



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125

FAX: (541) 298-5490
Planning Department

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, FEBRUARY 7, 2013

6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. November 15, 2012
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING**

Application Number: VAR 121-13; Columbia River Sign; Request: To obtain approval for future signage for second floor tenants to complete the property's signage requirements as needed. The property is located at 1935 E. 19th St., The Dalles, Oregon and is further described as 1N 13E 11BA tax lot 4900. Property is zoned "RL" – Low Density Residential District with an "NC" Neighborhood Center Overlay.

- VII. STAFF COMMENTS
- VIII. COMMISSIONER COMMENTS/QUESTIONS
- IX. NEXT SCHEDULED MEETING DATE
February 21, 2013
- X. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, November 15, 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, Jeff Stiles, Chris Zukin, Dennis Whitehouse, Mike Zingg

BOARD MEMBERS ABSENT:

Robert Raschio

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Director Richard Gassman, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Stiles to approve the agenda as submitted. The motion carried unanimously; Raschio was absent.

APPROVAL OF MINUTES:

It was moved by Zukin and seconded by Poppoff to approve the November 1, 2012 minutes as submitted. Lavier, Poppoff, Stiles and Zukin voted in favor, Whitehouse and Zingg abstained. The motion carried; Raschio was absent.

PUBLIC COMMENT:

Mayor Jim Wilcox thanked the Planning Commissioners for all of their hard work and deliberation on many matters. Mayor Wilcox said he was impressed with the Planning Commission's patience, even in some matters that City Council gave back to the Planning Commission for another review.

QUASI-JUDICIAL HEARING:

Public Hearing Continuance

Application Number: VAR 116-11; **Kimberly Wadsworth; Request:** To obtain approval for the construction of a fence in the exterior side yard setback in excess of the 4 feet allowed in the Land Use and Development Ordinance (LUDO). Property is located at 520 W. 10th Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 4AC, tax lot 6500.

Chair Lavier read the rules for conducting a public hearing and asked the Commissioners if anyone had any ex parte contact, bias or conflict of interest that would hinder them from making an unbiased decision in the matter. None were noted.

Chair Lavier called the public hearing to order at 6:09 PM.

Director Gassman gave a summary of the case history of the variance request. The applicant had inadvertently constructed a fence 6 feet in height in the exterior side yard of the corner lot. At the time of the variance request, Gassman reported, LUDO restricted fence heights for side yards to 4 feet within 10 feet of a property line. At the variance hearing, the Planning Commission did not make a decision and referred the request back to the staff to come up with a resolution. Gassman said the staff then reviewed the code itself, and through due process, the code requirement was revised to provide two alternatives in cases where a sidewalk intersected with an alley or driveway. The alternative revisions were: 1) lower the fence height to 4 feet in the triangle area; or 2) angle the fence line to 10 feet back from the property line and keep the 6 foot fence height. The applicant opted to recede the fence line to the 10 foot triangle setback, Gassman reported. However, the fence posts had already been installed at 8 feet back. The request now, Gassman said, was for a variance of an 8 foot triangular fence setback rather than the required 10 foot setback. Gassman stated that staff had no position on this request, but he felt it could be considered a rare variance request because the code changed in the middle of construction. Therefore, Gassman stated, he did not believe a variance in this case would set a precedent. Director Gassman drew a sketch of the applicant's proposed variance triangular area for the Commissioners.

Testimony

Proponents:

Kimberly Wadsworth, 520 W. 10th Street, The Dalles, Oregon, thanked the Commissioners for all of their work on this matter. Ms. Wadsworth stated that she was willing to angle the fence line back 8 feet instead of 10 feet.

Commissioner Stiles asked Ms. Wadsworth if the triangle would be vacated so nothing would pose a vision clearance issue. Ms. Wadsworth stated she would leave the triangle vacant.

Opponents:

None.

Chair Lavier closed the public hearing at 6:20 PM.

Deliberation:

It was moved by Commissioner Zingg and seconded by Whitehouse to approve VAR 116-11 as recommended by the staff report, based on the findings of fact and two conditions of approval. The second condition of approval would be modified as follows: "The existing fence, up to six feet in height, may be installed with an 8 foot triangular clearance area rather than the required 10 foot clearance area as set forth in The Dalles Land Use and Development Ordinance."

Commissioner Poppoff stated he could not support the variance request due to safety issues.

Commissioner Stiles commented that he looked at the property site, and he saw no vision clearance issues with the possible 8 foot triangular setback on the property. Commissioners Zukin and Whitehouse said they had no problem with the variance request.

Chair Lavier called for the vote. Lavier, Zukin, Whitehouse, Zingg and Stiles voted in favor, Poppoff was opposed. The motion carried; Raschio was absent.

Director Gassman stated that staff would prepare a Planning Commission Resolution for the Commission's review at a future meeting.

STAFF COMMENTS:

City Attorney Parker reported that a Land Use seminar was planned to be held in The Dalles area sometime in February. He will check the information and see if it would be a conference that the Planning Commissioners would benefit from attending.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Whitehouse asked what businesses were going in at 400 Mt. Hood Street. Director Gassman said three businesses were going in: 1) Doubleberry Yogurt, 2) Verizon, and 3) Great Clips.

Chair Lavier asked for the latest status on WalMart. City Attorney Parker reported that a challenge to the Department of Environmental Quality permit had been submitted, and the hearing had been delayed to January of 2013.

Commissioner Stiles asked about the progress of the two hotel projects—7th and Snipes and the Granada Block. City Attorney replied that both projects were moving forward.

NEXT MEETING:

December 6, 2012

ADJOURNMENT:

The meeting was adjourned at 6:29 PM.


Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman

**City of The Dalles
Staff Report**

Variance 121-13

Columbia River Sign

Prepared by: Dick Gassman, Planning Director 

Procedure Type: Quasi-Judicial

Hearing Date: February 7, 2013

Assessor's Map: Township 1 North, Range 13 East, Map 11BA, tax lots 4800, 4900, and 5000

Address: 1935 East 19th Street

Comprehensive Plan "RL" Low Density Residential with an "NC" Neighborhood Center Overlay

Zoning District: "RL" Low Density Residential with an "NC" Neighborhood Center Overlay

City Limits: Inside

Request: To obtain approval for additional signage.

BACKGROUND INFORMATION

The subject property is developed with a partially occupied professional office building. There is one existing monument sign to the west of the building that was the subject of a variance request VAR 115-11. That variance was approved. A copy of the resolution approving that request is attached. A second variance request, VAR 118-12 was also approved for directional signs on each side of the building, and a directory sign. A copy of that resolution is also attached.

The current application is a more general request for additional signage. The reason for this request is the statement made by the initial variance applicant that the monument sign would be the only sign erected for the entire building. The sign approved under VAR 115-11 indicates the name of the office building, but does not identify individual tenants. The second floor is now being occupied and the individual tenants are seeking their own signage. The current request is more in line with the sign provisions in the Land Use and Development Ordinance (LUDO) which allow only flush mounted signs in the Neighborhood Commercial Zones for buildings that are set back less than 20 feet. See LUDO Section 13.040.020.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on January 25, 2013, as required by 3.020.050 D. A notice was also published in The Dalles Chronicle.

COMMENTS

No comments were received as of the date of the preparation of this staff report.

RECOMMENDATION

Approval of a modified form of this variance application, with conditions.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness.

FINDING #1: The application was found to be complete on January 24, 2013. The 120-day State mandated decision deadline is May 24, 2013. The hearing is within the required time line. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

A. Decision types. 4. Variances:

FINDING #2: This application is for a Variance per Section 3.070. Variances are processed as quasi-judicial hearings per section 3.070.020. B. 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 Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete.

FINDING #4: The application was deemed complete on January 25, 2013. The 45 day period ends March 11, 2013. The public hearing is scheduled for February 7, 2013. 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:

1. The applicant and owners of property within 300 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.
2. Any affected governmental agency, department, or public district whose boundaries include the subject property.
3. Any neighborhood or community organization recognized by the Department and whose boundaries include the subject property.

FINDING #5. Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on January 25, 2013. Criterion met.

Section 3.070.020 Review Procedures

A. Applications. Variance applications shall be accompanied by at least 15 copies of the concept site plan, and a written statement which specifically addresses the review criteria.

FINDING #6: The required plans and written statement have been submitted. Criterion met.

Section 13.070.060 Variances and Appeals

A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Director.

FINDING #7: The hearing on this variance application is being heard by the Planning Commission. Criterion met.

B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to this ordinance.

FINDING #8: The decision criteria shall be the same as for all variances as provided for in Section 3.070.030. Criterion met.

E. In exercising its appeal or variance authority, the commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 13.010.010 of this Ordinance.

FINDING #9: The Commission may attach conditions. Criterion met.

Section 3.070.030 Review Criteria

A variance to the requirements of this Ordinance shall be granted only in the event that each of the following circumstances is found to exist:

A. The proposed variance will not be contrary to the purposes of this Ordinance, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.

FINDING #10: LUDO Section 13.040.020 lists the signage allowance for the NC zone. If the building is not set back more than 20 feet from the property line, then flush signs are the only signs allowed. The total area of the flush signs is limited to 25 percent of the area of the building front. The current applicant is proposing flush signs for this tenant and also is asking that future tenants of the second floor be allowed flush signs.

Normally we would simply monitor the size of the signs so that the total area of the signs did not exceed 25 percent of the building front. However, since the applicant stated to the Planning Commission in VAR 115-11 that only one sign would be used for the building, staff has determined that any future sign requests must be presented to the Commission in the form of a variance, which if approved would act as a modification of the original variance.

So long as the area of the proposed signs is within what is allowed by the NC zone, the variance request is not contrary to the purposes of this Ordinance. Criterion met.

B. Exceptional or extraordinary circumstances apply to the subject property which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the applicant has no control.

FINDING #11: There is nothing about this particular lot that causes exceptional or extraordinary circumstances, but the orientation of the building on the lot, and the limited access for the general public is somewhat unusual. However, since the proposed variance request is within the normal allowance for this zone, staff does not consider this criterion relevant. Criterion met.

C. The variance is necessary for the preservation of a property right of the applicant which is substantially the same as owners of other property the same zone or vicinity.

FINDING #12: Without the variance the applicant would not be able to have any additional signs to identify separate tenants. Criterion met.

D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Ordinance since its effective date.

FINDING #13: This is an existing situation, but the existing situation was caused by the applicant of VAR 115-11 advocating for only one sign. Allowing

additional signage would not result in a violation so long as the total area of all the flush mounted signs is not more than 25 percent of the area of the front face of the building. Criterion met.

E. The proposed variance will not substantially reduce the amount of privacy enjoyed by users of neighboring land uses if the variance were not allowed.

FINDING #14: The proposed signs will be directed to the south, facing the hospital and away from the residential areas that are north and east of the building. The Commission may want to require any signs that approved to face the south. Criterion met.

F. The proposed variance is the minimum variance which would alleviate the difficulty.

FINDING #15: The proposal anticipates an unknown number of additional signs, depending on the number of additional tenants. The minimum variance would be to allow one additional sign for each additional tenant, so long as the total is within the limits set out in LUDO Section 13.040.020. Criterion met.

DISCUSSION:

The essence of this variance request is to release the property from the statement made by the initial applicant that the only sign for this building would be the monument sign. If the Commission approves this request, staff would process additional flush signs, that otherwise meet the LUDO code provisions, without referral to the Commission.

RECOMMENDATION:

Approve the variance request, as modified in the recommended conditions of approval.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant is approved to add flush mounted signs on the south side of the building.
2. Each new sign will need to obtain a sign permit.
3. One sign will be allowed for each separate tenant.
4. The total of all flush signs will not exceed the limits set out in LUDO Section 13.040.020.

RESOLUTION NO. P.C. 518-12

Approval of Variance application VAR 118-12 of Mid-Columbia Medical Center requesting approval for additional signage than allowed in the decision of the Planning Commission in approving variance request VAR 115-11. The property is located at 1935 E. 19th Street, The Dalles, and is further described as Township 1 North, Range 13 East, Map 11BA, tax lots 4800, 4900, and 5000. The property is zoned "RL" Residential Low Density with an "NC" Neighborhood Center Overlay.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on February 16, 2012 and March 1, 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 Variance 118-12 and the minutes of the February 16, 2012 and March 1, 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. Variance 118-12 is hereby approved with the following conditions of approval:
 - 1. The applicant is approved to add one directional sign on the east side of the building and one directional sign on the west side of the building to help motorists and customers locate an entrance to the building and parking area. The directional signs must meet the definition of directional sign as found in LUDO Section 13.030.010. N.
 - 2. The applicant is approved to add one building directory sign at or near the main entrance to the building. The building directory sign must meet the definition of building directory sign as found in LUDO Section 13.010.010.
 - 3. None of these signs can be illuminated.

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 1st DAY OF MARCH, 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 1st day of MARCH, 2012.

AYES: Lavier, Whitehouse, Poppoff, Nelson

NAYS: None

ABSENT: Zukin, Ahlberg, Wimmers

ABSTAIN: None

ATTEST: 

Dan Durow, Community Development Director
City of The Dalles

RESOLUTION NO. P.C. 505-11

Adopting Variance Application #115-11 of Columbia Crest Professional Center to obtain approval for a freestanding sign for a building that does not meet the setback requirement for a freestanding sign in the Neighborhood Center zone. LOCATION: 1935 E 19th Street, and further described as 1N 13E 11 BA tax lot 4800. Property is zoned "RL/NC" – Low Density Residential with a Neighborhood Center Overlay.

I. RECITALS:

- A.** The Planning Commission of the City of The Dalles has on January 20, 2011 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 VAR 115-11 and the minutes of the January 20, 2011 Planning Commission meeting, upon approval, provides 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.
- B.** Variance 115-11 is hereby approved with the following Conditions of Approval:
 - 1. Except as otherwise modified by this decision, all construction shall be in accordance with the Land Use and Development Ordinance. The LUDO is on line at www.ci.the-dalles.or.us.
 - 2. The applicant will need to obtain a sign permit.
 - 3. No other sign will be allowed for this property so long as the monument sign is in place.
 - 4. The monument sign will comply with the provisions for size and height in LUDO section 13.040.020 B.
 - 5. The sign and sign base will comply with the Vision Clearance provisions in LUDO section 6.100

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 20th DAY OF JANUARY 2011



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 20th of January 2011.

AYES: Lavier, Ahlberg, Poppoff, Zukin, Whitehouse, Bryant, Nelson

NAYS: none

ABSENT: none

ABSTAIN: none

ATTEST:



Dan Durow, Community Development Director
City of The Dalles

VARIANCE 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 1/24/2013
File# 121-13
Date Deemed Complete _____
Hearing Date 2/7/2013
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name Columbia River Sign
Address 5277 Cherry Heights
Telephone # 541 993 0458
E-mail Address mark@quest.net

LEGAL OWNER (If Different than Applicant)

Name Columbia West Prof Cntr LLC
Address 14670 SE Peak Ct
Highland, OR 97224
Telephone # 503-459-4732

*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 1935 E 19th Street
Map and Tax Lot 1N 13E 11BA 4900
Size of Development Site _____
Zone District/Overlay _____
Comprehensive Plan Designation _____

REQUEST

New Construction Expansion/Alteration Change of Use Amend Approved Plan

Brief Explanation: filing variance for future signage for
second story tenants to complete signage
requirements as needed

JUSTIFICATION OF REQUEST

1. What are the special circumstances (size, shape or topography of lot, location of surroundings) that do not apply to other properties in the same vicinity and zone?

The main entrance to the building is in the rear of the property so visibility is better from the street

2. What difficulties and unnecessary hardships will be created without a variance to the Ordinance?

New businesses in our community will not receive adequate exposure resulting in loss of business

3. Explain why the variance will not be detrimental to the public safety, health and welfare.

The signs will be aesthetically pleasing and are in an area that people look for signs to find the profession they are seeking

4. Explain why this variance, if granted, would not be contrary to the intent of the Zoning Ordinance.

Flash signs are allowed up to 25% of building face and the monument sign will be low profile

PARKING INFORMATION

Total Number of Spaces Proposed _____ Total Number of Handicap Spaces Proposed _____

Total Number of Compact Spaces Proposed _____ What material will be used for the surface of the parking area _____

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed _____ Percent of Landscaping Irrigated _____

ECONOMIC DEVELOPMENT INFORMATION

Proposed Project is located in the Enterprise Zone

_____ Full Time Equivalent (FTE) jobs are currently provided.

_____ FTE jobs are expected to be created by the proposed project.

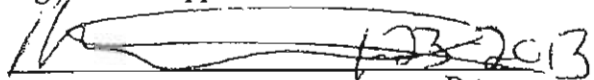
UTILITIES

How will the site be served with water and sewer?

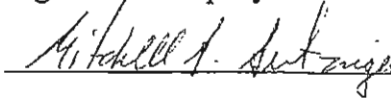
Water: City Water Chenoweth Irrigation Private Well

Sewer: City Sewer Private Septic

Signature of Applicant


Date 1/23/2013

Signature of Property Owner*

 1/24/2013
Date

* Notarized Owner Consent Letter may substitute for signature of property Owner

NOTE:

This application must be accompanied by the information required in Section 3.070: Variance, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

Site Team/Pre-Application :

- 15 copies of concept site plan.
- One 11 x 17 concept site plan.

Official Variance App.

- 4 full size copies construction detail plans
- One 11 x 17 construction detail plan
- 4 copies detailed landscape plans

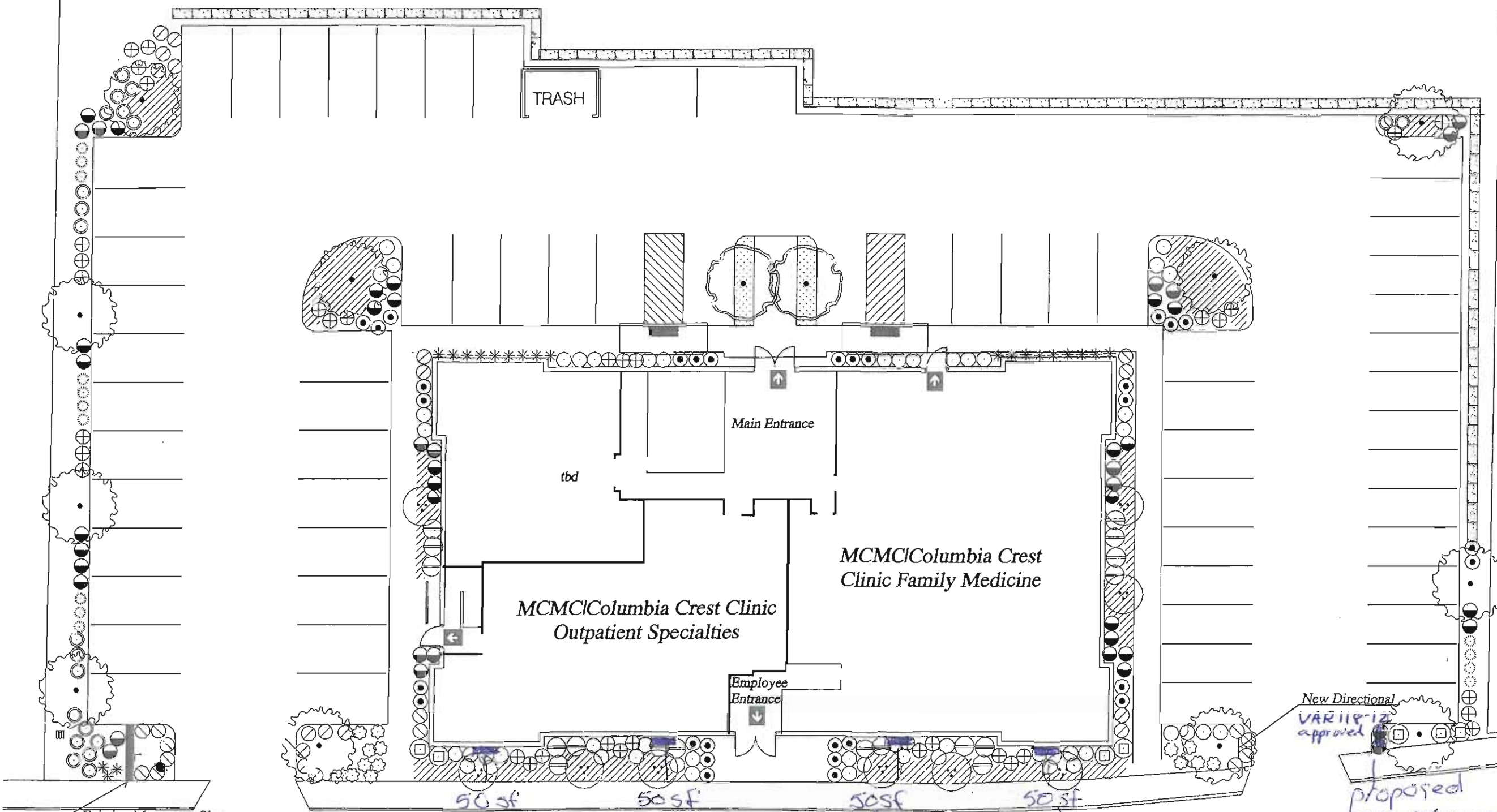
INFORMATION REQUIRED WITH APPLICATION

There are 3 types of plan information that can be combined on the same plan or separated onto different plans and reviewed at different times through the approval process. The minimum plan requirements which must accompany a Site Plan Review Application are those specified in the Concept Site Plan below.

1. Concept Site Plan. The concept site plan shall clearly indicate all of the following information applicable to the particular development proposal.

- Project Name
- A separate vicinity map indicating location of the proposed development.

1935 E 19th Street



JAN 24 2013

50 sf 50 sf 50 sf 50 sf
proposed sign locations

New Directional
VAR 114-12
approved

proposed
sign monument
for 2nd floor tenants

19TH ST

Existing Monument Sign