

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, April 21, 2011
City Hall Council Chambers
313 Court Streets
The Dalles, OR 97058
Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:01pm.

BOARD

MEMBERS PRESENT: Bruce Lavier, Mark Poppoff, Ted Bryant, John Nelson,
Dennis Whitehouse

BOARD

MEMBERS ABSENT: Ron Ahlberg, Chris Zukin

STAFF PRESENT:

Community Development Department Director Dan Durow, Senior
Planner Richard Gassman, Associate Planner Dawn Hert, Administrative
Secretary Brenda Green

APPROVAL OF AGENDA:

Chair Lavier announced that each of the Planning Commissioners had received a copy of the proposed resolution in regards to LUDO changes, and stated that the resolution needed to be added to the agenda under item number seven. The proposed resolution was numbered PC 509-11

It was moved by Nelson and seconded by Whitehouse to approve the agenda as modified. The motion carried unanimously; Ahlberg, Zukin absent.

PUBLIC COMMENT: none

QUASI-JUDICIAL PUBLIC HEARING:

Application Number **CUP 164-11 of Fort Dalles Museum** to site and construct an antique vehicle storage building. Property is located at 515 West 17th Street and is further described as 1N 13E 4DB tax lot 13200. Property is zoned "RL" – Low Density Residential District.

Chair Lavier read the rules for conducting a public hearing. He asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact. Commissioner Whitehouse disclosed that he had been contacted through his job with the school district in regards to permission to use the Colonel Wright parking lot. Director Durow asked Whitehouse if there were any financial implications to his making case by case decisions on whether the parking lot could be utilized as overflow parking. Whitehouse stated that there was not. Senior Planner Gassman explained to the Commissioners the recommendation of allowing a reduced amount of parking in consideration of using the Colonel Wright parking lot nearby. It was decided that if the parking became a deciding issue, Commissioner Whitehouse would recuse himself.

Commissioner Bryant shared that he lives right next to the museum but that he did not feel it would affect his ability to make a non-biased judgment.

Commissioner Poppoff declared that he worked with Habitat for Humanity on the house next door to the museum but did not think it would affect his ability to make a decision.

There were no challenges from the audience. Chair Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the Staff Report and touched on the issues that were discussed in the report. He pointed out that staff is requesting that the Site Plan Review (SPR) be considered at the same time as the Conditional Use Permit (CUP) due to the amount of detailed plans the Museum had submitted. Gassman went over the proposed reduction of required parking spaces and the suggestion to pave the alley and enter into a delayed development agreement for 17th Street.

There was an extensive discussion about the paving requirements and the multiple options of what to pave. Details were discussed such as the width of paving, the encroachments into and the grade of the alley, as well as which direction traffic would most likely travel to get to the new building.

Public Testimony:

Proponents:

Steve Lawrence, 222 W 12th Street, The Dalles introduced himself as a board member of Fort Dalles Museum. He gave the history of the property and explained that it was being held in trust for the purpose of this vehicle storage building. Lawrence explained that the building would protect the vehicles as well as provide a place where vehicles could be renovated. He then described some of the vehicles that would be stored there and their significance.

Randy Kaatz, 2724 E 12th Street, The Dalles stated that he was the design consultant for the building and also a board member of the Fort Dalles Museum. Kaatz addressed the paving issue as well as the need to provide storm sewer to the site. He pointed out that the nearest storm water connection is at 16th and Trevitt, which would mean trenching into the alley. He explained that since they were going to be disturbing the alley, it would make sense to re-grade and pave the alley at the same time.

Commissioner Bryant asked how wide he would propose to make the alley. Mr. Kaatz explained that it would depend on what the survey showed. He acknowledged that there were some properties along the alley that were encroaching.

Commissioner Bryant asked for clarification of what the third floor would be used for. Mr. Kaatz shared that the 3rd story would not be accessible to the public. He explained that it would be a storage area for vehicles and vehicle parts as well as other museum donations while they were being fixed up for display. He then explained that the 1st story would be on grade with and accessible from the alley, as well as being handicapped accessible including an elevator. He stated that the second story would be on grade with, and accessible from 17th Street.

Mr. Kaatz informed the Commission that the design of the exterior architecture was taken from the historical Captain's Quarters that was previously on a nearby site.

Commissioner Nelson asked if it would be possible to place some additional landscaping on the west side of the parking lot to screen the parking spaces from the neighboring property. Mr. Kaatz and staff discussed the minimum amount of space needed for the parking spaces and decided that yes, there was room to pull the parking spaces further away from the neighboring property and add more landscaping.

Commissioner Bryant expressed his opinion that widening and paving the alley was not a good option because of the grade changes. There was further discussion about which direction people would drive to the museum and where signs could possibly be placed to direct traffic. Commissioner Whitehouse pointed out that signs might not be needed considering the large size of the building.

Mr. Kaatz pointed out that there has never been on site parking at the Fort Dalles Museum. He stated that people get to the Surgeon's Quarters by parking along the street where the museum has 975 linear feet along their property lines which is equivalent to 40 parking spaces.

David Bearss, 1315 Jefferson St., The Dalles, stated that he sees the flow of traffic to most likely start at the Surgeon's Quarters as it does now. He explained that Fort Dalles is an urban museum in which guests most often walk from building to building. He stated that he could see the parking lot off the alley being mostly used for employees and volunteers. Bearss then suggested making the alley a one way street.

Dennis Davis, 422 W 16th Street, The Dalles introduced himself as a co-owner of the property as well as a neighbor of the museum. He shared that in general, the traffic that goes to the Anderson Barn follows Trevitt Street to 17th Street then turns left onto 17th Street, then North on Garrison. Davis also wanted to clarify that the work that will be done on the 3rd floor will be conservation rather than restoration. The museum board's goal is primarily to preserve what they currently have. Davis added that there is a possibility of having an area on the first floor where a person could be working on a conservation project as part of a demonstration display.

Commissioner Whitehouse asked what the time frame was to start building. Mr. Davis responded that it was dependent on when they would be able to pull all the money together.

General Comments:

Ann Brown, 520 W 15th St, The Dalles stated that she was speaking for herself and her husband as neighbors of the museum for twenty years. She explained that she did have one concern and that it was in regards to lighting at night. She requested that the lights be toned down. She acknowledged that security is needed but pointed out that neighbors are good security too. Mrs. Brown expressed her concern in regards to the galvanized metal building that she was told would be removed but had not been. She then stated that she agreed with Mr. Bearss that most people will park at the Surgeon's Quarters and take a walking tour of the properties. She requested that if roads have to be improved she'd like to see permeable materials used. She also agreed with Mr. Bearss' idea of making the alley a one way street. In conclusion, Mrs. Brown stated that she loves the museum and wants to make sure it's built with respect.

Robert (Gary) Proffitt, 516 W 16th St, The Dalles felt that the biggest issue was the access. He felt that the alley was too narrow to consider as a viable access road. Proffitt brought up his concerns in regards to storm water runoff on the North side of the parking lot, and the waterfall that it creates on his

property. He felt that if the alley does get paved, then the entire alley should be paved, which would be cost prohibitive; therefore he felt that the primary access should be encouraged to be 17th Street. Proffitt then brought up his concern in regards to landscaping pointing out the view that would be created into his yard by a three story building. He requested screening landscaping and removal of the invasive species, such as English Ivy. Proffitt touched on his other concerns such as museum hours, the security alarm, night lighting and the concern that a museum of this size would be taking away valuable land that could be used for residential.

Rebuttal:

Randy Kaatz responded to Mr. Proffitt's concern in regards to water runoff. He pointed out the site drainage plan #A1.3 that was included with the submitted documents and explained how it would work.

Chair Lavier suggested that it would be better to pave 17th Street rather than the alley. There was an extensive discussion about which road would be better to pave. The discussion included subjects such as the location of current catch basins, sewer lines, sidewalks, the need for engineering by public works, the lack of a storm water system on 17th Street, parking requirements, and the possibility of the lower parking area being used only for volunteers.

Mr. Kaatz pointed out that if there was not a requirement for public parking on site, that in lieu of creating a paved parking area in the back they could use that area as a permeable surface, restricted to staff and volunteer parking, consequently they would not need to tear up the alley.

Commissioner Nelson suggested separating the CUP and the SPR so that the Commission could approve the CUP and re-direct the SPR requirements such as street width and catch basins to be fine tuned by staff later. Director Durow asked if the Planning Commission would like to have the SPR come back to them or have staff make the decisions. The Commissioners expressed their agreement that they did not feel it needed to come back to staff.

Senior Planner Gassman summarized that he was hearing the Commissioners say that they would prefer to delete the on-site parking requirement if 17th Street could be paved. The Commissioners expressed their agreement. Senior Planner Gassman then asked what width the Commissioners would prefer to see the street paved to. After a general discussion the agreement was a goal of approximately 24 feet.

Commissioner Poppoff reminded the Commission of the request for landscape screening for privacy. It was suggested to add a condition of approval that would read "Landscaping will need to be provided that will shield properties to the North and the West."

Senior Planner Gassman reviewed the conditions of approval that were suggested in the staff report, and summarized the changes to be:

- 1) No Changes
- 2) No onsite parking spaces are required
- 3) Delete
- 4) Delete
- 5) Add "West 17th Street needs to be paved the entire length (Trevitt to Garrison), width to be determined in Site Plan Review"

- 6) No Changes
- 7) Add “ Landscaping will need to be provided that will shield properties to the North and the West”.
- 8) Delete
- 9) Delete

Chair Lavier asked the applicant what their intention was for the metal structure on site. Mr. Kaatz responded that they would be happy to get rid of the Quonset hut.

Administrative Secretary Green stated that Mrs. Brown submitted a letter which summarized the points that she had made during her testimony. The letter was admitted as Exhibit #1.

Chair Lavier closed the public testimony portion of the hearing.

Deliberation:

Chair Lavier stated that he would like to see the museum built and the vehicles preserved. He also stated that he liked the architecture that was being proposed.

Commissioner Nelson shared his agreement especially about the architecture being a good fit. Nelson expressed his feeling that it was good to have the museum in a neighborhood because the neighbors have a part in the protection of it.

Motion:

Commissioner Nelson moved to approve CUP 164-11 of Fort Dalles Museum based on findings of fact, conclusions of law, and a staff recommendation, with five conditions as modified. The motion was seconded by Commissioner Bryant and carried unanimously; Ahlberg and Zukin absent.

Legislative Public Hearing; LUDO amendments

Senior Planner Gassman went over the changes that had been made to the proposed amendments since the last hearing. He pointed out that one change that was not on the staff report was the need to delete the word “about” under general ordinance section 18, 8.040.030, in the second line under Permit Requirements. The Planning Commissioners agreed to the change.

Senior Planner Gassman described overall what section 18 would accomplish. He described the background of the Hazard zone and explained the change that was being proposed based on the updated study recently completed by Geologist Mark Yinger.

Scott Mengis asked about his 1 ½ acre property. He asked about needing a study if he wanted to improve a portion that did not have a 30% or greater slope even though other portions of the property were sloped. Senior Planner Gassman replied that staff would only look at the actual area that was to be developed when deciding if there was enough of a slope to trigger the need for a study.

Senior Planner Gassman stated that a big change to the ordinance is the addition of a laydown yard provision; section 6.160.030. Gassman gave a brief history of why the amendment was necessary.

Director Durow pointed out the difficulty in defining temporary uses, and told the history of how it was decided to approach all requests as “nothing is temporary”. He then explained how the laydown yard

situation had made it logical to re-look at the definition of temporary.

Senior Planner Gassman described the differences between a storage yard and a laydown yard. He then went over the proposed new section and gave details as to why it was decided to write it that way. Gassman pointed out the section in regards to requiring curb cuts. There was a brief discussion that a lot of the curbs in the port area being rolled curbs, and that if a laydown yard user damages the curbs they should be liable for replacing them. Also, since the yards will not be required to be paved; containing the mud, dust, gravel etc. to the site will be the responsibility of the laydown yard user by installing pavement or other surface treatment approved by the City Engineer at all egress and ingress points.

Director Durow shared that staff had met with a group of interested property owners and had incorporated some of their concerns into the ordinance. He stated that one of the main issues that staff sees is the mud and dust that get into the street as well as the additional wear and tear on the street from heavy equipment and vehicles. Durow pointed out that it was the property owner's suggestion to let the contractors and property owners find the solution to stopping the dust without having pavement as the only option.

Senior Planner Gassman explained the Laydown Yard Report that would be required as well as the annual payment of a portion of the transportation SDC fees. There was a discussion about how that would be managed and the credit that a property owner would receive for the paid SDC when the property is developed. Gassman stated that the property owners have shared that a laydown yard is only an interim use and that they ultimately plan to develop their properties with a permanent use. There was a discussion about the potential for oil and other products to be spilled, but that the intention of a laydown yard is not a maintenance yard and that ultimately any spills or excessive maintenance would be an enforcement issue.

Senior Planner Gassman asked if the Commissioners had any further questions in regards to laydown yards; they did not. Gassman suggested that there might be people in the audience that would want to talk about lay down yards. Scott Mengis, potential laydown yard property owner, was in the audience. Chair Lavier asked Mengis if he would like to add anything, Mengis stated "not at this point, you can go on".

Senior Planner Gassman went on to Sections 5 and 6 explaining that they were an attempt to clarify how and if a person could appeal a ministerial decision. Gassman explained why the issue had been brought up. Staff and Planning Commissioners had a general discussion about ministerial decisions, how LUBA looks at ministerial land use decisions and potential options. Chair Lavier asked if any of the Planning Commissioners had any strong feelings about keeping Sections 5 and 6. The Commissioners expressed their agreement that the sections should be dropped this year, but held for discussion again next year.

In regards to Section 3, Commissioner Nelson questioned the use of the word "county". In consideration of how large Wasco County is, he felt it would be more appropriate to define a tourist oriented destination as a business that derives visitors from visitors not residing in "The Dalles". The other Planning Commissioners all expressed their agreement to that change.

Commissioner Nelson asked for additional information about Section 31 in regards to signs placed in

the Right of Way (ROW). Specifically he questioned signs that are placed in or on a vehicle which is then parked in the ROW. Associate Planner Hert responded that the sign ordinance currently prohibits the placement of signs on a vehicle.

Commissioner Whitehouse brought up his recent experience with the moving sign at the High School and asked if that portion of the ordinance had been clarified. Senior Planner Gassman stated that the code had not been changed but that staff had learned that they need to look closer at applications with the potential for that type of sign. He pointed out that sign had been the first one of its kind.

Commissioner Poppoff stated that he would like to see the ordinance prohibit lighted signs of any kind in a residential neighborhood. Commissioner Whitehouse felt that he did not want to see the code that restrictive. Senior Planner Gassman stated that there are provisions in the code that state that a sign cannot move, but now that technology has changed, perhaps it would be good to add that the words cannot move either.

Commissioner Bryant moved to recommend approval of the LUDO amendments that were submitted along with the staff report to City Council with the following changes:

Section 3) replace the word "county" with "The Dalles"

Section 5) delete

Section 6) delete

Section 18) delete the word "about" under 8.040.030

The motion was seconded by Whitehouse and carried unanimously, Ahlberg and Zukin absent.

RESOLUTIONS:

Nelson moved to adopt Resolution PC 508-11 of Fort Dalles Museum approving CUP 164-11 with five conditions of approval as modified. Bryant seconded the motion. The motion carried unanimously, Ahlberg and Zukin absent.

Bryant moved to adopt Resolution PC 509-11 of City of The Dalles recommending approval of the LUDO amendments as modified. Nelson seconded the motion. The motion carried unanimously, Ahlberg and Zukin absent.

COMMISSIONER/STAFF COMMENTS

Senior Planner Gassman stated that there will be a variance hearing on the agenda for May 5, 2011, that the Periodic Review will go to City Council on April 25, 2011 and that both he and Director Durow have new grandsons.

Senior Planner Gassman also shared that this would be Commissioner Bryant's last meeting. On behalf of staff, Gassman thanked him for all of his very dedicated time and energy that he put into being on the commission. Associate Planner Hert and Administrative Secretary Green expressed their agreement.

Commissioner Bryant stated that he had enjoyed being asked back on the Commission and shared a few of his memories including his experiences when the Rajneesh active in town. Several other Commissioners also shared some of their memories and experiences.

Commissioner Poppoff brought attention to the packet that Mark Radabaugh had submitted to the Planning Commission on April 7, 2011. Specifically Poppoff felt that the City should consider dedicating a portion of 10th Street and a couple downtown streets for an electric trolley system in order

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to address the concern about fuel burning.

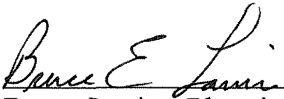
Chair Lavier asked about the status of the Transportation Master Plan. Senior Planner Gassman replied that it had been adopted a couple years ago and that there were not any plans to modify it at this point. Lavier stated that he agreed it would be a good idea to look at alternative transportation. There was a general agreement that the way The Dalles was laid out, it lends itself to mass transit. Commissioner Nelson shared that Walla Walla, Washington uses Trolley cars that looked like historic trolley cars to fit in with the historic nature of their town. Gassman pointed out that the suggestions could be a portion of the Vision Action Plan or even the Mainstreet program.

Commissioner Nelson commended Administrative Secretary Green on her clear and concise minutes. His comment was seconded by Chair Lavier, and a third was given by Commissioner Bryant.

NEXT MEETING: The next scheduled meeting is May 5, 2011.

ADJOURNMENT: The Planning Commission meeting was adjourned at 9:11 p.m.

Submitted by
Brenda Green, Administrative Secretary



Bruce Lavier, Planning Commission Chair

Annie Brown

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19 April 2011

Community Development Department
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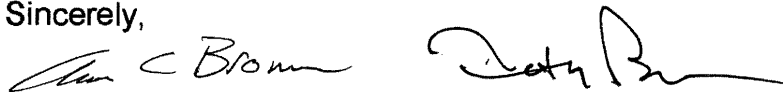
Dear Gentlepersons,

We write mostly to applaud the Stockade Museum which neighbors us to the east and south. We celebrate the preservation of history and the park-like grounds that are attractive and can be used for special events. However, we do express two concerns:

One) We hope the new utility building will be something besides the current garish metal: It is a trial already to live beside over four hundred square feet of galvanized, shiny grey corrugated steel. We would request, in fact, that the existing storage be either torn down or made aesthetic from all sides and ditto for all new structures. The buildings as well as their contents should be historically fitting and attractively arranged.

Two) We have been troubled by excessive light at night. Being between a school and the existing museum adds considerably to the light from the city sources. We would like to see the lighting toned down. Our request is for any night lights be toned down, focused down, low to the ground and/or strictly motion-activated. We are good neighbors and call authorities if we hear or see vandalism or night-visitors. We would appreciate being able to enjoy the night sky and a good night's sleep.

Sincerely,



Ann Brown & Timothy Brown