



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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(541) 296-5481 ext. 1125  
COMMUNITY DEVELOPMENT 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, MARCH 5, 2020**  
**6:00 P.M.**

### CALL TO ORDER

Chair Bybee called the meeting to order at 6:00 p.m.

### ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett, Sherry DuFault, Bruce Lavier, Mark Poppoff and Jeff Stiles

Commissioners Absent: Steve Ross

Staff Present: Senior Planner Dawn Marie Hert, Associate Planner Riley Marcus and Legal Representative Diana McDougale

### APPROVAL OF AGENDA

It was moved by DuFault and seconded by Stiles to approve the agenda as written. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Stiles in favor, none opposed, Ross absent.

### APPROVAL OF MINUTES

Chair Bybee noted at the February 20, 2020 meeting, Steve Ross was present and Jeff Stiles was absent.

It was moved by DuFault and seconded by Cornett to approve the minutes of February 20, 2020, as corrected. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Stiles in favor, none opposed, Ross absent.

### PUBLIC COMMENT

None.

## QUASI-JUDICIAL HEARING

Adjustment 050-19, Michael and Christine Irish, 221 W. 15<sup>th</sup> Street, 1N 13E 4 DB tax lot 9300

Chair Bybee read the rules of a public hearing. He then asked if any Commissioner had any conflict of interest or bias which would prevent an impartial decision. Hearing none, Chair Bybee opened the public hearing at 6:04 p.m.

Associate Planner Marcus presented the staff report.

Discussion topics included:

- Roof slope
- Garage and driveway placement
- Removal of accessory structure
- Easement on north side of property – there is none
- Architectural drawings – not required for an Adjustment application
- Criteria relating to reduced impact of development

### Proponents

Christine Irish, 221 W. 15<sup>th</sup> Street, PO Box 1358, The Dalles

Mrs. Irish stated the ability to live on the lot would mitigate some of the impact of purchasing the property in 2006 when real estate was high; the market then declined in 2008. Materials were stored on the lot in anticipation of building a house. She felt it would be a relief to the neighbors to see a home there, rather than building materials.

Mrs. Irish hoped to build their last house there; something small and modest, able to fit the character of the neighborhood. Without an adjustment, she stated there was not enough space for a home and garage on the usable area of the lot.

Michael Irish, 221 W. 15<sup>th</sup> Street, PO Box 1358, The Dalles

Mr. Irish stated he was in favor of the adjustment.

Commissioner Cornett asked if the applicant obtained a quote for removing the rock. Mr. Irish replied he had not obtained a bid.

### Opponents

Michael McNaughton, 219 W. 15<sup>th</sup> Street, The Dalles

Mr. McNaughton stated he wished to clear up misconceptions. The accessory structure is already 95% demolished. The applicants did spend too much money for that property, but mitigated that circumstance with operation of little house manufacturing on the lot. The applicants stopped manufacturing last fall.

The rock that was leveled across the street was much larger than the rock on the applicant's property. The owner across the street used inadequate equipment. The owner stopped due to neighborhood complaints and made other arrangements.

In response to Chair Bybee's inquiry, McNaughton stated his primary concerns were that reduced setbacks impact the property on the east and north side. It can create a general overcrowding appearance, won't fit in well with the neighborhood, and will reduce the property value of the residence on the right.

The application is defective; insufficient information was given to establish the requested setbacks. The amount of rock left is not that great; with the right equipment it's possible to reduce the rock in an adequate amount of time.

Associate Planner Marcus stated two comments were received today; both were in opposition. Exhibit 1, letter from Jensen Bryan, 219 W. 15<sup>th</sup> Street, The Dalles. Exhibit 2, letter from Kathleen Breshears, 222 W. 14<sup>th</sup> Street, The Dalles.

Commission discussion included:

- Property lines and survey markers
- Position of the house on the property
- Runoff
- Window locations

Senior Planner Hert clarified that although surveys are not required with a building permit, the code allows that a requirement may be placed upon a property owner if they are close to a property line and there is no evidence of the property line. As a condition of approval, the Commission could ask that a survey be provided to locate the property line.

Lavier stated after problems with setbacks in the past, it would be nice to have a survey of the property. Hert suggested addition of a condition of approval stating the City will require the applicant to obtain a survey to locate the property line.

Cornett stated he would like to see a quote for excavation of the rock. Bybee and DuFault replied the Commission could not ask for that. Cornett explained it would not be as a price point, rather a feasibility. DuFault thought that request was outside the Commission's authority.

#### Jensen Bryan, 219 W. 15<sup>th</sup> Street, The Dalles

Bryan stated her objection to the application. She said her letter (Exhibit 1) addressed the adjustment application and added because they want to set their new house toward the back with windows facing her property, her back yard is no longer private. Bryan shares the property line on the east side. The structure they removed provided a wall that met her fences. If the wall is removed with the applicant's garage placed three feet away, a large gap is created. Also, the garage may encroach on her property.

In response to inquiries, Associate Planner Marcus clarified the windows will be located in the upper part of the walls. No further design standards were submitted with exact placement of the windows.

Further Commission discussion included:

- Feasibility of removing the rock rather than reducing the setback
- Fire wall requirements by Wasco County Building Codes
- Requesting a reduction on the east side rather than west side of the property

#### Rebuttal

#### Christine Irish, 221 W. 15<sup>th</sup> Street, PO Box 1358, The Dalles

Mrs. Irish said, "Look at that rock, it's beautiful. It's part of why we bought that lot." The rock provides privacy from Lincoln and 15<sup>th</sup> Streets. Along the alley, almost every abutting property has a building on the lot line. She said it was an option for them to build on the north and east lot lines, but sensed reticence from the neighborhood. This is the compromise they're asking for. They don't want to remove the rock.

Chair Bybee asked for the location of the windows. Irish replied there would be two sets of 20" x 20" windows high on the wall to admit light. The garage will have a nine foot ceiling on the east side, windows would be about seven feet from the floor.

The front of the house will have a 4/12 pitch from north to south. The highest level of the roof would be 26 feet; windows would be appropriately high and match the other windows. The lowest point of windows would be seven feet.

Poppoff commented that moving the house two feet would not be much of a problem. Irish replied there is a dramatic slope down to Lincoln Street and construction would require much more concrete. Trees in the back will be left to provide privacy, but will be trimmed.

Poppoff stated he had no objection to an adjustment in the back. Lavier stated that would be a compromise, to allow the adjustment on the back and not the side.

Associate Planner Marcus addressed additional criteria regarding privacy to neighboring properties. Staff found siting the house on the rock would bring the house closer to the adjacent dwelling, and provide a sightline down into that property. Improved privacy is achieved by locating the dwelling further back on the property.

McNaughton stated the house on the east side has a five and one-half foot setback.

Chair Bybee closed the public hearing at 7:03 p.m.

Commission deliberation included:

- A compromise to place a house there would be a good addition to the neighborhood
- Addition of a survey as a condition of approval
- Window location

Hert stated because the applicant was requesting an adjustment before the Commission, this is the opportunity for the Commission to require the window placement at a higher level for privacy purposes.

DuFault stated she was in favor of allowing the setback to see improvement on the property.

Poppoff stated he was opposed to allowing the side setback since the neighbor objects. He had no objection to reducing the setback one foot on Lincoln Street; the back setback is not a problem. He said a survey should be completed if the survey pin was not found. He did not see an overwhelming need for an adjustment.

Stiles stated he did not see a problem in reducing the side setback to three feet.

Cornett stated it was important to have a survey done.

Commission consensus was to require a survey.

In addition to the survey, Cornett added if the neighbor's house was found to be over the property line, a distance of three feet between the homes be required. Cornett suggested continuation until a survey was completed.

Cornett moved to re-open the public hearing and continue to a date uncertain until completion of the survey or location of the survey pin. There was no vote.

Lavier moved to re-open the public hearing; Cornett seconded the motion. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Stiles in favor, none opposed, Ross absent.

Chair Bybee re-opened the public hearing at 7:12 p.m.

It was moved by Cornett and seconded by Poppoff to continue the public hearing to a date uncertain until a survey has been submitted to the staff for inclusion in the staff report to determine the location of the lot line and the necessity of a side yard setback adjustment. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Poppoff and Stiles in favor, none opposed, Ross absent.

## **RESOLUTION**

Resolution PC 590-20: Approval of ADJ 050-19, Michael and Christina Irish

The resolution was postponed pending completion of the public hearing.

## **STAFF COMMENTS**

Hert stated the next regularly scheduled meeting is March 19, 2020. The public hearing for Comprehensive Plan Amendment (CPA) 46-20 will re-open. A Minor Partition is also on the agenda.

## **COMMISSIONER COMMENTS OR QUESTIONS**

None.

## **ADJOURNMENT**

Chair Bybee adjourned the meeting at 7:15 p.m.

Respectfully Submitted  
Paula Webb, Secretary  
Community Development Department



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Brent Bybee, Chair