

## CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, June 21, 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, Chris Zukin

### **BOARD MEMBERS ABSENT:**

None

### **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 Zing to approve the agenda as submitted. The motion carried unanimously.

### **APPROVAL OF MINUTES:**

It was moved by Whitehouse and seconded by Stiles to approve the April 26, 2012 Joint Planning Commission meeting minutes as submitted. The motion carried unanimously.

It was moved by Whitehouse and seconded by Zingg to approved the May 17, 2012 City of The Dalles Planning Commission minutes. The motion carried unanimously.

### **PUBLIC COMMENT:**

None

### **LEGISLATIVE HEARING:**

**Application Number ZOA 82-12, City of The Dalles; Request:** Amendments to the City of The Dalles Land Use and Development Ordinance #98-1222.

Senior Planner Gassman reported that staff received one comment regarding the proposed amendments from Kandie Robinson, 755 Division Street, Space 325, The Dalles, Oregon.

Senior Planner Gassman brought it to the Planning Commission's attention that an additional item #21 was added to the list regarding designated mobile home park play areas. Gassman advised that the State removed this provision for a designated play area several years ago, but the City has a requirement very similar to the State's former requirement. To his knowledge, Gassman, stated, there is currently only one mobile home park in The Dalles that was created after the City's designated play area requirement was established. The mobile home park owner that has the play area wants to convert that area into a mobile home space, but as the Land Use and Development Ordinance (LUDO) stands

now, the play area is a City requirement. Gassman advised that staff was bringing this code to the Planning Commission's attention to decide whether to keep or remove the local code provision. The mobile home park that made the request now has residents 55+ years old, but the park was not designated as such when it was created. Gassman pointed out that the mobile home park owner would need to go through a site plan review to have the space usage changed.

Chair Lavier asked how a determination is made as to whether or not children under the age of 14 reside in a mobile home park. Senior Planner Gassman answered that there were a couple of ways to determine that: 1) some parks are designated as 55 years and older, and there is a presumption there are no children; and 2) a visit to the park in person could be scheduled to see if there are children present and/or talk to the park manager.

Chair Lavier asked if the mobile home park owner who submitted the comment could theoretically declare she would not accommodate children under 14 and change the play area to a mobile home space. Senior Planner Gassman said the applicant has stated that. Commissioner Stiles commented that mobile home parks for occupants 55 years and older are not required to exclude children altogether, the requirement typically is that 80% of the occupants must be 55+ years old. Lavier asked if the applicant could publicly or legally declare that she would not accommodate children under 14 years of age. Stiles said he doubted they could exclude such children because of Fair Housing laws.

Commissioner Poppoff asked if there was a similar City requirement for apartments. Gassman stated the City does not require a play area for apartment complexes. Poppoff commented that if the City does not require a designated play area for apartment tenants, then maybe there should be no such requirement for a mobile home park. After further discussion, it was stated that the current mobile home park owner has one child under the age of 14, and she would be willing to move out of the mobile home park if children residing in the park became the determining factor that would prevent a manufactured home from being placed in the vacant park lot.

Commissioner Zingg asked staff what brought about the Section 5 change regarding the 40 ft. maximum height within 100 ft. of a residential zone. Senior Planner Gassman reported the subject came up during hearings and discussions for the Oregon Military Department Readiness Center. There was some concern about the fact that, in the Community Facility Overlay (CFO) Section 5.100, there were no minimum setbacks required for buildings constructed in the "CFO". Therefore, Gassman explained, a very large building could be constructed very close to a residential area. At the same time, the Planning Commission wished to place a maximum height restriction on buildings in the CFO; otherwise, in essence, Gassman explained, a 65 ft. building could be constructed next to a residential zone. The amended language in Section 5 at least allows for some kind of a buffer near a residential zone, Gassman reported. Commissioner Zukin asked if this was the only zone with the height limitation. Gassman said there is a similar code in the "GC" General Commercial zone where the maximum building height is 55 ft. with a 40 ft. maximum height exception within 100 ft. of a residential zone.

Commissioner Zingg commented that the Planning Commission is going through a lengthy process to try to expand the Urban Growth Boundary. If that does not take place, Zingg suggested, then the only alternative is to go up. Chair Lavier said that in a case like that, the Planning Commission could revisit the height limitations. Lavier further stated that in order for the LUDO to be a living document that has value, the City needs to have the ability to allow the LUDO to grow as the community grows.

Gassman pointed out that the Planning Commission allowed the building height maximum to go up from the maximum height of 55 ft. to 75 ft. with a Conditional Use Permit in the "CBC" (Commercial Business District). The CUP would allow the Commission the ability to condition architectural features, setbacks from other buildings or streets, or other site plan features, Gassman explained. Commissioner Zukin emphasized that the proposed LUDO amendment pertains only to buildings within the Community Facilities Overlay Districts which is a relatively small amount of land within the City.

Commissioner Stiles asked for an explanation regarding the amendment in Section 18, the amendment of a one year timeline for the installation of improvements on new developments. Senior Planner Gassman explained the LUDO is very clear on improvement requirements for new construction, however the code does not indicate any sort of a completion timeline for the improvements. The proposed amendment, Gassman said, places a timeline for improvements to be completed and gives the City a better handle when it comes to enforcement. Commissioner Zukin stated he did not agree with the amendment; improvements had been an ongoing issue for the City for 10 years where some waivers of remonstrance had not been recorded. Zukin indicated the proposed amendment adding a timeline was silly because it could create a situation where someone developing a piece of property could be required to put in improvements, for instance a section of sidewalk, and there could possibly be nothing around it for years. Zukin stated he would like to see it removed from the list for now and possibly discussed as a separate issue at a later date. Senior Planner Gassman clarified that the recording of the waivers of remonstrance was a mess, but not because the City did not want to record them. The City recorded them for a while, then the City was told by the State that the waivers could not be recorded for a period of five or six years. Then later, the State lifted that mandate, and the City was able to record them again, Gassman explained.

After further discussion, the motion was made by Zukin and seconded by Stiles to remove Section 18 from the proposed LUDO amendment list at this time and handle it as a separate matter at another time. The motion carried unanimously.

Senior Planner Gassman recommended after this group of LUDO amendments was completed, the Planning Commission could bring the discussion back on the proposed improvements timeline requirement and possibly hear a presentation on some actual case scenarios of why the timeline amendment was suggested.

Commissioner Stiles asked for the purpose for the amendment of Section 19, mailbox clusters. Senior Planner Gassman explained that the State adopted a new requirement that all jurisdictions should have a local code regarding mailbox clusters that would be consistent with provisions in the Oregon Structural Specialty Code. So rather than adopting identical language to building codes language that would subsequently need to be changed frequently, the proposed amendment states the City's code requirements will be consistent with the Oregon Structural Specialty Code, Gassman stated.

Commissioner Stiles asked for the reasoning behind the amendment change to Section 17 regarding Mark Yinger's geohazard study. Senior Planner Gassman explained that, in Yinger's study, there would be certain areas of properties where a geohazard report would be required prior to development. Yinger, Gassman said, refined and made the geohazard area smaller and more refined and added three areas where ground water discharge was identified. Because of his findings, Gassman stated, the ground water discharge areas would also require a geohazard report prior to development.

Commissioner Stiles stated the geohazard report process was lengthy and hindered some developments because of time and expense. Gassman answered that was why Yinger's study was redone. The new study reduced the recognized geohazard area by approximately 50 percent. Stiles asked if ODOT or State agencies could come back and require the geohazard reports that would now be outside the geohazard area. Gassman believed it was only a City requirement, not State or ODOT.

Rich Williams, 1212 Blakely Drive, The Dalles, Oregon, asked for an explanation of Section 14 regarding residential local streets and alleys and what caused this proposed amendment. Senior Planner Gassman explained that there are many driveways in the older part of town that do not meet current driveway code requirements. The current code requires driveways to be five feet away from the neighbors' property line, and many of the older driveways were built on property lines. Gassman stated many people come into the Planning Department wanting to upgrade driveways from gravel to pavement, and Planning cannot issue a permit unless the property owner moves the existing driveway over, and that is not a good solution. The proposed language would allow property owners to proceed as long as there would be a three foot wing, and the City would allow a reduced driveway width with the Director's approval. Gassman reported this proposed language would be an attempt to make the code more flexible. Williams asked if the language pertained to single family residences only. Gassman replied that it could apply to commercial, but it mostly was formed for single family dwellings.

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, asked if the Director, as his discretion, could give relief to any property owner whose driveway exceeded the code's maximum width allowance. Gassman answered that, with this proposed language, the Planning Director could not, at his discretion, give relief or vary the maximum width of a driveway. If a property owner wanted to build a driveway that exceeded the maximum width allowed, the property owner would need to apply for a variance and go through the public hearing process before the Planning Commission, Gassman stated.

It was moved by Whitehouse and seconded by Zukin to recommend to City Council the approval of the proposed LUDO amendments, excluding Section 18. The motion carried unanimously.

#### **RESOLUTION:**

##### **Resolution No. P.C. 523-12, City of The Dalles, ZOA 82-12**

It was moved by Zukin and seconded by Whitehouse to adopt Resolution No. P.C. 523-12 amending the Land Use and Development Ordinance #98-1222 as amended. The motion carried unanimously.

#### **STAFF COMMENTS:**

Senior Planner Gassman reported that there was no update on the appointment of a new Planning Commissioner.

#### **COMMISSIONER COMMENTS:**

Commissioner Poppoff asked if gravel installed next to sidewalk areas and planter areas could be replaced with another kind of material such as bark chips or grass that would not be prone to being a trip hazard to pedestrians. City Attorney Parker said it could possibly be a nuisance issue if the City received many complaints, but to date that had not occurred. Senior Planner Gassman said he would relay Commissioner Poppoff's concern to Public Works.

Commissioner Poppoff inquired about the grading taking place at 10<sup>th</sup> and Webber. Senior Planner Gassman advised that the contractor had approved permits from the City.

Commissioner Whitehouse asked that if Columbia Gorge Community College received its funding for the college's portion of the Readiness Center, and plans showed their portion of the building to be in front of the Armory instead of part of the armory, would another Planning Commission hearing be necessary for a review. Senior Planner Gassman advised another review before the commission would not be necessary because the applicant had indicated that plan at the last review.

**NEXT SCHEDULED MEETING DATE:**

July 5, 2012

**ADJOURNMENT:**

The meeting was adjourned at 7:10 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

  
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Bruce Lavier, Chairman