



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125

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COMMUNITY DEVELOPMENT DEPT.

AGENDA CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, SEPTEMBER 6, 2012

6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
August 2, 2012
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING:**
Application Number: ADJ 12-015; Robert and Pamala Kuenzinger; Application for approval for the placement of a new manufactured home with the front building line not parallel to the street. 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.
- VII. RESOLUTION
P.C. Resolution No. 525-12; Robert and Pamala Kuenzinger; ADJ 12-015
- VIII. STAFF COMMENTS
 - A. Planning Commission Representative for Urban Renewal Advisory Committee
 - B. Planning Commission Vice Chairman
- IX. COMMISSIONER COMMENTS/QUESTIONS
- X. NEXT SCHEDULED MEETING DATE
September 20, 2012
- XI. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, August 2, 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, Mike Zingg, Robert Raschio, Jeff Stiles, Chris Zukin

BOARD MEMBERS ABSENT:

Mark Poppoff, Dennis Whitehouse

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Senior Planner Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

It was moved by Zukin and seconded by Zingg to approve the June 21, 2012 minutes as submitted. Lavier, Zingg, Zukin and Stiles voted in favor, Raschio abstained; Poppoff and Whitehouse were absent.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARING:

Application Number VAR 119-12, Flagstone, LLC; Request: Application for approval of a secondary freestanding sign. The property is located at 3325 Columbia View Drive, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 1 AC, tax lot 500. The property is zoned "NC" Neighborhood Center Overlay District.

Chair Lavier read the rules for conducting a public hearing and asked the Commissioners if they had any conflict of interest, ex-parte contact, or bias that would prohibit them from making an impartial decision in the matter. Commissioner Stiles stated Flagstone, LLC was a business client of his. After asking some qualifying questions of Stiles, City Attorney Parker determined Stiles had no conflict of interest, ex-parte contact or bias towards the current matter.

Chair Lavier opened the public hearing at 6:11 PM.

Senior Planner Gassman highlighted the staff report. Gassman stated that no written comments were received regarding the application, and staff recommended approval of the application with two

conditions of approval. The reason the application came before the commission, Gassman said, was due to the fact that the City's sign code did not easily apply to facilities with multiple buildings. Gassman suggested the sign code be reviewed in the future to allow more than one freestanding sign for multi-structural facilities.

Note: Commissioner Poppoff joined the meeting at 6:12 PM.

Commissioner Poppoff asked why the proposed secondary sign was close in proximity to the primary sign. Senior Planner Gassman stated he noticed that as well and that the applicant could answer that question during testimony. Gassman commented that travelers coming from the east side of the facility were unable to see the primary sign until they passed by; thus a second sign could possibly alleviate that problem, and it would be readable from both sides.

Testimony

Proponent:

Bryan Carnahan, 3325 Columbia View Drive, The Dalles, Oregon stated that the purpose of the proposed secondary sign was to bring attention to one individual building that was separate from the Flagstone buildings. The proposed sign would be positioned directly in front of that separate structure, The Terrace at Flagstone.

Commissioner Poppoff asked what the maximum allowable square footage for signage in the zoning district was. Senior Planner Gassman stated the maximum square footage allowed in a Neighborhood Center (NC) district was 32 square feet, not to exceed eight feet in height.

Opponents:

None

Chair Lavier closed the public hearing at 6:21 PM.

Deliberation:

Commissioners Zukin, Raschio, and Zingg agreed the secondary signage was necessary and unobtrusive. Said Commissioners also expressed a concern that the current sign code was inadequate for large developments with multi-structural facilities with multiple activities and should be reviewed and amended to allow more signage and larger signage for this type of facility in an NC district.

It was moved by Zingg and seconded by Zukin to approve VAR 119-12 based upon findings of fact including the conditions of approval as submitted. The motion carried unanimously; Whitehouse was absent.

RESOLUTION:

Resolution No. P.C. 524-12, Flagstone, LLC; VAR 119-12

It was moved by Zukin and seconded by Raschio to adopt Resolution No. P.C. 524-12 based upon the findings of fact and the two conditions of approval as submitted. The motion carried unanimously; Whitehouse was absent.

STAFF COMMENTS:

Senior Planner Gassman advised the Commissioners that Community Development Director Dan Durow announced his retirement, effective November 1, 2012. The City Council approved the formulation of a three-year Personal Services Contract with Director Durow, to commence upon retirement, and he will be working eight to twelve hours a week on The Riverfront Trail and other urban renewal projects.

City Attorney Parker reported that the Granada Block Redevelopment Project is moving forward. The Memorandum of Understanding was recommended by the Urban Renewal Advisory Committee to the Urban Renewal Agency for approval. The Agency will consider the MOU on Monday, August 13, 2012. Once the MOU is in place, Parker stated, the Disposition and Development Agreement (DDA) will be prepared. Construction is due to start sometime next summer, Parker said.

NEXT SCHEDULED MEETING DATE:

August 16, 2012

ADJOURNMENT:

The meeting was adjourned at 6:32 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman

City of The Dalles

Staff Report

Adjustment No. 12-015

Robert and Pamala Kuenzinger

Prepared by: Dick Gassman, Senior Planner

Procedure Type: Quasi-judicial

Hearing Date: September 6, 2012

Assessor's Map: 1N 13E 10AB, tax lot 7500

Address: 2031 Dry Hollow Road

Comprehensive Plan Designation: "RL" Low Density Residential District

Zoning District: "RL" Low Density Residential District

City Limits: Inside

Request: To place a home on a lot without meeting the building orientation requirements of the Land Use and Development Code (LUDO).

BACKGROUND INFORMATION

The subject property is currently vacant. The lot is at the top of the crest that separates Scenic Drive from Dry Hollow Road. The lot has a natural hollow area that does not allow for the required orientation. Other areas of the lot are rock which would require extensive removal. The applicant is seeking an adjustment to the building orientation.

This is a quasi-judicial adjustment request as specified in LUDO Section 3.080.020 D. 7.

NOTIFICATION

Property owners within 300 feet, City Departments and other agencies were mailed a notice on August 24, 2012 as required by sections 3.080.030 and 3.020.050

COMMENTS

No comments have been received as of the time of preparation of this staff report. If comments are received prior to the hearing, those will be presented to the Commission at the hearing.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness. An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120: Fees of this Ordinance. Complete applications shall be signed and dated by the Director.

FINDING #1: The application was found to be complete on August 13, 2012. Criterion met.

Section 3.020.050 Quasi-judicial Actions

A. Decision types. Quasi-judicial actions include adjustments.

FINDING #2: This application is for an Adjustment per Section 3.080.

Adjustments may be either administrative actions or quasi-judicial actions. The specific request is for an adjustment to the building orientation, putting this in the quasi-judicial action process per Section 3.080.020 D. Criterion met.

B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval with conditions, or denial.

FINDING #3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

C. Public Hearing. Applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting with 45 days from the date the application is deemed complete.

FINDING #4: The 45 day deadline from August 13, 2012 is September 17, 2012. The hearing is scheduled for September 6, 2012, within the required time line. Criterion met.

D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to a variety of individuals, including the applicant and owners of property within 300 feet.

FINDING #5: The appropriate notices were mailed on August 24, 2012. Criterion met.

Section 3.080.030 Review Procedures

Quasi-Judicial Adjustment review procedures shall be the same as those specified for Quasi-Judicial Actions in Subsection 3.020.020B2.

FINDING #6: The application has been reviewed as required in Subsection 3.020.020 B 2, as shown below. Criterion met.

Section 3.080.040 Review Criteria

A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.
 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
 3. City designated scenic resources and historic resources are preserved; and
 4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable,
- Or
6. Application of the regulation in questions would preclude all reasonable economic use of the site; and
 7. Granting the adjustment is the minimum necessary to allow the use of the site; and
 8. Any impacts resulting from the adjustment are mitigated to the extend practical.

FINDING #7:

7. 1. This is a residential zone. Approval of this adjustment will not significantly detract from the livability or appearance of the area. The lot fronts on both Scenic Drive and Dry Hollow, but the access will be from Dry Hollow. The proposed orientation will still provide a partial orientation onto Dry Hollow. Due to the significant rock ledge to the north, it would be difficult to excavate the room needed for a full orientation. In addition, the proposed location is significantly higher than Dry Hollow, which makes the orientation less noticeable.

7. 2. Only one adjustment is requested.

7. 3. There are no City designated scenic or historic resources involved with this request.

7. 4. For mitigation purposes, the applicant should be required to orient the home as close to the required orientation as feasible.

7. 5. The area is not an environmentally sensitive area.

Criteria met.

B. Additional Criteria. If the applicant meets the approval criteria above, then the Approving Authority may also take into consideration, when applicable, whether the proposal will:

1. Result in a more efficient use of the site;
2. Provide adequate provisions of light, air, and privacy to adjoining property;
3. Provide for accessibility, including emergency vehicles, per City standards;
4. Result in a structure that conforms to the general character of the neighborhood or zone district;
5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.

FINDING #9: The requested adjustment would result in a more efficient use of the site since it would require considerable effort and expense to excavate sufficient room for the required orientation. Accessibility is not an issue. Parking is not requested to be lowered. Criteria met.

3.080.050 Conditions of Approval

In granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

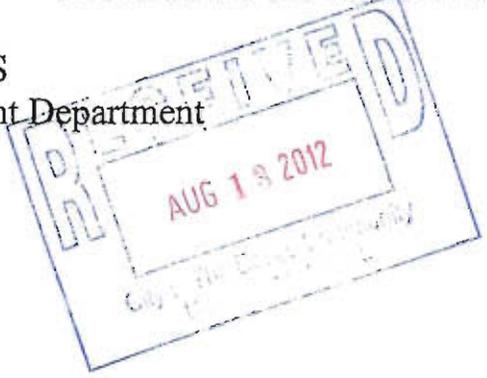
FINDING #10: Recommended conditions of approval are listed below.
Criterion met.

RECOMMENDATION: The request to place a dwelling on the lot without meeting the building orientation requirements of the LUDO should be approved with the following conditions:

1. Except as modified by this decision, all development must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
2. The applicant place the dwelling as close to the code required orientation as feasible.

ADJUSTMENT APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 8/13/2012
File# 12-015
Date Deemed Complete 8/20/2012
Hearing Date 9/6/2012
Approval Date
Permit Log #
Other Cross Reference#

APPLICANT

Name Robert & Pamela Kuenzinger
Address 1805 E 12th St
The Dalles, OR, 97058
Telephone # 503-868-8255
E-Mail r.kuenzinger@hotmail.com

LEGAL OWNER (If Different than Applicant)

Name
Address
Telephone #
E-Mail

*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 2031 Dry Hollow
Map and Tax Lot 1 N 13 E 10 AB 7500
Size of Development Site .91 acres
Zone District/Overlay RL - Residential Low Density / NSA / UGB + CL
Comprehensive Plan Designation RL - Residential Low Density

REQUEST

[X] New Construction [] Expansion/Alteration [] Change of Use [] Amend Approved Plan

Brief Explanation: See Attached Summary Letter & Photos

To The City of The Dalles Planning commission, 8/13/2012.

We are requesting an exemption for the placement of a 2100 square foot manufactured home on our property located at 2031 Dry Hollow rd.

Following the factors of exception described in Section 5.010.0500 Building Operations our placement exceeds the minimum lots size of 5000 square feet and meets or exceeds the set back requirements .

1)The considerations we are requesting the exemption for are that the location of the home be allowed to face in a S.W direction to allow for the garage entrance to have a longer driveway which would prove to be greater access and allow for off street parking in an excavated area along the driveway. Due to the elevation changes of the property along the 292 feet of road frontage the incline would be to great if the garage was to be facing Dry hollow directly.

2)The property has a natural pocket which after downsizing the home it will fit and be astatically pleasing to the view from the street level to the surrounding area,(How others will see it from their view points).

3) Due to the natural slopes and elevation changes in the property the placement of the home is necessary because to alter the solid rock northern area would be cost prohibitive and possibly add to future de-stabilization of the property and allow for landslides.

4) The placement of the home will not detract from the livability or appearance of the surrounding residential neighborhood rather should improve the area and to better utilize the natural surroundings.

Robert & Pamala Kuenzinger

Handwritten signatures of Robert and Pamala Kuenzinger in blue ink. The signature for Robert is on top and Pamala's is below it.



↑ NORTH

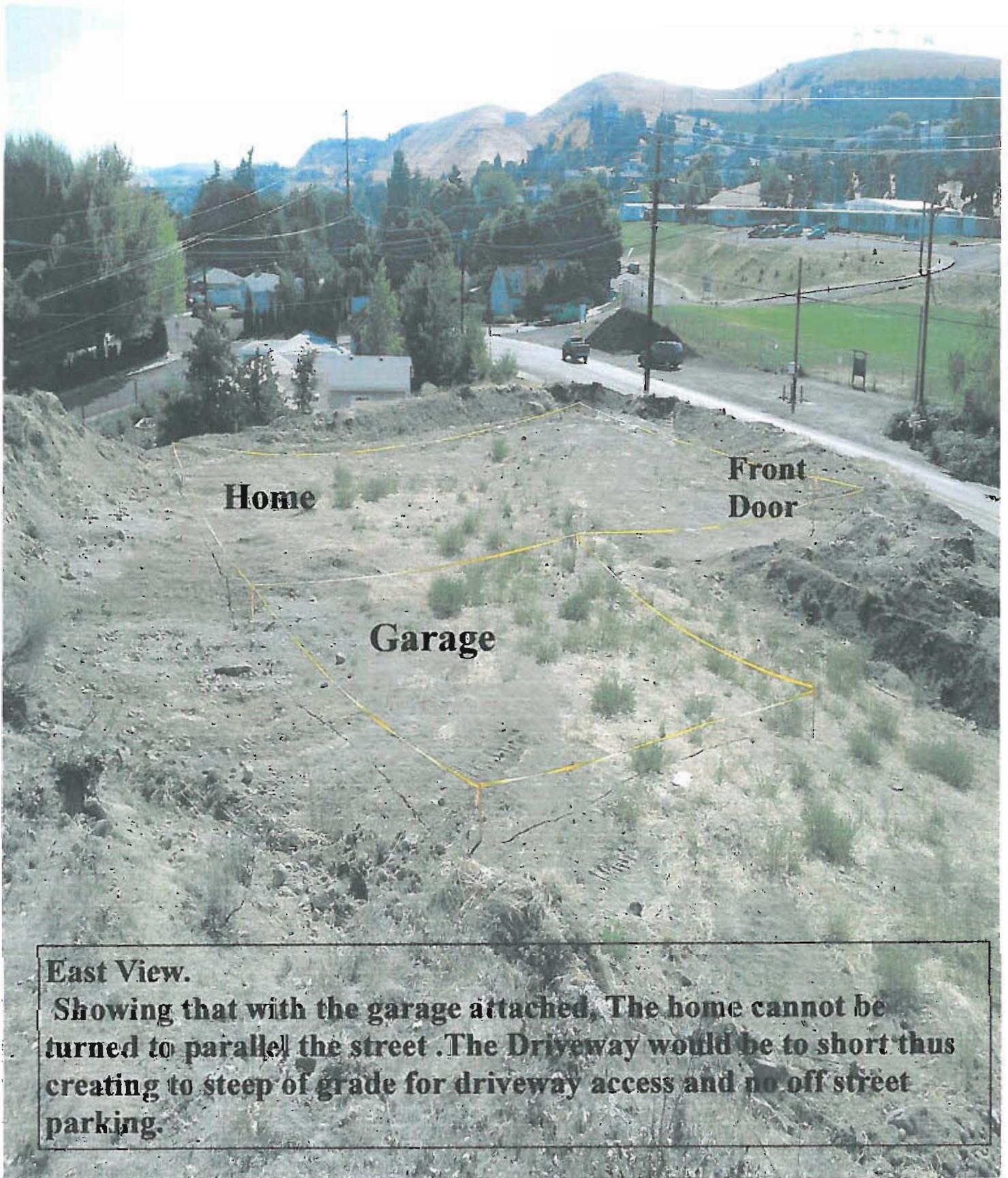
Active Landslide

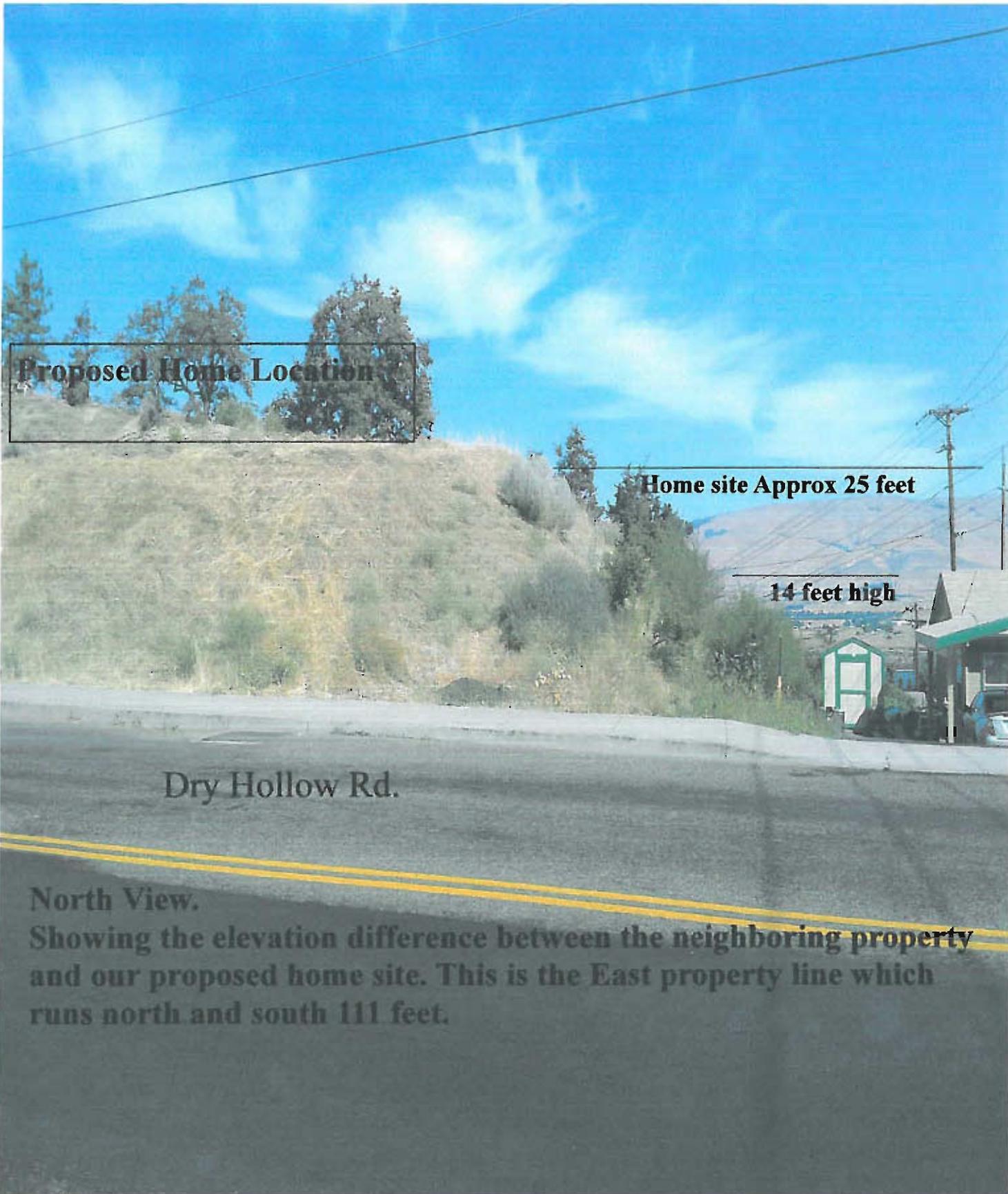
HAZARD Ge Slope

HILLSIDE

Parking

HILLSIDE





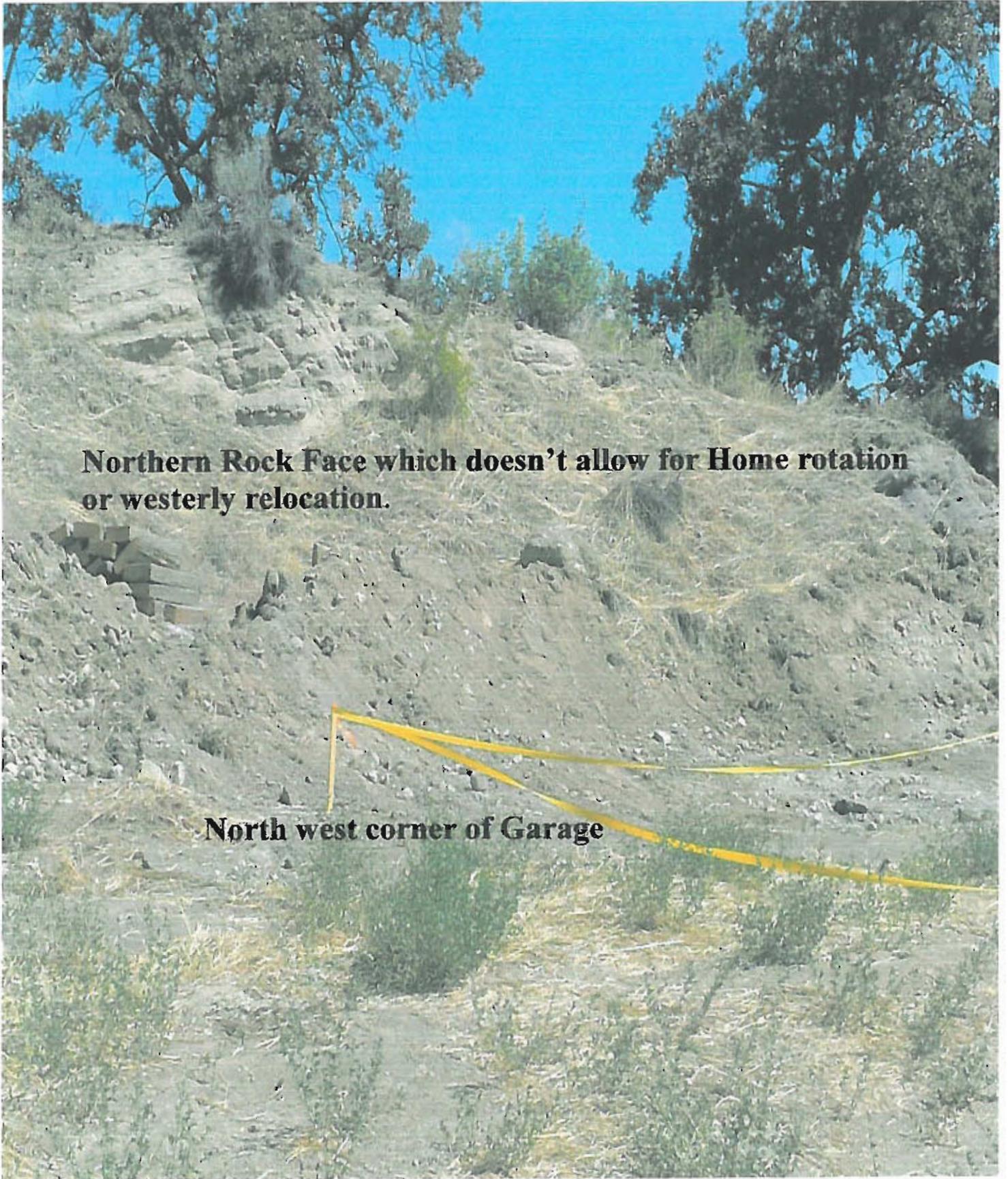
Proposed Home Location

Home site Approx 25 feet

14 feet high

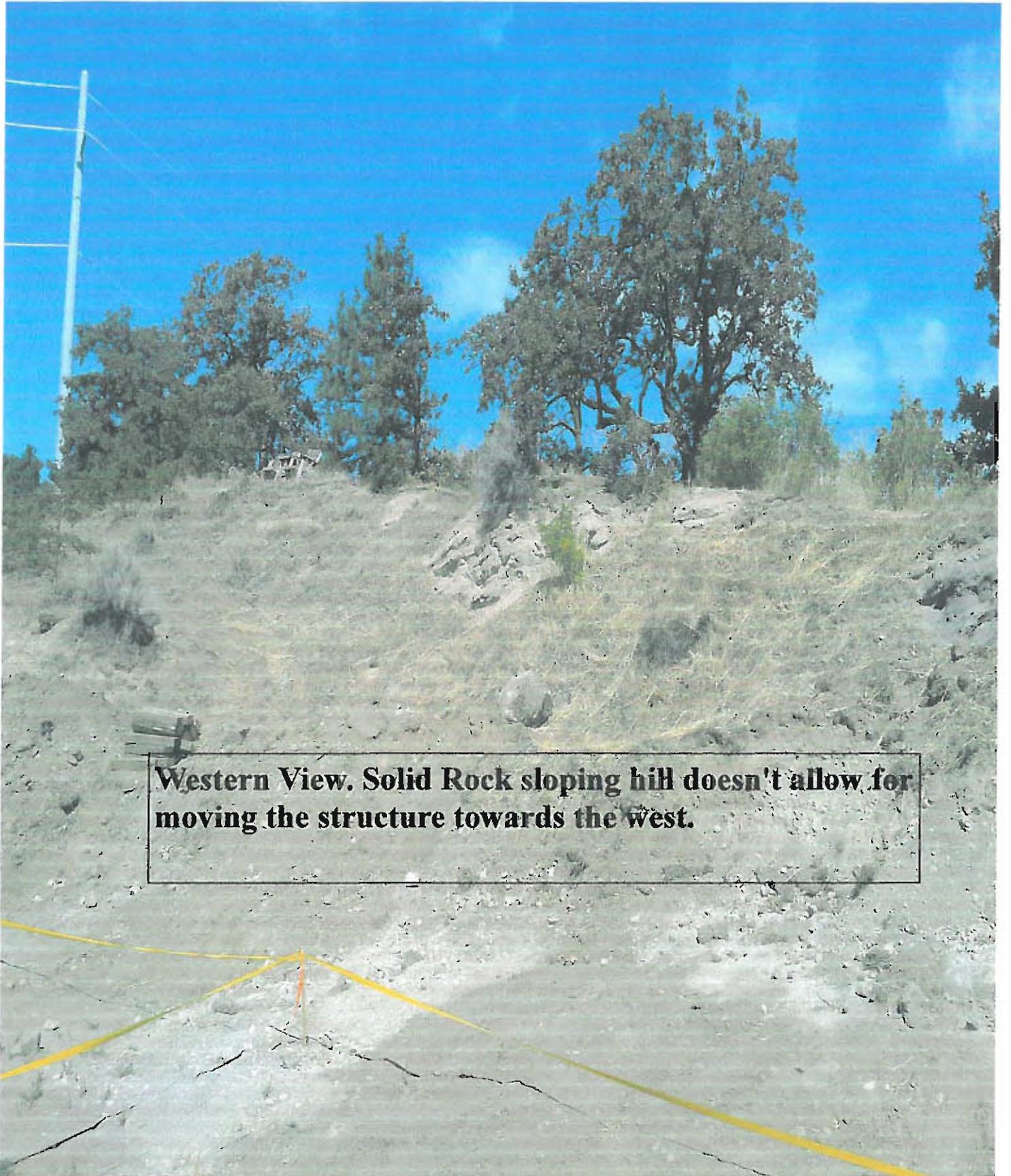
Dry Hollow Rd.

**North View.
Showing the elevation difference between the neighboring property
and our proposed home site. This is the East property line which
runs north and south 111 feet.**

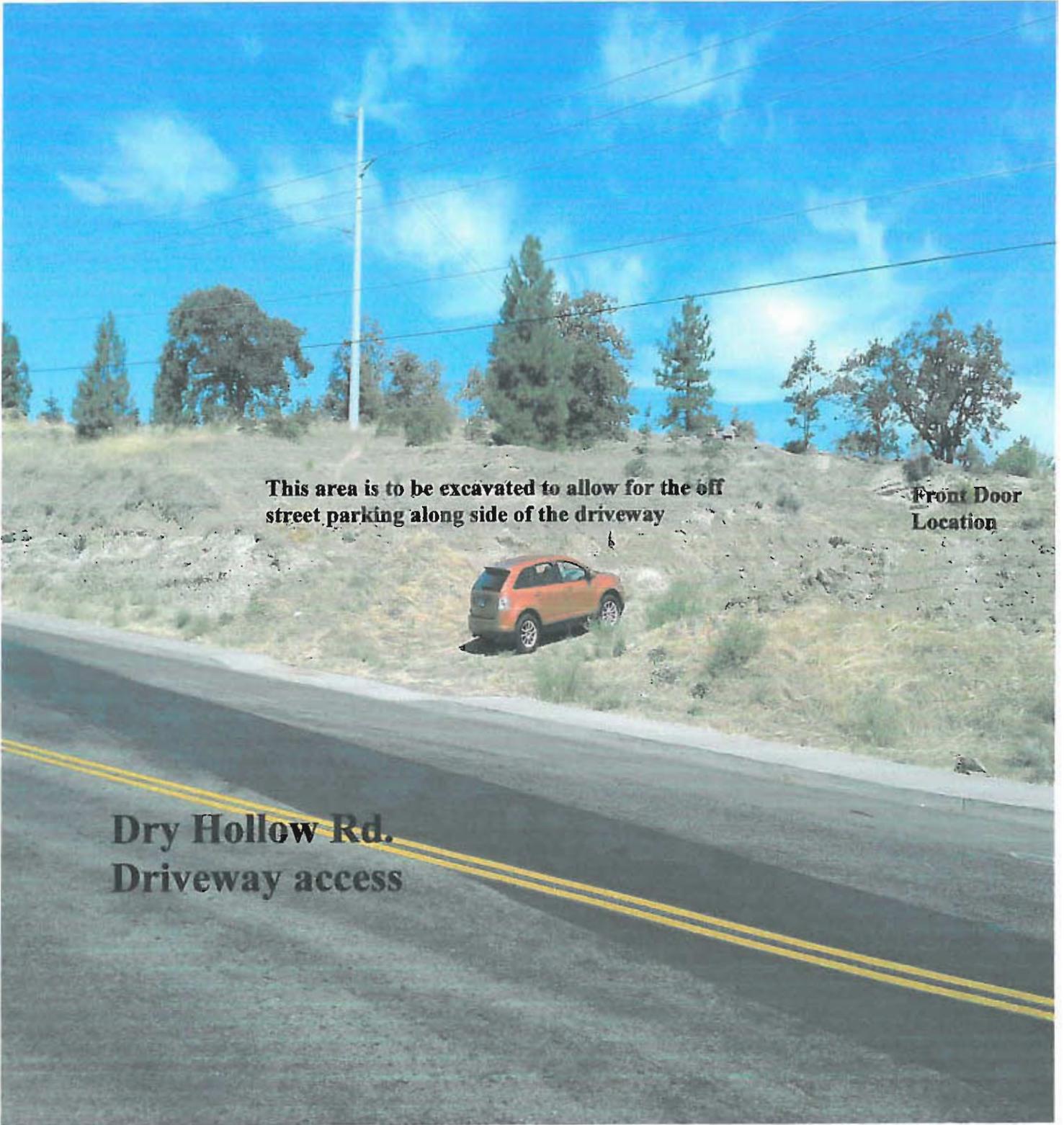


Northern Rock Face which doesn't allow for Home rotation or westerly relocation.

North west corner of Garage



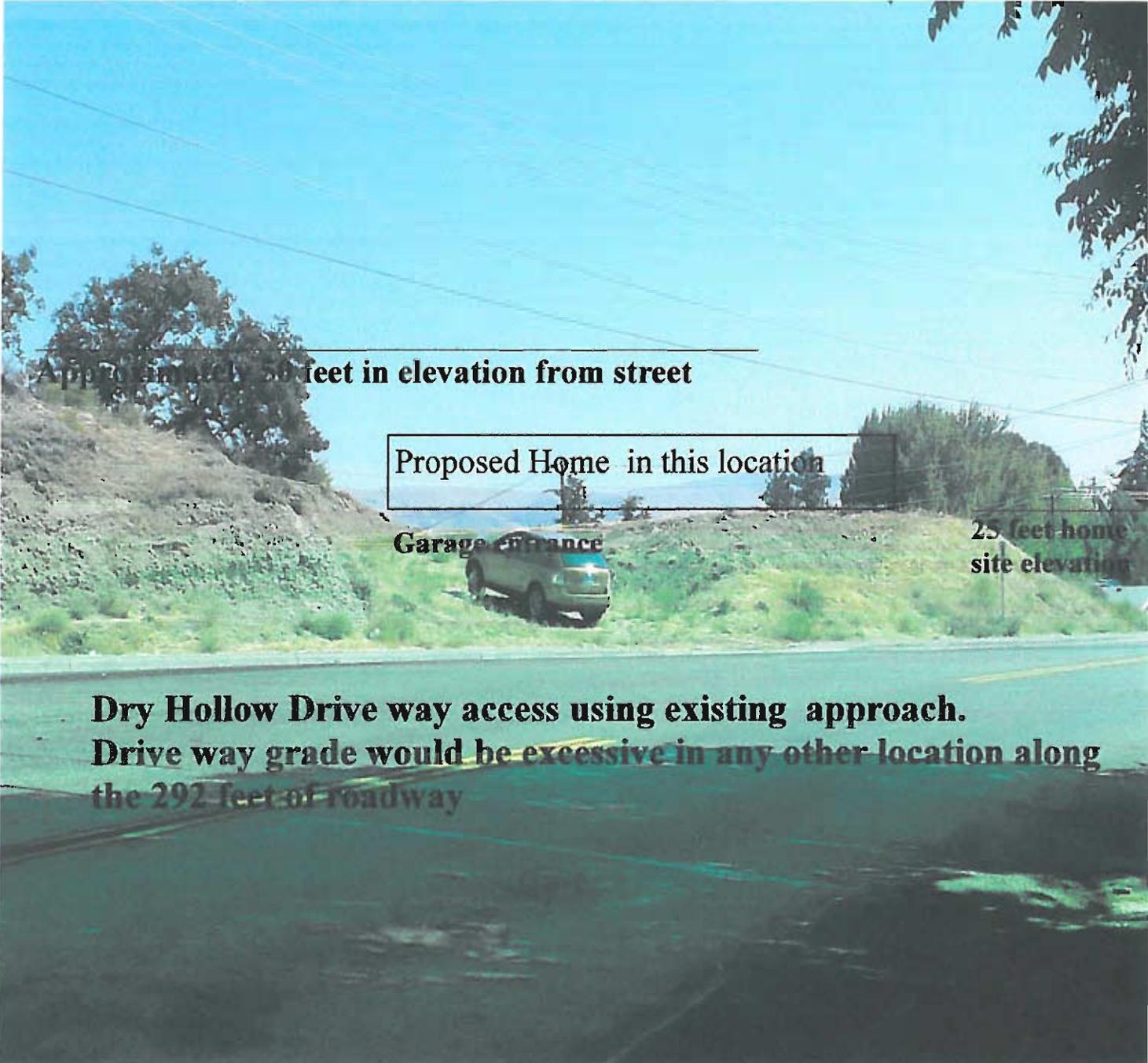
Western View. Solid Rock sloping hill doesn't allow for moving the structure towards the west.



This area is to be excavated to allow for the off street parking along side of the driveway

Front Door Location

**Dry Hollow Rd.
Driveway access**



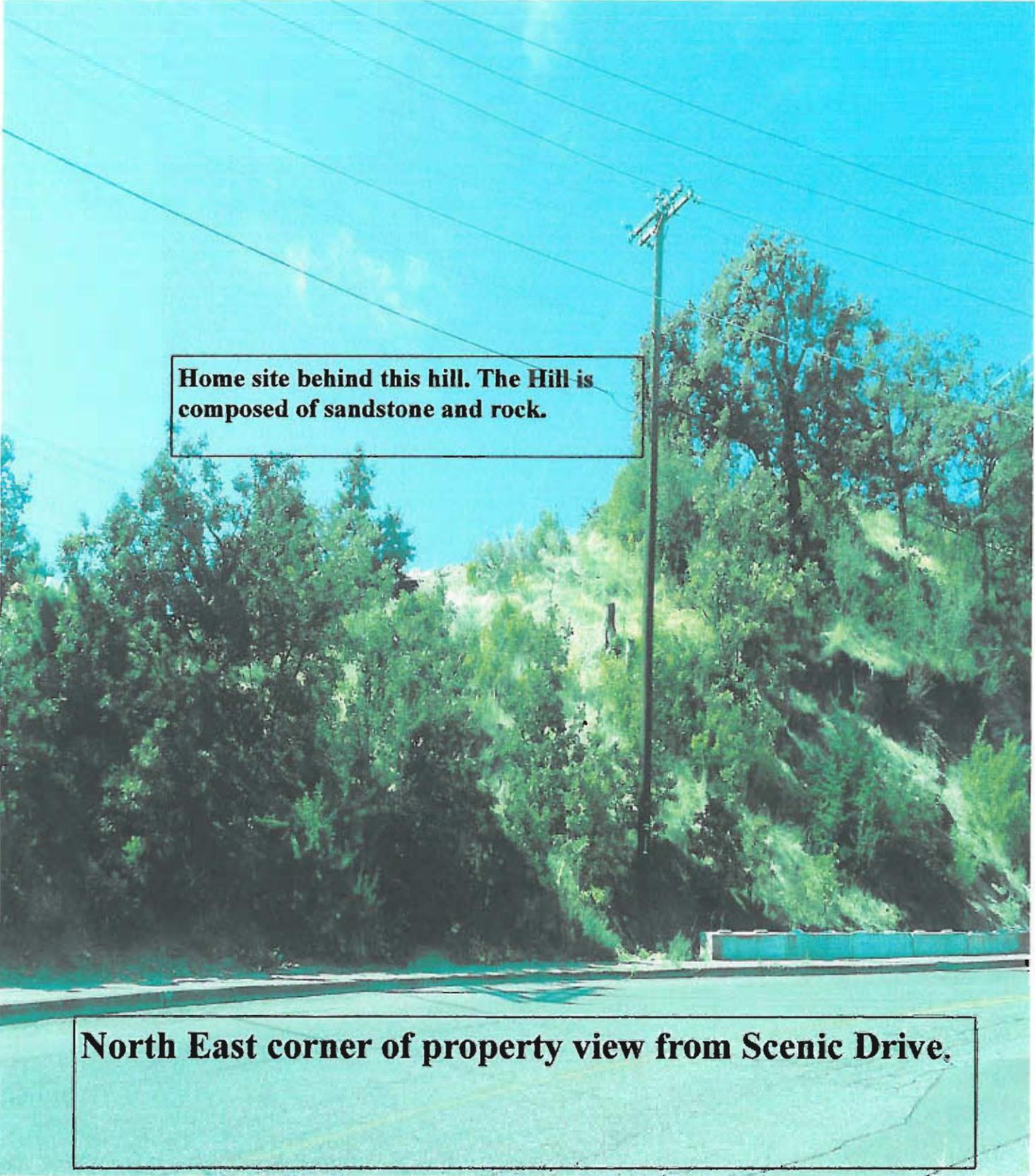
Approximately 50 feet in elevation from street

Proposed Home in this location

Garage entrance

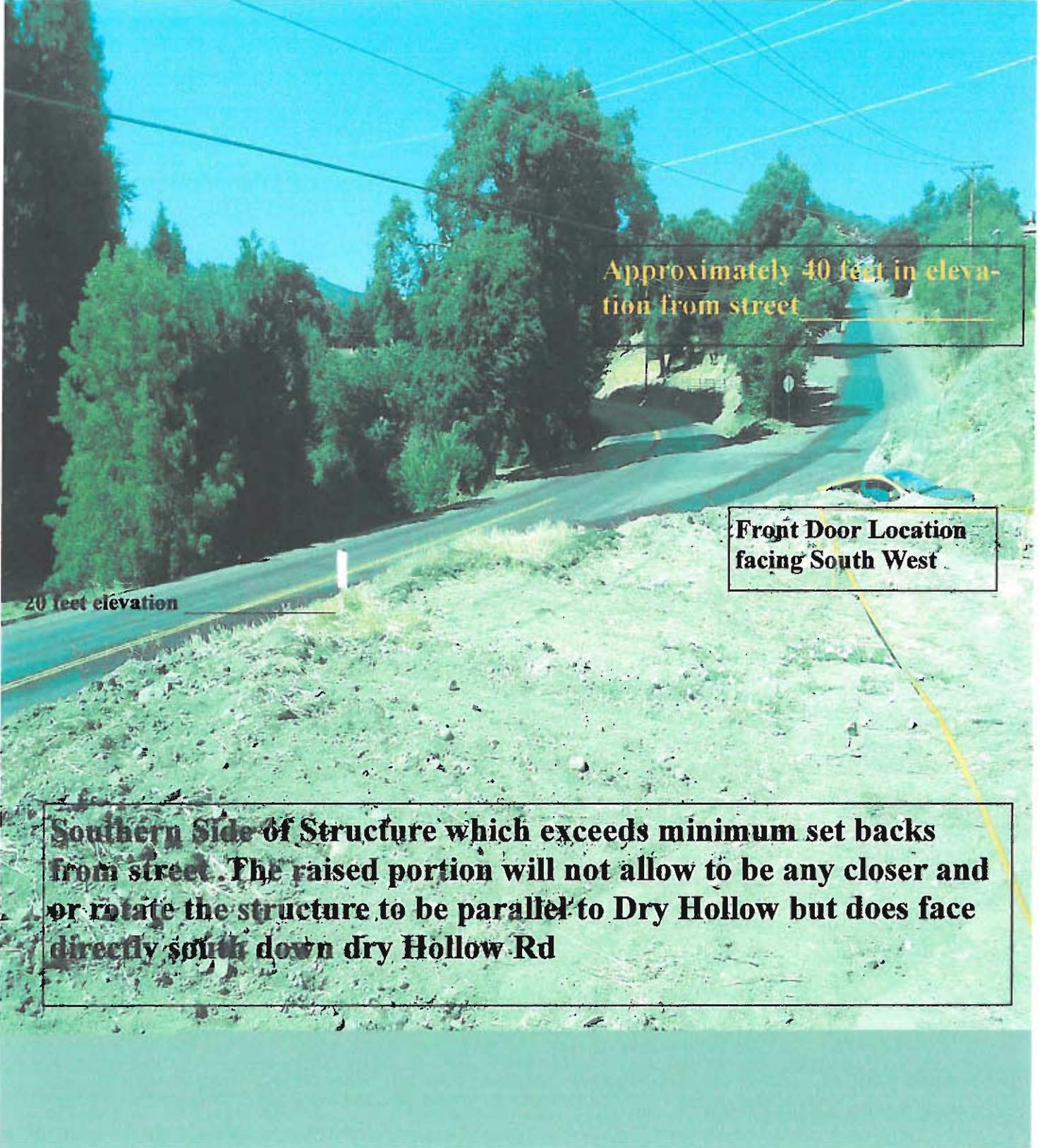
25 feet home
site elevation

**Dry Hollow Drive way access using existing approach.
Drive way grade would be excessive in any other location along
the 292 feet of roadway**



Home site behind this hill. The Hill is composed of sandstone and rock.

North East corner of property view from Scenic Drive.

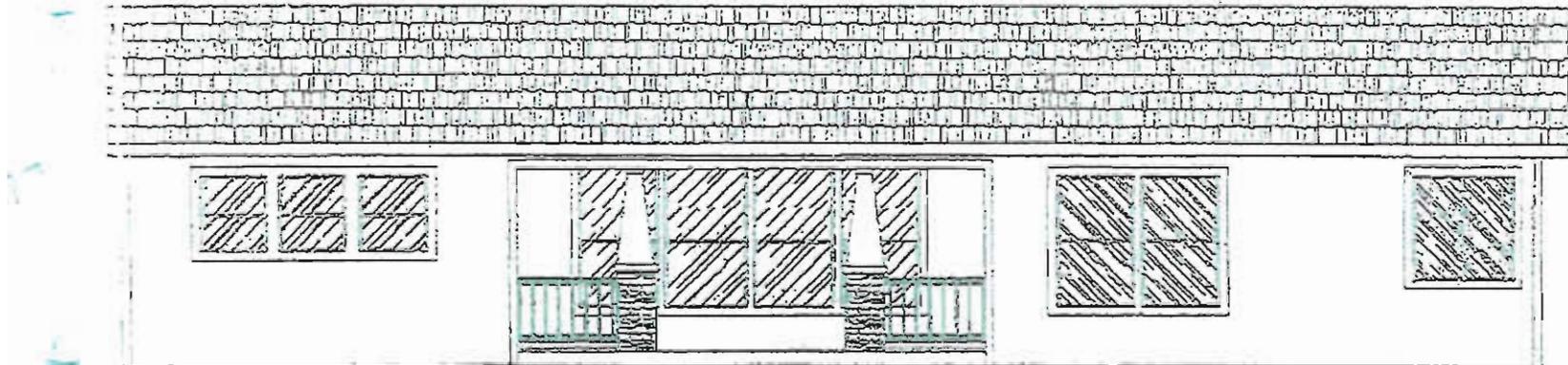


Approximately 40 feet in elevation from street

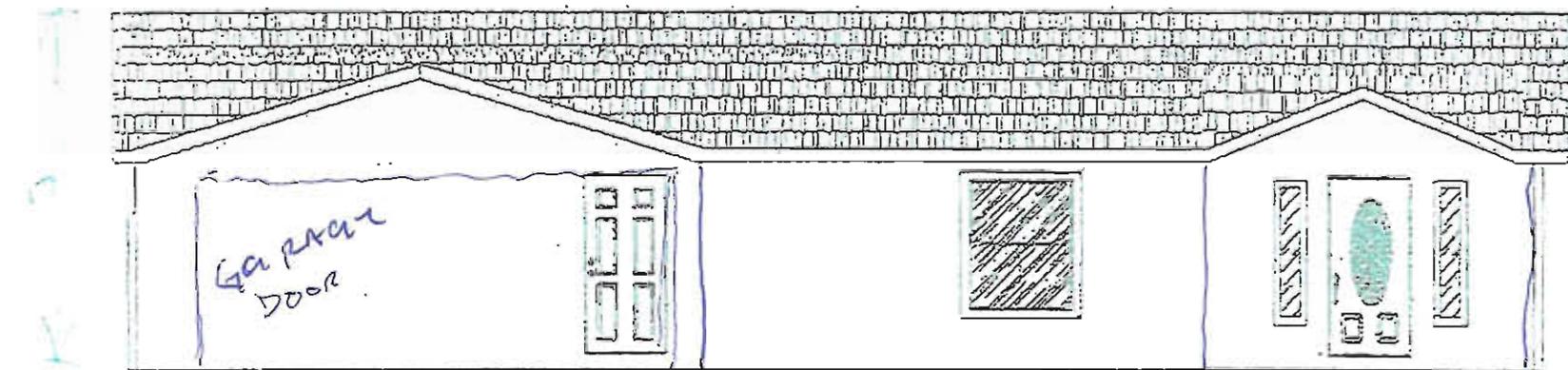
Front Door Location facing South West

20 feet elevation

Southern Side of Structure which exceeds minimum set backs from street. The raised portion will not allow to be any closer and or rotate the structure to be parallel to Dry Hollow but does face directly south down dry Hollow Rd



415711 Drive 1812



207 10100 1511

Kuenzinger

RESOLUTION NO. P.C. 525-12

Approval of Adjustment Application 12-015 of Robert and Pamala Kuenzinger to place a home on a lot without meeting the building orientation requirements of the Land Use and Development Code (LUDO).

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on September 6, 2012 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B. Staff's report of Adjustment 12-015 and the minutes of the September 6, 2012 Planning Commission meetings, upon approval, provide the basis for this resolution and are incorporated herein by reference.

II. RESOLUTION:

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A. In all respects as set forth in Recitals, Part "I" of this resolution. Adjustment 12-01 is hereby approved with the following conditions of approval:
 - 1. Except as modified by this decision, all development must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
 - 2. The applicant place the dwelling as close to the code required orientation as feasible.

III. APPEALS, COMPLIANCE, AND PENALTIES:

- A. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- B. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- C. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 6th DAY OF SEPTEMBER, 2012

Bruce Lavier, Chairman
Planning Commission

I, Dan Durow, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 6th day of September, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Dan Durow, Community Development Director
City of The Dalles

DRAFT