



## 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, SEPTEMBER 5, 2019**  
**6:00 P.M.**

### CALL TO ORDER

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

### ROLL CALL

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

Commissioners Absent:

Staff Present: Director Steve Harris, City Attorney Gene Parker, Senior Planner Dawn Hert, Planner Joshua Chandler, City Engineer Dale McCabe

### APPROVAL OF AGENDA

It was moved by DuFault and seconded by Ross to approve the Agenda of September 5, 2019 as written. The motion passed 7/0, Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

### APPROVAL OF MINUTES

It was moved by Ross and seconded by Cornett to approve the Minutes of August 15, 2019 as written. The motion passed 7/0, Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

It was moved by DuFault and seconded by Ross to hold public testimony to five minutes or less per person. The motion passed 7/0, Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

### PUBLIC COMMENT

There were no public comments.

## QUASI-JUDICIAL HEARING

Minor Partition 364-19, Scott Gayer, 2545 E. 18<sup>th</sup> Street, 1N 13E 11 AA tax lot 1500

Chair Lavier read the rules of a public hearing. He then asked if any Commission member had ex parte contact, conflict of interest, or bias which would prevent an impartial decision. Hearing none, Chair Lavier opened the public hearing at 6:07 p.m.

Planner Chandler presented the staff report.

In response to Commission inquiries:

- The lot is outside City limits; annexation is required for utilities
- No future partitions were included with this application
- The extension of E. 17<sup>th</sup> Street is not called out in the Transportation System Plan; lots on the Thompson Street side already have dedicated right-of-way
- The proposed dedication will allow for expansion of E. 17<sup>th</sup> Street

Ben Beseda, Tenneson Engineering, 3775 Crates Way, The Dalles

Mr. Beseda is the representative for the applicant.

Beseda referred to Condition of Approval (COA) 2, legal access to parcel 1. The applicant is asking for flexibility in COA 2 to allow other options. If the applicant can get a dedication for the full width of E. 17<sup>th</sup> Street prior to recording the final plat, the need for an easement is eliminated. Easement on an adjoining property owned by the applicant is a second alternative. A third option would be an easement over parcel 2 and 3 to provide access to parcel 1. If an easement option is chosen to provide access to parcel 1, the applicant would like the easement terminated with the right-of-way dedication.

Commission discussion included preferred access points to the property, future improvements to E. 17<sup>th</sup> Street, right-of-way, and possible revisions to the conditions of approval suggested by the applicant.

Chandler stated conversations between the applicant and the property owner to the north indicated the property owner would agree to a dedication.

Staff preference was an access easement from the neighboring property that could be terminated when right-of-way access was obtained.

Suggested language for revision to COA 2 was, "At the time of full street dedication on E. 17<sup>th</sup> Street, the access easement shall be terminated as access will be gained off of E. 17<sup>th</sup> Street." Currently, access would be gained from E. 18<sup>th</sup> Street. Approval for use of the applicant's adjoining property would allow access from E. 17<sup>th</sup> Street.

Beseda stated COA 3 required the adjustment occur only on the applicant's property. He suggested a more equitable choice would allow the misalignment to be corrected across the properties still undedicated between the two existing stubs.

Chandler said the choices were to accept the current language allowing access off of E. 18<sup>th</sup> Street, or allow access through an easement on the neighboring parcel. Suggested language was, "To ensure access rights to parcel one, the applicant must obtain and establish an access easement on the eastern abutting property [insert legal description] with a minimum width of 25 feet. At the time of full street dedication on E. 17<sup>th</sup> Street the access easement shall be terminated as access will be gained off of E. 17<sup>th</sup> Street."

Harris stated one option was to approve the application with the modification to the first condition, or use the new language as a tentative or draft language for the condition and defer action on the Resolution until the next meeting when finalized language had been approved.

Chair Lavier invited questions.

Willie Hulse, 2516 E 18<sup>th</sup> Street, The Dalles

Responses to Ms. Hulse's inquiries included:

- The subject property is in the Urban Growth Boundary
- City limits are "jagged" through 18<sup>th</sup> Street
- Development of these properties would require a Consent to Annex with a one year waiver for utility purposes
- Connection to City utilities is required when development is within 300 feet of water and sanitary sewer
- Commission decision is based on information presented in the application and staff report. The Commission does not know the intent of the applicant.

Chair Lavier closed the public hearing at 6:50 p.m.

Planner Chandler said the decision needed was whether to create the realignment on the subject property, or to create the realignment over the distance of E. 17<sup>th</sup> Street. The language can be modified based on the either option. As of this date, the applicant would prefer to spread the realignment along multiple properties; City staff would prefer the realignment on the subject property.

Senior Planner Hert clarified that dedications typically go along with a Minor Partition application. The City is not in the business of acquiring right-of-way unless it's a necessity.

Further discussion included existing development, driveway standards, and potential costs to access the property from E. 17<sup>th</sup> or E. 18<sup>th</sup> Street. An aerial photo of the subject and surrounding properties was distributed, Exhibit 1.

Commissioner Bybee moved pending legal counsel's review of Condition 2, the Planning Commission will meet to come to a resolution at the next scheduled Planning Commission meeting regarding MIP 364-19. Commissioner Cornett seconded the motion.

Director Harris requested Commissioner Bybee restate the motion. Commissioner Bybee moved to postpone a decision until legal counsel had opportunity to review edits to Condition 2.

Director Harris clarified: Commission consensus was to leave Condition 3 as written. The motion on the floor was to refer language of Condition 2 to Staff, the signatory and the applicant to work out language for location of the access easement. The revised language and Resolution will return to the Commission for approval.

Commissioner Cornett again seconded the motion. The motion passed 7/0, Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

## **OLD BUSINESS**

Adjustment 19-046, Gary Everest, 1413 E. 16<sup>th</sup> Street, 1N 13E 10 AA tax lot 3200, Hearing Continued from August 15, 2019

Director Harris called attention to two emails received September 5, 2019. Exhibit 2 was sent from Mrs. Lorene Hunt to City Staff; Exhibit 3 was sent by Mrs. Hunt to Commissioner Bybee. Chair Lavier stated the record was closed when the emails were received. Director Harris said

the record was held open until 5:00 p.m. August 28, 2019. The Commission could consider the record closed, or consider comments received September 5 as part of tonight's proceedings.

Harris also directed attention to City Attorney Parker's memorandum of August 28, 2019, written in response to an email submitted August 27, 2019 by Mrs. Hunt. Parker stated the purpose of the continuance was not to require City Staff to respond to written questions requesting answers. Parker also wrote, "The argument raised by Mrs. Hunt that the proposed adjustment will increase the number of dwelling units on the subject property from one to two, constituting an automatic increase in density, which is prohibited by Section 10.3.080.020(B)(6) has been rejected by the City in the case of the two lot line adjustments cited previously. No additional response to this argument is necessary."

Commissioner Stiles recused himself from this application and exited the meeting at 7:17 p.m.

Senior Planner Hert presented the supplemental staff report.

Discussion included who can enforce covenants and the process used to enforce covenants.

It was moved by DuFault and seconded by Bybee to approve ADJ 19-046, Gary Everest, 1413 E. 16<sup>th</sup> Street, for a 13 foot reduction of lot depth from 65 to 52 feet, a reduction of 20 percent, per The Dalles Municipal Code Section 10.3.080 based on findings of fact and conditions of approval. The motion passed 6/0, Bybee, Cornett, DuFault, Lavier, Poppoff, and Ross in favor, none opposed, Stiles absent.

## **RESOLUTION**

Resolution PC 584-19: Recommendation for approval of MIP 364-19, Scott Gayer

This action was postponed to the next meeting.

Resolution PC 583-19: Recommendation for approval of ADJ 19-046, Gary Everest

It was moved by Cornett and seconded by Poppoff to approve Resolution PC 583-19. The motion passed 6/0, Bybee, Cornett, DuFault, Lavier, Poppoff, and Ross in favor, none opposed, Stiles absent.

## **DISCUSSION ITEM**

### Accessory Structures

Senior Planner Hert presented the discussion item.

Commission discussion included:

- Quantifiable design standards
- Neighborhood compatibility
- Architectural details: is it appropriate to require details on small accessory structures
- Importance to retaining landowner rights
- Neighborhood compatibility applied exclusively to accessory structures
- Increased property values
- Limit accessory structure size based on the footprint of the primary structure, rather than total square footage of the primary structure
- Adding design features in the zoning regulations rather than including them in the neighborhood compatibility section

Senior Planner Hert suggested Staff work with Phase II amendments to include additions to the Accessory Development section regarding scale, size, and clear and objective design features. Revisions would be presented at the next meeting.

### **STAFF COMMENTS**

The next regularly scheduled meeting is September 19, 2019. A public hearing is scheduled for the Phase II Housing Code Amendments.

A Planners Network meeting will be held September 23-24, 2019, Exhibit 4. Planning Commissioner Training is offered on September 23 (Monday); registration for interested Commissioners will be covered by the City.

A request was received from the Mid-Columbia Fire District regarding Emergency Management Response Plans. The District suggested language to be included with Conditions of Approval.

Work continues on Planning Commission Bylaws.

Results of the Downtown Visioning exercise will be presented to City Council in October, and then to Planning Commission.

Director Harris provided an update on the Recreation Building status. A rain event on August 9 led to a partially collapsed roof. The front wall separated from the roof and was pushed out 16 inches; the rear wall was also impacted. Staff was working with insurance adjusters and engineers. Three bids were received and will be presented for review at a special Meeting of the Urban Renewal Agency Board.

### **COMMISSIONER COMMENTS OR QUESTIONS**

There were none.

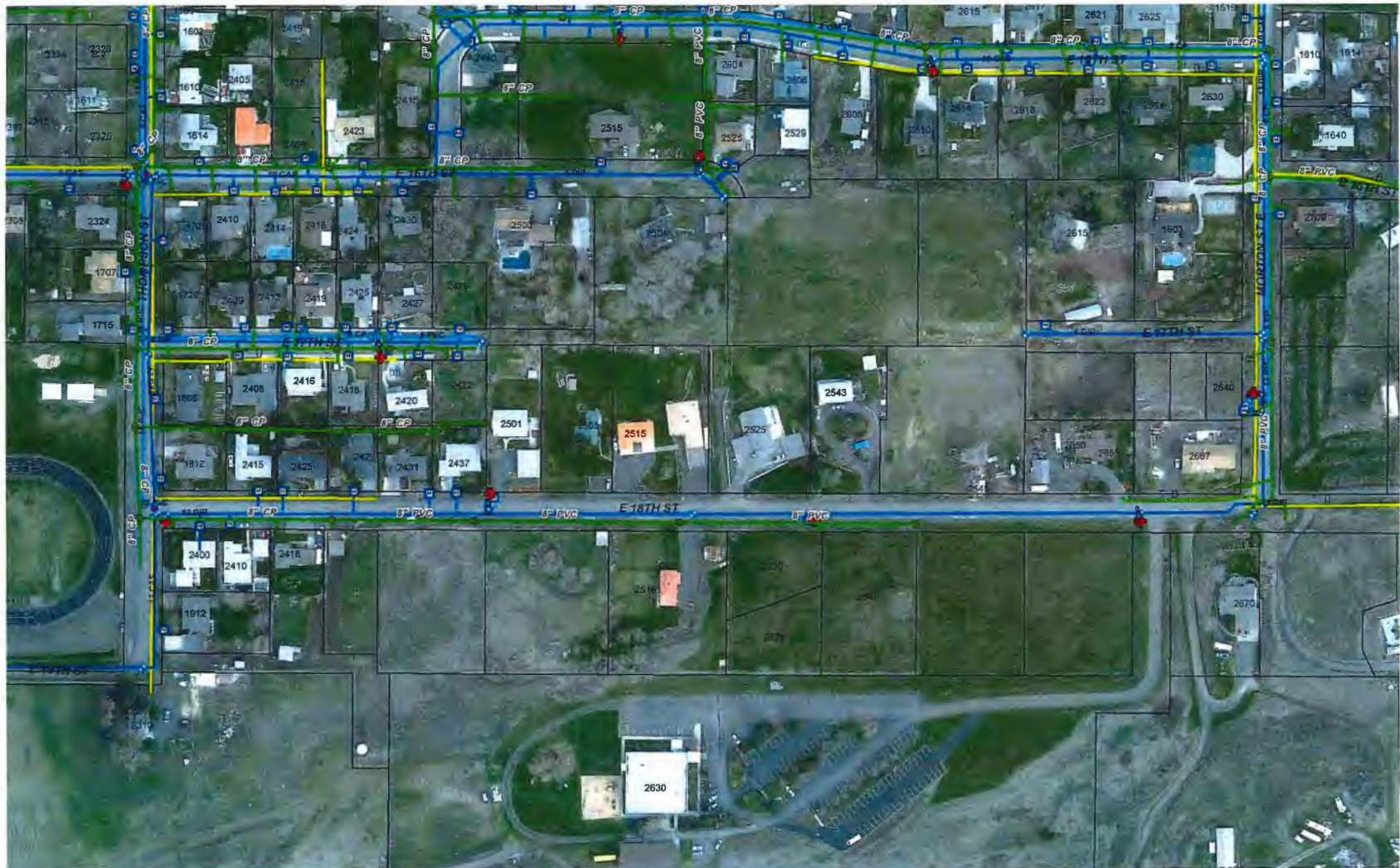
### **ADJOURNMENT**

Chair Lavier adjourned the meeting at 8:13 p.m.

Respectfully Submitted  
Paula Webb, Planning Secretary

  
\_\_\_\_\_  
Bruce Lavier, Chair





**Paula Webb**

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**Subject:** FW: to be added to the record for Sept. 5 Planning Commission meeting  
**Attachments:** Planning Commission Meeting Sept. 5, 2019 - information for.doc  
**Importance:** High

**From:** Steve Harris  
**Sent:** Thursday, September 05, 2019 4:51 PM  
**To:** Gene Parker  
**Cc:** Paula Webb  
**Subject:** FW: to be added to the record for Sept. 5 Planning Commission meeting  
**Importance:** High

Please copy for PC. Thanks

**Steven Harris, AICP | Director**  
Community Development Department  
City of The Dalles | 541.296.5481 x1151  
313 Court Street | The Dalles, OR 97058  
[www.thedalles.org](http://www.thedalles.org)

**PUBLIC RECORDS LAW DISCLOSURE:**

This email is a public record of the City of The Dalles and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

**From:** Lorene Hunt [<mailto:lhunt9999@gmail.com>]  
**Sent:** Thursday, September 5, 2019 4:46 PM  
**To:** Dawn Hert <[dhert@ci.the-dalles.or.us](mailto:dhert@ci.the-dalles.or.us)>; Steve Harris <[sharris@ci.the-dalles.or.us](mailto:sharris@ci.the-dalles.or.us)>  
**Subject:** to be added to the record for Sept. 5 Planning Commission meeting

I emailed DHert with a response that I received her email; maybe it was not received?- did not open one entry that was not identifiable - (with numbers....)

Still waiting for answers to questions asked in the submission during the hearing...also waiting for questions asked in submissions during the open record period ... all that should be provided for consideration before voting on the Resolution.

Information for the Planning Commission to weigh regarding Resolution 583-19 before casting a vote that matters to a whole neighborhood of citizens, only 1 citizen withing 300 yards of the lot in question found that supports this Resolution allowing development of 2 dwelling units on one lot in Schull's Addition:

---On p. 5 of 69 of the agenda packet for Sept. 5, a calculation is given with a result of 2.001 units per gross acre, **saying that density meets code**. That would be true, **however, the result given is incorrect**. In fact, the adjustment proposes that **two** units be developed on the property, so to achieve a density of 2.001 units per gross acre would require the parcel with right-of-way to measure approximately 1 acre, not 0.335 acres as noted in the same excerpt.

-- **FACTS:** Significant miscalculations/errors have been made repeatedly over the course of more than a year i.e. dividing a positive number by a positive number and getting a negative number to prove validity in the case of an adjustment approved by the Planning Commission in May of last year, still being challenged in a court system that does not favor citizens who must do extensive research to hold the City accountable, time frames limiting, justice not served.

-City Code that applies but is found by citizens too late in the process is unusable, as the city attorney knows. This makes it necessary to do such research at this first step, the Planning Commission's decisions critical, including to protect citizens in a number of ways.

-The City Council is loathe to overturn the approval of the Planning Commission per experience and statements made. *This behooves Planning Commission members not just to take the word/recommendation of an entity that has not fulfilled its Mission nor can be depended on to present accurate facts or directly applicable and relevant City Code (see Exhibit 1, p. 9 of 69 by J. Hunt ; determine if all items have been satisfied, esp. paragraphs 3 & 4).*

-Who is going to hold the Community Development Dept. accountable: to fulfill its Mission to citizens\*\*\* living in compromised local neighborhoods with unanimous objections not validated in any way since May 2018 and possibly before? If there is any doubt about that being true in this case, **it is urged that Commission members delay a vote and research the staff report dated Sept. 10, 2018 for this property at 1413 E. 16<sup>th</sup> including a hand-written letter by R. and R. Brown on 8/1/18 referring to their previous email/letter dated June 18 with objections to even one proposed structure on that lot, unanimous objections from neighbors noted, the Browns having moved out of town since the first structure was approved in spite of repeated objections, the recommendation of the Community Development Dept. not validating unanimous neighborhood citizen voices in opposition** It is demoralizing when the will of the citizens is repeatedly overridden by the the Community Development Dept. (this time in favor of an out-of-town developer), the director also the Economic Dev. Director a serious conflict of interests.

-**Note caring citizens supporting a Formal Request, only 1 supporter of development found.**

-Why would any Commission member ask if citizens from another part of town can support each other? Is a supportive community of citizens not valued by all Commission members? Is The Dalles (and Planning Commission) a place that values shared concerns/shared expertise?

--The Community Development Director must fulfill the **Mission** of that Dept. to citizens: **"responsive, accurate, consistent, helpful, and honest service to our citizens..."** and **"aggressively pursuing meaningful citizen involvement in all planning endeavors"** and **"to foster a climate of cooperation among city personnel and local citizens..."** Not one land use case involving an adjustment has seen a staff report or recommendation that validates a preponderance of citizens/home owners, on one night alone a unanimous group of land owners in 2 neighborhoods were overruled at the recommendations of the planning department in favor of one developer; many citizens repeatedly not served. In addition, the Community Dev. Director was asked to respond to questions that are key to this decision. Have the questions submitted by L. Hunt been answered? From any documents or exhibits? Before a vote is taken, answers to those questions will serve citizens and the Commission in accordance with the Mission of the Community Dev Dept.

L. Hunt

P.O. Box 81

The Dalles, Or



## Paula Webb

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**From:** Steve Harris  
**Sent:** Thursday, September 05, 2019 5:06 PM  
**To:** Paula Webb  
**Subject:** FW: Items to consider before a yes vote

**Steven Harris, AICP | Director**  
Community Development Department  
City of The Dalles | 541.296.5481 x1151  
313 Court Street | The Dalles, OR 97058  
[www.thedalies.org](http://www.thedalies.org)

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**From:** Brent Bybee [<mailto:brentbybee88@gmail.com>]  
**Sent:** Thursday, September 5, 2019 5:02 PM  
**To:** Steve Harris <[sharris@ci.the-dalles.or.us](mailto:sharris@ci.the-dalles.or.us)>  
**Cc:** Bruce Lavier <[blavier@gorge.net](mailto:blavier@gorge.net)>; jeffstiles@charter.net; sross@tonkin.com; joteg@gorge.net; Sherry Dufault <[sherdufault@gmail.com](mailto:sherdufault@gmail.com)>; Lorene Hunt <[lchunt9999@gmail.com](mailto:lchunt9999@gmail.com)>  
**Subject:** Re: Items to consider before a yes vote

For the record, the following comments were submitted directly to the Planning Commissioners by email today at 4:37 PM.

On Thu, Sep 5, 2019 at 4:37 PM Lorene Hunt <[lchunt9999@gmail.com](mailto:lchunt9999@gmail.com)> wrote:

The attached page includes items to consider before a yes vote on Resolution PC 583-19, difficulties raised during the hearing needing to be addressed i.e. Exhibit #1 on p. 9 of 69, esp. paragraphs #3 & 4 and Exhibit #4 (pp 13 & 14 of 69 in the packet).

also items submitted during the open record raising questions with answers requested of S. Harris, staff coordinator and Community Development Director, those answers not yet forthcoming in any form.

(Planning Commission services are some of the most important to citizens of the City of The Dalles...the first step in which citizens place trust).

## Central Oregon

**PLANNERS NETWORK MEETING**

For City and County Staff, Planners, Elected Officials, and Planning Commissioners  
The Dalles, Oregon

**September 23 & 24, 2019**

**MONDAY, SEPTEMBER 23, 2019**

5pm – 7:30pm, \$35 (light dinner included)

National Neon Sign Museum, 200 East 3rd Street,  
The Dalles, OR 97058

**Planning Commissioner Training**

Department of Land Conservation and Development (DLCD) staff will cover the basics of the statewide land use planning program, local responsibilities, and the role of planning commissioners and staff, with a focus on both urban and rural planning goals and policies.



By Finetooth - Own work, CC BY-SA 3.0

**To register or apply for a scholarship:**

go to [www.oregonapa.org/events/](http://www.oregonapa.org/events/)

**Questions?** Contact Stephanie Kennedy, OAPA,  
[oapa@oregonapa.org](mailto:oapa@oregonapa.org), (503) 626-8197

**TUESDAY, SEPTEMBER 24, 2019**

8:30am – 6pm, \$65 (lunch included); 5 CM's pending

Columbia Gorge Discovery Center & Museum,  
5000 Discovery Drive, The Dalles, OR 97058

**Statewide Updates and Trainings**

Sessions will include:

- Updates from Salem – A summary of current topics of interest in the statewide planning program, with legislative and rulemaking updates from DLCD, will be shared
- Columbia Gorge Management Plan Update
- Writing Legally Defensible Findings
- Addressing Housing Needs in Urban Areas
- Wildfire and Natural Hazards Planning in Rural Oregon

A no-host happy hour will complete the day.  
Everyone is invited to happy hour!

