

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 15, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:00 PM.

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, Jeff Stiles, Chris Zukin, Dennis Whitehouse, Mike Zingg

BOARD MEMBERS ABSENT:

Robert Raschio

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Director Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Stiles to approve the agenda as submitted. The motion carried unanimously; Raschio was absent.

APPROVAL OF MINUTES:

It was moved by Zukin and seconded by Poppoff to approve the November 1, 2012 minutes as submitted. Lavier, Poppoff, Stiles and Zukin voted in favor, Whitehouse and Zingg abstained. The motion carried; Raschio was absent.

PUBLIC COMMENT:

Mayor Jim Wilcox thanked the Planning Commissioners for all of their hard work and deliberation on many matters. Mayor Wilcox said he was impressed with the Planning Commission's patience, even in some matters that City Council gave back to the Planning Commission for another review.

QUASI-JUDICIAL HEARING:

Public Hearing Continuance

Application Number: VAR 116-11; **Kimberly Wadsworth;** **Request:** To obtain approval for the construction of a fence in the exterior side yard setback in excess of the 4 feet allowed in the Land Use and Development Ordinance (LUDO). Property is located at 520 W. 10th Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 4AC, tax lot 6500.

Chair Lavier read the rules for conducting a public hearing and asked the Commissioners if anyone had any ex parte contact, bias or conflict of interest that would hinder them from making an unbiased decision in the matter. None were noted.

Chair Lavier called the public hearing to order at 6:09 PM.

Director Gassman gave a summary of the case history of the variance request. The applicant had inadvertently constructed a fence 6 feet in height in the exterior side yard of the corner lot. At the time of the variance request, Gassman reported, LUDO restricted fence heights for side yards to 4 feet within 10 feet of a property line. At the variance hearing, the Planning Commission did not make a decision and referred the request back to the staff to come up with a resolution. Gassman said the staff then reviewed the code itself, and through due process, the code requirement was revised to provide two alternatives in cases where a sidewalk intersected with an alley or driveway. The alternative revisions were: 1) lower the fence height to 4 feet in the triangle area; or 2) angle the fence line to 10 feet back from the property line and keep the 6 foot fence height. The applicant opted to recede the fence line to the 10 foot triangle setback, Gassman reported. However, the fence posts had already been installed at 8 feet back. The request now, Gassman said, was for a variance of an 8 foot triangular fence setback rather than the required 10 foot setback. Gassman stated that staff had no position on this request, but he felt it could be considered a rare variance request because the code changed in the middle of construction. Therefore, Gassman stated, he did not believe a variance in this case would set a precedent. Director Gassman drew a sketch of the applicant's proposed variance triangular area for the Commissioners.

Testimony

Proponents:

Kimberly Wadsworth, 520 W. 10th Street, The Dalles, Oregon, thanked the Commissioners for all of their work on this matter. Ms. Wadsworth stated that she was willing to angle the fence line back 8 feet instead of 10 feet.

Commissioner Stiles asked Ms. Wadsworth if the triangle would be vacated so nothing would pose a vision clearance issue. Ms. Wadsworth stated she would leave the triangle vacant.

Opponents:

None.

Chair Lavier closed the public hearing at 6:20 PM.

Deliberation:

It was moved by Commissioner Zingg and seconded by Whitehouse to approve VAR 116-11 as recommended by the staff report, based on the findings of fact and two conditions of approval. The second condition of approval would be modified as follows: "The existing fence, up to six feet in height, may be installed with an 8 foot triangular clearance area rather than the required 10 foot clearance area as set forth in The Dalles Land Use and Development Ordinance."

Commissioner Poppoff stated he could not support the variance request due to safety issues.

Commissioner Stiles commented that he looked at the property site, and he saw no vision clearance issues with the possible 8 foot triangular setback on the property. Commissioners Zukin and Whitehouse said they had no problem with the variance request.

Chair Lavier called for the vote. Lavier, Zukin, Whitehouse, Zingg and Stiles voted in favor, Poppoff was opposed. The motion carried; Raschio was absent.

Director Gassman stated that staff would prepare a Planning Commission Resolution for the Commission's review at a future meeting.

STAFF COMMENTS:

City Attorney Parker reported that a Land Use seminar was planned to be held in The Dalles area sometime in February. He will check the information and see if it would be a conference that the Planning Commissioners would benefit from attending.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Whitehouse asked what businesses were going in at 400 Mt. Hood Street. Director Gassman said three businesses were going in: 1) Doubleberry Yogurt, 2) Verizon, and 3) Great Clips.

Chair Lavier asked for the latest status on WalMart. City Attorney Parker reported that a challenge to the Department of Environmental Quality permit had been submitted, and the hearing had been delayed to January of 2013.

Commissioner Stiles asked about the progress of the two hotel projects—7th and Snipes and the Granada Block. City Attorney replied that both projects were moving forward.

NEXT MEETING:

December 6, 2012

ADJOURNMENT:

The meeting was adjourned at 6:29 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.



Bruce Lavier, Chairman