

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, June 6, 2013**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

6:00 p.m.

## **CALL TO ORDER:**

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

## **ROLL CALL:**

### **BOARD MEMBERS PRESENT:**

Bruce Lavier, Rob Raschio, Chris Zukin, Dennis Whitehouse, Mike Zingg, Jeff Stiles, Mark Poppoff

### **BOARD MEMBERS ABSENT:**

None

### **STAFF MEMBERS PRESENT:**

City Attorney Gene Parker, Planning Director Richard Gassman, Senior Planner Dawn Marie Hert, Administrative Secretary Carole Trautman

Note: Commissioner Poppoff joined the meeting at 6:01 p.m.

## **APPROVAL OF AGENDA:**

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

## **APPROVAL OF MINUTES:**

It was moved by Raschio and seconded by Whitehouse to approve the April 4, 2013 minutes as submitted. Lavier, Zukin, Raschio, Whitehouse, Poppoff and Stiles voted in favor; Zingg abstained. The motion carried.

## **PUBLIC COMMENT:**

None.

## **QUASI-JUDICIAL HEARINGS:**

**Application Number: VAR 122-13 and CUP 169-13; Thomas West/Design, LLC; Request: Application to gain approval for the construction of a building that exceeds the zone district height limitation of 55 feet. The property is located at 161 Steelhead Way, The Dalles, Oregon, and is further described as 2N 13E 28 & 28B tax lot 101. Property is zoned "I" – Industrial District.**

Chair Lavier read the rules for a public hearing and asked if any of the Commissioners had ex-parte contact, bias, or any conflict of interest that would prohibit them from making an impartial decision. Stiles noted he had provided housing to the applicant's employees in the past and could potentially provide housing for future project contractors. After asking some qualifying questions, City Attorney Parker determined Stiles had no hindrances in making an impartial decision on the application.

Zingg commented that his company had previously performed design work for the applicant. After asking some qualifying questions, City Attorney Parker determined Zingg had no hindrances in making an impartial decision on the application.

Chair Lavier opened the public hearing at 6:08 p.m.

Director Gassman presented an overview of the staff report. Gassman stated that the applicant provided a variance application for the construction of a new structure up to 75 feet in height and later asked for a building height of up to 80 feet. Gassman explained that structures up to 75 feet required a variance approval, construction over 75 feet required a conditional use permit. Therefore, Gassman stated, he prepared the staff report as a combined variance and conditional use permit request.

Director Gassman reported that no comments were received. Staff recommended approval because the structures were located in an area where there was not a large number of buildings. The new construction would be between two of the applicant's existing buildings. Another reason for approval, Gassman commented, was that there was a limited amount of available buildable land remaining in The Dalles. Gassman emphasized that it was important to maximize the remaining buildable land, and a two-story building would be in line with that goal. Gassman stated that determining the scale was a subjective process, but because of the existing location of the applicant's structures, he did not believe the proposed two-story structure would be offensive to the public.

### **Testimony:**

#### **Proponents**

Dave Karlson, 161 Steelhead Way, The Dalles, Oregon, stated that Google's technology had changed since the construction of the existing buildings. Therefore, the design of the new structure differed from the other two structures and required two stories.

Whitehouse asked if there would be cooling towers on top the new structure. Mr. Karlson clarified that the project was in the preliminary conceptual design stage, but the total height, including cooling towers, would not exceed 80 feet.

Raschio asked if there were plans for office space. Mr. Karlson stated the building was designed more specifically for technical usage, but the design phase was in the preliminary stage.

Scott Hege, 6580 Martin Road, The Dalles, Oregon, stated that Google had been an asset to the community for many years, and he supported Director Gassman's statement regarding maximizing the limited buildable land that remained in The Dalles.

#### **Opponents**

None.

Chair Lavier closed the public hearing at 6:26 p.m.

#### **Deliberation**

Raschio felt the applicant's request was a good use of the land, and he would support staff's recommendation. Zukin agreed.

It was moved by Zukin and seconded by Poppoff to approve VAR 122-13 and CUP 169-13, based upon testimony and the findings of fact outlined in staff's report, including all conditions of approval. The motion carried unanimously.

**Application Number: CUP 168-13; Grizzly Firefighters, Inc.; Request: Application to gain approval for the construction of a steel-framed structure for the storage of firefighting equipment. The property is located at 615 E. Fourth Street, The Dalles, Oregon, and is further described as 1N 13E 3CA tax lot 100. Property is zoned "CBC" – Central Business Commercial.**

Chair Lavier asked if anyone had any ex-parte contact, bias, or conflict of interest regarding the application. None were noted.

Senior Planner Hert presented the staff report. Hert received one email with comments (Attachment 1). Staff recommended approval with 15 conditions.

Chair Lavier asked if the firefighting equipment would sometimes deploy at night. Senior Planner Hert said that was correct. Stiles asked if bicycle parking was required. Hert said the code required it. Poppoff suggested planting some trees and placing the trash can outside in the alley. Poppoff also thought the bicycle parking regulation should be waived.

### **Testimony:**

#### **Proponents**

Teresa Ortiz, 2623 Brooks Avenue NE, Salem, Oregon, presented a history of Grizzly Firefighters' land use history in the area. The company was currently renting an area until the proposed application address could be approved for usage, Ms. Ortiz stated. Chemicals would not be stored at the proposed site, and garbage would be non-existent, because people would most likely not be inside the building. Employees would be dispatched from the Salem office, and evening dispatches were prohibited. Ms. Ortiz advised that any employee coming to the proposed site with a bicycle would lock the bicycle inside the building. Regarding the required handicap parking, Ms. Ortiz stated that the company would not hire handicapped employees due to the nature of the job description. Ms. Ortiz also stated the employees would be picked up when dispatched, and their vehicles would not be parked in front of the structure.

Raschio asked what the building exterior would consist of. Ms. Ortiz stated the structure was a kit; however, the company would comply with exterior design requirements to be compatible with the historic district. The metal roof would be non-reflective, Ms. Ortiz said.

#### **Opponents**

None.

#### **General Comments:**

Amanda Hoey, 604 East Fourth Street, The Dalles, Oregon, highlighted the three main points of the written comment (Attachment 1) submitted by Ben Hoey in his email dated June 2, 2013. Ms. Hoey also stated that she appreciated the fact that the lot would be developed and would be compatible to the surrounding properties.

Zukin asked if staff's conditions of approval required non-reflective exterior materials and a landscape plan. Senior Planner Hert advised there were no code requirements for non-reflective exterior materials or a landscape plan. Ms. Ortiz stated her company would work with staff on providing some landscaping as a buffer and use non-reflective exterior materials.

Chair Lavier closed the public hearing at 7:00 p.m.

#### **Deliberation**

Stiles and Zingg commented they were in favor of the use of the property. Raschio stated he was in favor of the property usage and hoped the areas on 3<sup>rd</sup> Street would be more in line with the business design of the area.

Discussion followed regarding modifying the bicycle requirement. Zingg stated he would like to see the money used for a tree rather than bicycle parking. City Attorney Parker referred to the Land Use and Development Ordinance, Section 7.040.060(e) of listed exemptions that stated, "Other exemptions as approved by approving authority," which indicated the Commission could modify the bicycle requirement. Parker stated the applicant's usage could be similar to subsection (a) Temporary Use.

It was moved by Zukin and seconded by Zingg to approve CUP 168-13, based upon testimony and the findings of fact and staff report criteria, including staff's conditions of approval with the following modifications: 1) delete the proposed condition of approval #7 regarding the bicycle rack requirement, and replace it with a condition of approval requiring the exterior of the structure should consist of non-reflective materials, and 2) amend proposed condition of approval #10 to read, "landscaping and a detailed landscaping plan will be required." The motion carried unanimously.

**RESOLUTIONS:**

It was moved by Raschio and seconded by Stiles to approve P.C. Resolution numbers 530-13 (VAR 122-13) and 531-13 (CUP 169-13) as submitted. The motion carried unanimously.

It was moved by Raschio and seconded by Zingg to approve P.C. Resolution 532-13 (CUP 168-13) to include the conditions of approval as amended by the Commission. The motion carried unanimously.

**STAFF COMMENTS:**

Director Gassman reported that he was working on the Urban Growth Boundary project. The issue was one of importance to the tribes and to the Gorge Commission. Gassman stated there would be future joint meetings with the Planning Commission and other various agencies. The two major issues included 1) whether or not the Gorge Commission had authority depending upon whether the request would be considered a major or minor amendment, and 2) the complexity of the task. No one had attempted to significantly change the scenic area boundaries since the 1980's, Gassman stated.

City Attorney Parker updated the Commission on HB 3479. Parker also advised that WalMart planned on proceeding with development in spite of the fact that another appeal was filed.

**NEXT MEETING:**

June 20, 2013

**ADJOURNMENT:**

Chair Lavier adjourned the meeting at 7:32 p.m.

Respectfully submitted by Carole J. Trautman, Administrative Secretary

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Bruce Lavier, Chairman