

## CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, September 6, 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, Dennis Whitehouse, Mike Zingg, Jeff Stiles, Robert Raschio

### **BOARD MEMBERS ABSENT:**

Chris Zukin

### **STAFF MEMBERS PRESENT:**

Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

### **APPROVAL OF AGENDA:**

It was moved by Whitehouse and seconded by Zingg to approve the agenda as submitted. The motion carried unanimously, Zukin was absent.

### **APPROVAL OF MINUTES:**

It was moved by Raschio and seconded by Stiles to approve the August 2, 2012 minutes as submitted. The motion carried unanimously, Zukin was absent.

### **PUBLIC COMMENT:**

None

### **QUASI-JUDICIAL HEARINGS:**

**Application Number: ADJ 12-015, Robert and Pamala Kuenzinger; Request:** Application for approval to place a home on a lot without meeting the building orientation requirements of the Land Use and Development Ordinance (LUDO). The property is located at 2031 Dry Hollow Road, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 10 AB, tax lot 7500. Property is zoned "RL" – Residential Low Density District.

Chair Lavier read the rules for conducting a public hearing. Lavier asked the Commissioners if they had any ex-parte contact, conflict of interest, or bias that would prohibit them from making an impartial decision in the matter. Commissioner Stiles stated that he was familiar with the applicants, but it would not hinder him from making an impartial decision on the application request.

Chair Lavier opened the public hearing at 6:07 PM.

Senior Planner Gassman presented his staff report and explained that no written comments had been submitted for or against this application. Gassman explained that this was the first application request submitted in this category regarding the orientation of a building. Gassman stated that this property met some of the criteria listed for relief of orientation. In addition, the property had a ridge running

along the back of the property at somewhat of an angle. In order to be completely parallel to the front of the property, Gassman explained, the applicants would need to do quite a bit of excavation work. However, the applicants could come close to the orientation requirement, Gassman reported. Placement would be substantially above the street level, Gassman said, which would give the applicants a better view to see street activities. Gassman stated that staff recommended approval based upon the conditions of the property site.

Chair Lavier stated that he appreciated the property pictures that were provided, and he thanked the applicants.

Commissioner Whitehouse asked if the applicants were requesting an adjustment from the requirement of the orientation of the front door being parallel to the street. Senior Planner Gassman explained that code states the front building line must be parallel to the street, and the applicants' proposed structure placement looked to be at an approximate 30 degree angle. Gassman also stated that the lot was good sized, but because of the back ridge and the elevation above the street level, the applicants were somewhat limited in placement options. The applicants also desired to build a garage on the lot that would have street access, Gassman said.

Commissioner Raschio asked if the proposed house placement was up against the edge of the ridge. Gassman stated that the back of the home would basically be placed up against a wall.

Chair Lavier stated it appeared the house would not quite be facing the street, but possibly one corner of the house would be facing the street. Senior Planner Gassman answered that the front of the house, as proposed, would not be completely hidden from the street.

### **Testimony**

#### **Proponents:**

Robert Kuenzinger, 1805 East 12<sup>th</sup> Street, The Dalles, Oregon, stated he and his wife were the property owners that submitted the adjustment application request, and he was willing to answer any questions.

Commissioner Whitehouse asked if the front door of the house could be seen from the street. Mr. Kuenzinger referred the Board to the site plan. The building's front door could be seen from the street and would face directly southwest towards Dry Hollow Road, Kuenzinger stated.

Commissioner Poppoff asked if the front side of the house facing Dry Hollow would have any windows. Mr. Kuenzinger stated there would be two windows in the front 13 feet (foyer area of the front door), no windows in the center section, but two portal windows at the top, and two windows in the back to match the windows in the front. Kuenzinger also stated that the house placement would meet the requirements for water and sewer installation.

Commissioner Raschio asked if the house would be placed so that there would be a straight drop in the back down to the neighbor's home. Mr. Kuenzinger answered that the property line was 155 feet wide with a 30 degree slope from the site level, and the house would be set back to meet code requirements. Commissioner Raschio asked if LUDO required a setback from the slope. Senior Planner Gassman stated that LUDO had no such requirement, but building codes required a setback. Mr. Kuenzinger said that the property was governed by the National Scenic Area (NSA) setbacks, and code setback minimum was five feet from any ridge. Kuenzingers' proposed setback was 20 feet as illustrated in the site plan, he said. Kuenzinger also pointed out that exterior lighting would point downward, as required by the NSA, to be "neighbor friendly."

In closing, Mr. Kuenzinger thanked the Commission for taking the time to consider the application.

**Opponents:**

None.

**Deliberation:**

Commissioner Whitehouse asked if there were any Geohazard Zone requirements or the fact that the property was under NSA jurisdiction eliminated any geohazard requirements. Senior Planner Gassman stated there were none required by LUDO, and being in the NSA made no difference to the City. Gassman explained that if the property was in the Geohazard Zone, a geohazard study would be required, but the applicants' property was outside the Geohazard Zone.

Commissioner Zingg asked what provisions were being made for drainage off the back end of the house towards the neighbor's property. Mr. Kuenzinger answered that the length of the house would be guttered with downspouts, and yard drains would be installed to divert water to the driveway—away from the neighbor's property.

Mr. Kuenzinger stated that he ordered a geohazard study, and the report would be forthcoming. Kuenzinger had been told by the study technician that nothing on the property site had indicated a concern, and the area designated for placement of the house was the best spot, according to the technician. The placement would not be disturbing the area, Kuenzinger reported.

Commissioner Stiles asked the applicant if he had contacted the previous owner that conducted the excavation work to get any idea of issues at that time. Mr. Kuenzinger stated that the only comment from the previous owner was that he could remove the berm for \$50,000.

Chair Lavier closed the public hearing at 6:24 PM.

Commissioner Raschio suggested adding a condition of final permitting for the applicant to submit a final geohazard study to Planning prior to the placement of the house. Senior Planner Gassman stated he believed the property was outside the Geohazard Zone area, but if it was inside the zone, the study would be required to be submitted during the permitting process.

The motion was made by Commissioner Stiles and seconded by Whitehouse to approve application #ADJ 12-015 as submitted, based on the findings of fact, and to include the conditions of approval as submitted in the staff report. The motion carried unanimously, Zukin was absent.

Chair Lavier placed on record that the Commission appreciated the documentation submitted by the applicants.

**RESOLUTION:**

**Resolution No. P.C. 525-12, Robert and Pamala Kuenzinger, ADJ 12-015**

It was moved by Whitehouse and seconded by Raschio to adopt Resolution No. P.C. 525-12 based on the findings of fact and the two conditions of approval as submitted in the staff report. The motion carried unanimously, Zukin was absent.

**STAFF COMMENTS:**

Senior Planner Gassman reported that there were three action items to be considered by the Planning Commission: 1) appoint a Planning Commission representative to the Urban Renewal Advisory Committee (URAC); 2) appoint a new Planning Commission Vice Chairman (to replace Vice Chair Ahlberg); and 3) appoint a Planning Commissioner to sit on an advisory committee to review applicants for appointment to the County Planning Commission.

After further discussion, the motion was made by Chair Lavier and seconded by Whitehouse to appoint the following Commissioners: 1) Commissioner Zingg as the Planning Commission representative to the URAC; 2) Commissioner Stiles as the Planning Commission representative to the County Planning Commission advisory committee; and 3) Commissioner Raschio as Vice Chair to the City of The Dalles Planning Commission. The motion carried unanimously, Zukin was absent.

**COMMISSIONER COMMENTS/QUESTIONS:**

Commissioner Zingg asked if there was an agenda for the September 20<sup>th</sup> Planning Commission meeting. Senior Planner Gassman stated there were two applicants on the agenda for the 20<sup>th</sup>.

Commissioner Poppoff asked if the Tree Committee was going to start up. Senior Planner Gassman said the committee would start up sometime in the future.

Commissioner Stiles brought to the Commission's attention a safety issue on Kelly Avenue in front of Garcia's gas station due to the volume of pedestrians crossing Kelly Avenue. Chair Lavier suggested the Traffic Safety Committee consider the installment of a crosswalk and asked Senior Planner Gassman to relay that request to the Traffic Safety Committee. Gassman stated he would relay the information to the committee.

Chair Lavier asked Administrative Secretary Trautman to send Vice Chair Raschio a digital copy of the rules for public hearings.

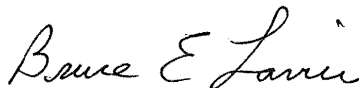
**NEXT MEETING:**

September 20, 2012

**ADJOURNMENT:**

The meeting was adjourned at 6:45 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.



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Bruce Lavier, Chairman