEARINGS

- A. Appeal hearing of Planning Commission Resolution No. P.C. 574-18 Approving Minor Partition No. 349-18 and Adjustment No. 18-036 of Jonathan Blum to Divide the Property Located at 1605 East 19th Street into Two Lots, and Reduce the Minimum Lot Size and Lot Width for the Two Lots

12. ACTION ITEMS

- A. Adoption of Resolution No. 18-021 Affirming the Planning Commission's Decision Approving Adjustment #18-037 of Jonathan Blum to Reduce the Minimum Lot Size for a Parcel Located at West 13th and Perkins from 9,000 Square Feet to 7,475 Square Feet
- B. Adoption of General Ordinance No. 18-1369 Repealing Chapter 7.08 Sections 7.08.010 to 7.08.090 of The City of The Dalles Municipal Code Concerning Impoundment of Vehicles

13. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Izetta Grossman
City Clerk

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Chuck Covert/ Aviation Management Services
DATE: 6/27/2018
ISSUE: Second Quarter Report 2018

Status:

For the second quarter of 2018 the Columbia Gorge Regional Airport has continued to work with the new Fixed Base Operator TacAreo which continually makes changes to enhance our services to the flying public. Attached is a copy of their monthly report that was provided to the Airport Board at our last Airport Board Meeting by Jeff Renard the FBO manager. The fuel sales for the second quarter are on the plus side by 40% compared to last year.

We also have had a change in the Airport Management team in which we hired one more employee two to do airport maintenance which has made great improvement in the appearance of our Airport.

We are still in communications with Klickitat County weed master and have put together to an effective weed control programs for this year.

We are in the final stretch of this year's budget year and will stay under budget for the FY 2017/2018.

Recent Projects:

The Flex Space has been occupied by Life Flights crew since April 1.

The other half of the Flex Space is still Leased by TacAreo, our FBO.

On June 15, 2018 we held the dedication of the Flex Space in naming the structure after Nolan Young.

The drainage system pond is under construction and hoping to be completed by August 1, 2018.

Washington State DNR has completed set up of their Fire Boss Base.

Attended a combined Oregon and Washington Airport Managers meeting with the FAA.

Future Projects:

We are working with private investors wanting to build a new 11-unit T Hangar.

The Hangar waiting list continues to grow with a total amount so far at 21.

We have continually held meetings with the FAA and Precision Approach about our reconstruction of our Apron Project and maintenance projects.

Date to Remember:

Airport Board Meeting	07/20/2018	7:00 am
Drag Races	08/12/2018	
Airport Board Meeting	08/17/2018	7:00 am
Airport Board Meeting	09/21/2018	7:00 am



Columbia Gorge Regional Airport

Fixed Base Operations

Monthly Report: June, 2018



TacAero KDLS Monthly Pulse

Here we are 6 months into our adventure of KDLS and the energy is fantastic. It is a pleasure to meet the clients and guests that frequent our community via the skies. With each new guest and opportunity to serve we find additional ways and services to provide them to enhance their experience. The military units that have started making return trips to KDLS based on their last trip to see us and the fantastic customer service they received. (their words not mine) has been a great shot in the fuel sales.

We are looking forward to the continued opportunity to serve this region with some great customer service and help to foster some great economic growth thru this gateway to the gorge.

***Point of Contact: Jeff Renard - TacAero General Manager -
Jeff@TacAero.com***

Fuel Report

Annual Fuel Sale Totals- KDLS									
2018									
Highest Sales	Month	100LL-Island	Jet-Island	Jet Truck 1	Jet Truck 2	Totals	Flowage Fee	Rank	Average
6053	January	278	5	614	414	1311	\$65.55	-	4801
10623	February	1065	198	4813	1426	7502	\$375.10	3rd	7332
12085	March	2286	938	8225	2288	13737	\$686.85	1st	9625
14149	April	2767	695	5009	2096	10567	\$528.35	3rd	9224
15315	May	3283	188	5770	2211	11452	\$572.60	4th	10213
20805	June	4450	364	10776	2398	17988	\$899.40		16583
25983	July	0	0	0	0	0	\$0.00		19794
42607	August	0	0	0	0	0	\$0.00		27905
22781	September	0	0	0	0	0	\$0.00		16762
22448	October	0	0	0	0	0	\$0.00		12970
15043	November	0	0	0	0	0	\$0.00		9609
5502	December	0	0	0	0	0	\$0.00		4876
213394					Year to Date:	62557			
	100LL Total	14129				Jet-A Total			
			2388	35207	10833	48428			
Total Flowage Gallons @ .05 per gallon to 99,999 Gallons				62557	\$3,127.85				
Total Flowage Gallons @ .06 per gallon to 100,000-149,999 Gallons									
Total Flowage Gallons @ .07 per gallon to 150,000-199,999 Gallons									
Above 200,000 Each increment of 50,000 gallons will increase by one cent to maximum of .10 cents per gallon.									

Training Activity

The FBO has had a very busy call log with an incredible amount of calls for flight training for all of our locations. The incredible weather that this winter has given us is a great time for flying.

STAFFING



The staffing at the airport is 3 fulltime FBO representatives and 1 part time. Along with 2 part time flight instructors.



Challenges

The success of our FBO business comes from the continued sale of fuel, with the summer here we have seen more transient aircraft coming in between the crazy wind storms.

TacAero Operations Aircraft

The rental fleet at the FBO and flight training, primary through advanced training continue to bring new students and visitors to our region. The FBO fleet now has a Cessna 182 and Cessna 172S, 172H, 150 available for training and rental. The rates for these aircraft are found on TacAero's website: www.tacaero.com and are *highly* competitive in the flight training market. We have a couple of long

term tenants with some rare aircraft that will be receiving training from our instructors.







4 more BlackHawks came to see us for fuel.



AGENDA STAFF REPORT

AGENDA LOCATION: Item #10 A-B

MEETING DATE: February 12, 2018

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, City Clerk

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

- A. **ITEM:** Approval of the June 25, 2018 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 25, 2018 Regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the June 25, 2018 Regular City Council meeting minutes.

- B. **ITEM:** Provide Sanitary Sewer Service Outside City Limit

BUDGET IMPLICATIONS: There are no costs to the City with this issue. If approved, the property owner would a Sewer SDC of \$1789. Monthly sewer rates would be charged at the Residential Outside City rate which is currently 1.7 times the In-City rate.

SYNOPSIS: The City has received a request from the property owner of Tax Lot 2N 13E 32DC 2800, located adjacent to the intersection of West 16th and Elberta Streets in the "Fruitland Park Addition", to connect to the City's sanitary sewer system in support of the development of a single-family residence. The property is located outside the City limits and Urban Growth Boundary, and inside the

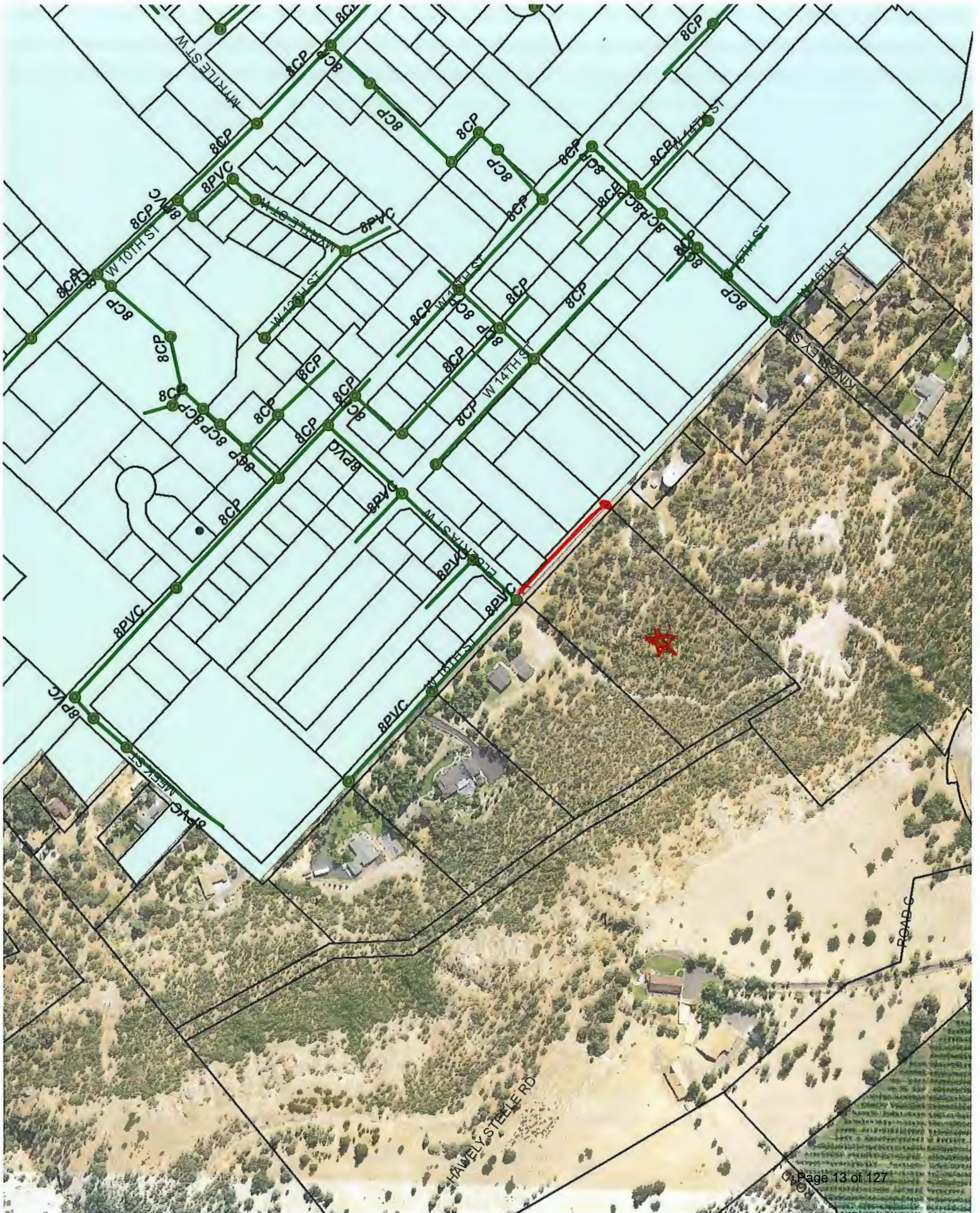
Columbia Gorge National Scenic Area; it abuts the City limits on West 16th Street. The owner proposes to build a single-family residence, an attached accessory building and a swimming pool on the 4.65 acre parcel.

The City has sanitary sewer mains in both West 16th and Elberta Streets immediately adjacent to the northern corner of the subject property. The sewer mains have the capacity to serve this parcel. The City currently provides sanitary sewer service to the three neighboring properties along West 16th Street which are also outside the City limits and inside the Scenic Area.

The City normally requires developers to pay for the extension of utilities to the far end of a property so that they are ready for the next property to connect and extend from there on. The proposed project would extend the existing 8-inch sewer main up to 350 feet southeastward in West 16th Street, from the intersection of West 16th and Elberta Streets to the southeastern boundary of the property to be served by this request. The developer would pay all of the costs associated with the extension of the main, and it would be built to City standards. The attached map shows the City Limits (green shaded area), the existing sanitary sewer mains (green lines), the proposed main extension (red line), and the property requesting the service (red star).

The City's Municipal Code, Section 4.08.050(J), requires Council authorization to provide sanitary sewer service to properties outside the City Limits. The Code also provides that Council may require the property owner to sign a consent to annexation agreement as a condition of receiving City sewer service. This property is currently contiguous with the existing City Limits, but is located outside the Urban Growth Boundary; an expansion of the Urban Growth Area would be required before this property could be annexed. The practice has been to require consents to annex as a condition of providing water and sewer services to properties outside the City limits, thereby allowing for the option of annexation in the future if desired.

RECOMMENDATION: authorize the provision of residential sanitary sewer service outside the City Limits to the property located at Tax Lot 2N 13E 32DC 2800.



MINUTES
REGULAR CITY COUNCIL MEETING
OF
June 25, 2018
5:30 p.m.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Stephen Lawrence

COUNCIL PRESENT: Russ Brown, Linda Miller, Darcy Long-Curtiss, Tim McGlothlin

COUNCIL ABSENT: Taner Elliott

STAFF PRESENT: City Manager Julie Krueger, City Attorney Gene Parker, City Clerk Izetta Grossman, Finance Director Angie Wilson, Planning Director Steve Harris, Public Works Director Dave Anderson, Police Chief Patrick Ashmore, Human Resources Director Daniel Hunter

Number of people present: 22

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Grossman, Elliott absent.

PLEDGE OF ALLEGIANCE

Mayor Lawrence invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Miller and seconded by Long-Curtiss to approve the agenda as presented. The motion carried, Elliott absent.

AUDIENCE PARTICIPATION

Summit Storm, 3120 Old Dufur Road reported that a group from Cascade Eye Center participated in a recent Wellness Walk. He said they picked up trash down the main drag, on sidewalks and alley ways. He said he would like to see a City-wide Clean Up day where larger companies encouraged groups of 5 to 10 to pick an area to clean up.

He said because of these Wellness Walks an idea emerged for placement of new, colorful cigarette and trash containers strategically placed. He said it available people would be more apt to use them.

CITY MANAGER REPORT

City Manager Julie Krueger reported that Dan Spatz asked her to extend an invitation to the Council for the Welcome Reception for the new college president, Marta Cronin on August 16 from 5 to 7pm at the Lecture Hall in Building 2 at Columbia Gorge Community College.

City Manager Krueger reminded Council of the Ribbon Cutting for Next Door at the old Mid-Columbia Council of Governments building at 5:15 on Tuesday.

She said that registration for the League of Oregon Cities Conference opened on Monday, July 2. She asked Council to let the City Clerk know this week if they were planning on attending.

CITY ATTORNEY REPORT

City Attorney Gene Parker reported that he was working on the third supplement to BOLI regarding prevailing wage on the Tokola project.

CITY COUNCIL REPORTS

Councilor Brown asked if staff had responded to the concerns voiced in three letters sent to the Council regarding the 19th Street parking strip removal.

Public Works Director Anderson said a press release gone out reinforcing that no decisions had been made. He said there would be neighborhood meetings before any changes on the street were made.

MINUTES

Regular City Council Meeting

June 25, 2018

Page 3

Councilor Long-Curtiss said she attended the Urban Renewal meeting. She said upcoming projects are asking for parking lots, which was also identified in the traffic study. She suggested that identifying available space for a parking structure now would be a good idea.

She said she felt not paying prevailing wage on the Tokola project could hurt local contractors.

Councilor Miller said she attended the Urban Renewal meeting. She said they gave GBHD a 12 day extension on the Exclusive Negotiating Agreement.

Mayor Lawrence said he would be attending the Mid-Columbia Council of Governments board meeting on Friday. He reported they would be wrapping up the sale of the building to Next Door, and auction items. He said they would be discussion distribution of remaining funds after the bills have all been paid. He said any funds returned to the City would go into the General Fund.

CONSENT AGENDA

It was moved by Brown and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried unanimously, Elliott absent.

Items approved by Consent Agenda were: 1) Approval of June 11, 2018 Regular City Council Meeting Minutes; 2) Adoption of Resolution No. 18-019 Expressing the City of The Dalles' Support for the Blue Zones Project

PUBLIC HEARING

Appeal hearing of Planning Commission Resolution No. P.C. 575-18 approving Adjustment #18-037 of Jonathan Blum to reduce the minimum lot size for a parcel located at West 13th and Perkins from 9,000 square feet to 7,475 square feet

Mayor Lawrence reviewed the procedure for the public hearing. Mayor Lawrence opened the hearing.

Steve Harris Planning Director reviewed the staff report and PowerPoint presentation (attachment #1).

Mayor Lawrence asked for testimony from the applicant.

Jonathan Blum, applicant, 403 East 8th Street presented a PowerPoint presentation (attachment #2).

MINUTES
Regular City Council Meeting
June 25, 2018
Page 4

Mr. Blum said the foundation had been started. He said it could be converted to a single family dwelling if the appeal is successful.

City Attorney Parker brought to the Council's attention two letters of support; one from Charlie Foote (attachment #3) and one from Sue Borton (attachment #4).

Mayor Lawrence asked for testimony from the appellant.

Steve Hunt, 1311 Perkins Street handed out three documents; #1 Original Application (attachment #5); #2 a letter from Mr. Hunt (attachment #6); Applicability Standards from City Code (attachment #7).

Mr. Hunt said:

- The proposal doesn't match the neighborhood
- High end large houses on large lots up the hill
- Property zoned RL, multi-family units not permitted

In response to question, City Manager Krueger said the neighborhood includes high density housing.

Mr. Hunt said:

- The high density unit has shrubs, a setback, and the parking lot mitigates the look
- Important to maintain the livability and value of the neighborhood
- Planning focus was on proximity to high density and future changes to the standards
- Current standards don't allow for increasing density

Mayor Lawrence asked for testimony in favor of the appellant.

Ted Pitt, 1804 West 13th said:

- A school bus stop was in front of the property – safety issue for the children
- Two driveways would impact both 13th Street and Perkins
- Currently zoned low density
- Street is worn – would improvements to the street be made?
- Jonathan Blum is not owner, Victor Blum is

Vern Beito, 1914 West 13th Street said:

- When his home was built they weren't allowed to connect to City Sewer
- In 1995 when the apartment building was built they were given a variance saying it wouldn't affect the rest of the neighborhood

MINUTES

Regular City Council Meeting

June 25, 2018

Page 5

- Does the City really need more high density housing

John Beck, 1606 West 13th Street, said he lived on his property since 1949.

- 14 children catch the bus on that corner
- Public bikeway and walkway

He said due to high density:

- Neighborhood deteriorating – dog poop, speeding, drugs, garbage all over
- Criminal activity – been broken into four times

He said the decisions made by Council are important to the neighbors.

Alex Maia, 1601 East 19th Street, wondered if there was a demand for high density development.

Mayor Lawrence said the housing report said 1300 + houses were needed. He said the problem was available land was parks and orchards.

Mr. Maia said the development:

- Distracted from the livability of the area
- The zoning was close, but not zoned high density

Steve Dugick, 704 East 13th Street, asked if once the precedent had been set, could he subdivide his acre for eight duplexes?

Lorene Hunt, 1311 Perkins, said the original application showed the purpose was a duplex. She said increase in density was not allowed. She said the City made a mistake that needed to be corrected.

She said there was no neighborhood meeting. She felt the City should require neighborhood meetings(see attachment #8).

Mayor Lawrence asked for Mr. Blum's rebuttal.

Mr. Blum said he took the neighbors' concerns seriously. He said he took distressed properties and made them better.

He said:

- Building is a duplex, not apartments
- 22 apartments directly next to the property
- 30+ units on 10th Street

MINUTES

Regular City Council Meeting

June 25, 2018

Page 6

- Increased setback to minimize the visual impact
- Planning Department and Commission said fit in with requirements
- Victor Blum, owner, was his father
- Housing helps with crime and homelessness
- Wanted to work with the neighbors
- He develops good, clean, safe housing

Mayor Lawrence concluded the testimony.

Councilor Long-Curtiss asked if duplexes were allowed on corner lots in low density.

Planning Director Harris said duplexes were allowed on corner lots in the low density zone.

Councilor Brown said he was concerned that the City had followed the Ordinances.

Planning Director Harris said the request was for reduction in size and that was allowed. He said infill development amendments were under discussion at the Planning Commission.

City Attorney Parker said staff disagrees with the appellant. He said duplex does comply with Code.

Mayor Lawrence asked why low density was across the street from high density.

Planning Director Harris said typically there wouldn't be high density against low density.

It was moved by Brown and seconded by McGlothlin to direct staff to prepare a resolution denying the appeal and affirming the Planning Commission's approval of Adjustment No. 18-037 as set forth in Resolution No. P.C. 575-18, with the conditions of approval recommended by the Planning Commission, based upon the findings and fact and conclusions of law set forth in the agenda staff report. The motion carried unanimously, Elliott absent.

ACTION ITEMS

Adoption of Resolution No. 18-018 Authorizing Transfers of Budgeted Amounts Between Categories of The General Fund of the City Of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2018

Finance Director Wilson reviewed the staff report.

It was moved by Long-Curtiss and seconded by Miller to adopt Resolution No. 18-018

MINUTES

Regular City Council Meeting

June 25, 2018

Page 7

Authorizing Transfers of Budgeted Amounts Between Categories of The General Fund of the City Of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2018. The motion carried unanimously, Elliott absent.

Mayor Lawrence reminded Council to review the League of Oregon Cities Legislative Priorities list for the City Manager.

City Manager Krueger said a recommendation on the legislative priorities would be coming from staff in July.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:18 p.m.

Submitted by/
Izetta Grossman
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Izetta Grossman, City Clerk

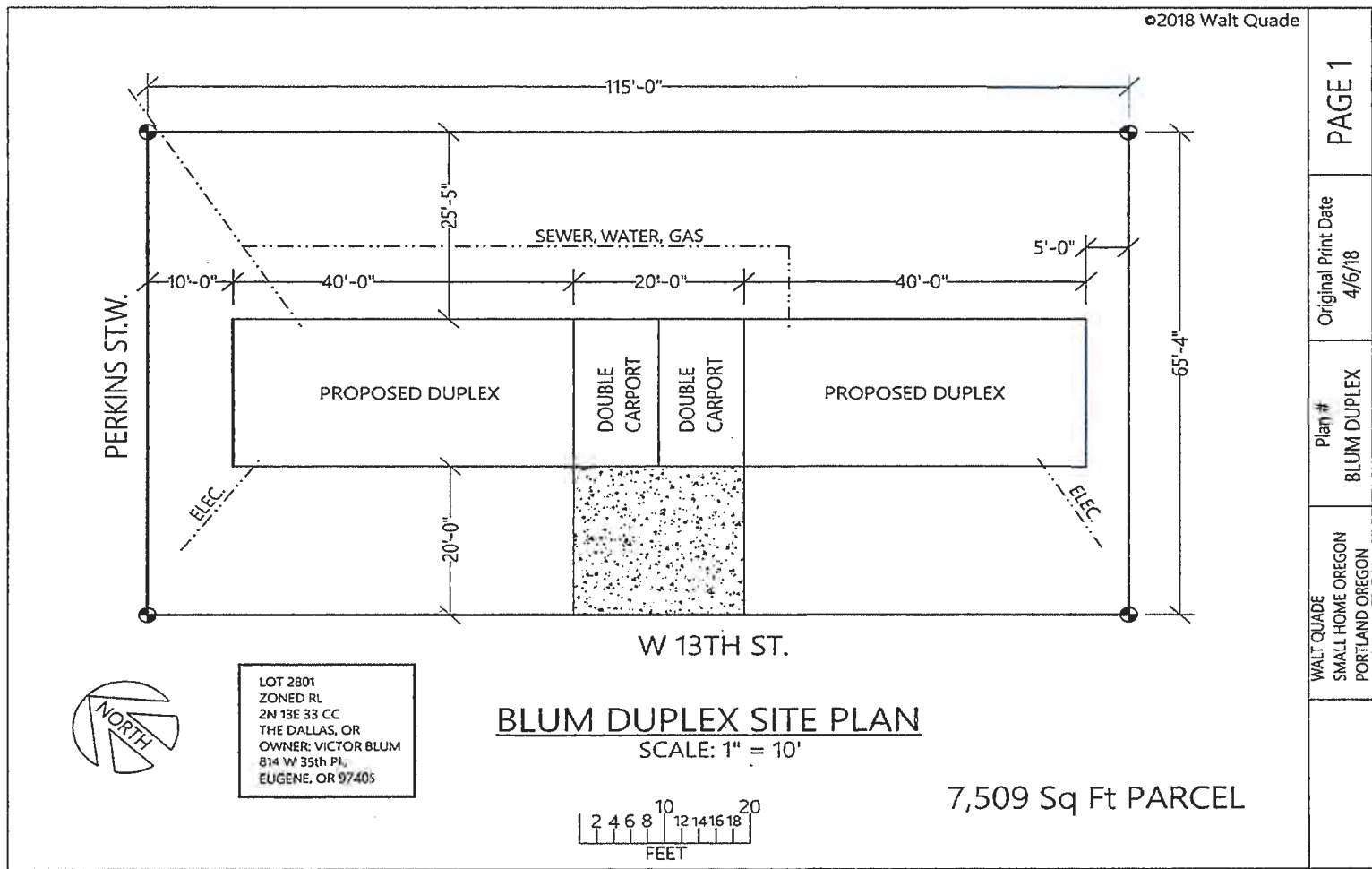
Appeal #32-18
PC Reso #575-18
ADJ #18-037 - J. Blum
City Council Meeting
June 25, 2018



Vicinity Map of W 13th and Perkins - The Dalles, OR

ADJ #18-037 - J. Blum





Lot Adjustment Appeal

13th and Perkins Street
Jonathan Blum
The Dalles City Council
June 25, 2018

Introduction

- The Dalles resident since 2008
- Graduated CGCC Nursing Program and work as a Critical Care RN at MCMC; previously a community health RN at OCH
- Own rental properties in The Dalles
- Purchase distressed homes and work to rehabilitate them into attractive, comfortable rental housing
- Work with MCHA and reserve of my rental homes for affordable housing
- Tenants include teachers, CGCC students, veterans, managers, Google Employees, and average people searching for high quality housing in this difficult market

Proposal

- The current lot size is 65'4" x 115'
- 7,905 square feet on the corner of West 13th and Perkins St.
- I am requesting to reduce the minimum lot size from 9,000 square feet to 7,905, a reduction of 16.9%

The Planning Commission voted 5-1 in favor of my proposal to reduce the minimum lot size for this project

To approve adjustment

- Proposal must satisfy relevant criteria in the LUDO including considerations of:
 - Livability
 - Appearance
 - Neighborhood compatibility
 - Environment

The plan review conducted by the Planning Department and Agenda Staff Report prepared by the City Attorney and Senior Planning staff have both shown my proposal meets all relevant criteria to approve this adjustment

Livability & Appearance

- Reduction of minimum lot size for a duplex on a corner lot allows for maximum usefulness of the lot with minimal impact
- The new construction will enhance neighborhood appearance with new, clean rentals in the style of other single family homes in the neighborhood
- Driveway and access enhancements on 13th Street and Perkins Street will improve off-street parking and minimize the impact of access to the property
- Existing mature trees will be maintained and visual impact of this development will be minimal
- A large single family home could have the same, if not more of an impact on the appearance of the lot

Benefits

- Project supports infill development goals of the Comprehensive Plan for The Dalles
 - Plan identifies a shortage of housing and rental units in our town
- Utilization of this space for residential homes instead of vacant lot will improve the livability of the neighborhood for local residents of The Dalles
- New construction adds commerce and jobs to our local economy and boosts tax base
- The Dalles is in need of rental properties to help with housing shortage now, and for future anticipated need
- Corner lot with duplex and multiple accesses is similar to two single lots with multiple accesses

Other relevant information

- Oversized lot compared to other neighboring lots
- There are other duplexes on Perkins Street, as well as a 22 Unit apartment complex on the eastern border of the lot
- Building duplexes in the RL zone on corner lots is permitted outright under city LUDO
- Plans utilize current hardscape and keep existing mature trees
- Neighboring properties and nearby zoning would allow for this building to be constructed without any Quasi-judicial process
- All setbacks, easements, right-of-ways, and restrictions and requirements of this zone are honored by my plans

Thank you.

Questions?

To whom it may concern,

This letter is to show my support for Jonathan Blum's proposal for the Perkin's Street property. I know Jonathan on a personal and professional level. Jonathan has the best work ethic I have ever seen. He is a registered nurse by night and a property investor/landlord by day. He takes pride in his properties and projects and has improved every property he owns. I believe Jonathan's proposal is a fair request and has gone through the necessary steps to get it approved. It's my understanding that his proposal was recommended to be approved by the planning department and was voted to be passed by the planning commission. As a local Realtor, I see the urgent need our community has for more housing. Jonathan's proposal fits that need. Jonathan is willing to invest in this community which helps our housing needs and local economy. Jonathan's investments have proven to be good for this community. I am in support of Jonathan's proposal being approved.

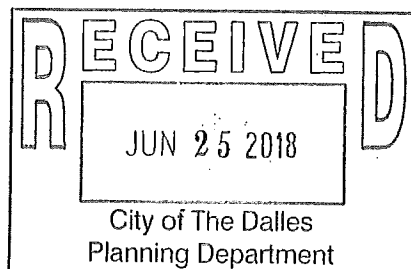
Thank you.

Charlie Foote, Realtor

Windermere Real Estate Columbia River Gorge

122 E 2nd St. The Dalles, OR.

541-965-2049



Steve Harris

From: Jonathan Blum <blumjonathan@gmail.com>
Sent: Monday, June 25, 2018 2:49 PM
To: Steve Harris
Subject: Fwd: APPEAL #32-18-ADJ #18-037

----- Forwarded message -----

From: Sue Borton <sue97058@gmail.com>
Date: Thu, Jun 21, 2018 at 19:32
Subject: APPEAL #32-18-ADJ #18-037
To: <dhert@ci.the-dalles.or.us>
CC: Jonathan Blum <blumjonathan@gmail.com>

To: The Dalles City Council
City Hall Council Chambers
313 Court St.
The Dalles, OR 9058

From: Alan & Sue Borton
724 E. 16th Pl.
The Dalles, OR 97058
Property owners of 1203 Perkins, The Dalles, OR

To Whom It May Concern,

This email serves as written comment to show our support for the property owner, Jonathan Blum. We support a reduction of minimum lot size so he can move forward with construction of the duplex that was approved on May 3, 2018. The Dalles has a shortage of homes to rent and a duplex would help two families meet a need for housing. Jonathan Blum has presented a sensible plan that was initially approved by The Dalles Planning Commission. Please deny the appeal!

The person/people appealing appear to be either misinformed or spiteful. We, as well as our renters on Perkins St., were harassed by them over signing a petition regarding this issue. She even showed up at our front door thinking we weren't home, to tack a letter to our door, after calling several times and us not answering. When Alan opened the door to ask what she was doing, she showed him a scathing letter she had typed to send to the Blum's. Included in the letter was a paragraph on a possible remedy suggesting that Jonathan withdraw his application and redeem himself by selling the property at 13th & Perkins, at his purchase price to the neighborhood and move his business to other areas. Another time, our renters came home to find, who they believed was her husband, just standing in our duplex driveway. When our renter asked if she could help him, he just stood there for a few minutes before walking off. These people are out of line! We are requesting you deny their appeal.

Again, we support Jonathan Blum's plan to build a duplex on the property located at W. 13th & Perkins.

Sincerely,

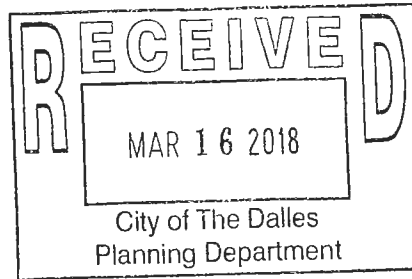
* 235⁰⁰ PAID

ADJUSTMENT APPLICATION

CITY OF THE DALLES

Planning Department

313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 3/16/18

File# ADJ 18-037

Date Deemed Complete

Hearing Date

Approval Date

Permit Log #

Other Cross Reference#

Receipt # 245536
PAID 3/15/18

APPLICANT

Name Jonathan Blum

LEGAL OWNER (If Different than Applicant)

Name Victor Blum

Address 403 E 8th St
The Dalles, OR 97058

Address ~~814~~ 814 W 35th Pl
Eugene, OR 97405

Telephone # 541-206-2744Telephone # 541-484-9616E-Mail blumjonathan@gmail.com E-Mail blumvictor@gmail.com

*If applicant is not the legal owner, attach either [1] owner consent letter,
or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address Corner 13th + Perkins St.Map and Tax Lot 2N 13E 33CL 2801Size of Development Site 17 acres, 653' x 115', 7475 sq ft.Zone District/Overlay RLComprehensive Plan Designation RL

REQUEST

☐ New Construction ☒ Expansion/Alteration ☐ Change of Use ☐ Amend Approved Plan

Brief Explanation: Requesting adjustment to min. lot size for
proposed duplex, reducing from 9000 sq ft, to 7475 sq
ft., an adjustment of 16.9%.

The decision, based on the findings of fact and conclusions in the staff report of ADJ18-037 and after a hearing, should be reversed on the following grounds:

The developer wishes to place a duplex (defined in 10.2.030 as "two dwelling units located on a single lot...") on a corner lot. The lot in question measures, according to the application, .17 acres, or approximately 65.36 by 115 feet (7,475 sq. feet). According to city code 10.5.010.060, the required standard for a corner duplex in the RL zone is 4,500 sq. feet per dwelling unit, or at least 9,000 sq. feet, also confirmed as fact in the Staff Report under the heading 'Request'.

The developer filed an adjustment application seeking a reduction in the lot size required, to meet the actual lot size of approximately 7,500 sq. feet. This was apparently done in accordance with 10.3.080.020 D.3, for 'up to 20% reduction in required minimum area', or 10.3.080.020 D.7, where 'one- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060'.

However, 10.3.080.020 B clearly states that 'adjustments are prohibited for the following items: ...6. to allow an increase in density in the RL zone'. Density is defined in 10.2.030 as 'the number of dwelling units per acre'. The proposed adjustment, in reducing lot size for a duplex without decreasing the number of dwelling units, corresponds precisely to an increase in density. Therefore, this application seeks an adjustment that is specifically prohibited by The Dalles city code. (Refer to compliance standards in 10.1.100 of the LUDO).

Referring to the Planning Commission Staff Report for Adjustment 18-037, hearing date May 3, 2018, the following findings of fact do not apply because this adjustment is specifically prohibited by the city code as stated in Section 10.3.080.020 (B 6), invalidating use of the following: parts C and D of that same section (Finding #2 and Finding #6); use of Section 3.080.040, Applications, A. Review Criteria 1. Finding #7, Criteria 4, Finding #10, Criteria 7, Finding #13, Criteria 8, Finding #14.

In addition, the use of any review criteria, as addressed in the statement under 'A. Review Criteria' on p. 2 is irrelevant. An adjustment is prohibited and cannot be accepted under any review criteria based on 10.3.080.020 B.6.

Even if this adjustment were not specifically prohibited under The Dalles city code, other issues addressed at the quasi-judicial hearing May 3rd provide support for denial of the adjustment request: negative impacts on livability, appearance, traffic, safety, and property values.

Compatibility with the neighborhood, street condition and width, and purpose of the adjustment omitted from the hearing notice were also addressed at the hearing. Reliance in the staff report on suggested amendments rather than existing code as well as reliance also in the staff report of proximity to high density zoning rather than of actual low density zoning of the property in question and the predominance of low density housing in the immediate area do not support citizens living in the area.

This request was not properly decided in a quasi-judicial hearing. The proper way to address this applicant's request would have been an amendment to the comprehensive plan or a change in the zoning designation or a change in the development standards for residential low density housing.

Steve Hunt
PO Box 81
The Dalles, OR

10.3.080.020 Applicability

- A. Unless listed in subsection B of this section, all regulations in the LUDO may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not allowed by the regulations.
 2. As an exception to any restrictions on uses or development which contain the word “prohibited”;
 3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
 6. **To allow an increase in density in the RL zone.**
- C. The administrative adjustment procedure may be used to change the following:
1. Up to 33% reduction of standard setback requirements.
 2. Up to 10% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
 3. Up to 10% reduction in required minimum lot area.
 4. Up to 10% increase in the maximum lot coverage area.
 5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
 6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
- D. The quasi-judicial adjustment process may be used to change the following items:
1. Up to 50% reduction in standard setback requirements.
 2. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
 3. Up to 20% reduction in required minimum lot area.
 4. Up to 20% increase in the maximum lot coverage area.
 5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
 6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
 7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

Compliance standards in 10.1.100 of the Land Use Development Ordinance (referred to as LUDO in the city code) state: "No structure, building, land, or use within the City of The Dalles planning jurisdiction... shall be erected, moved, reconstructed, used, extended, enlarged or in any way altered contrary to the provisions of this Title. *All officials, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to, and require conformance with, this Title. The aforementioned persons shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out this Title. No person shall erect, construct, alter, maintain or use any building or structure in violation of this Title or any amendment thereto. No person shall use, divide, or transfer any land in violation of this Title or any amendment thereto.*

TO: The Dalles City Council
FROM: Lorene Hunt
DATE: June 25, 2018

SUBJECT: Tonight's Hearing--5:30 pm

I am Lorene Hunt, PO Box 81, our home at the corner of 13th and Perkins which I share in The Dalles with my husband when I can be here, our son living in Eugene needing my presence at our other home, to which we moved to assist him when he was diagnosed during his first months of study for his Master's. He has been unable to work since going downhill during his studies, barely able to finish his Master's. His condition in Dec. of 2015 was so compromised that friends (and sometimes we) thought he would not survive his hospital stay. A team of doctors have instructed him regarding the importance of 3 conditions: avoiding toxins that impact his health (that includes exhaust fumes from vehicles and even foods that his body does not tolerate), adequate sleep, and low stress = these conditions key to controlling symptoms in addition to experimental medication that has made a difference in the past few years. His body seems to be acutely sensitive in many ways, his hearing tested this past Dec. due to an incident, his hearing confirmed to be extremely acute, a condition we had already considered as he was able to hear whispers from across our home, among other things. I will be leaving tomorrow morning, here only because of this appeal, our son needing me to prepare organic food and take care of other matters at our home there... his home that we provide.


I give you this background information because it relates to our search for a home in The Dalles to which my husband transferred in a management position in 2013, The Dalles a small town near where our other son lives. We looked 6 months for a home to purchase, focusing on low density areas that would provide conditions making it possible for our son to visit us or even live with us if necessary - quiet surroundings near country and cleaner air, yet close to my husband's work. We found that home along 13th Street, a one-way street with expansive properties offering low density and cleaner air, that street attracting us as less trafficked than other 2-way streets, limiting toxic fumes impacting our son. In 4 years and after putting much labor into an obviously distressed property inside and out (notices on the door about the yard before we purchased it, the inside unlivable without major work), we have grown to love this home, offering a peaceful neighborhood with no incidents of any kind to report. Neighbors have been quiet and caring, our son visiting occasionally, hopefully more often as his condition slowly improves, his health always uncertain.

This is our particular experience. Families, particularly along 13th Street, have chosen this area specifically because of what it offers, as did we - proximity to country, low density, peaceful surroundings, etc. One family moved from a high density area in The Dalles to this area not many years ago specifically because it is low density and close to country; other residents have lived here for longer than the developments on and near 10th street. Several residents in the homes we so love along 13th are

connected to city government in various ways and feel constrained to not become more involved in this matter, one person offering very helpful advice with a statement of the need to remain publicly uninvolved. Only one person has expressed neutrality as to the construction of a duplex, that person having mowed the developer's property for several years and receiving an additional payment shortly before the hearing May 3... difficulty understood and no pressure placed on that person. Others have been most supportive, a petition signed by many concerned persons having been sent to city council members after the May 3 hearing.

A garage (reported by a neighbor to have been the stated project of the developer) or single family dwelling across the street would have raised no concerns, but a duplex? 2 dwellings on such a small area? vehicles parking where? exiting onto Perkins, as was suggested at the hearing May 3? that area of street already in very compromised condition? Try turning from 13th onto Perkins or vice versa, right next to the proposed duplex, potholes on both sides of the street, the paved portion connecting with 13th less than 17 feet wide at the potholes!!! Daily negotiating that corner from 13th (our preferred route used from Steve's work and from downtown) to our home on the corner of Perkins and 13th requires serious effort to avoid the large depression on the east side of Perkins at that corner. Better yet, take a drive from Cherry Heights Road slowly along 13th, looking at the properties on both sides of the road, particularly homes on 13th. (Even the park-like setting and considerable setback behind trees hide West Park Orchards, at least 2 normally-sized tax lots away from 13th with that setback, senior citizens respectfully entering the neighborhood with reasonable speed). Note the size of the properties and landscaping on 13th, then turn onto Perkins making a wide but reasonable corner as you did onto 13th St (you will feel a significant bump as your tire enters the pothole). You are sincerely invited to stop at our home on the corner of 13th and Perkins and sit in the chair under our porch, looking up at 13th and the hills. Note the peacefulness and sounds of nature (even country animals can be heard in the distance occasionally).

Then - ask - would I want my efforts, my home, my family, my RL neighborhood, impacted by an uncharacteristic duplex squeezed onto a too-small lot, rentals at that, next to these homes and properties so loved by their owners? only 1 duplex down Perkins lived in by a family member and housing a person with special needs? Please take the time to drive this route; survey the construction site on the corner of 13th and Perkins (earth dug and forms laid 6 feet from the property line); sit at our home and get a feel for the neighborhood; drive to Walnut Street to get a feel for the section of 13th beyond Perkins; consider The Dalles Municipal Code and the section that states "Adjustments are prohibited for the following items: To allow an increase in density in the RL zone" - **THEN**, and only then, taking information above and that of others testifying at the hearing, **make a decision that will honor this neighborhood and those who have contributed to it for many years (in many cases).**



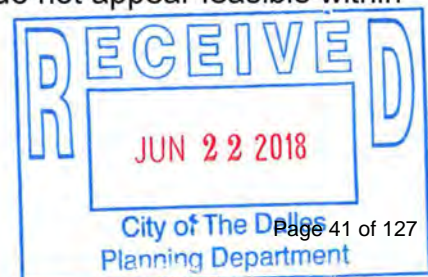
PO Box 81, The Dalles, OR 97058

To Whom it may concern,

Concerning the appeal of (# 32-18-ADJ#18-037) corner lot of W. 13th and Perkins, the property also described as 2N 13E 33 CC t.l. 2801 we request that the proper be put back to the original RL low density requirements and the construction of the multi family dwelling cease and desist.

Our objections to the currently planned development and construction are as follows:

1. The council and planning commission would be in violation of **LUDO 10.1.100. Compliance:** No structure, building, land, or use within the City of The Dalles planning jurisdiction, as described above in Section 10.1.040: Jurisdiction, shall be erected, moved, reconstructed, used, extended, enlarged or in any way altered contrary to the provisions of this Title. All officials, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to, and require conformance with, this Title. The aforementioned persons shall issue no permit or grant approval for any development or use which fails to comply with conditions or standards imposed to carry out this Title. No person shall erect, construct, alter, maintain or use any building or structure in violation of this Title or any amendment thereto. No person shall use, divide, or transfer any land in violation of this Title or any amendment thereto.
2. The proposed plan for a duplex does not continue to meet the intended purpose of the RL neighborhood, **LUDO 10.3.080.010 Purpose:** The regulations of the LUDO are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the City's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the LUDO may be modified if the proposed development continues to meet the intended purpose of those regulations.
3. Proposed adjustments to property stated above are prohibited in **LUDO 10.3.080.020 Applicability:** Adjustments are prohibited for the following item 6: To allow an increase in density in the RL zone.
4. Proper setbacks for the development of a corner lot do not appear feasible within the current plan.



5. With additional the approval of the additional living unit, it will increase the traffic on the one way street (13th) and the underdeveloped street of Perkins.
6. There has been no public hear to discuss changes in the current LUDO to change from the current RL zoning. A change to the comprehensive plan for the area also does not appear to have been submitted.
7. In addition to the property changes what addition requirements have been required of the developer to improve and maintain the affected public roads and walk areas.

The first 6 requirements appear to make this change in development use, along with the local residence lack of want to change from the RL zone, an absolute NO.

We are requesting that committee refrain from making any change to the RL zone, in our neighborhood.

Respectfully,
Theodore L Pitt
1804 W 13th St
The Dalles, Or. 97058



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #11-A

MEETING DATE: July 9, 2018

TO: Honorable Mayor and City Council

FROM: Steven Harris, AICP
Planning Director

ISSUE: Appeal No. 31 – Appeal of Planning Commission Resolution No. P.C. 574-18 approving Minor Partition No. 349-18 and Adjustment No. 18-036 request of Jonathan Blum to partition one 8,778 square foot lot into two 4,389 square foot lots, to reduce the minimum lot size from 5,000 square feet and to reduce the minimum lot width from 50 feet to 46 feet on property located at 1605 East 19th Street

BACKGROUND: On May 3, 2018, the City Planning Commission adopted Resolution No. P.C. 574-18 approving a minor partition and adjustment application submitted by Mr. Jonathan Blum on property located at 1605 East 19th Street. The minor partition approval allowed for the partitioning of an existing 8,778 square lot into two lots of 4,389 square feet each. Approval of the adjustment application allowed for a reduction in the “RL” Residential Low Density Zone minimum lot size of 5,000 square feet to 4,389 square feet, as well as a reduction in the RL District Zone minimum lot width requirement of 50 feet to 46 feet for the two new lots.

On May 14, 2018, Alexander and Alexandria Maia filed an appeal of the Planning Commission’s decision. Copies of the notice of public hearing for the Planning Commission’s hearing, the Planning Commission agenda staff report, meeting minutes, Resolution No. P.C. 574-18, and the Notice of Appeal are enclosed with this report.

The subject property is located on the north side of East 19th Street, between Lewis Street and View Court. Land uses along East 19th Street include single family residential, Dry Hollow Elementary School to the west, and the Mid-Columbia Medical Center to the east. The vacant lot was created as part of the Oak Grove Subdivision. The Tax Lot number for the property is 1N 13E 10AA 1100. The Comprehensive Plan designation and Zoning District is “RL” Residential Low Density.

The application is requesting the partition of the 8,778 square foot lot into two lots of 4,389 square feet, a 12.2% reduction in the minimum lot size from 5,000 square feet; and a 7.6% reduction in the minimum lot width of 50 feet to 46 feet to allow for the development of a single family residence on each of the newly created lots. Section 10.5.010.060 of the City's Municipal Code provides that the minimum lot size for single-family detached units is 5,000 square feet, and the minimum lot width is 50 feet. Article 10.3.080 of the Code establishes a process whereby development standards can be modified or adjusted.

In this staff report, the staff will identify the applicable criteria, and set forth proposed findings of fact and conclusions for the City Council to consider.

REVIEW OF APPLICABLE CRITERIA

MUNICIPAL CODE TITLE 10 LAND USE AND DEVELOPMENT

Section 10.3.020.080 Appeal Procedures

Section 10.3.020.080 (A). De Novo. Appeals shall be a de novo evidentiary hearing. A De Novo hearing allows for the introduction of additional evidence on issues raised at a lower level and included in the notice of appeal, and for arguments or testimony based on those issues. It does not allow for new issues to be raised, nor does it allow for evidence, arguments or testimony to be presented on issues not raised in the appeal notice.

FINDING #1: The appeal hearing before the City Council is referred to as a “de novo” evidentiary hearing. This means that in addition to the record before the Planning Commission, which includes the initial staff report and minutes from the Planning Commission hearing held on May 3rd, the City Council will consider the evidence and testimony offered during the Council hearing. The testimony during the appeal hearing can include additional evidence on issues which were raised during the Planning Commission hearing, and which were included in the notice of appeal, and arguments and testimony based upon those issues. Under the City's land use rules, new issues that were not raised before the Planning Commission cannot be presented during the appeal hearing before the Council, and the Council cannot consider evidence, arguments, or testimony of issues that were not raised in the notice of appeal. The burden of proof to establish that the applicable review criteria have been satisfied is upon the applicant.

CONCLUSION: The criteria in Section 10.3.020.080(A) have been satisfied.

Section 10.3.020.080(B)(1). Right to Appeal Decisions. The following may file an appeal to decisions resulting from planning actions described in this Section:

- 1. Any party of record to the particular action.*

FINDING #2 The appeal of the Planning Commission's Decision of May 3, 2018, was filed on May 14, 2018, by Alexander and Alexandria Maia, who testified before the Planning Commission and who is a party of record.

Section 10.3.020.080(C). Filing Appeals.

1. *To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.*
2. *The notice of appeal and appeal fee must be received at the Community Development Department office no later than 5:00 PM on the tenth day following the date of mailing of the notice of decision. (See Section 1.110: Computation of Time for an explanation of how days are counted).*

FINDING #3: The appeal with the information required under Section 10.3.020.080(C)(1) was filed on May 14, 2018, within the ten day period set forth in Section 10.3.020.080(2), along with the required filing fee.

CONCLUSION: The criteria in Section 10.3.020.080(C) have been satisfied.

Section 10.3.020.080(G). Notification of Appeal Hearing. *The notice of appeal, together with notice of the date, time and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.*

FINDING #4: Notice of the appeal hearing was mailed to all parties on June 22, 2018.

CONCLUSION: The criteria in Section 10.3.020.080(G) have been satisfied.

Section 10.3.020.080(H). Decision of Appeal.

1. *The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.*
2. *The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record.*
3. *A notice of appeal decision shall be sent to all parties participating in the appeal.*

FINDING #5: Once the Council has made a decision whether to affirm, reverse or modify the Planning Commission's decision to approve the application for the requested adjustment, staff will prepare a resolution setting forth the applicable findings of fact and conclusions of law, and a notice of the appeal decision will be sent to all parties participating in the appeal.

CONCLUSION: The criteria in Section 10.3.020.080(H) have been satisfied.

10.3.020.050 Quasi-Judicial Actions

Section 10.3.020.050(B) Staff Report. *The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may include a recommendation for approval, approval with conditions, or denial.*

FINDING #6: This document serves as the staff report required by Section

10.3.020.050(B).

CONCLUSION: The criteria in Section 10.3.020.050(B) have been satisfied.

Section 10.3.020.050(D) Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:

- 1. The applicant and owners of property within 300 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.*

Section 10.3.020.080(G) Notification of Appeal Hearing. The notice of appeal, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties at least 14 days prior to the hearing.

FINDING #7: Notices of the appeal hearing were mailed to the applicant and owners of property within 300 feet of the development site, and to interested parties on June 22, 2018.

CONCLUSION: The criteria in Section 10.3.020.050(D) and Section 10.3.020.080(G) have been satisfied.

Section 10.3.010.040 Applications

B. Completeness. An application shall be considered complete when it contains the information required by this Title, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 10.1.120: Fees. Complete applications shall be signed and dated by the Director.

FINDING #8: The application was found to be complete by the Planning Department on April 23, 2018.

CONCLUSION: The criteria in Section 10.3.010.040 have been satisfied.

Section 10.3.080.020 Applicability

B. Adjustments are prohibited for the following items:

- 6. To allow an increase in density in the RL zone.*

The Notice of Appeal includes the statement that adjustments are prohibited for the following items:

“To allow an increase in density in the RL Zone. As stated by Planning Commissioner Stiles, there already exists residential high density areas, however this is zoned as Residential Low Density, and its rules, previously established, should remain intact.”

FINDING # 9: The subject property was included in the original Oak Grove

Subdivision; an 18 lot subdivision on 29.27 gross acres. Lot sizes varied from 0.15 acres (6,534 square feet) to 0.56 acres (24,394 square feet). The density at time of subdivision was 3.97 dwelling units/gross acre. Included within the gross acreage calculation was 0.67 acres (29,185 square feet) of dedicated public right-of-way (Minnesota Street). The 0.56 acre lot has since been developed as a church. Separating this non-residential use from the 17 remaining residential lots resulted in a density of 4.28 dwelling units/gross acre for the subdivision. Approval of the proposed minor partition and lot size adjustment would create one additional residential lot (a total of 18 lots) for a density of 4.53 dwelling units/gross acre; increasing the subdivision's current density by 0.21 dwelling units/gross acreage. Compared to the original subdivision's 3.97 dwelling units/gross acre, approval of the proposal would result in a density of 4.19 dwelling units/gross acre.

Approval of the proposal would not increase the subdivision's gross density range above the Comprehensive Plan's Residential Low Density designation density range of 3-6 dwelling units/gross acre.

It should also be noted that in Section 10.5.010.060 which sets forth the development standards for the RL Residential Low Density zoning district, there is a footnote to the Minimum Density standards which states "This standard is applicable to new subdivisions and planned developments, but does not apply to infill development approved through the minor partition process."

CONCLUSION: The criteria in Section 10.3.080.020(B)(6) has been satisfied.

D. The quasi-judicial adjustment process may be used to change the following items:

- 1. Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.*
- 2. Up to 20% reduction in required minimum lot area.*

FINDING #10: The proposal includes a 7.6% (4 foot) adjustment to the required 50 foot lot width and a 12.2% (611 square feet) adjustment to the 5,000 square foot minimum lot area in the RL Residential Low Density Zoning District. The requested adjustments are within the allowable 20% reductions provided for in Section 10.3.080.020.

CONCLUSION: The criteria in Section 10.3.080.020(D)(2)(3) have been satisfied.

Section 10.3.080.040 Applications

A. Review Criteria

An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

- 1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

As a preliminary note, Section 10.3.080.040(A)(6) provides that one of the review criteria is that “Application of the regulation in question would preclude all reasonable economic use of the site”. The site is capable of being developed with a single family residential dwelling; therefore it appears that application of the regulation would not preclude all reasonable economic use of the site.

FINDING #11: The terms “livability” and “appearance” are not included in Section 10.2.030 which provides the meanings of specific words and terms in the City’s Land Use and Development Ordinance. Section 10.2.010 entitled “Meaning of Words Generally” provides as follows:

“All words and terms used in this Title have their commonly accepted, dictionary meaning unless they are specifically defined in this Title, or the context in which they are used clearly indicates to the contrary.”

According to Webster’s New World Dictionary of the American Language, Second College Edition, the term “livability” is a form of the term “livable”, which means “fit or pleasant to live in; habitable; said of a house, room, etc.”. The term “appearance” is defined as “the look or outward aspect of a person or thing”.

At the Planning Commission hearing, the applicant submitted drawings of the proposed single family dwelling to be constructed on one of the proposed lots. The drawings showed architectural features of the proposed dwelling, as well as the placement of the dwelling and detached garage on the lot. The proposed dwelling meets the required setbacks of the RL Zoning District. As proposed the garage will be shared with the adjoining lot and a single driveway access onto East 19th Street. The applicant also noted that on-site mature landscaping will be preserved whenever possible. All of these factors contribute to the livability of the proposed dwelling units, and do not detract from the overall appearance of the neighborhood .

CONCLUSION: The criteria in Section 10.3.080.040(A)(1) have been satisfied.

2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

FINDING #12: The RL Residential Low Density Zone implements the RL – Residential Low Density Comprehensive Plan designation, which allows for a range of 3 to 6 single family dwelling units/gross acre. Sections 10.5.010.020 and 0.30 establish the permitted and conditionally permitted uses in the RL District Zone. Among the residential uses permitted are single-family, duplex, 2-unit condominiums and accessory dwelling units. Permitted non-residential uses include public parks, bed and breakfast inns, family day care, residential care facilities, and wireless communication facilities.

The requested adjustments to the District’s 5,000 square foot minimum lot size and minimum lot frontage requirement of 50 feet are permitted through the adjustment procedures provided in Article 10.3.080 of the Municipal Code. The lot size adjustment request of 12% (611 square feet), is within the maximum adjustment of 20% provided for in Section 10.3.080.020 (D)(3). The requested lot width reduction from 50 feet to 46 feet

(7.6%) is within the 20% maximum adjustment provided for in Section 10.3.080.020(D)(2). The applicant's comments at the Planning Commission hearing included drawings that illustrated that the future dwellings to be constructed on the lots would meet setback and lot coverage requirements for the RL District Zone.

CONCLUSION: The criteria in Section 10.3.080.040(A)(2) have been satisfied.

3. City-designated scenic resources and historic resources are preserved.

FINDING #13: Staff has not identified any scenic resources or historic resources which could be potentially impacted by the proposed application. The proposed application does not have any negative impact upon any City-designated scenic resource or historic resource.

CONCLUSION: The criteria in Section 10.3.080.040(A)(3) have been satisfied.

4. Any impacts resulting from the adjustment are mitigated to the extent practical.

FINDING #14: Staff has not identified any known impacts due to the requested lot size reduction which would require mitigation. On Exhibit B of the Notice of Appeal, it appears the following impacts were cited by the appellant:

- Promises made to purchasers of lots next to the lots under consideration. This would include the evidence of the covenants, conditions and restrictions of the subdivision homeowner association, the newspaper ad stating "The subdivision is developed as enclave, appealing particularly to people who want a well-located, secure living environment near the hospital", and testimony that neighbors had made significant financial investments to construct "high-end homes". None of this testimony addresses any relevant criteria.
- Easements. Staff noted at the Planning Commission hearing that all the public utility easements were within the appropriate setbacks.
- Nature of the neighborhood (high-end homes). This does not address relevant review criteria; the term "high-end home" is not defined and is very subjective in nature.
- Traffic considerations. There was no specific testimony, such as a traffic study or traffic counts, that would support a conclusion that the proposal would significantly impact traffic in the neighborhood. This segment of East 19th Street is designated as a Network Residential Street and a Major Collector Street in the 2017 Transportation System Plan. The proposed shared driveway for the two lots would result in a single driveway access onto the street.
- Property value considerations. There was no specific testimony offered at the Planning Commission hearing to show how the proposed units would actually affect property values. Much of this testimony was conclusory in

nature; for example the following statement from the notice of appeal:

- “Affected citizens who were party of the public notice, indicated how the size and probable valuation of the proposed dwellings severely detracted from the appearance of the area, and would also impact livability by reduction of adjacent property values”.
- Aesthetic considerations. This does not address relevant review criteria and is subjective.
- Information about the developer. This does not address relevant review criteria.

The proposed application satisfies the intent of this review criteria to ensure that any identified negative impact resulting from a requested reduction in the size of the lot be addressed to the extent practical.

CONCLUSION: The criteria in Section 10.3.080.040(A)(4) have been satisfied.

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*

FINDING #15: The subject site proposed for development of the single family dwellings is not located within any environmentally sensitive area. The proposed application satisfies the intent of this review criteria to ensure that any environmentally sensitive area would be protected.

CONCLUSION: The criteria in Section 10.3.080.040(A)(5) have been satisfied.

B. Additional Criteria.

If the applicant meets the approval criteria of subsection A above, then the approving authority may also take into consideration, when applicable, whether the proposal will:

4. *Result in a structure that conforms to the general character of the neighborhood or zone district.*

FINDING #16: The term “character” is not defined in the City’s Land Use and Development Ordinance. Using the dictionary source cited in Finding #11, the term character can be defined as follows: “essential quality, nature; kind or sort”.

Included in the Notice of Appeal is the following statement, “As stated by all citizens at the hearing, the planned structures do NOT conform with the general character of the neighborhood zone”. The arguments presented at the Planning Commission hearing were lacking any specific detail as to why the proposal was not consistent with the “general character of the neighborhood”.

The neighborhood surrounding the site of the proposed development includes single family dwellings, an elementary school, a church, and to the east the Mid-Columbia Medical Center and associated medical offices. As noted in Finding # 13, the proposed

single family dwellings would meet the development standards (setbacks, lot coverage, building height) of the RL District Zone. As noted in Finding #11, drawings submitted by the applicant showed architectural features of the proposed dwelling units which are similar to those of a single family dwelling . In approving Resolution No. P.C. 574-18, the Planning Commission added a condition which would require that any future land use development review of the building permit application be processed as an Administrative Action. An Administrative Action requires a publicly noticed Administrative Hearing.

These factors support a finding that the proposal is in conformance with the general character of the neighborhood.

CONCLUSION: The criteria in Section 10.3.080.040(B)(4) have been satisfied.

FINDING #17: The notice of appeal cited two other provisions of the City’s LUDO which the appellants claimed had not been properly addressed. The appellants asserted the application did not comply with the provisions of Section 10.9.030.030(A)(6) which requires that the tentative plat show the “Number and type of dwelling units proposed for where known and appropriate”. The application was approved without this information, which is consistent with the language in Section 10.9.030.030(B) which allows the Planning Director to waive such a requirement where it is determined that the information is unnecessary to properly evaluate the proposed minor partition. The adjustment application mentioned there would be two homes built upon the property, and the site plan submitted during the Planning Commission hearing clearly showed the presence of two structures. The appellants also asserted the application did not comply with Section 10.9.010.010 which sets forth the purpose for land divisions. The Council finds this section contains aspirational language which is not intended to be review criteria for an adjustment, as evidenced by the fact that this language is not included in Section 10.3.080.040 which contains the review criteria for adjustments, or in Article 9.030 which contains the review criteria for minor partitions.

CONCLUSION: The additional provisions cited above which the appellants argue were not satisfied do not present relevant review criteria for the application .

COMPREHENSIVE PLAN GOAL #10 – HOUSING, AND ORS 197.303 (NEEDED HOUSING

Goal #10 of the City’s Comprehensive Plan is “To provide for the housing needs of citizens of the state”. The Background section for Goal #10 includes the following statement:

“All local jurisdictions in the State must develop plans which “shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”

The Housing Strategies Report dated April 21, 2017 prepared by Angelo Planning Group for the City included the following statement outlining the interplay between Statewide Planning Goal #10 and the Housing Needs Analysis (HNA) conducted by Angelo

Planning Group:

“Having affordable, quality housing in safe neighborhoods with access to community services is essential for all Oregonians. Like other cities in Oregon, the City of The Dalles is responsible for helping to ensure that its residents have access to a variety of housing types that meet the housing needs of households and residents of all incomes, ages and specific needs. Towards that end the City is conducting a Housing Needs Analysis and Buildable Lands Inventory to update the Housing Element of its Comprehensive Plan; complete an updated, realistic assessment of future land needs and supply; and comply with Oregon Statewide Goal 10 (Housing)”. Page 2 of Housing Strategies Report.

On pages 3 to 5 of the Housing Strategies Report, Angelo Planning Group summarized data and findings from the HNA, including the following:

Demographic Trends

- The Dalles’ estimated median household income was \$47,000 in 2016...Median income has grown an estimated 33% between 2000 and 2006, in real dollars. Inflation was an estimated 36% over this period, so as is the case regionally and nationwide, the local median income has not kept pace with inflation.
- According to the U.S. Census, the official poverty rate in The Dalles has been increasing over time from 9% of individuals in 2000, to an estimated 13.8% over the most recent period reported (2014 5-year estimates).
- One measure of poverty as it related to housing is the share of income local households are spending on their housing costs. The Census estimates that over 42% of all households spend more than 30% of their income on housing costs. Among renters, nearly 62% of households spend more than 30% of their income on housing costs, while 39% of renter households spend more than 50% of their income.
- Communities like The Dalles which face a future of growing within limited boundaries are likely to see increased pressure to generate denser housing than they have historically experienced in some parts of the community.
- Many of these (younger family) households will seek good first-time home buying opportunities, meaning a stock of existing and new homes in low-to-middle price ranges. The younger and lower income members of this generation will need a sufficient stock of multi-family rentals.
- The Dalles, like many communities, currently has a persistent shortage of housing available to the lowest-income households, particularly rental units.

Projected Housing Needs

- There is a projected need for 1,769 new housing units by 2036.

- Of the new units needed, roughly 59% are projected to be ownership units, while 41% are projected to be rental units.
- The greatest need for rental units is found at the lowest price points. This reflects the finding that many of The Dalles renter households currently pay more than 30% of their income towards housing costs. There is still a strong need for affordable housing. At the same time, there is also support for some new, more expensive rental supply.

Comparison of Projected Need and Buildable Land Supply

- There is a total forecasted need for 1,769 units over the next 20 years. This is well below the capacity of 3,689 units. After projected need is accommodated, there is an estimated remaining capacity of over 1,900 additional units, mostly in the high-density residential zone.
- There is currently sufficient buildable capacity within The Dalles to accommodate projected need. Much of this capacity is in the form of parcels for development or infill with future multi-family units. The size of the available remaining capacity assumes that some high density and medium density zoned lands are built out at higher averaged densities than these areas have traditionally achieved in the past.

ORS 197.303 defines “needed housing” in the following manner:

- (1) As used in ORS 197.307, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following household types:
 - (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
 - (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
 - (e) Housing for farmworkers.
- (2) Subsection 1(a) and (d) of this section shall not apply to:
 - (a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

FINDING #18: At the Planning Commission hearing, the applicant testified as to the shortage of rental housing units in The Dalles. The findings set forth above from the April 21, 2017 Housing Strategies Report prepared by Angelo Planning Group clearly establish there is a housing need for rental units in the city of The Dalles. The applicant presented testimony during the Planning Commission hearing that he is planning to construct two single family dwellings upon the development site. As the Housing Strategies Report prepared by Angelo Planning Group noted, many of the renter households in the city of The Dalles currently pay more than 30% of their income towards housing costs. The Housing Strategies Report also established there is a strong need to provide rental housing, for younger family households and low-income households. The type of housing proposed by the applicant can assist in meeting this need. The Housing Strategies Report established there is a need for rental housing at price ranges and rental levels for renter occupancy, particularly for low-income households, which comes within the definition of “needed housing” under ORS 197.303. The City Council finds that the type of housing represented by the applicant’s proposal fits within the definition of “needed housing” under ORS 197.303. Approval of rental housing such as the type proposed by the applicant will encourage the availability of housing at a price range and rent level which is commensurate with the financial capabilities of many households in The Dalles, including low-income households, and encourage flexibility in the location, type, and density of housing, consistent with Goal #10 of the City’s Comprehensive Plan.

CONCLUSION: The provisions of Goal #10 Housing of the City’s Comprehensive Plan, and ORS 197.303 Needed Housing, have been satisfied.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. ***Staff recommendation: Move to direct staff to prepare a resolution denying the appeal and affirming the Planning Commission’s approval of Minor Partition No. 349-18, Adjustment No. 18-036 as set forth in Resolution No. P.C. 574-18, with the conditions of approval recommended by the Planning Commission, based upon the findings and fact and conclusions of law set forth in the agenda staff report.***
2. If the Council desires to affirm the Planning Commission’s decision based upon additional findings and conclusions, or with different conditions of approval, move to direct staff to prepare a resolution denying the appeal and affirming the Planning Commission’s approval of Minor Partition No. 349-18, Adjustment No. 18-036 as set forth in Resolution No. P.C. 574-18, with modifications to the conditions of approval recommended by the Planning Commission, based upon the findings and fact and conclusions of

law set forth in the agenda staff report, as modified by the Council.

3. If the Council desires to grant the appeal, move to direct staff to prepare a resolution granting the appeal and overturning the Planning Commission's decision. The Council would need to identify the specific criteria which the application failed to meet, and the reasons why the criteria were not satisfied.







CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Public Hearing
regarding:

APL 31-18, Maia,
for MIP 349-18 & ADJ 18-036

On 6-22-18, by mailing a correct copy thereof, certified by me as such,
contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles
Oregon on said day. Between the said Post Office and the address to which said copy was mailed,
there is a regular communication by US Mail.

DATED: 6-22-18

P. Webb
Secretary, Planning Department



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

June 22, 2018

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of The Dalles City Council will conduct a quasi-judicial public hearing on **Monday, July 9, 2018 at 5:30 pm**, in the City Hall Council Chambers, 313 Court Street, The Dalles, Oregon 97058. The meeting will be conducted in a room in compliance with ADA Standards. Anyone requiring accommodations may call the office of the City Clerk, (541) 296-5481 ext. 1119, Monday through Friday, from 8:00 a.m. to 5:00 p.m. to make arrangements.

This notice is being sent to affected agencies, parties of record, and property owners within 300 feet of the subject property. The request is outlined below, and the procedures for the public hearing are also shown. **The application and all related documents, as well as the applicable criteria are available for viewing at the Planning Department in City Hall.**

APPLICANT: Jonathan Blum

APPLICATION NUMBER: APPEAL 32-18 – MIP 349-18 and ADJ 18-037

REQUEST: Requesting a Minor Partition to divide one parcel into two parcels 46.2 ft. by 95.0 ft., an Adjustment to reduce minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction), and a reduction of lot frontage from 50 ft. to 46.2 ft. (a 7.6% reduction).

PROPERTY OWNER: Jonathan Blum

LOCATION: The property is located at 1605 E 19th Street and is further described as 1N 13E 10 AA t.l. 11000. Property is zoned Low Density Residential – RL.

REVIEW CRITERIA: City of The Dalles Land Use and Development Ordinance No. 98-1222, Section 9.030 – Partitions, Minor Replats, Lot Line Adjustments; Section 3.080 – Adjustments; Section 5.010 – “RL” – Low Density Residential District.

COMMENT PROCEDURE:

1. Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes will be accepted only if sent to 541-298-5490. Emails will only be accepted if sent to dhert@ci.the-dalles.or.us. All comments must include the name and address of the person making the comments. Comments for a quasi-judicial hearing which are longer than one side

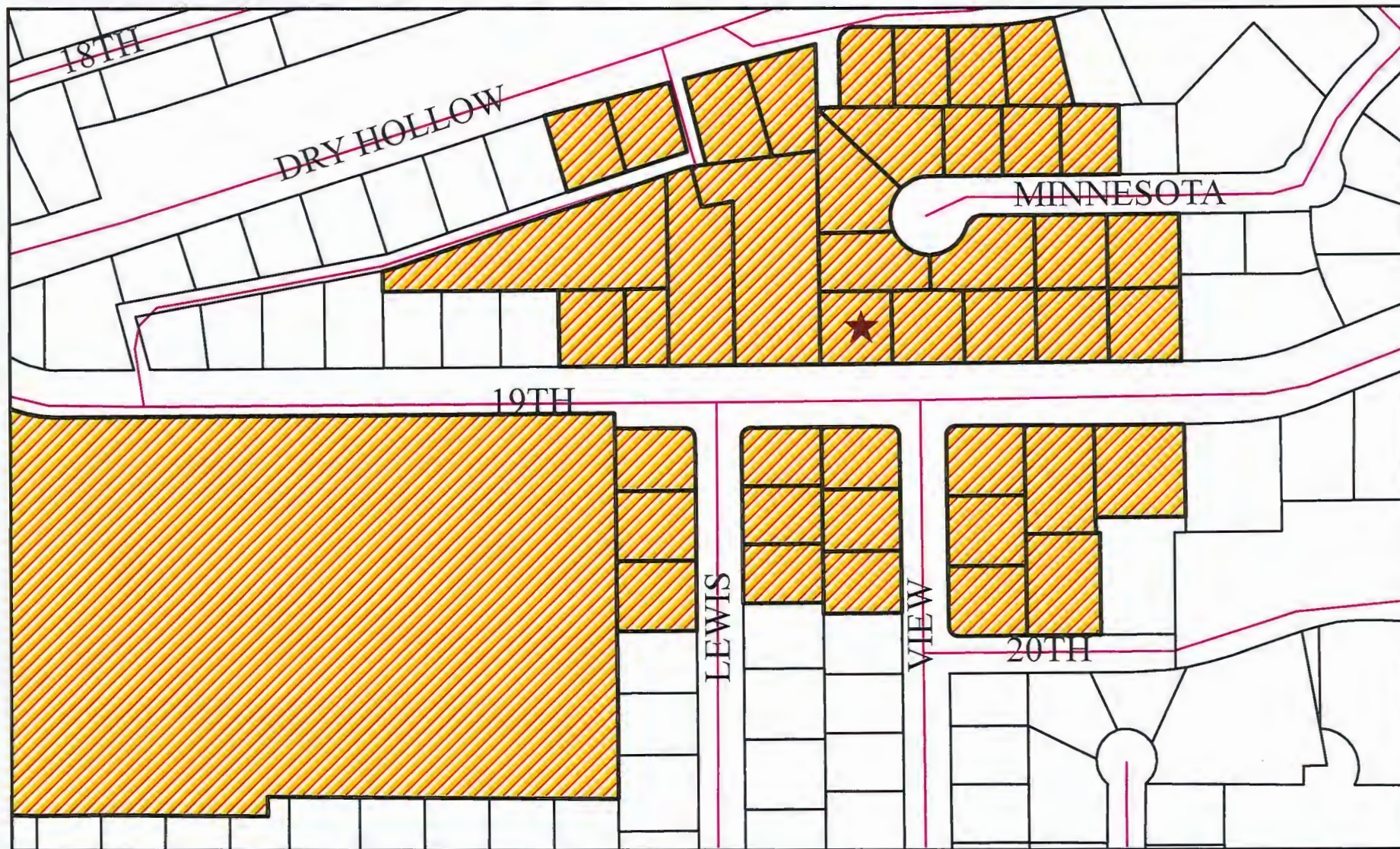
of one page shall be accepted only by mail or in person and only if 12 copies are presented. Comments must be at least equal in size to ten point type. Comments must be received by 5:00 p.m. on the hearing date, or may be presented in person at the hearing. Additional information relating to comments and the quasi-judicial hearing process can be found in The Dalles Municipal Code, Title 10 – Land Use and Development, Section 10.3.020.070. The full code is on line at www.ci.the-dalles.or.us.

2. Failure to raise an issue during the public hearing process, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals based upon that issue.
3. Copies of all review criteria and evidence relied upon by the decision maker or evidence provided by the applicant are available for free review or may be purchased at the Planning Department, 313 Court Street, The Dalles, Oregon 97058. **A Staff Report will be available for inspection seven days prior to the hearing.**





DECISION PROCESS:

1. An application is received, decision date set, and notice mailed to property owners within 300' of the subject property.
2. All affected City departments and other agencies are asked to comment.
3. All timely comments and the application are weighed against the approval criteria in a Staff Report.
4. The provisions of the City of The Dalles Municipal Code, Title 10-Land Use and Development and the City of The Dalles Comprehensive Plan must be met.
5. A decision is reached by the City Council based on the Findings of Fact in the Staff Report and other evidence submitted.
6. Parties of Record (notified property owners, affected public agencies, and other parties who make timely comment) will receive a Notice of Decision.
7. Aggrieved parties may appeal a Quasi-Judicial decision to the City Council within 10 days of the date a Notice of Decision is mailed, subject to the requirements for appeal procedures.

If you have any questions, please call the Planning Department, Dawn Marie Hert, Senior Planner, at (541) 296-5481, ext. 1129 or contact via e-mail dhert@ci.the-dalles.or.us.



Legend

-  Taxlots
-  Notified Properties
-  Roads
-  Subject Property

Properties within 300 ft of
 APL # 31-18 of
 MIP 349-18 & ADJ 18-036
 Jonathan Blum - 1605 E 19th Street

0 37.5 75 150 225 300 Feet

City of The Dalles
 Planning Department
 June 20, 2018 ~DMH





CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

CITY OF THE DALLES NOTICE OF APPEAL FOR LAND USE DECISIONS

APPELLANT'S NAME & ADDRESS: Alexander and Alexandra Maia

1601 E 19th St

The Dalles, OR 97058

Please state the reasons why the appellant qualifies as a party entitled to file a notice of appeal:

Per Municipal Code 10.3.020.080 section B.1. Appellant qualifies as a party of record to the particular action.

Please provide the date and a brief description of the decision being appealed:

May 3, 2018. MIP 349-18 and ADJ 18-036. Decision by the City of the Dalles Planning Commissioners, was to proceed with approval of the aforementioned partition request, reduction of minimum lot size requirements, and lot frontage reduction. Unanimous opposition and objection was voiced by all public citizens this would affect, however, the partition and adjustment was approved.

Please cite the specific grounds why the decision should be reversed or modified, and cite the applicable criteria or procedural error which supports the grounds for the appeal:*

Per LUDO section 10.9.030.030 section A.6, as part of the application procedure, the "Number and type of dwelling units proposed where known and appropriate" is to be disclosed and discussed. In the public hearing on 5/3/18 Planning Commissioners shut down all attempts by the concerned citizens to discuss the dwellings, stating the information was irrelevant, and that the only topic being discussed was the partition request and lot frontage adjustment. This is in direct contradiction to the above mentioned section. On the Adjustment Application "Justification of Requests" section A.1 it states that "If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area." Affected citizens, who were party of the public notice, indicated how the size and probable valuation of the proposed dwellings severely detracted from the appearance of the area, and would also impact livability by reduction of adjacent property values. **Please see attached pages listed as Exhibit A and Exhibit B, for continuation.**

*Additional sheets may be attached as necessary to this form explaining the appeal grounds

\$380-
plus

Appeal fee received

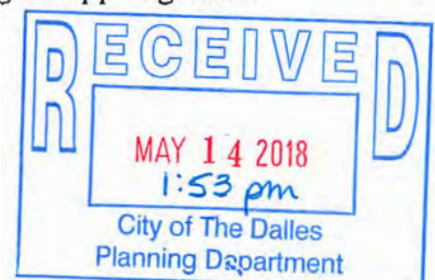


Exhibit A

This objection was greatly driven by the expected impacts that will be present themselves with two undersized homes, on two undersized lots, in a neighborhood that has standardized itself on larger, high end homes, on reasonably sized lots, that all align with the minimum lot size requirements expressed as part of the Residential Low-Density housing zoning. A shared garage as stated in the plan presented at the hearing by Jonathan Blum (adjustment request applicant), and by Garret, the City Planner (now former Planner), is in complete contrast to the look and feel of the homes in the area and does not align with the high-end homes typical of this neighborhood. Jonathan Blum tried to argue that small homes don't necessarily equal smaller values, however, he also stated the desire to make affordable homes that people who can't afford a \$500,000 home can buy. Once again, in two sentences, he completely contradicted himself leaving the neighbors unsettled by his blatant disregard for the neighborhood standards and compatibility...a standard that all citizens in the area bought into when making sizeable investments in said neighborhood. The above-mentioned information, more than confirms that section A.1 of Justification of Request has not been met, which negates the criteria in section A.

Adjustment Application "Justification of Request" Section B.2 States that "Granting the Adjustment is the minimum necessary to allow the use of the site." This is not the case, as the lot is adequately sized to build ONE home, which is the standard for these lot sizes. None of the citizens present at the hearing objected to building one single family dwelling on the lot, however, all objected to two small homes on two small lots. This information confirms that section B.2 has not been met, which now negates the criteria in section B.

Terms in the description of the Justification of Request, state that "For approval, the applicant must satisfy the criteria in EITHER section A or Section B." It doesn't state that it needs to meet "some" of the criteria in either section, which would be translated to mean that ALL criteria in one section or the other must be met. It is clear that at least one criteria from either section has not been met, which would translate to automatic disapproval of the application for adjustment.

If the City Council feels it is necessary to look into section C of Justification of Request, please reference section C.4 "Result in a structure that conforms to the general character of the neighborhood or zone district." As stated by all citizens at the hearing, the planned structures do NOT conform with the general character of the neighborhood zone.

When viewed objectively, it is clear that at least one criteria in each section has not been met, which we propose should equate to an automatic disapproval of the adjustment request.

Moving on to further evidence against this application request, please reference LUDO clarification section 10.9.010.010 which is the purpose of the chapter for land use division. In the description it starts by stating, "The purpose of the Land Divisions Chapter is to ensure that building sites are sufficient for their intended use and that lots to be created are within the density ranges permitted by the Comprehensive Plan." The building site is already adequate for its intended use, and it is clear that Jonathan Blum only seeks to divide the lot in order to maximize HIS return on investment, regardless of

impacts to the existing citizens. There is a reason that MINIMUM lot sizes are established, and reductions of these minimums should only be exercised when absolutely necessary (ie when a pre-existing lot exists that does not fall within the minimum lot size requirements.) The same section (10.9.010.010) goes on to state that its purpose is to “to create residential living environments that foster a sense of neighborhood identity.” Again, the proposed partitioned lot sizes do not align with the identify of the neighborhood, nor do the planned dwellings.

In preparation for the hearing, citizens did research on Jonathan Blum, the individual submitting the application request, and found various items of interest. He, per his self-applied description on biggerpockets.com (<https://www.biggerpockets.com/users/jonathanb43>) states “I am an investor living in the Columbia River Gorge, Oregon. I own SFR and multi-family homes in Hood River and The Dalles, OR.” As clarified in the public hearing on 5/3/18, the definition of an investor is “a person or organization that puts money into financial schemes, property, etc. with the expectation of achieving a profit.” In doing further research, Jonathan Blum states (<https://www.biggerpockets.com/forums/223/topics/456046-my-first-deal-stumbled-onto-private-money-by-accident>) “I now specialize in buying distressed properties with cash, fixing the issues no one else will touch (like messy titles or eroding foundations), and hold them all as rentals. I am hoping to continue to build my local portfolio here and expand to owning 100 rental units before I am 40.” Without reading into things too far, it is easy to see what Jonathan Blum has no real intent to maximize the community, but instead intends to build only what is necessary to maximize his own profits through rental income. If this doesn’t serve as enough evidence, Jonathan Blum disclosed openly to the residents at 1613 E 19th st, a lot adjacent to the lot in debate, that he was planning on populating the lots with two rental homes. A statement that contradicts what was shared with us, the residents at 1601 E 19th St, when he said he was planning on living there...he wasn’t sure for how long, and stated he wouldn’t commit to 5 years, but that he planned on living there. This community prides itself on trust and integrity, something that has been shaken up in the recent weeks by these dealings that don’t have a shred of truth when validated amongst the affected neighbors.

Planning Commissioners stated in the hearing that they are receiving tremendous pressure from the Columbia Gorge Council, in order to maximize the viability of lots within the city limits, without the need to expand the urban growth boundary. That being said, Commissioner Jeff Stiles argued against the proposed partition, and stated that the LUDO request includes both high end homes, and low end homes. It was his opinion, along with the opinions of all current residents in the impacted neighborhood, that this lot much better aligned with meeting the needs of high end homes, and should be reserved for such. Second, none of the commissioners, or the planning director could/would clarify what the expected demand for homes is, and how it correlated to the current purchase and rental surplus, or against the currently available buildable lots. In doing a simple search, one could find that there are 32 existing lots currently FOR Sale, that equate to numerous acres of buildable land (124.17 acres to be exact). This doesn’t even take into account the available lots that are not currently for sale. We urge the planning commission, and City Council to valuate such requests against existing capacity, instead of simply making knee-jerk reactions to approve partitions requests that result in severe negative consequences for it’s existing citizens and communities.

We are hopeful that after further review, weighing the magnitude of the impacts to the existing citizens of your community in The Dalles, current contributors and taxpayers, that the City Council would make the right decision and reverse the approval of the partition request, minimum lot adjustment, and lot frontage adjustment. Please do the right thing for your people, instead of what will simply line the pockets of a single individual, and what may gain you bonus points with the Columbia Gorge Council.

Please take the time and once more read the thoughts and feelings of your citizens in the signed petition attached as Exhibit B. Your town and its citizens need you to do the right thing.

Furthermore LUDO section 10.3.080.020,

B. 6 Clarifies that Adjustments are prohibited for the following items:

↳ To allow an increase in density in the RL zone. As stated by Planning Commissioner Stiles, there already exist Residential high density areas, however this is zoned as Residential Low density, and its rules, previously established, should remain intact.

Alu Maria 5-14-18

May 3, 6 p.m., The Dalles Planning Commission held a public hearing on application ADJ18-036, that hearing lasting 2 ½ hours. Not until 8:30 p.m. was another hearing held regarding ADJ18-037, homeowners wishing to speak to that application having sat through hours, hearing compelling arguments for rejection of ADJ18-036. Those arguments included: (1) promises made to purchasers of lots next to the lot under consideration; (2) easements; (3) nature of the the neighborhood (high end homes), the neighbors repeatedly expressing that only a single family dwelling on that lot be "compatible with the surrounding neighborhood (supposedly a consideration of the Commission); (4) traffic considerations, (5) property value considerations; (6) aesthetic considerations; (7) information about the developer, including his goal of having 100 rental properties before he turns 40, financial matters related to developer from online i.e. 'bigger pockets' etc.; and more. Goals of the developer and development are respected, but why not in cooperation with current homeowners?

The proposal in both cases involved reducing the minimum lot size, the application clearly stating the purpose: building dwellings on the reduced lots, affirmed by the developer as rentals. If all of the compelling arguments, in total, did not result in the rejection of application ADJ18-036, a more compelling case cannot be imagined. Homeowners might as well 'hang up their hats', no matter in which neighborhood they live. **It appears the city supports increasing density (reducing lot size to facilitate more dwellings in the same space) over maintaining standards "compatible with the neighborhood"**, this case setting a precedent which does not bode well for homeowners working to maintain standards "compatible with neighborhood", a series of new rentals on smaller lots next to larger lots with single family dwellings not only on the horizon, but actually being implemented (to the dismay of homeowners in both areas considered). Policies presented related to "infill" might be appropriate in larger cities i.e. Portland and Salem, but here in The Dalles and other smaller towns? Has the Commission considered that persons have purchased homes in The Dalles to avoid such higher density populated places? Certainly there must be areas in which rental units can be constructed in The Dalles which would be "compatible with the surrounding area". How can the neighborhood in application ADJ18-036 be considered one of them? Consider homes along 13th Street in application ADJ18-037. Astounding.

"Setting a precedent" was included in the discussion as a consideration in making a decision about ADJ18-036. Isn't supporting homeowners (for a variety of reasons, including the fact that they support the city with taxes) a precedent to set that will have far-reaching positive impact? For homeowners who have invested significant financial resources and time into purchase and improvement of their carefully-selected properties which they value and trusted the city to value, events last night with The Dalles Planning Commission are not encouraging.

Imagine being a homeowner speaking to application ADJ18-037 after 2 ½ hours including compelling arguments against accepting the proposed reduction in lot size (for the expressed purpose of building rentals), that proposal finally accepted with an additional condition not preventing the reduced lots. The condition simply will require the building permit to be presented to the Planning Commission, the same Planning Commission that did not hesitate to go against the choir of opposition by the impacted homeowners. Based on this track record, little hope can be had that the subsequent reviews will result in anything that actually recognizes the viewpoint and wishes of the neighboring community. Homeowners who wish to preserve their property values and family-oriented neighborhoods without packing people in on reduced lots are up against a Planning Commission that is not supportive of those values. A meeting regarding related matters was announced to be held on May 17. Considering the number of very concerned homeowners expressing arguments in opposition to the reduction in lot sizes, in many cases with compelling information, yet without positive results, attending the May 17 meeting might be as non-productive as the hearings on ADJ18-036 and ADJ18-037.

Homeowners who care about their neighborhoods – BEWARE (be wary).

The Planning Commission has a duty to the citizens of The Dalles. Their website at http://www.ci.the-dalles.or.us/community_dev.htm says so itself. The role of the Planning Commission is as follows:

Mission: "PREPARING FOR THE FUTURE" a long-standing mission carried out for the benefit of this community's citizens and future generations through:

- Responsive, accurate, consistent, helpful and honest service to our citizens and customers
- Aggressively pursuing meaningful citizen involvement in all planning endeavors.
- Active staff support for our citizen volunteers serving on the Planning Commission, Historic Landmarks Commission, Urban Renewal, and Ad Hoc Committees.
- Determined implementation of adopted plans, programs and policies.
- Helping to foster a climate of cooperation among City personnel, **local citizens**, special interest groups, and State and Federal agencies.

On paper the above looks promising, yet what was witnessed during the hearing on 5/3/18 regarding the aforementioned adjustment requests was a far cry from the honorable roles that are mentioned on their website. Focusing on just one of their commitments, "Aggressively pursuing meaningful citizen involvement in all planning endeavors" shows a stark contrast in the commitment made, and in reality. A notice was sent out to individuals that may be impacted by the partition adjustments. The good citizens of the neighborhoods responded, believing their City representation would perform a fair and unbiased review of the situations, yet despite UNANIMOUS opposition to the adjustment requests by the citizens, the Planning Commission moved forward with the approval of the adjustments. What is the point of the hearing? Our voices weren't heard. It honestly felt that there wasn't much of a point to participate. The facts and neighborhoods' visions were laid out, in very reasonable fashion, and the Planning Commission ignored them, plain and simple. They are obligated, per their own definition, to engage and represent the good citizens of the The Dalles, and they failed.

Please consider this statement as a formal request to reopen and reconsider the cases referenced in ADJ18-036, and ADJ18-037. The Citizens of The Dalles are depending on you to do the right thing. Please don't let us down again.

Print Name: <u>Walt Rockwood</u>	Signature: <u>Walt Rockwood</u> 1214 Perkins
Print Name: <u>Shane Bixby</u>	Signature: <u>Shane Bixby</u> 1404 W 13 th
Print Name: <u>Diana Compton</u>	Signature: <u>Diana Compton</u> 5/5/18 111 Perkins
Print Name: <u>Jonathan Jensen</u>	Signature: <u>Jonathan Jensen</u> 05.05.18 5 th
Print Name: <u>Rachel Stelzer</u>	Signature: <u>Rachel Stelzer</u> 05.05.18 13 th
Print Name: <u>Mandie Pitt</u>	Signature: <u>Mandie K. Pitt</u> 05-05-18 1804 W 13 th
Print Name: <u>Abigail Pitt</u>	Signature: <u>Abigail Pitt</u>
Print Name: <u>Tammy</u>	Signature: <u>Tammy</u>
Print Name: <u>Carmela Pedersen</u>	Signature: <u>Carmela Pedersen</u> 5/5/18 1811 W 13 th
Print Name: <u>Rex Pedersen</u>	Signature: <u>Rex Pedersen</u>
Print Name: <u>Wendy Palmer</u>	Signature: <u>Wendy L Palmer</u> 1902 W 1 st
Print Name: <u>Robert Palmer</u>	Signature: <u>Robert F. Palmer</u>
Print Name: <u>Bonnie Pottjohin</u>	Signature: <u>Bonnie Pottjohin</u> 1311 Sandy Ln
Print Name: <u>Jill Grow</u>	Signature: <u>Jill M. Grow</u> 5/5/18 1211 Sandy
Print Name: <u>MIKE GROW</u>	Signature: <u>Michael J. Grow</u> 1211 Sandy 2333 W 13 th
Print Name: <u>Terry B. Hansen</u>	Signature: <u>Terry B. Hansen</u> 2333 W 13 th
Print Name: <u>Steve F. Dugick</u>	Signature: <u>Steve F. Dugick</u> 1704 West 13 th
Print Name: <u>Lorene Hunt</u>	Signature: <u>Lorene Hunt</u> 131 Perkins
Print Name: <u>Steve Hunt</u>	Signature: <u>Steve Hunt</u>
Print Name: <u>Ruth Beecher</u>	Signature: <u>Ruth Beecher</u> 500 W. 11 th St

On paper the above looks promising, yet what was witnessed during the hearing on 5/3/18 regarding the aforementioned adjustment requests was a far cry from the honorable roles that are mentioned on their website. Focusing on just one of their commitments, "Aggressively pursuing meaningful citizen involvement in all planning endeavors" shows a stark contrast in the commitment made, and in reality. A notice was sent out to individuals that may be impacted by the partition adjustments. The good citizens of the neighborhoods responded, believing their City representation would perform a fair and unbiased review of the situations, yet despite UNANIMOUS opposition to the adjustment requests by the citizens, the Planning Commission moved forward with the approval of the adjustments. What is the point of the hearing? Our voices weren't heard. It honestly felt that there wasn't much of a point to participate. The facts and neighborhoods' visions were laid out, in very reasonable fashion, and the Planning Commission ignored them, plain and simple. They are obligated, per their own definition, to engage and represent the good citizens of the The Dalles, and they failed.

Please consider this statement as a formal request to reopen and reconsider the cases referenced in ADJ18-036, and ADJ18-037. The Citizens of The Dalles are depending on you to do the right thing. Please don't let us down again.

Print Name: _____	Signature: _____	1916 W. 13th
Print Name: <u>FRANCIE Mengis</u>	Signature: <u>Francie Mengis</u>	1904 W. 13th
Print Name: <u>GREG Mengis</u>	Signature: <u>Greg Mengis</u>	1904 W. 13th
Print Name: <u>Valerie Beito</u>	Signature: <u>Valerie Beito</u>	1914 W. 13th
Print Name: <u>Rita Beito</u>	Signature: <u>Rita Beito</u>	1914 W. 13th
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	
Print Name: _____	Signature: _____	

On paper the above looks promising, yet what was witnessed during the hearing on 5/3/18 regarding the aforementioned adjustment requests was a far cry from the honorable roles that are mentioned on their website. Focusing on just one of their commitments, "Aggressively pursuing meaningful citizen involvement in all planning endeavors" shows a stark contrast in the commitment made, and in reality. A notice was sent out to individuals that may be impacted by the partition adjustments. The good citizens of the neighborhoods responded, believing their City representation would perform a fair and unbiased review of the situations, yet despite UNANIMOUS opposition to the adjustment requests by the citizens, the Planning Commission moved forward with the approval of the adjustments. What is the point of the hearing? Our voices weren't heard. It honestly felt that there wasn't much of a point to participate. The facts and neighborhoods' visions were laid out, in very reasonable fashion, and the Planning Commission ignored them, plain and simple. They are obligated, per their own definition, to engage and represent the good citizens of the The Dalles, and they failed.

Please consider this statement as a formal request to reopen and reconsider the cases referenced in ADJ18-036, and ADJ18-037. The Citizens of The Dalles are depending on you to do the right thing. Please don't let us down again.

Print Name: LINDA SMITH

Print Name: Robert Smith

Print Name: Carl Compton

Print Name: Jack Kaufman

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

Signature: Linda Smith 1215

Signature: Robert W. Smith Sandy Lane

Signature: Carl Compton 1111 Perkins

Signature: Jack Kaufman 2508 W 107th

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

Signature: _____

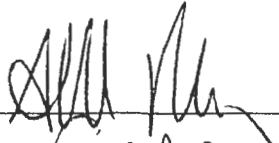
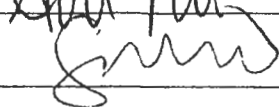
Signature: _____

Signature: _____

Signature: _____

Signature: _____

On paper the above looks , rising, yet what was witnessed during the aring on 5/3/18 regarding the
aforementioned adjustment requests was a far cry from the honorable roles that are mentioned on their website.
Focusing on just one of their commitments, "Aggressively pursuing meaningful citizen involvement in all planning
endeavors" shows a stark contrast in the commitment made, and in reality. A notice was sent out to individuals that may
be impacted by the partition adjustments. The good citizens of the neighborhoods responded, believing their City
representation would perform a fair and unbiased review of the situations, yet despite UNANIMOUS opposition to the
adjustment requests by the citizens, the Planning Commission moved forward with the approval of the adjustments.
What is the point of the hearing? Our voices weren't heard. It honestly felt that there wasn't much of a point to
participate. The facts and neighborhoods' visions were laid out, in very reasonable fashion, and the Planning Commission
ignored them, plain and simple. They are obligated, per their own definition, to engage and represent the good citizens of
the The Dalles, and they failed.
Please consider this statement as a formal request to reopen and reconsider the cases referenced in ADJ18-036, and
ADJ18-037. The Citizens of The Dalles are depending on you to do the right thing. Please don't let us down again.

Print Name: <u>Austin Manca</u>	Signature: <u></u>
Print Name: <u>Shay Manca</u>	Signature: <u></u>
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____
Print Name: _____	Signature: _____

Print Name: William T. Marick

Signature: William T. Marick

Print Name: Darlene C. Marick

Signature: Darlene C. Marick

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name: _____

Signature: _____

Print Name: Alexander Maia Signature: Alex Maia

Print Name: Alexandra Maia Signature: Alexandra Maia

Print Name: Signature:

Print Name: Signature:

Print Name: Joan North Signature: Joan North

Print Name: Michael North Signature: MIKE NORTH

Print Name: Signature:

Print Name: Ed Goodman Signature: Ed Goodman

Print Name: ANN GOODMAN Signature: Ann Goodman

Print Name: HARVEY HALL Signature: Harvey Hall

Print Name: Janet Hall Signature: Janet Hall

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: Signature:

Print Name: George Stephens

Print Name: Janis Stephens

Print Name:

Signature: George Stephens

Signature: Janis Stephens

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name: _____

Signature: _____

Print Name: CAROL FISHER

Signature: Carol Fisher

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name:

Signature:

Print Name: _____

Signature: _____



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Decision
regarding:

MIP 349-18 & ADJ 18-036 Blum

On 5-4-18, by mailing a correct copy thereof, certified by me as such,
contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles
Oregon on said day. Between the said Post Office and the address to which said copy was mailed,
there is a regular communication by US Mail.

DATED: 5-4-18

Paula L Webb
Secretary, Planning Department



NOTICE OF PUBLIC HEARING DECISION
MIP 349-18 and ADJ 18-036
Jonathan Blum

DECISION DATE: May 3, 2018

APPLICANT: Jonathan Blum

REQUEST: Requesting a Minor Partition to divide one parcel into two parcels 46.2 ft. by 95.0 ft., an Adjustment to reduce minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction), and a reduction of lot frontage from 50' ft. to 46.2 ft. (a 7.6% reduction):

LOCATION: The property is located at 1605 E 19th Street and is further described as 1N 13E 10 AA t.l. 11000. Property is zoned Low Density Residential – RL.

PROPERTY OWNER: Jonathan Blum

AUTHORITY: City of The Dalles Land Use and Development Ordinance 98-1222

DECISION: Based on the findings of fact and conclusions in the staff report of MIP 349-18 and ADJ 18-036 and after a hearing in front of the Planning Commission, the request by Jonathan Blum, is hereby approved with the following conditions:

1. Final plat submission must meet all the requirements of the City of The Dalles Land Use and Development Ordinance (LUDO) Section 9.030 and the other applicable provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
3. Final plat shall include City Engineer approved unified access point that serves both lots.
4. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer.

5. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.
6. Building permit applications on the subject properties shall be processed as Administrative Actions.

Signed this 3rd day of May, 2018, by



Steven K. Harris, AICP
Director, Planning Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in Ordinance No. 98-1222. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Planning Commission's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the City Council if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Public Hearing Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular public hearing action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms is also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by Section 3.020.080: Appeal Procedures of Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

RESOLUTION NO. P.C. 574-18

Approval of Minor Partition Application 349-18 and Adjustment Application 18-036 of Jonathan Blum to divide one parcel into two parcels, 46.2 ft. by 95.0 ft., and to reduce the minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction) and a reduction of lot frontage from 50 ft. to 46.2 ft. (a 7.6% reduction).

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on May 3, 2018 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B. Staff's report of Minor Partition 349-18 and Adjustment 18-036 and the minutes of the May 3, 2018 Planning Commission meetings, upon approval, provide the basis for this resolution and are incorporated herein by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

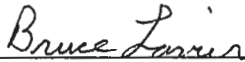
- A. In all respects as set forth in Recitals, Part "I" of this resolution. Minor Partition 349-18 and Adjustment 18-036 is hereby approved with the following conditions of approval:
 - 1. Final plat submission must meet all the requirements of the City of The Dalles Land Use and Development Ordinance (LUDO) Section 9.030 and the other applicable provisions of the LUDO.
 - 2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
 - 3. Final plat shall include City Engineer approved unified access point that serves both lots.
 - 4. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer.
 - 5. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.
 - 6. Building permit applications on the subject properties shall be processed as Administrative Actions.

III. APPEALS, COMPLIANCE, AND PENALTIES:

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 3RD DAY OF MAY, 2018.



Bruce Lavier, Chair
Planning Commission

I, Steven K. Harris, Planning Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 3rd day of May, 2018.

AYES: DuFault, Lavier, Nelson, Poppoff, Ross
NAYS: Stiles
ABSENT: —
ABSTAIN: —

ATTEST: 
Steven K. Harris – AICP
Planning Director, City of The Dalles



PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

PLANNING DEPARTMENT

Minor Partition No. 349-18 & Adjustment No. 18-036

Jonathan Blum

Prepared by: Garrett McAllister, Planner

Procedure Type: Quasi-Judicial

Hearing Date: May 3, 2018

Assessor's Map: Township 1 North, Range 13 East, Map 10 AA

Tax Lot: 11000

Address: 1605 East 19th Street

Comprehensive Plan Designation: "RL" Residential Low Density

Zoning District: "RL" Residential Low Density

Request: Applicant is requesting a minor partition to divide one lot into two. The lot is 8,778 square feet and measures 92.4' x 95'. The partition will create two new lots of 4,389 square feet and measure 46' x 95' each. The two new lots do not meet minimum standards, thus requiring adjustments to those standards. Along with the minor partition, the applicant is requesting two adjustments, which have been grouped together into one adjustment application. The first is a 12.2% reduction in minimum lot size, from 5,000 square feet to 4,389 square feet. The second is a 7.6% reduction to the minimum lot width from 50 feet to 46 feet.

NOTIFICATION

Property owners within 300 feet, City Departments and Franchise Utilities.

COMMENTS RECEIVED

No comments were received as of April 25, 2018.

RECOMMENDATION

Staff recommends approval with conditions, based on the following findings of fact.

LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications

Subsection B. *Completeness.*

FINDING #1: The application was found to be complete on March 16, 2018.
Criterion met.

Section 3.020.050 Quasi-Judicial Actions

Subsection A. *Decision Types.*

- **FINDING #2:** This application is for a minor partition as per Section 9.030 and an adjustment as per Section 3.080. Typically minor partitions are processed administratively, but due to the additional adjustments staff elevated the application to a Quasi-Judicial action. The specific request is to divide one lot into two. The creation of the two new lots require two separate adjustments, a 12.2% reduction in the minimum lot size requirement and a 7.6% reduction of the minimum lot width requirement as outlined in Section 5.010.060 Development Standards. This request follows Section 3.080.020 (D) Quasi-Judicial Adjustment procedure. **Criterion met.**

Subsection B. *Staff Report.*

Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.

FINDING #3: This document serves as the staff report. This report will first summarize findings of fact for the Minor Partition and then for the Adjustments.
Criterion met.

Subsection C. *Public Hearings.* *Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.*

FINDING #4: Application deemed complete March 16, 2018 and public hearing set for Thursday, May 3, 2018 at 6:00PM. **Criterion met.**

Subsection D. *Notice of Hearing.* *To be completed at least 10 days before scheduled quasi-judicial public hearing.*

FINDING #5: Appropriate mailings were sent to property owners within 300 feet and notice to affected departments and agencies were made on April 23, 2018.
Criterion met.

Minor Partition 349-18

Section 9.020.020 Land Division Standards

Subsection A. *Applicability.* *All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of Section 9.050: Planned Developments.*

FINDING #6: This partition will divide one 8,778 sq ft lot into two smaller lots, both 4,389 sq ft. The minimum lot size in the Residential Low Density zone is 5,000 square feet. **Criterion not met without Adjustments.**

Subsection B. Annexation. *Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.*

FINDING #7: This property is entirely within City limits. **Criterion not applicable.**

Subsection C. Blocks. *There are a series of code provisions indicating the size of blocks.*

FINDING #8: The property is located in an area of the City that has consistent length, width, and shape for the blocks in this area. The proposed partition meets the standard block dimensions and supports infill development goals in the Comprehensive Plan. **Criterion met.**

Subsection D. General Lot Requirements:

1. **Size and Shape.** *Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed." The Residential Low Density District requires a lot area of at least 5,000 square feet and lot dimensions of at least 50 feet wide by 65 feet deep for one dwelling lot.*

FINDING #9: The proposed lots do not contain part of an existing or proposed street. The proposed lots in this application fall below both minimum size and minimum width requirements in the Residential Low Density zone. Both proposed lots are 4,389 square feet and measure 46 feet wide and 95 feet deep. Adjustments to the minimum lot standards are necessary to bring the parcels into compliance with LUDO standards. **Criterion can be met with approval of proposed Adjustments.**

2. **Access:** *Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located.*

FINDING #10: Both proposed lots will abut East 19th street on the south side of the lot for the entirety of the lot width. **Criterion met.**

3. **Access Points.** *Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of the final plat.*

FINDING #11: East 19th Street is designated as a local street. Access points are not required to be established on the final plat. **Criterion does not apply.**

4. **Through Lots.** *Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot."*

FINDING #12: The proposed parcels do not create through lots. **Criterion met.**

5. **Lot Side Lines.** *Sidelines of lots, as far as practicable, shall be at right angles to the street the lots face."*

FINDING #13: The proposed parcel sidelines meet East 19th Street at right angles. **Criterion met.**

6. **Lot Grading.** *Lot grading shall conform to the provisions of Section 8.050: Erosion, Slope Failure, and Cuts and Fill."*

FINDING #14: All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer. **Criterion met with conditions.**

7. **Building Lines.** *Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat."*

FINDING #15: Setback lines are not reflected on the submitted partition application. Setbacks requirements will need to be met at time of development. **Criterion not applicable.**

8. **Redevelopment Plans.** *A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:*

a) *Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.*

b) *Demonstrate that the proposal will not inhibit development of adjacent lands.*

FINDING #16: Properties cannot be further divided or developed under current LUDO development standards. The proposal will not inhibit development of adjacent lands. **Criterion not applicable.**

Section 9.030.040 Partition Application Review

Subsection B. Review Criteria:

1. *The tentative plat meets the Wasco County recording requirements.*

FINDING #18: The requirements can be met with the required survey. This will be confirmed by receipt of two copies of the recorded plat from Wasco County. **Criterion met with conditions.**

2. *The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works Standards and policies, and any other applicable policies and standards adopted by the City Council.*

FINDING #19: As demonstrated in findings above, this proposal meets or will meet with conditions, all applicable policies and standards. **Criterion met.**

3. *Approval does not impede future development of property under the same ownership or on adjacent land planned for urban densities, including provision of City services and access from Public Street.*

FINDING #20: This proposal to partition does not impede future development. **Criterion met.**

4. *The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.*

FINDING #21: This proposal to partition does not trigger any requirements for public improvements. At the time of development on the lots, improvements will be required to extend utilities and meet City requirements. In addition, at the time of development fire access requirements will need to be met. **Criterion not applicable.**

Adjustment 18-036

Section 3.080.020 Applicability

D. The Quasi-Judicial Adjustment process may be used to change the following:

(2). Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.

(3). Up to 20% reduction in minimum lot area.

Finding #22: Applicant is requesting a 12.2% reduction to minimum lot size and 7.6% reduction in minimum lot width in the City's RL zone. Both requests are less than the 20% allowed with this review application. **Criterion met.**

Section 3.080.040 Applications

A. Review Criteria.

An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

FINDING #23: The subject property is located in the RL – Residential Low Density zone, which permits residential uses outright. Pursuant to Section 5.010.060 Development Standards, the minimum lot size for single family detached development is 5,000 square feet. The request reduces the minimum lot size for development but does not significantly detract from livability or appearance of the residential area. **Criterion met.**

2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

FINDING #24: Two adjustments are required for the partition of the subject property. The cumulative impact of the partition with the adjustments holds consistent with the overall purpose of the zone, which is residential development. The request is also consistent with Comprehensive Plan goal #10 "Housing", which is to provide for housing needs through encouraging urban infill and density. **Criterion met.**

3. *City designated scenic resources and historic resources are preserved.*

FINDING #25: There are no known scenic or historic resources in this area. **Criterion not applicable.**

4. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

FINDING #26: There are no known impacts due to requested lot size reductions. **Criterion met.**

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*

FINDING #27: There are no known environmentally sensitive areas at this site. **Criterion not applicable.**

6. *Application of the regulation in question would preclude all reasonable economic use of the site.*

FINDING #28: Application of the regulation in question without the adjustment does preclude a minor partition to the lot, but does not preclude development without the partition. **Criterion not met.**

7. *Granting the adjustment is the minimum necessary to allow the use of the site.*

FINDING #29: The adjustment is the minimum necessary to allow a minor partition subject property, but partition not required to allow use of the site. **Criterion not met.**

8. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

FINDING #30: There are no known impacts due to the adjustment. **Criterion not applicable.**

Section 3.080.050 Conditions of Approval:

If granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

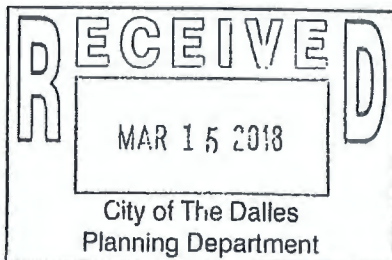
FINDING #31: Staff recommends approval with the following conditions.

Conditions of Approval

1. Final plat submission must meet all the requirements of the City of The Dalles Land Use and Development Ordinance (LUDO) Section 9.030 and the other applicable provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
3. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer.
4. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.

MINOR PARTITION APPLICATION

CITY OF THE DALLES
Planning Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 3-15-18
File# MIP 349-18
Date Deemed Complete _____
Hearing Date _____
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name JONATHAN BLUM
Address 403 E 8th St
The Dalles, OR 97058
Telephone # 541-206-2744

LEGAL OWNER (If Different than Applicant)

Name _____
Address _____
Telephone # _____

Email Address blumjonathan@gmail.com

PROPERTY INFORMATION

Address 1605 E 19th St, The Dalles
Map and Tax Lot 1N 13E 10AA 11000
Size of Development Site .20 AC, 95' x 92.4', 8778 sq. ft.
Zone District/Overlay RL In City Limits: Yes ☒ No ☐
Comprehensive Plan Designation RL Geohazard Zone: NO

PROJECT INFORMATION

Current Use of Property Bare land
Proposed Use of Property New construction, SFR

Signature of Applicant

[Signature] 3/15/2018
Date

Signature of Property Owner* or Owners Agent

Date

* Notarized Owner Consent Letter may substitute for signature of property Owner ☐

ADJUSTMENT APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 3-15-18
File# ADJ 18-036
Date Deemed Complete _____
Hearing Date _____
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

*fee paid 3-16-18 \$250.00
Receipt # 245539*

APPLICANT

Name JONATHAN BLUM

Address 403 E 8th ST
The Dalles, OR 97058

Telephone # 541-206-2744
E-Mail blumjonathan@gmail.com

LEGAL OWNER (If Different than Applicant)

Name Adjustment fee waived -

Address Concurrent w/ MIP

Telephone # _____
E-Mail _____

*If applicant is not the legal owner, attach either [1] owner consent letter,
or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1605 E 19th St, The Dalles

Map and Tax Lot 1N 13E 10AA 11000

Size of Development Site .20 AC, 95' x 92.4', 8778 sq ft.

Zone District/Overlay RL

Comprehensive Plan Designation RL

REQUEST

☐ New Construction ☐ Expansion/Alteration ☐ Change of Use ☐ Amend Approved Plan

Brief Explanation: Requesting minimum lot size adjustment to 4389 sq. ft (12.2%) and reduction of minimum lot width to 46.2ft (7.6%) to create two new lots sized 46.2' x 95' and 4389 sq.-ft. each for construction of two new homes in this RL zone.

JUSTIFICATION OF REQUEST

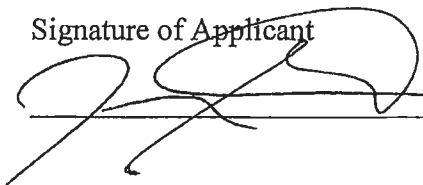
Review Criteria for Adjustments are found in LUDO Section 3.080.040

For approval the applicant must satisfy the criteria in EITHER Section A or Section B. On a separate piece of paper provide sufficient information for the review body to determine each of the issues listed in the section chosen. The information may be written, photographic, or any other method which will provide useful information to the review body. Except for the application, information may be sent by fax or E-mail.

- A.
1. If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.
 2. If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
 3. City designated scenic resources and historic resources are preserved.
 4. Any impacts resulting from the adjustment are mitigated to the extent practical.
 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.
- B.
1. Application of the regulation in question would preclude all reasonable economic use of the site.
 2. Granting the adjustment is the minimum necessary to allow the use of the site.
 3. Any impacts resulting from the adjustment are mitigated to the extent practical.
- C.
- If the applicant meets the approval criteria under either Section A or Section B, the review body may also take into consideration, when applicable, whether the proposal will:
1. Result in a more efficient use of the site.
 2. Provide adequate provisions of light, air, and privacy to adjoining property.
 3. Provide for accessibility, including emergency vehicles, per City standards.
 4. Result in a structure that conforms to the general character of the neighborhood or zone district.
 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.
- (The applicant may also provide comments on any of the issues in part C.)

There are no mandatory plans or other types of information required with this application. It is the applicant's responsibility to provide sufficient information and documentation on each of the issues for the review body to make a decision. Insufficient justification will result in a denial.

Signature of Applicant

 3/16/18
Date

Signature of Property Owner*

Date

* Notarized Owner Consent Letter may substitute for signature of property Owner ☐

KARC

S 00°56'00" E

96.60'

6

0.22 AC.

L=57.90'

75.00'

142.40'

92.40'

15.51'

10' P.U.E.

95.00'

PROPOSED
PARTITION

95.00'

15.15' P.U.E.

S 00°56'00" E

46.20'

46.20'

FD. 1 1/2" IRON
DOWEL.

EAST 19TH STREET



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

MINUTES

CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS
THURSDAY, MAY 3, 2018
6:00 P.M.

CALL TO ORDER

Chair Lavier called the meeting to order at 6:02 p.m.

ROLL CALL

Commissioners Present: Sherry DuFault, Bruce Lavier, John Nelson, Mark Poppoff, Jeff Stiles and Steve Ross

Commissioners Absent:

Staff Present: Director Steve Harris, Senior Planner Dawn Hert, City Attorney Gene Parker and Planner Garrett McAllister

Public in Attendance: Sixteen

APPROVAL OF AGENDA

Commissioner Stiles moved to approve the agenda as written. Commissioner Nelson seconded the motion; the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Nelson moved to approve the minutes of April 19, 2018; Commissioner DuFault seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None.

QUASI-JUDICIAL HEARINGS

Chair Lavier read the rules for a public hearing. He then asked if the Commission had any ex parte contact, conflict of interest or bias that would prevent an impartial decision. Hearing none, Lavier opened the public hearing at 6:08 p.m.

REQUEST: Minor Partition 349-18 and Adjustment 18-036, 1605 E. 19th Street for Jonathan Blum

Requesting a Minor Partition to divide one parcel into two parcels 46.2 ft. by 95.0 ft., an Adjustment to reduce minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction) and a reduction of lot frontage from 50 ft. to 46.2 ft. (a 7.6% reduction).

Director Harris called attention to the amended staff report, Exhibit 1.

Planner McAllister presented the staff report.

Proponents:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum provided a presentation of his proposed plans, Exhibit 2.

McAllister clarified that development of the lot was a separate issue from the land use application to partition the lot.

Opponents:

Ed Goodman, 1837 Minnesota Street, The Dalles

Goodman stated the original intent of the developer was to construct single family dwellings. Goodman provided a Declaration of Covenants, Conditions and Restrictions for 19th Street Project, Inc., dba Oak Grove Subdivision, Exhibit 3. Also presented was the map, Exhibit 4, mailed to property owners with the Notice of Public Hearing (the subdivision Goodman referenced is circled in red), and an advertisement published in the Reminder dated October 15, 1992, Exhibit 5. Goodman stated he is opposed to the application.

Alex Maia, 1601 E. 19th Street, The Dalles

Maia stated smaller homes would reduce property values; he was strongly against the applications.

Mike North, 1613 E. 19th Street, The Dalles

North stated his concern with easements on the property, and urged the Commission to refuse the applications. McAllister clarified that all easements discussed were within the setbacks.

Jary Snodgrass, 1826 Minnesota Street, The Dalles

Snodgrass stated his opposition to the partition. He said smaller homes would have a negative impact.

Carol Fisher, 1830 Minnesota Street, The Dalles

Fisher stated the decks would overlook her property. She did not object to a single home, but opposed partitioning of the lot.

George and Tanis Stephens, 1833 Minnesota Street, The Dalles

McAllister read the email stating the Stephens' strong objection to the applications, Exhibit 6.

Austin and Shay Manca, 1600 E. 19th Street, The Dalles

McAllister read the email stating the Manca's objection to the applications, Exhibit 7.

Tom Peterson, 1626 E. 19th Street, The Dalles

Peterson asked what benefit there was with a reduction in lot size.

Director Harris replied that the Housing Strategies Report provided strategies to fulfill State mandated goals. One strategy adopted by City Council was infill of available properties within the city limits and urban growth boundary.

Alex Maia, 1601 E. 19th Street, The Dalles

Maia asked the Commission to consider the impact on current residents and stated this construction would lower the value of existing homes.

Director Harris stated that the size of a lot does not always have a direct correlation to the value of the home or structure placed on the lot. Harris paraphrased the Comprehensive Plan policies referred to in the staff report:

Goal 10 Policies

1. Plan for more multi-family and affordable home ownership opportunities, including small lot single family residential, townhomes and manufactured housing development consistent with the City's Housing Needs Analysis.
- 3.a. Build on the pattern of concentrating higher residential densities near downtown, along arterial and collector streets, and neighborhood centers where services and activity are nearby.
7. Incentives should be used to encourage development that meets maximum allowable density for all types of residential development.
8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.
16. Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development. New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.

Joan North, 1613 E 19th Street, The Dalles

North stated the minor adjustment did not seem minor, and was definitely in opposition to the application.

Rebuttal:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum addressed the issues stated by the opponents.

Steve Hunt, PO Box 81, The Dalles

Hunt asked if granting the partition would preclude construction of a larger home. Chair Lavier replied it would not.

Chair Lavier closed the public hearing at 7:30 p.m.

Commission discussion included the necessity for increased infill, separation of the decision on the partition from concerns with future development, the need for larger lots suitable for high end development, increased traffic in the area, and minimum lot size for the Low Density Residential District.

The Commission was initially divided on the application until the addition of condition of approval number six: "The planning director will process any land use development review of the building permit application as an Administrative Action."

Chair Lavier called for a brief recess at 7:58 p.m.

Chair Lavier reconvened at 8:05 p.m.

Commissioner Nelson moved to approve Minor Partition 349-18 and Adjustment 18-036 in accordance with findings of fact with an added condition of approval number six, "The planning director will process any land use development review of the building permit application as an Administrative Action." Commissioner DuFault seconded the motion. The motion passed 4-2, Poppoff and Stiles opposed.

Chair Lavier reconvened the public hearing at 8:15 p.m.

REQUEST: Adjustment 18-037, Corner of W. 13th and Perkins Streets for Jonathan Blum

Requesting a reduction of minimum lot size from 9,000 sq. ft. to 7,475 sq. ft., an adjustment of 16.9%.

Planner McAllister presented the staff report. He called attention to Section 3.080.040, Finding #7, of his staff report: "...The request reduces the minimum lot size for development but does not significantly detract from livability or appearance of the residential area."

Proponents:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum provided a presentation of his proposed plans, Exhibit 8.

Opponents:

Wendy Palmer, 1902 W. 13th Street, The Dalles

Palmer stated she had no objection to a single family residence, but was not in favor of a duplex. Palmer was concerned about narrow streets and congestion.

Ruth Beecher, 500 W. 11th Street, The Dalles.

Beecher was in attendance, but left prior to the hearing. Beecher left a message with Lorene Hunt, stating she had purchased a house from Mr. Blum.

Lorene Hunt, PO Box 81, The Dalles

Hunt stated multiple homes were a concern, the proposed plans would change the character of the neighborhood, and she was concerned about the safety of children using the school bus. Hunt said it was difficult to obtain information from the City, and encouraged staff to include the purpose of the application on the Notice of Public Hearing.

Steve Hunt, PO Box 81, The Dalles

Hunt stated the neighborhood character would be changed by approval of this application. He urged the Commission to refuse the application.

Rebuttal:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum addressed the issues stated by the opponents.

Commission discussion included parking, width of streets and improvements in the public right of way.

Chair Lavier closed the public hearing at 8:56 p.m.

Commissioner DuFault moved to approve Adjustment 18-037 based on findings of fact and conditions of approval. Commissioner Poppoff seconded the motion. The motion passed 5-1, Stiles opposed.

RESOLUTION 574-18

Commissioner Nelson moved to approve Resolution 574-18 approving a Minor Partition and Adjustment for Jonathan Blum according to the finding of facts and the conditions of approval, with the addition of Condition of Approval #6. Commissioner Ross seconded the motion. The motion passed 5-1, Stiles opposed.

RESOLUTION 575-18

Commissioner DuFault moved to approve Resolution 575-18 as written. Commissioner Ross seconded the motion; the motion passed 5-1, Stiles opposed.

STAFF COMMENTS

Director Harris stated Planner McAllister's last day would be Friday, May 4, 2018. McAllister said he appreciated the opportunity to work for the City.

The next regularly scheduled meeting is May 17, 2018. Three items are scheduled for the agenda.

COMMISSIONER COMMENTS OR QUESTIONS

Commissioner Stiles shared research he completed on Accessory Dwelling Units, Exhibit 9.

ADJOURNMENT

Chair Lavier adjourned the meeting at 9:12 p.m.

Respectfully Submitted
Paula Webb, Planning Secretary

Bruce Lavier, Chair



PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

PLANNING DEPARTMENT

Minor Partition No. 349-18 & Adjustment No. 18-036

Jonathan Blum

Prepared by: Garrett McAllister, Planner

Procedure Type: Quasi-Judicial

Hearing Date: May 3, 2018

Assessor's Map: Township 1 North, Range 13 East, Map 10 AA

Tax Lot: 11000

Address: 1605 East 19th Street

Comprehensive Plan Designation: "RL" Residential Low Density

Zoning District: "RL" Residential Low Density

Request: Applicant is requesting a minor partition to divide one lot into two. The lot is 8,778 square feet and measures 92.4' x 95'. The partition will create two new lots of 4,389 square feet and measure 46' x 95' each. The two new lots do not meet minimum standards, thus requiring adjustments to those standards. Along with the minor partition, the applicant is requesting two adjustments, which have been grouped together into one adjustment application. The first is a 12.2% reduction in minimum lot size, from 5,000 square feet to 4,389 square feet. The second is a 7.6% reduction to the minimum lot width from 50 feet to 46 feet.

NOTIFICATION

Property owners within 300 feet, City Departments and Franchise Utilities.

COMMENTS RECEIVED

No comments were received as of April 25, 2018.

RECOMMENDATION

Staff recommends approval with conditions, based on the following findings of fact.

Minor Partition 349-18 & Adjustment 18-036
Jonathan Blum
Page 1 of 6

LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications

Subsection B. Completeness.

FINDING #1: The application was found to be complete on March 16, 2018. **Criterion met.**

Section 3.020.050 Quasi-Judicial Actions

Subsection A. Decision Types.

- **FINDING #2:** This application is for a minor partition as per Section 9.030 and an adjustment as per Section 3.080. Typically minor partitions are processed administratively, but due to the additional adjustments staff elevated the application to a Quasi-Judicial action. The specific request is to divide one lot into two. The creation of the two new lots require two separate adjustments, a 12.2% reduction in the minimum lot size requirement and a 7.6% reduction of the minimum lot width requirement as outlined in Section 5.010.060 Development Standards. This request follows Section 3.080.020 (D) Quasi-Judicial Adjustment procedure. **Criterion met.**

Subsection B. Staff Report.

Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.

FINDING #3: This document serves as the staff report. This report will first summarize findings of fact for the Minor Partition and then for the Adjustments. **Criterion met.**

Subsection C. Public Hearings. *Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.*

FINDING #4: Application deemed complete March 16, 2018 and public hearing set for Thursday, May 3, 2018 at 6:00PM. **Criterion met.**

Subsection D. Notice of Hearing. *To be completed at least 10 days before scheduled quasi-judicial public hearing.*

FINDING #5: Appropriate mailings were sent to property owners within 300 feet and notice to affected departments and agencies were made on April 23, 2018. **Criterion met.**

Minor Partition 349-18

Section 9.020.020 Land Division Standards

Subsection A. Applicability. *All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of Section 9.050: Planned Developments.*

FINDING #6: This partition will divide one 8,778 sq ft lot into two smaller lots, both 4,389 sq ft. The minimum lot size in the Residential Low Density zone is 5,000 square feet. **Criterion not met without Adjustments.**

Subsection B. Annexation. *Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.*

FINDING #7: This property is entirely within City limits. **Criterion not applicable.**

Subsection C. Blocks. *There are a series of code provisions indicating the size of blocks.*

FINDING #8: The property is located in an area of the City that has consistent length, width, and shape for the blocks in this area. The proposed partition meets the standard block dimensions and supports infill development goals in the Comprehensive Plan. **Criterion met.**

Subsection D. General Lot Requirements:

1. **Size and Shape.** *Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed." The Residential Low Density District requires a lot area of at least 5,000 square feet and lot dimensions of at least 50 feet wide by 65 feet deep for one dwelling lot.*

FINDING #9: The proposed lots do not contain part of an existing or proposed street. The proposed lots in this application fall below both minimum size and minimum width requirements in the Residential Low Density zone. Both proposed lots are 4,389 square feet and measure 46 feet wide and 95 feet deep. Adjustments to the minimum lot standards are necessary to bring the parcels into compliance with LUDO standards. **Criterion can be met with approval of proposed Adjustments.**

2. **Access:** *Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located.*

FINDING #10: Both proposed lots will abut East 19th street on the south side of the lot for the entirety of the lot width. **Criterion met.**

3. **Access Points.** *Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of the final plat.*

FINDING #11: East 19th Street is designated as an arterial street. Access points are required to be established on the final plat. Because the partition will create two lots that are both under the 50 foot minimum, a unified access point that serves both lots shall be required, pursuant to Section 6.060 Driveway and Entrance Standards. Final design shall be approved by the City Engineer. **Criterion met with conditions.**

4. **Through Lots.** *Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot."*

FINDING #12: The proposed parcels do not create through lots. **Criterion met.**

5. **Lot Side Lines.** *Sidelines of lots, as far as practicable, shall be at right angles to the street the lots face."*
FINDING #13: The proposed parcel sidelines meet East 19th Street at right angles.
Criterion met.

6. **Lot Grading.** *Lot grading shall conform to the provisions of Section 8.050: Erosion, Slope Failure, and Cuts and Fill."*
FINDING #14: All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer. **Criterion met with conditions.**

7. **Building Lines.** *Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat."*
FINDING #15: Setback lines are not reflected on the submitted partition application. Setbacks requirements will need to be met at time of development. **Criterion not applicable.**

8. **Redevelopment Plans.** *A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:*
 - a) *Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.*
 - b) *Demonstrate that the proposal will not inhibit development of adjacent lands.***FINDING #16:** Properties cannot be further divided or developed under current LUDO development standards. The proposal will not inhibit development of adjacent lands. **Criterion not applicable.**

Section 9.030.040 Partition Application Review

Subsection B. Review Criteria:

1. *The tentative plat meets the Wasco County recording requirements.*
FINDING #18: The requirements can be met with the required survey. This will be confirmed by receipt of two copies of the recorded plat from Wasco County.
Criterion met with conditions.

2. *The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works Standards and policies, and any other applicable policies and standards adopted by the City Council.*
FINDING #19: As demonstrated in findings above, this proposal meets or will meet with conditions, all applicable policies and standards. **Criterion met.**

3. *Approval does not impede future development of property under the same ownership or on adjacent land planned for urban densities, including provision of City services and access from Public Street.*
FINDING #20: This proposal to partition does not impede future development.
Criterion met.

4. *The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.*

FINDING #21: This proposal to partition does not trigger any requirements for public improvements. At the time of development on the lots, improvements will be required to extend utilities and meet City requirements. In addition, at the time of development fire access requirements will need to be met. **Criterion not applicable.**

Adjustment 18-036

Section 3.080.020 Applicability

D. The Quasi-Judicial Adjustment process may be used to change the following:

(2). Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.

(3). Up to 20% reduction in minimum lot area.

Finding #22: Applicant is requesting a 12.2% reduction to minimum lot size and 7.6% reduction in minimum lot width in the City's RL zone. Both requests are less than the 20% allowed with this review application. **Criterion met.**

Section 3.080.040 Applications

A. Review Criteria.

An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

FINDING #23: The subject property is located in the RL – Residential Low Density zone, which permits residential uses outright. Pursuant to Section 5.010.060 Development Standards, the minimum lot size for single family detached development is 5,000 square feet. The request reduces the minimum lot size for development but does not significantly detract from livability or appearance of the residential area. **Criterion met.**

2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

FINDING #24: Two adjustments are required for the partition of the subject property. The cumulative impact of the partition with the adjustments holds consistent with the overall purpose of the zone, which is residential development. The request is also consistent with Comprehensive Plan goal #10 "Housing", which is to provide for housing needs through encouraging urban infill and density. **Criterion met.**

3. *City designated scenic resources and historic resources are preserved.*

FINDING #25: There are no known scenic or historic resources in this area. **Criterion not applicable.**

4. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

FINDING #26: There are no known impacts due to requested lot size reductions. **Criterion met.**

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*

FINDING #27: There are no known environmentally sensitive areas at this site. **Criterion not applicable.**

6. *Application of the regulation in question would preclude all reasonable economic use of the site.*

FINDING #28: Application of the regulation in question without the adjustment does preclude a minor partition to the lot, but does not preclude development without the partition. **Criterion not met.**

7. *Granting the adjustment is the minimum necessary to allow the use of the site.*

FINDING #29: The adjustment is the minimum necessary to allow a minor partition subject property, but partition not required to allow use of the site. **Criterion not met.**

8. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

FINDING #30: There are no known impacts due to the adjustment. **Criterion not applicable.**

Section 3.080.050 Conditions of Approval:

If granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

FINDING #31: Staff recommends approval with the following conditions.

Conditions of Approval

1. Final plat submission must meet all the requirements of the City of The Dalles Land Use and Development Ordinance (LUDO) Section 9.030 and the other applicable provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
3. Final plat shall include City Engineer approved unified access point that serves both lots.
4. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer.
5. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.

PROPOSED AMENDMENTS: LOT SIZE AND DENSITY STANDARDS

CHAPTER 5: ZONE DISTRICT REGULATIONS

Section 5.010: RL - Low Density Residential District

5.010.060 Development Standards

RL Low Density Residential	Standard
Lot Size	
Single Family Detached	5,000 sq. ft. minimum
Corner Duplex	42,500 sq. ft. per dwelling unit
Small Lot Single Family	4,000 sq. ft. minimum with density transfer
Attached Row House	3,200 sq. ft. minimum with density transfer
Lot Width	50 ft. minimum
Lot Width - Corner Duplex	325 ft. minimum per dwelling, each unit shall front on a separate street
Lot Depth	65 ft. minimum average

This allowance for lower minimum lot sizes and lot width for a corner duplex both allows development on a wider range of lots and can ensure that the scale of duplexes is compatible with single-family development. Requiring duplexes to be sited on lots twice as large as single-family homes encourages development of duplexes that are twice the floor area of a single-family home. To ensure compatibility, no changes to setbacks, lot coverage, or height are recommended.

Section 5.020: RH - High Density Residential District

5.020.060 Development Standards

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	54,000 sq. ft.	86,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 285 ft. for small lot	540 ft.	7560 ft.	75 ft.

Proposed Lot Partition

1605 E 19th Street
Robert Bart & Jonathan Blum
The Dalles Planning Commission
May 3rd, 2018

Who we are?

- Live in The Dalles and Hood River
- Small business owners in The Gorge
- Focused on real property development in The Dalles
- Emphasis on single family homes and properties that add value and character to neighborhoods
- Friends who wish to build equity in our local community

Minor Partition Proposal

- The current lot size is 8,778 square feet
- The dimensions of lot are 95' x 92'4"
- Requesting to partition into two equal sized lots:
 - Adjust minimum lot size from 5,000 square feet to 4,389 square feet, a 12% adjustment
 - Adjust minimum lot width from 50' to 46'2", an 8% reduction
 - All other setbacks, easements, height restrictions and parking requirements will be met on each lot
- This proposal prepares each lot for a single family home to be constructed in the next 24 months

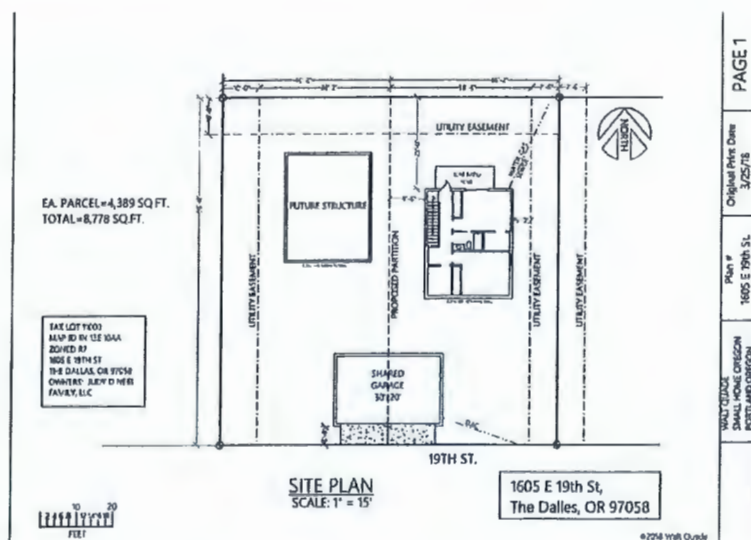
Map overview



Lot proposal



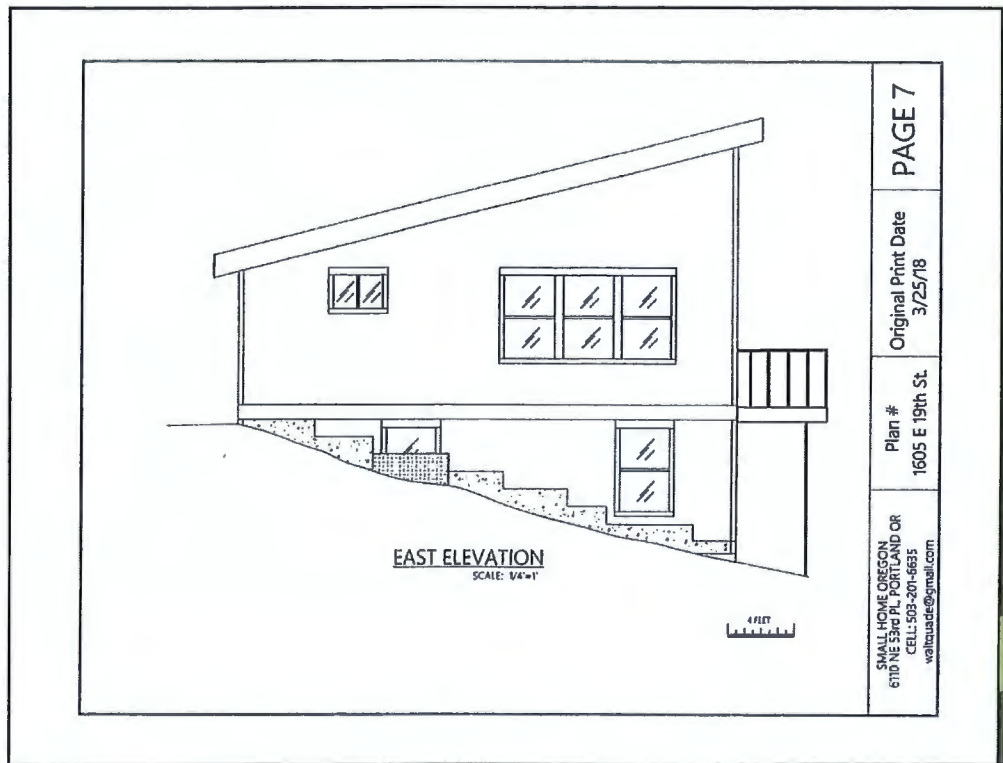
Site Plan



Livability & Appearance

- Reduction of minimum lot width will not affect livability or appearance of neighborhood as homes will share one garage and be set back from the street, at lower elevations than the neighboring houses.
- The new construction will enhance neighborhood appearance with new, clean homes and landscaped grounds
- Garage will allow off-street parking and minimize interruption of arterial flow of E 19th Street
- Mature trees will be maintained on lot as possible with construction





Benefits

- Project supports development goals of the Comprehensive Plan for The City of The Dalles
- Utilization of this space for residential homes instead of as a vacant lot will create additional housing near the schools, the college, and the hospital
- Constructing two new homes adds commerce and jobs to our local economy and boosts tax base
- Building smaller, daylight basement homes in this neighborhood minimizes the visual impact of the project, while meeting increasing density goals of the community

Considerations

- Large vacant lot in this neighborhood will likely be developed with a single larger home with larger visual impact
- The Dalles is in need of additional housing and maximizing the usefulness of this lot as allowed by LUDO fits into residential mix desired by the city
- This parcel has been for sale for many years, and continues to be undeveloped as a result of its slope and existing landscape
- Our plans make accommodation for this unique parcel in a way that is attractive and minimalistic

Thank you.

Questions?

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR

19TH STREET PROJECT, INC., dba OAK GROVE SUBDIVISION,
a corporation, hereinafter referred to as "Declarant"

WASCO COUNTY, OREGON
CITY OF THE DALLES

WITNESSETH:

WHEREAS, Declarant has heretofore acquired the fee interest in certain land situated in the County of Wasco, State of Oregon, and more particularly described as per Exhibit "A" annexed hereto and made a part hereof; and

WHEREAS, Declarant has developed a new subdivision, known as Oak Grove Subdivision, on file with the Wasco County Clerk's office on the land included in the Exhibit "A" attached hereto, affording a well planned residential subdivision; and

WHEREAS, Declarant desires to subject that portion of the property described in Exhibit "A" to the covenants, conditions and restrictions as hereinafter set forth and to impose said covenants, conditions and restrictions on the property, including easements of record thereon and the privileges relating to the use of the properties subject to these conditions as hereinafter set forth; and

WHEREAS, Declarant deems it desirable for the efficient preservation of the value, desirability and attractiveness of said property, pursuant to the provisions of this Declaration, to impose these following covenants, conditions and restrictions on the property of the subdivision; and

WHEREAS, Declarant will cause said land described in Exhibit "A" to be conveyed subject to certain protective covenants, conditions and restrictions as hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares that all of the properties described in Exhibit "A" shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property. These easements, covenants, conditions and restrictions shall run with said property and shall be binding on all parties having or acquiring any right, title or interest in the described properties or any part thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

The following words, phrases or terms when used herein, shall have the following meanings:

Section 1. "Declaration" shall mean and refer to this declaration of covenants, conditions and restrictions (CCRs).

Section 2. "Corporation" shall mean 19th Street Project, Inc., an Oregon corporation.

Section 3. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the property, but excluding those persons having such interest merely as security for the performance of an obligation.

Section 4. "Architectural Committee" shall mean and refer to the committee hereinafter defined.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Page - 2 - DECLARATION

ARTICLE II

ARCHITECTURAL COMMITTEE

The architectural committee shall have the board of directors' authority to review and approve architectural concepts, to insure the quality and performance as required by the covenants, conditions and restrictions.

The architectural committee shall consist of not less than three nor more than five owners selected by the board of directors of the 19th Street Project, Inc. corporation.

ARTICLE III

COVENANTS, CONDITIONS AND RESTRICTIONS

Section 1. The board of directors has approved the following covenants, conditions and restrictions, and by this document is empowered to enforce compliance therewith as follows, to-wit:

- (A) Each lot of the subdivision shall comply with the City of The Dalles zoning and building code restrictions and requirements.
- (B) No improvement consisting of a single family residence shall be constructed on any one lot with less than 1,000 square feet floor space (inside measurement).
- (C) No residence shall have a roof line from the upside foundation in excess of 32 feet in altitude.
- (D) Each lot shall have a landscaping plan submitted to the architectural committee, subject to the approval of the committee, which approval will not unreasonably be withheld and must be, in general, consistent with the spirit of the subdivision. Said landscaping shall not unreasonably restrict the view of any structure of any improvement of any other lot.

(E) Manufactured housing or modular housing, in particular, shall require the prior approval of the architectural committee as to design and plan. Such approval will not unreasonably be withheld.

Section 2. No facilities, including poles and wires, for the transmission of electricity, telephone messages and the like, shall be placed or maintained above the surface of the ground on any lot, and no external or outside antennas of any kind shall be maintained without prior written approval of the architectural committee.

Section 3. No temporary building, trailer, garage or other building shall be used temporarily or permanently as a residence on any lot.

ARTICLE IV

ENFORCEMENT

Section 1. Enforcement of the covenants, conditions and restrictions will be subject to the ordinances of the City of The Dalles and the statutes of the State of Oregon.

Section 2. The corporation shall pursue enforcement through the period of time required for single family dwellings to be constructed on each of the lots numbered 1 through 12.

Section 3. Declarant, for each lot owned within the property, hereby covenants, and each owner of any such lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed or not it is deemed to covenant and agree to pay special assessments reasonably necessary for the enforcement of the covenants, conditions and restrictions. Such special assessments shall be established and collected from time to time as hereinafter provided.

Section 4. The assessment levied shall be pursuant to majority vote of the corporate board and shall be used exclusively for the purpose of

promoting the welfare of the owners and residents, and in particular, the enforcement of the covenants, conditions and restrictions.

Said assessments shall be limited to a maximum of not to exceed \$500.00 per lot in total.

Section 5. Such assessments shall be separate, distinct and the personal debts and obligations of the owner or owners of the lots against which the same is assessed. Any assessment provided for in this Declaration, which is not paid when due, shall be delinquent. If any assessment is not paid within 30 days after the delinquency date and a prior written notice is given of said delinquency, the assessment shall bear interest from the date of the notice of delinquency at the rate of 8% per annum.

Any such delinquency in assessment payments shall constitute a lien against the property that is inferior to purchase money mortgages, trust deeds and prior obligations against said properties.

Unless sooner satisfied in release, or the enforcement thereof initiated as herein provided, such lien shall expire and be of no further force or effect one year after the date of recordation of said notice of claim.

ARTICLE V.

DURATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Section 1. Duration. All the covenants set forth or provided for in this Declaration shall be deemed covenants running with the property and/or charges and liens upon the property and any and every conveyance of any part of the property shall be absolutely subject to said covenants, whether or not it shall be so expressed in the deed or other conveyance thereof.

/ / /

/ / /

/ / /

IN WITNESS WHEREOF, the undersigned being the Declarant herein has
hereunto set his hand and seal this _____ day of November, 1992.

19th Street Project, Inc.,
an Oregon corporation

By _____

By _____

By _____

By _____

By _____

By _____

STATE OF OREGON)

) ss

County of Wasco)

November ____, 1992

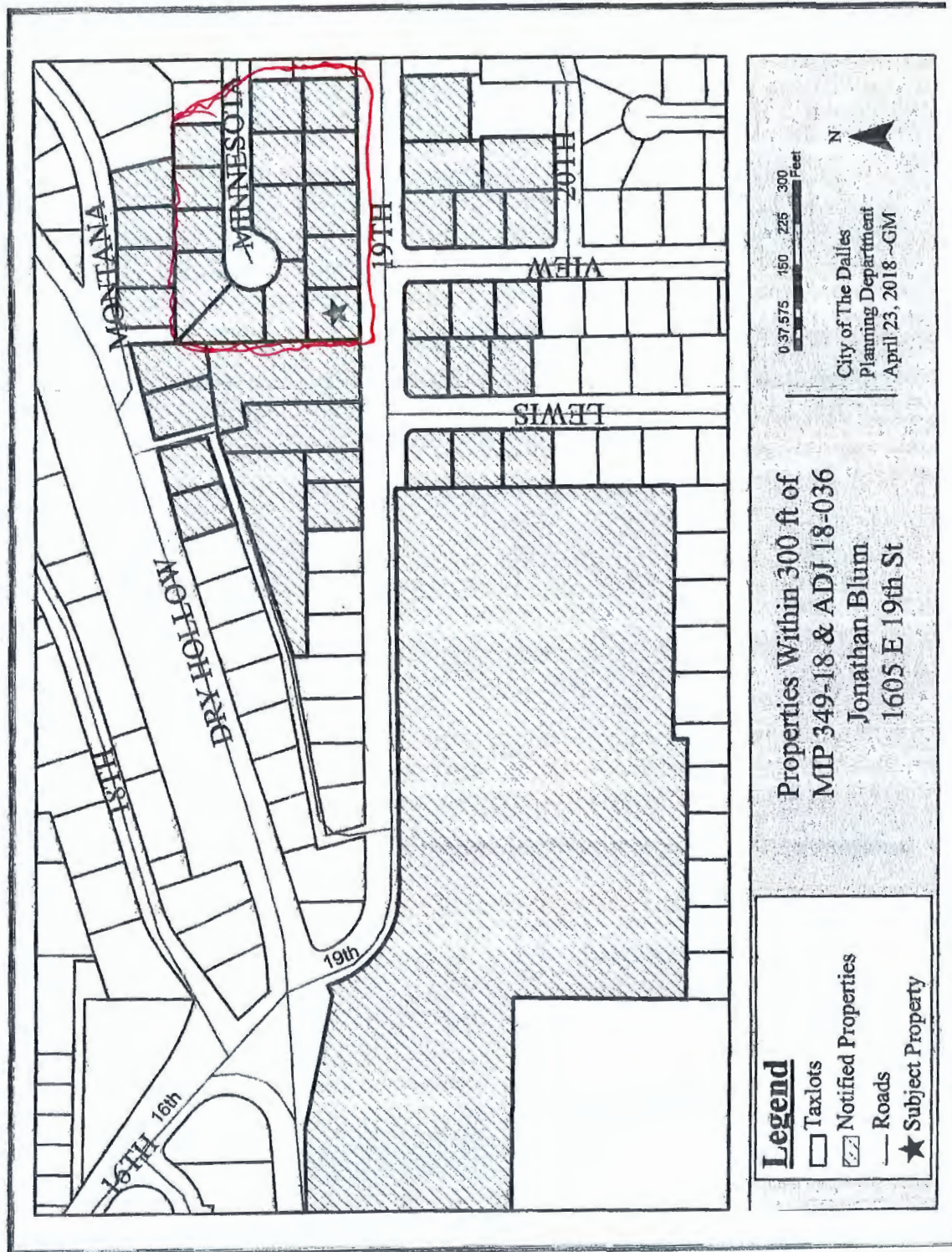
Personally appeared the above named Dale Taylor, Peter Peruzzo, Terry Nelson, Maxine Kelly, Gary Bradford and M. D. Van Valkenburgh, and acknowledged the foregoing to be their voluntary act and deed.

BEFORE ME:

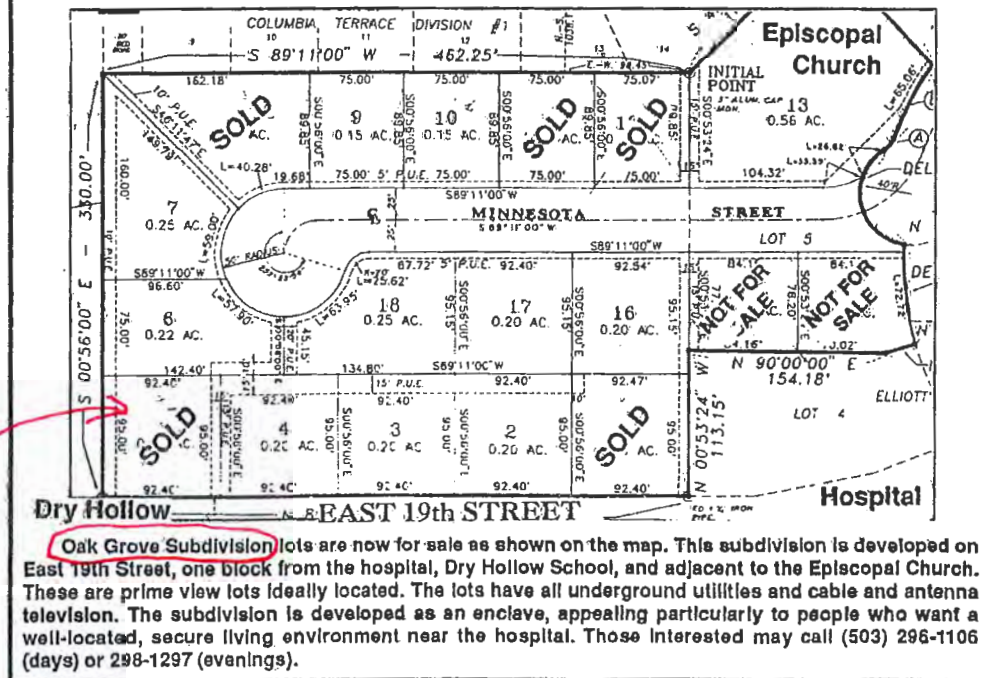
Notary Public for Oregon

My Commission Expires: _____

Page - 5 - DECLARATION



LOTS NOW SELLING!



REMINDER 10-15-92

Copy of newspaper Ad
 "The Dalles Reminder"
 newspaper now out of Business

Garrett McAllister

From: G & T Stephens <montanagt@yahoo.com>
Sent: Thursday, May 03, 2018 1:25 PM
To: Garrett McAllister
Subject: Minor Partition 1605 E. 19th

We strongly object to the partition at 1605 E. 19th Street especially if there are town house, which would look right down into our front window giving us no privacy.

Sincerely

George & Tanis Stephens
1833 Minnesota Street
The Dalles, Or 97058

Garrett McAllister

From: Austin Manca <austinmanca@yahoo.com>
Sent: Thursday, May 03, 2018 5:08 PM
To: Garrett McAllister
Subject: request to partition property

Austin Manca
1600 E 19th Street The Dalles, Or

My wife and I do not think that dividing a property into a smaller lot and increasing the number of residents in our neighborhood will add value to the community. We disagree with this proposal and think the lots should remain as is.

Thank You,

Austin and Shay Manca

Proposed Lot Adjustment

13th and Perkins St
Jonathan Blum
The Dalles Planning Commission
May 3, 2018

Proposal

- The current lot size is 7,905 square feet
- The dimensions of lot are 65'4" x 115'
- Requesting to adjust minimum lot size to accommodate construction of a duplex:
 - Adjust minimum lot size from 9,000 square feet to 7,905, a reduction of 12%
- This proposal prepares the lot for a duplex to be constructed in the next 12 months



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

CERTIFICATE OF MAILING

I hereby certify that I served the attached notice of Public Hearing
regarding:

ADJ 18-036 & MIP 349-18 Blum

On 4-23-18, by mailing a correct copy thereof, certified by me as such,
contained in a sealed envelope, with postage paid and deposited on the post office at The Dalles
Oregon on said day. Between the said Post Office and the address to which said copy was mailed,
there is a regular communication by US Mail.

DATED: 4-23-18

Paula Webb
Secretary, Planning Department



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

April 23, 2018

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of The Dalles Planning Commission will conduct a quasi-judicial public hearing on **Thursday, May 3, 2018 at 6:00 pm**, in the City Hall Council Chambers, 313 Court Street, The Dalles, Oregon 97058. The meeting will be conducted in a room in compliance with ADA Standards. Anyone requiring accommodations may call the office of the City Clerk, (541) 296-5481 ext. 1119, Monday through Friday, from 8:00 a.m. to 5:00 p.m. to make arrangements.

This notice is being sent to affected agencies, parties of record, and property owners within 300 feet of the subject property. The request is outlined below, and the procedures for the public hearing are also shown. **The application and all related documents, as well as the applicable criteria are available for viewing at the Planning Department in City Hall.**

APPLICANT: Jonathan Blum

APPLICATION NUMBER: MIP 349-18 and ADJ 18-036

REQUEST: Requesting a Minor Partition to divide one parcel into two parcels 46.2 ft. by 95.0 ft., an Adjustment to reduce minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction), and a reduction of lot frontage from 50 ft. to 46.2 ft. (a 7.6% reduction).

PROPERTY OWNER: Jonathan Blum

LOCATION: The property is located at 1605 E 19th Street and is further described as 1N 13E 10 AA t.l. 11000. Property is zoned Low Density Residential – RL.

REVIEW CRITERIA: City of The Dalles Land Use and Development Ordinance No. 98-1222, Section 9.030 – Partitions, Minor Replats, Lot Line Adjustments; Section 3.080 – Adjustments; Section 5.010 – “RL” – Low Density Residential District.

COMMENT PROCEDURE:

1. Signed written comments may be submitted prior to the hearing by mail or personal delivery. Faxes will be accepted only if sent to 541-298-5490. Emails will only be accepted if sent to gmcallister@ci.the-dalles.or.us. All comments must include the name and address of the person making the comments. Comments for a quasi-judicial hearing which are longer than one side of one page shall be accepted only by mail or in person and only if 12 copies are

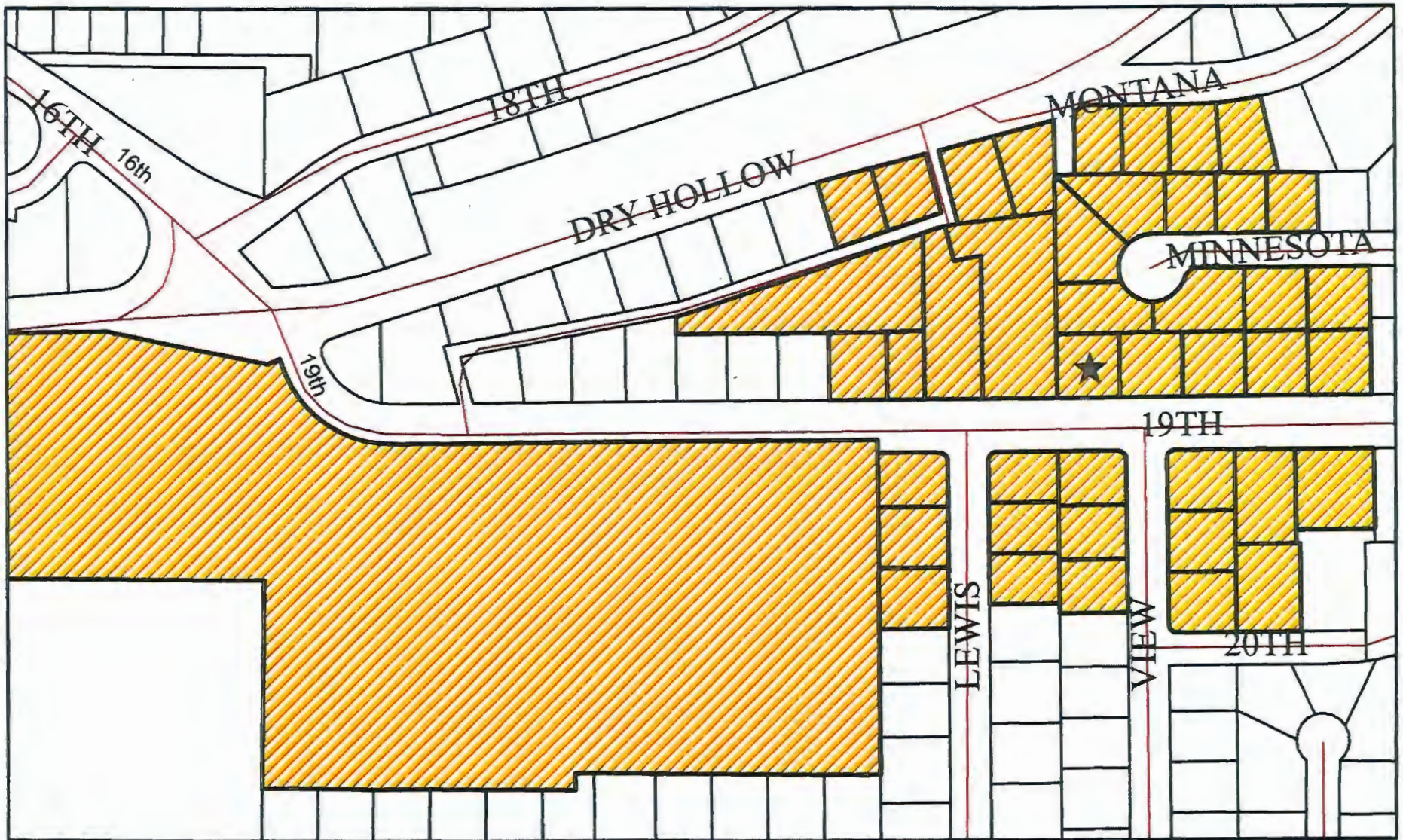
presented. Comments must be at least equal in size to ten point type. Comments must be received by 5:00 p.m. on the hearing date, or may be presented in person at the hearing. Additional information relating to comments and the quasi-judicial hearing process can be found in LUDO Section 3.020.070. The full LUDO is on line at www.ci.the-dalles.or.us.

2. Failure to raise an issue during the public hearing process, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue will preclude an appeal to the City Council and the Land Use Board of Appeals based upon that issue.
3. Copies of all review criteria and evidence relied upon by the decision maker or evidence provided by the applicant are available for free review or may be purchased at the Community Development Department, 313 Court Street, The Dalles, Oregon 97058. **A Staff Report will be available for inspection seven days prior to the hearing.**





DECISION PROCESS:

1. An application is received, decision date set, and notice mailed to property owners within 300' of the subject property.
2. All affected City departments and other agencies are asked to comment.
3. All timely comments and the application are weighed against the approval criteria in a Staff Report.
4. The provisions of the Land Use and Development Ordinance No. 98-1222 and the City of The Dalles Comprehensive Plan must be met.
5. A decision is reached by the Planning Commission based on the Findings of Fact in the Staff Report and other evidence submitted.
6. Parties of Record (notified property owners, affected public agencies, and other parties who make timely comment) will receive a Notice of Decision.
7. Aggrieved parties may appeal a Quasi-Judicial decision to the City Council within 10 days of the date a Notice of Decision is mailed, subject to the requirements for appeal procedures.

If you have any questions, please call the Planning Department, Garrett McAllister, Planner, at (541) 296-5481, ext. 1132 or contact via e-mail gmcallister@ci.the-dalles.or.us.



Legend

-  Taxlots
-  Notified Properties
-  Roads
-  Subject Property

Properties Within 300 ft of
MIP 349-18 & ADJ 18-036
Jonathan Blum
1605 E 19th St

0 37.575 150 225 300
Feet

City of The Dalles
Planning Department
April 23, 2018 ~GM





AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #12-A

MEETING DATE: July 9, 2018

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

ISSUE: Resolution No. 18-021 Denying Appeal #32-18 and Affirming the Planning Commission's Decision Approving Adjustment #18-037 of Jonathan Blum to Reduce the Minimum Lot Size for a Parcel Located at West 13th and Perkins Streets from 9,000 Square Feet to 7,745 Square Feet.

BACKGROUND: On June 25, 2018, the City Council conducted a public hearing for Appeal #32-18 filed by Steve Hunt, concerning the Planning Commission's decision to approve Adjustment #18-037 of Jonathan Blum to reduce the minimum lot size for a parcel located at West 13th and Perkins Streets from 9,000 square feet to 7,745 square feet. Following the public hearing, the Council voted to deny the appeal and affirm the Planning Commission's decision. Council directed staff to prepare a resolution setting forth its decision and the applicable findings of fact and conclusions of law. Resolution No. 18-021 is included with this staff report for the Council's review and approval.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt Resolution No. 18-021 Denying Appeal #32-18 and Affirming the Planning Commission's Decision Approving Adjustment #18-037 of Jonathan Blum to Reduce the Minimum Lot Size for a Parcel Located at West 13th and Perkins Streets from 9,000 Square Feet to 7,745 Square Feet.*
2. If the Council desires to revise any of the proposed findings of fact and conclusions of law set forth in Exhibit "A" to Resolution No. 18-021, identify those changes, and move to adopt Resolution No. 18-021 with Exhibit "A" as amended by the Council.

RESOLUTION NO. 18-021

**A RESOLUTION OF THE CITY COUNCIL DENYING APPEAL #32-18 AND
AFFIRMING THE PLANNING COMMISSION'S DECISION APPROVING
ADJUSTMENT #18-037 OF JONATHAN BLUM TO REDUCE THE MINIMUM LOT
SIZE FOR A PARCEL LOCATED AT WEST 13TH AND PERKINS STREETS FROM
9,000 SQUARE FEET TO 7,745 SQUARE FEET**

WHEREAS, Jonathan Blum submitted an application on March 16, 2018 for an adjustment to reduce the minimum lot size for a parcel located at West 13th and Perkins Streets, from 9,000 to 7,745 square feet, which application was assigned the file number Adjustment #18-037 by the Planning Department; and

WHEREAS, on May 3, 2018, the Planning Commission conducted a public hearing for Adjustment #18-037, and following the public hearing, the Planning Commission voted to approve the requested adjustment, based upon findings of fact and conclusions of law, which decision was set forth in Resolution PC 575-18; and

WHEREAS, on May 14, 2018, Steve Hunt filed a Notice of Appeal of the Planning Commission's decision, which was assigned Appeal #32-18 by the Planning Department; and

WHEREAS, on June 25, 2018, the City Council conducted a public hearing for Appeal #32-18, and following the public hearing, the City Council voted four (4) to zero (0) to deny the appeal and affirm the decision of the Planning Commission set forth in Resolution PC 575-18, based upon findings of fact and conclusions of law; and

WHEREAS, the City Council has reviewed the proposed findings of fact and conclusions of law set forth in Exhibit "A", and desires to adopt a resolution approving the proposed findings of fact and conclusions of law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. The City Council hereby approves and adopts the findings of fact and conclusions of law set forth in Exhibit "A", attached hereto and incorporated herein by this reference. The appeal designated Appeal #32-18 filed by Steve Hunt is denied.

Section 2. This resolution shall be considered effective as of July 9, 2018.

PASSED AND ADOPTED THIS 9TH DAY OF JULY, 2018.

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 9TH DAY OF JULY, 2018.

Attest:

Stephen E. Lawrence, Mayor

Izetta Grossman, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #12-B

MEETING DATE: July 9, 2018

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

ISSUE General Ordinance No. 18-1369 Repealing Chapter 7.08 of The Dalles Municipal Code Concerning Impoundment of Vehicles

BACKGROUND: Chapter 7.08 of The Dalles Municipal Code contains provisions concerning the impoundment of motor vehicles, allowing for impoundment when the operator of the motor vehicle has been cited or arrested for operating the vehicle without driving privileges or in violation of license restrictions, having a suspended or revoked driver's license, driving while uninsured, or driving while under the influence of intoxicants. Recent opinions issued by the United States 9th Circuit Court of Appeals have ruled that local governments cannot impound vehicles where the operator of the vehicle has been cited or arrested for the offenses listed above, and that the power to impound vehicles can only be exercised when the local government is exercising a "community caretaking function".

The City Police Department has modified its policies to be consistent with the legal rulings issued by the United States 9th Circuit Court of Appeals by providing for impoundment of vehicles only in connection with the performance of a community caretaking function. City staff is recommending that The Dalles Municipal Code be revised to be consistent with the rulings of the federal court and the policy provisions adopted by the City Police Department, by repealing Chapter 7.08. General Ordinance No. 18-1369 which would repeal the provisions of Chapter 7.08.

Notice of adoption of General Ordinance No. 18-1369 has been posted in accordance with the provisions of the City Charter and the Ordinance can be adopted by title only.

BUDGET IMPLICATIONS: None.

COUNCIL ALTERNATIVES:

1. Staff recommendation: *Move to adopt General Ordinance No. 18-1369 Repealing Chapter 7.08 of The Dalles Municipal Code Concerning Impoundment of Vehicle by title only.*
2. Make modifications to the proposed ordinance, then move to adopt General Ordinance No. 18-1369 to include the recommended modifications.
3. Decline to adopt General Ordinance No. 18-1369.

GENERAL ORDINANCE NO. 18-1369

**AN ORDINANCE REPEALING CHAPTER 7.08 OF
THE DALLES MUNICIPAL CODE CONCERNING
IMPOUNDMENT OF VEHICLES**

WHEREAS, Chapter 7.08 of The Dalles Municipal Code contains provisions concerning the impoundment of motor vehicles, allowing for impoundment when the operator of the motor vehicle has been cited or arrested of operating the vehicle without driving privileges or in violation of license restrictions, having a suspended or revoked driver's license, driving while uninsured, or driving while under the influence of intoxicants; and

WHEREAS, recent opinions issued by the United States 9th Circuit Court of Appeals have ruled that local governments cannot impound vehicles where the operator of the vehicle has been cited or arrested for the offenses listed above, and that the power to impound vehicles can only be exercised when the local government is exercising a "community caretaking function; and

WHEREAS, the City Police Department has modified its policies to be consistent with the legal rulings issued by the United States 9th Circuit Court of Appeals, by providing for impoundment of vehicles only in connection with the performance of a community caretaking function; and

WHEREAS, City staff has recommended that The Dalles Municipal Code be revised to be consistent with the rulings of the federal court and the policy provisions adopted by the City Police Department, and the City Council concurs with the recommendations from City staff;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Chapter 7.08 Impoundment of Vehicles, Sections 7.08.010 to 7.08.090, The Dalles Municipal Code, as amended by General Ordinance Nos. 03-1247 and 18-1364, is hereby repealed.

PASSED AND ADOPTED THIS 9TH DAY OF JULY, 2018.

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Abstaining, Councilors: _____

Absent, Councilors: _____

AND APPROVED BY THE MAYOR THIS 9TH DAY OF JULY, 2018.

Stephen E. Lawrence, Mayor

Attest:

Izetta Grossman, City Clerk