

RESOLUTION NO. 99-008

A RESOLUTION AFFIRMING THE PLANNING COMMISSION'S DECISION
TO APPROVE SITE PLAN REVIEW NO. 260-98 OF MID-COLUMBIA
HOUSING AGENCY TO SITE AND CONSTRUCT AN AFFORDABLE
SENIOR APARTMENT COMPLEX

WHEREAS, the Planning Commission of the City of The Dalles adopted Resolution No. PC 406-98 on November 19, 1998, approving an application of Mid-Columbia Housing Agency to site and construct an affordable senior apartment complex; and

WHEREAS, Robert Ulrich, Jennifer Blevins, and Karen Maravilla filed a Notice of Appeal of the Planning Commission's decision on December 3, 1998; and

WHEREAS, the City Council conducted a public hearing on January 18, 1999, to consider the appeal; and

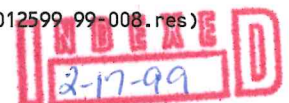
WHEREAS, a staff report was presented to the City Council, and public testimony was received during the hearing; and

WHEREAS, following the close of the public hearing, the City Council deliberated and voted 5 to 0 to affirm the Planning Commission's approval of the application of the Mid-Columbia Housing Agency for Site Plan Review No. 260-98, based upon findings of fact and conclusions of law; and

WHEREAS, the City Council directed staff to prepare a Resolution denying the appeal, and setting forth the findings of fact and conclusions of law made by the City Council;

NOW, THEREFORE, be it resolved that the City Council of the City of The Dalles adopts the following findings of fact:

1. The subject property is located on the site immediately to the South of the West Park Place Apartments (on West 13th between Perkins and Blakely Streets). The property is described as Assessor's Map No. 2N 13E 33CC, Tax Lot 3500. The owner of the property is the Mid-Columbia Housing Agency, and the applicant is Columbia Cascade Housing Corporation. The application requested site plan approval for a 22 unit multi-family residential housing complex for senior citizens. The 1.66 acre parcel is allowed to develop to a maximum density of 25 units for gross acre, which allows for a maximum gross density of 41.5 units. The zoning classification for the property is "R-H" High/Medium Density Residential District.
2. The parcel in the case under appeal is the result of a minor partition of undeveloped real property. The original parcel extended northerly to Tenth Street. The City Planning Commission approved Site Plan Review No. 226-96



for the construction of a 25 unit apartment complex on the lower parcel, adjacent to West Tenth Street. This project is known as the West Park Place Apartments. There was no condition of approval or other provision made for access to West Tenth Street for the remaining undeveloped parcel of land, which is the parcel involved in the case under appeal. This parcel has access only to West 13th Street, which is a narrow road that has little or no connection to arterial thoroughfares. A strong possibility exists that most of the traffic generated from the proposed project will use either of the two "Blakely" Streets and Perkins Street, which are quiet, residential streets.

3. The Agenda Staff Report indicated the application was determined to be complete on November 9, 1998; that the application was for a site plan review; that a staff report setting forth the applicable standards and criteria had been prepared; that the public hearing for the appeal had been scheduled for January 18, 1999; that the required numbers of copies of the site plan had been submitted by the applicant; and that multi-family is a type of residential use which is a primary use permitted outright within the zoning district.
4. The applicant presented testimony before the Planning Commission and City Council concerning the purpose and mission of Columbia Cascade Housing Corporation. Richard Morrow testified the corporation had been established as a non-profit corporation to assist in dealing with housing needs of low to moderate income citizens. Mr. Morrow testified the corporation's mission was to provide safe, decent, and affordable housing for handicapped, senior, and low-income persons. He also testified that 88 units had been created toward this mission since 1990, and 51 units were currently in the pre-development stage.
5. Concerning the need for the proposed housing, Mr. Morrow provided the Planning Commission with statistics from a market assessment conducted by the applicant in February 1998. The assessment indicated there was a significant number of low-income persons needing housing, in relation to the number of low-income housing units that were available. Ruby Mason, Director for the Mid-Columbia Housing Agency, testified before the City Council as to the need for housing for elderly persons, citing the significant increase in the population of elderly persons within the last two decades, and the expectation that population would continue to increase until the year 2050. Delia Thompson, Director for Mid-Columbia Senior and Disabled Services, testified her agency served approximately 1,300 clients who were at or near the poverty level, with 45% of those clients residing in The Dalles area. With the number of such clients expected to increase within the next twenty years, Ms. Thompson testified safe, affordable housing was a priority for the area, and was a good way to help care for the local senior population.
6. A traffic study was completed by Mr. John Deskins of NWS Traffic Engineering on January 28, 1998, on behalf of the applicant. The study concluded that the proposed use would generate an average of 25 ADT's (average daily trips). The applicant presented testimony indicating the timing of vehicle use by the

occupants of the complex would be scattered during the day and not concentrated during any peak periods of use. The site plan was designed with separate exits and entrances. The City's Site Plan Review Team determined the capacity of roads in the area was adequate, and recommended certain improvements be made to West 13th Street. During the Council's deliberations, Acting Planning Director Tom Boyatt indicated the City's draft Transportation Plan included a statement that a two-way local street (such as West 13th) would have the ability to carry approximately 700 vehicles per day.

7. Potential concerns about traffic impact from the project were presented by appellant Jennifer Blevins to the City's Traffic Safety Commission on May 20, 1998. Following a discussion at this meeting, the Commission voted to request a letter from the Commission and the City Public Works Director be sent to the Wasco County Public Works Director concerning potential improvements to West 13th Street. The Agenda Staff Report noted the County Public Works Department has agreed with several of the suggested improvements, including re-striping the pavement to place fog lines on the street, conducting an inventory to identify and ensure appropriate signage for the street, obtaining a waiver of remonstrance for future street and storm water improvements, and curbs and sidewalks, enhancing site distances at Webber and West 13th Streets, and creating a connection for pedestrian access to West Tenth Street.
8. Jennifer Blevins testified before the City Council, in her opinion, the proposal did not comply with the City's Comprehensive Plan, particularly Goal #10 relating to promoting and providing housing which would be complimentary to neighborhoods, provide orderly development, make efficient use of vacant land, and be sensitive to surrounding neighbors. Ms. Blevins asserted the project was not sensitive or compatible with the neighborhood, primarily because the project proposed two-story apartment complexes, which would be inconsistent with surrounding single family residences. Ms. Blevins asserted the City's Comprehensive Plan policies required a lower density in residential areas, with higher density being more compatible with commercial areas. She also stated the streets and infrastructure in the neighborhood were designed for lower density residential use.
9. Ms. Blevins also asserted the applicant's traffic study was disputed by the Wasco County Public Works Department in a letter dated March 19, 1998. A copy of the letter was not submitted for the record. Ms. Blevins testified the letter asserted there would be a substantial increase in traffic resulting from the proposed project, and that West 13th Street was serving at acceptable levels with the current density, but the street was not in good condition. Ms. Blevins asserted the applicant had assured the neighborhood residents that any future development constructed after completion of their first project (West Park Place Apartments) would be single-story with access from West Tenth Street.
10. Karen Maravilla, President of the Mid-Columbia Rental Owners Association, testified before the Planning Commission that a recent study on occupancy

indicated an approximate 7 to 12% vacancy rate. Ms. Maravilla questioned whether there was a need for the proposed type of housing. Ms. Maravilla testified before the City Council that Ms. Mason had said the housing would be for seniors, over the age of 55, but the laws define senior housing as age 62 and older. She also testified Ms. Mason stated there would be limits on how many people could live in the units, of one person per bedroom, which would be in violation of state law, which allows two persons per bedroom.

11. Bob Ulrich testified before the Planning Commission and the City Council as to concerns over traffic impact generated by the proposed project. He testified the City had assured neighbors in 1995 that traffic concerns would be addressed through the construction of a new through street at the end of the previously approved apartment complex. He indicated the applicant had prepared a plan at one time which included a street connecting to West Tenth Street but did not pursue that plan. Mr. Ulrich asserted that Section 6.050.030 of the City's Land Use and Development Ordinance ("LUDO") requires that connections be designed to minimize traffic on local streets.
12. Traci Twidwell testified before the City Council expressing a concern for the safety of children in the area, and that she had experienced three vehicles driving into her yard. She stated she had requested the City's Transportation Manager to install stop signs in the area to reduce the problem and prevent drivers from going the wrong way on a one-way street. She expressed concern about increased traffic in the neighborhood.
13. In response to Ms. Maravilla's testimony before the City Council, Ms. Mason testified, in her opinion, there was no testimony in the record indicating she had testified that occupancy would be limited to one person per bedroom. She testified Mid-Columbia Housing Agency's policy was usually to allow a maximum of two persons per bedroom. She also testified the proposal was to construct housing for "older persons" which, under federal housing law, requires that 80% of the occupants must be 55 years or older, except that a housing agency does not have to comply with this regulation until the housing complex is 25% occupied. Ms. Mason indicated the applicant's attorney has submitted an agreement containing restrictive covenants which would ensure compliance with federal housing laws. The City Attorney indicated the agreement was satisfactory.
14. The applicant's architect, Sarah Bergsund, testified concerning the numerous architectural features and outdoor amenities for the project, including a dog run, community gardens, a gazebo, orchard trees, and community space. She testified it was the applicant's intention, if possible, to retain an "orchard look" to the site, by planting the landscaping in an orchard theme. She stated she had tried to stay with the contours of the land to minimize the need for cuts and fill. She indicated on the proposed site plan where an existing retaining wall would be located, and the proposal to add stairways connecting the complex to the housing units nearby. She testified her design was intended to be sensitive to the surrounding

neighborhood, as evidenced by work designed to graduate the level of the stories of the proposed apartment complex based upon the slope of the terrain, to make them compatible with the surrounding single family residences. She testified that no views from residences on the bluff above the proposed project would be blocked.

15. Concerning the issue of access from the previous project constructed by the applicant on West Tenth Street, the applicant presented testimony that the road was included upon a preliminary site plan, but was deleted from the final site plan when it was discovered that the presence of an existing retaining wall, and the need to have to engage in an excessive amount of excavation and fill, did not make it cost-effective to include such an access road on the final site plan.

BASED UPON THE FOLLOWING FINDINGS OF FACT, THE CITY COUNCIL MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The appeal of the Planning Commission's approval of Site Plan Review No. 260-98 of the Mid-Columbia Housing Agency, with the 13 conditions of approval imposed by the Planning Commission, is denied.
2. The criteria set forth in Sections 3.010.040, 3.020.050, 3.030.020, and 5.020.020 of the City's LUDO have been satisfied . The application was determined to be complete on November 9, 1998; the application is for a quasi-judicial action; the required staff report was completed; the required public hearing was held on January 18, 1999; the required number of copies of the site plan were submitted; and the application is for a principal permitted use within the applicable zoning district.
3. The development standards for the application are set forth in Section 5.060.040 of the LUDO. The following table summarizes the standards and indicates whether the standards are satisfied:

Residential High Medium Density	Standard	Proposal	Meets Requirements
Lot size	10,000 square feet for four or more units	71,787	Yes
Minimum lot area per dwelling unit	1,500 square feet	3,263	Yes
Set backs	15 feet front, 5 foot side, and 10 feet rear	Approximately 35 front, 6 west side, 18 east side and 22 rear	Yes
Building Height	40 feet	Multiple structures highest of which is approximately 32 feet	Yes
Lot Coverage	60% max of lot area	46.97%	Yes
Building Orientation	Towards street or primary accessary	Orients towards primary accessary	Yes

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Pedestrian Access	Entrances must have clear connection to street/sidewalk	Connection to West 13 th Street	Yes
Off-Street Parking	Auto @ 1 per dwelling unit, Motorcycle @ 1 per ten auto spaces and Bike @ 1 per dwelling unit. Requires 22 car and 22 bicycle spaces.	23 Automobile spaces, 3 motorcycle spaces and 6 bicycle spaces	Yes for auto, yes for motorcycle and yes with approved exemption for bicycle. Exemption addressed below.
Landscaping	Detailed below in paragraph 5	Detailed below in paragraph 5	Detailed below in paragraph 5
Access Management	Collector 150-300 foot separation	Approximately 230 feet	Yes

With the exception of bicycle parking, this proposal with conditions, meets the development standards. However, the applicant has requested reductions of both the bicycle and motorcycle parking requirements. These items are addressed in detail below.

Bicycle parking can be exempted per Section 7.040.060, Exemptions E. Other exemptions as approved by the approving authority. The approving authority is the City Council. Bicycle parking is assessed, for this project, on multi-family use. However, this multi-family use is restricted to seniors. Senior bicycle parking is assessed in the land use ordinance in two categories. Those are elderly housing and senior center. Utilizing these two parking categories, the resulting required bicycle parking would be from 1 to 3 spaces. Considering the fact that this proposal is restricted to seniors, the Council supports reduction to 6 bicycle spaces.

Motorcycle parking is assessed at one space for every 10 parking spaces. With the City's mathematical rounding requirement, this requires a minimum of 3 spaces. Staff does not see the necessity of reducing this amount of motorcycle parking. The required spaces do not seem onerous. Additionally, these seniors may have visitors that could utilize this parking.

4. Design standards for the project are set forth in Section 5.020.060(C) and (F) which provide as follows:

5.020.060 Design Standards:

C. Exterior Elevations: Exterior elevations of building shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows,

entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.

1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.

2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.

F. Multiple Buildings on one lot: Separation Between Buildings, Parking Areas, Walks and Drives.

Separation standards are met. The horizontal standards are satisfied through the use of windows, offsets, and cornice design, and the vertical standards are met through the use of an ornamental clock tower and gables.

5. Landscaping standards for the project are set forth in Section 6.010.030, which provides as follows:

Section 6.010.030, General Provisions, Subsection B. Landscape Plans, Where landscaping is required by this ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process.

Landscaping has been addressed in suitable detail to verify that the landscape standards for both parking and buffering and building square footage are met. The detailed landscape plan will detail species and size at planting. Approval of detailed landscape plans shall be a condition of concept plan approval.

6. Goal #10 of the City's Comprehensive Plan is "to provide for the housing needs of the citizens of this State." The following language from page 32 of the Comprehensive Plan summarizes the City's policies concerning residential development and infill:

"The Columbia River Gorge National Scenic Act and physiographic constraints have imposed limitations on expanding The Dalles urban growth boundary. While the supply of vacant buildable land within the existing UGB is adequate for the next 20 years, residential growth over the long term will be constrained as available land within the UGB is consumed. The consequences of a diminishing residential land supply are significant. Continued low housing densities will rapidly deplete the supply of residential land, and lead to rising land and housing costs. High housing costs may deprive The Dalles of one of its significant competitive advantages over other communities in the Gorge economy. Increasing employment in the service sector of the economy may require higher density, lower cost housing to accommodate employee needs. Higher costs will exacerbate problems in the supply of lower-cost housing.

In considering these long-term issues, the City of The Dalles intends to:

- * Plan for more multi-family and manufactured housing development by converting some vacant lands now planned for single family uses.
- * Plan for the more efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods, and by encouraging new development which achieves the density allowed by the comprehensive plan."

Sub-Goal #1 of Goal #10 provides as follows:

"Promote and provide an adequate supply of safe, healthy and affordable housing for all members of the community in a variety of housing types recognizing the needs and desires of the community's residents."

Sub-Goal #5 of Goal #10 provides as follows:

"Promote the efficient use Of vacant land by encouraging infill development which is sensitive to existing neighborhoods, and by encouraging new development which achieves the density allowed by the comprehensive plan."

Although the Appellants presented testimony questioning whether there was a need for the proposed senior housing, citing evidence of vacancy rates, the Council finds substantial evidence in the record to support the need for such housing. The applicant submitted statistics from a market assessment conducted in February, 1998, indicating there was a significant number of low-income persons needing housing, in relation to the number of low-income units there were available. The applicant also presented testimony from representatives of two social service agencies who provide services to low-income elderly clients, who expressed their opinion this segment of the population would continue to increase, and that housing would continue to be an important need for this group of citizens.

The findings of the Applicant's market assessment are consistent with the following language from Goal #10 of the Comprehensive Plan, on page 30:

"The median monthly housing costs and home values in The Dalles area are within reach of the majority of low-income households. About 40% of rental units in The Dalles had gross monthly rentals affordable to very low income households. This does not mean that affordable housing is not an issue in The Dalles. The Dalles does not have an adequate supply of affordable housing for those households with very low, or extremely low incomes, a common condition for most communities in the United States."

The Council finds there is substantial evidence to find the proposed project is consistent with the Comprehensive Plan. The plan itself acknowledges there is an inadequate supply of affordable housing, and that is reinforced by the market assessment conducted by the

applicant. The proposal is to provide safe, healthy, and affordable housing for low-income seniors. The site plan details structures with numerous architectural features and outdoor amenities including a dog run, community gardens, a gazebo, orchard trees, and community space. These design features reflect the applicant's intent that the project be compatible with and sensitive to the existing single-family residences in the neighborhood.

7. The review criteria for the application is set forth in Section 3.030.040 of the LUDO. The Council finds that all applicable provisions of City ordinances are met by the proposal or will be satisfied through the imposition of a condition of approval. The Council finds that adequate capacity exists for the City facilities including sanitary sewer and storm sewer. Water supply is an issue currently with the Chenoweth Water Co-Op. This is a technical issue which will be addressed by the applicant, and handled by a condition of approval. Although road capacity is adequate for this area, improvements to West 13th Street are certainly desirable. Therefore, a waiver of right to remonstrate against future improvements to the road, sidewalk, curb and gutter will be required as a condition of approval.
8. Section 3.030.040 concerning arrangement of site plan elements provides as follows:

C. Arrangement of Site Elements. Elements of the site plan are arranged to:

1. Promote pedestrian, bicycle, and vehicular safety and welfare.
2. Preserve and maintain public amenities and significant natural features.
3. Avoid traffic congestion.
4. Minimize potential adverse impacts on surrounding properties.

Section 3.030.020(H) regarding traffic impacts provides as follows:

- H. Traffic System Impacts. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide a traffic impact study or traffic counts to demonstrate the level of impact of the proposed development on the surrounding street system. The determination of impact or effect, and the scope of the impact study, shall be coordinated with the provider of the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project.

In the notice of appeal, the appellants express a concern about future impacts in the event there was a change of use of occupancy on the proposed site. There was no evidence in the record establishing that a change of occupancy was anticipated by the applicant. The City Council cannot speculate as to potential future impacts.

Appellant Jennifer Blevins testified, in her opinion, the streets in the vicinity of the proposed project were designed for lower residential density uses. In her testimony, she

referred to a letter from the Wasco County Public Works Department, which purportedly disputed the results of the applicant's traffic study, and asserted the project would contribute a substantial traffic impact to the neighborhood. Traci Twidwell recited examples of reckless or careless drivers who were driving onto her property, or the wrong way on the street, and who presented a threat to the safety of neighborhood children.

The traffic study conducted for the applicant estimated the proposed use would generate 25 ADT's. Although Appellant Jennifer Blevins referred to a letter from the Wasco County Public Works Department which appeared to challenge the results of that study, that letter was never received into evidence as part of the record. No traffic impact study was warranted under the provisions of Section 3.030.020(H) of the LUDO. The Council finds the results of the applicant's traffic impact study are more persuasive, and concludes that the minimal additional usage of the adjacent streets will not significantly increase or add to traffic congestion in the area.

The testimony by Ms. Twidwell focused upon the poor driving behavior of current users of the roads. There was no evidence indicating that potential occupants of the apartment complex would drive in a similar manner, or that they would exacerbate an existing problem. The applicant presented testimony that the timing of vehicle use by the occupants of the project will be scattered during the day, and not concentrated during any peak periods of use.

The Council finds the Planning Commission acted correctly in determining the capacity of the street system within the vicinity of the project was sufficient to handle the projected traffic to be generated by the project. The City's Site Plan Review Team determined the road system was adequate, and addressed the need for future improvements to West 13th Street by recommending the applicant sign a waiver of remonstrance for future street improvements. The City's draft Transportation Plan indicates that a two-way local street (such as West 13th) has the capacity to carry 700 cars per day.

The Council finds that the design of the plan for the entrances and exits should avoid traffic congestion. The Council also finds that the internal site plan elements, with the addition of a directional bicycle parking sign, are designed to facilitate pedestrian and vehicular traffic.

Many of the Appellants' concerns regarding traffic impact were presented to the City's Traffic Safety Commission at a meeting on May 20, 1998. The Commission referred these concerns to the Wasco County Public Works Department. The County Public Works Department has agreed with several of the suggested improvements, including re-striping the pavement to place fog lines on the street, conducting an inventory to identify and ensure appropriate signage for the street, obtaining a waiver of remonstrance for future street and storm water improvements, curbs, and sidewalks, enhancing site distances at Webber and West 13th Streets, and creating a connection for pedestrian access to West Tenth Street. The Council believes these improvements will mitigate many of the negative traffic impacts cited by the Appellants.

The Appellants presented testimony that the proposed project would violate state and federal housing laws. The applicant presented testimony refuting these allegations. The Council concludes the Appellants' allegations are irrelevant, as they fail to address any relevant criteria under the City's LUDO.

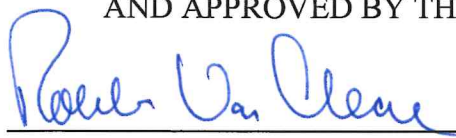
The Appellants cited certain alleged misrepresentations by the applicant, concerning the construction of the proposed project, particularly relating to the construction of one-story structures and the inclusion of an access road to West Tenth Street, as grounds for denial of the application. The record indicates that no condition of approval was included in the previous approval of Site Plan No. 226-96 (the West Park Place Apartments) requiring the construction of an access road to West Tenth Street. Whether or not representations were made that the access road would be addressed as part of that application process, the time to challenge that prior decision has expired. The record reflects that a proposed access road to West Tenth Street was included in a preliminary site plan for the project under appeal. The applicant revised the site plan to eliminate the road, which was the applicant's prerogative. The Council must review the submitted site plan with the applicable criteria. The Council concludes the Appellants' allegations are irrelevant, and fail to address applicable criteria which applies to the actual site plan presented to the Council.

9. Concerning the remaining criteria for approval, Section 3.030.040(D) provides that proposed lighting shall not directly illuminate adjoining properties. This criteria is imposed to minimize impacts upon private property. The Council concludes this criteria has been addressed by the condition of approval #1 imposed by the Planning Commission. The requirement of Section 3.030.040(E) for City Engineer approval of construction and design plan has been addressed by condition #2 imposed by the Planning Commission. The requirement of Section 3.030.040(F) concerning a waiver of remonstrance for future public improvements has been addressed by condition #5 imposed by the Planning Commission.

PASSED AND ADOPTED THIS 8TH DAY OF FEBRUARY, 1999.

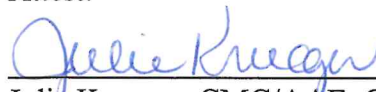
Voting Yes, Councilor: Davison, Wasser, Broehl, Davis, Gosiak
Voting No, Councilor: None
Absent, Councilor: None
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 8TH DAY OF FEBRUARY, 1999.



Robb Van Cleave, Mayor

Attest:



Julie Krueger, CMC/AAE, City Clerk