

PLANNING COMMISSION MEETING MINUTES

Draft Only-Not Approved

April 9, 2012

The regular meeting of the Ontario Planning Commission was called to order at 7:00 pm in the Council Chambers of City Hall. Commission members present were Chairman Michael Rudd, Rita Kanrich, Cindy Graversen, Dennis Mendiola, Mike Allen, and Greg Tuttle. Chairman Michael Rudd was excused so Rita Kanrich filled in as Chairman. Travis Currey was absent.

City Planning Staff present were Planning Administrator David Richey and Planning Technician Marcy Skinner. City Council ex-officio Ron Verini was present.

The meeting was recorded on tape and the tape is on file at City Annex. The Agenda for this meeting was mailed and/or hand delivered on or before April 2, 2012. Copies of the Agenda are available at City Hall.

Chairman Michael Rudd led everyone in the Pledge of Allegiance.

CONSENT AGENDA

Mike Allen moved, seconded by Dennis Mendiola, to adopt the Agenda as presented. Roll call vote: Allen-yes; Currey-absent; Tuttle-yes; Graversen-yes; Kanrich-yes; Mendiola-yes; Rudd-yes. Motion carried 6/0/1.

ADOPTION OF MINUTES

Greg Tuttle moved, seconded by Dennis Mendiola to approve the minutes of the January 9, 2012 meeting. Roll call vote: Allen-yes; Currey-absent; Tuttle-had been excused; Graversen-yes; Kanrich-abstain; Mendiola-yes; Rudd-yes. Motion carried 5/1/1.

There were no unscheduled public appearances.

PUBLIC HEARING ACTION 2012-03-02V

Variance for 347 W. Idaho Ave, Assessor's Map 18S47E04DD, Tax Lot 1100. The applicant is Richard and Bernt White. (1): A request for a variance from Ordinance 10C-25.03.005 Access Standards, and (2): A request to demolish and/or alter historical home.

Commissioner Kanrich explained that she was a patient of Mr. White and was concerned that she might have to abstain from the meeting. Commissioner Rudd stated that her opinion was important and that she should not abstain.

Mr. Richey, Planning Administrator, gave a staff report explaining that the proposal was to increase parking on that site. Mr. Richey thought that the site was currently severely short on parking requirements. Whether or not the site would accommodate the amount of parking which was proposed would be a question of math. He said that he would recommend approval of parking along the north side of the property with a sight-obscuring fence to protect the neighboring property. He explained that one of the proposals was to put parking in front of the historic house so that cars can back out onto the street, which the ordinance prohibited. Also, the applicants wanted to remove the historical status of the home, which he did not recommend. Although this went against the character of Ontario as the home was listed on the City Registry, demolishing the home would not be against any federal regulations.

Commissioner Tuttle asked how long the historical designation had been on the home.

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Mr. Richey answered saying that some of Ontario's Comprehensive Plan first started in the 90's and that sometime between there and 2000-2001 it was fully adopted.

Commissioner Tuttle asked how many properties in Ontario had that historical designation.

Mr. Richey thought there was around 7 or 8 homes on the list.

Commissioner Graversen asked why or who put the historical designation on the building.

Mr. Richey said that the building was added to the list because of the Comprehensive Plan process we had to address historical features. One of the historical homes had already been demolished.

Bernt White, Fruitland Idaho, "Um, I guess I'd just address a few things. I guess to start off, I'm not sure what all you have of some different emails I had communicated to Marcy Skinner with some of the history as far as what we were trying to achieve, you know, first and foremost we've had a lot of frustrations with inadequacy of parking which can be frustrating and you know we don't want to be putting patients and our staff, not enough parking for them but um some of the different logistics in the back part of the parking lot. I'm looking at the numbers on the front here as far as measurements. I was probably a little generous in my uh, you know I don't have an engineered plan as far as my rough sketch and finding me an architect but from some of my other experiences with Malheur Planning and Zoning, I wasn't going to be investing myself with a lot of finances and frustration until I got an idea of where the planning and zoning members felt because I ended up in a whole lot of frustration and head banging and I ultimately chose to move across the river which I didn't particularly want to do. I think there is some more room in the back parking, I actually measured from the available, it actually goes from 140 feet to curb. Some of the things that I'm also proposing is that we move the sidewalk from it's location where it is currently, all the way adjacent to the street to create a little more space and also with this what we're asking, petitioning, is enlarging our front parking just a little bit too as we move that sidewalk. Actually in the last it's been a few months we had patients back into each other, it's kind of a tight fit for the six parking spots there. So history wise, my dad's been practicing for a lot of years here in Ontario, seventies. As of a couple years ago we had with my dad and I five employees, and as we all know the last couple years has been kind of a hard time nationally and we've been very blessed and fortunate that our practice has actually grown. Probably about a month ago we hired our eleventh employee so we're excited about what's happening at the office. We are in a unique profession where even though people don't particularly love the dentist, I think we do a service if you've ever had a toothache you know we do try to tend to the needs of the people. At the same time you know doubling the employees I know has been a blessing to each one of those families and a better job is an important part of their life. My hope is that we can work around some parking, there's a whole lot of pictures in there. Some of my frustrations I guess, originally a year ago when I started seeing that we were needing some space I did talk with Mr. Richey and my initial thinking was that we've got to get rid of this building and I only want you to know the experience because as you know and I understand he has an important and vital role as the administrator but I've been placed, I don't know what the proper words is, but I've been given road blocks where I don't feel like I've been helped like I should have been. As nice as David is and I appreciated him taking his time when he came just a few months ago in person to the practice and spoke with me but a year ago he basically said, 'you know there's really nothing we can do, it's on a historic register, you're kind of out of luck', so I kind of hung it up for the year and you know we've got to make some changes and so that's what it comes down to. And so as we talked again it was the same thing. Parking didn't look like I was going to get any sort of allowances with slant parking or perpendicular parking like the Elks enjoy on just a walk, just across the street. All these pictures illustrate lots of things that go against, you know I've been hearing about not backing over sidewalks, you know, if you look out your window here you can see a CK3 and my understanding is that they got that variance in 2007 and if you look, they've got to back over the sidewalk and directly onto the street that's much busier than where I propose and this has evidently been a safe

situation and it was okayed by somebody and all these cases have been okayed by somebody and across the street from the police and fire department, evidently it must be safe. I don't feel like I'm asking too much in our situation; backing up a little bit, a few months when I did talk with Mr. Richey, again he told me 'Good luck, you're not going to be able to move this historic' and I put this scenario, I said 'Okay if I decided to try to pull a demo permit where's it going?' and I'm trying to understand who has the final say on this and he said it would cross his desk and I said what would you say and he said he would say no. What I feel it's coming down to is particular people might have, you know I understand respecting things that have been around for a while but I've done my research. It is not on the national historic registry. If it was to be put on one, the property owner has to give his consent. There are no legal bindings to us or the government, local or federal, and what it comes down to as Mr. Allen said, somebody put it on a list and someone decided this is historic. Yeah it is historic, but it doesn't have any protection and our hope is that... and I feel that we actually might be able to tie the two buildings together, that's my goal actually, and to try to work around the parking which may be more ideal just to take the whole thing down and have a nice rectangular parking lot but I'd like to see if this would work like I propose but I would like to also have the ability to demolish it if needed. I think that's about all I have to say".

Commissioner Allen asked who owned the building and what it was being used for currently.

Mr. White replied that his dad owned the building and that his mom was using it for a yarn shop for the past 5 years.

Commissioner Tuttle asked how many parking spots he currently had.

Mr. White said that he had eight parking spots in the back of the property, six in the front, and six on the curbside on NW 3rd street. With the proposed changes, there would be close to thirty. With some of the measurements he had taken, it looked like they would be able to get eight or so cars with slanted parking which may need to include both twenty and forty-five degree parking spaces. He planned on gutting half of the yard on the north side of the office to be able to allow for the slant parking on the southern side of the parking lot. He planned on adding a couple parking spots in the front parking area making a few adjustments.

Commissioner Graversen added that it was awfully tight pulling into the parking area.

A person in the audience identified himself as the neighbor on the north side. He wanted a fence to be built and suggested that the historical house not be torn down.

Mr. White said that he'd like to build a six-foot high fence between his property and the adjoining neighbors yard.

Commissioner Kanrich asked what brought the variance to the city. The building permit for the addition or a new building permit.

Mr. White said that he was just asking and spoke with Mayor Dominick who suggested he speak with Marcy which helped them to turn their variance material in on time for the meeting. He appreciated getting some solid direction.

Commissioner Kanrich said that once a person applies for a building permit, then other requirements are triggered.

Mr. Richey said that the current parking space requirements were not being met and that an addition to the building would add more required parking spaces. Also six percent of the total lot area would need to

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be landscaped. He felt that the angled parking proposed would need to go before the Public Works Committee and that they had control of any parking that is along or in the street other than private property.

Commissioner Tuttle asked if there was enough room for a curb cut.

Mr. White said that they were currently requesting to make a curb cut on NW 3rd Street. He also said that the rear parking area would be used by staff who would enter and exit through the alley.

Mr. Richey was concerned that the landscape requirement would not be met.

Commissioner Graversen asked if a total variance to the six percent landscaping requirement could be given on this property.

Mr. Richey stated that the landscaping variance was not applied for at that time and that the ordinance had requirements that they were bound to. A person could not back into a variance.

Councilor Verini asked Mr. Richey if the variance to parking were recommended by the Planning Commission, would he approve the building addition between the existing dental and the Canfield House.

Mr. Richey stated that if any building were added to on the property, that the new parking requirements would be triggered. He said that he would approve a walkway between the two buildings as a functional operation.

Mr. White asked if Mr. Richey would accept a 20 by 40 connection to the buildings.

Mr. Richey answered that he would have some struggles approving the connection.

Mr. White said that it would have to be more than a breezeway between the two buildings.

Commissioner Graversen asked what would be proposed in the addition area.

Mr. White answered that a central sterilization area and a lavatory would be in the new addition area and with time the dental practice would expand into the Canfield house building.

Commissioner Graversen asked about demolishing the Canfield house and adding onto the White house dental building.

Mr. White stated that he had spent \$10,000 on his home through the Malheur County with lawyer fees and he didn't want to get an architect until he knew he had a green light.

Commissioner Kanrich commented that it would be a shame to demolish the Canfield house and what he thought about moving it.

Mr. White said that it should come down to property rights of individuals which would be a constitutional right. He also said that moving the building around telephone poles would be challenging. He said that their hope was to not have to demolish the building.

Commissioner Allen commented that several different planning code requirements can make it hard for the small businessperson.

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Don Anderson, Ontario said that he owned the old home next to Canfield house but had never put it on the historical list.

Mr. Richey stated that if the building were demolished, any additions would trigger new parking standards.

Commissioner Tuttle asked how many parking spaces would be necessary if the Canfield House was demolished.

Mr. Richey stated that one parking space would be necessary for each dentist and each employee. He indicated that he didn't think that there would be enough spaces.

Mr. White said he that they would be able to get six parking spots on the south side of the back parking lot. Which would be 70 feet and from the alley to the curb was 140 feet. Behind the sidewalk would be 136 feet.

Mr. Richey said that he couldn't go out to the curb because then they'd be out in the city right-of-way. He said it was 120 feet from the alley to his property line. He would not allow parking on the east side of the Canfield house because of danger to the walking public and because the ordinance prohibits it.

Commissioner Allen said that through the older sections of town there is a lot of city owned right-of-way. He said that the Planning Commission did not have jurisdiction of the street right-of-ways, the Public Works Committee had jurisdiction.

Commissioner Tuttle wanted to know if diagonal parking along NW 3rd Street would work instead of parallel parking.

Mr. Richey said that the Public Works Committee wanted to maintain control of diagonal parking as well.

Chairman Rudd said that the variance would allow parking to be allowed on the north edge of the property on provision that a privacy fence be installed.

Mr. White (Sr), Ontario, "I started that practice in Ontario in 1975. In 1980 my wife and I bought the old Canfield house and in 1983 we built the office. So I've been here since 1975 and I would like...with the Elks. I'd like to practice in Ontario and this is kind of Deja vous to me because my son went through this whole ordeal with the county with John Beal, and he's also very polite. It seems to me that when everybody who comes to Ontario works at the hospital who would like a few acres, lives up in Fruitland, then something's wrong. I think Ontario should be a place of growth, I don't think everybody should go to Fruitland. I think the offices should be here and that's why we took pictures and we showed that to the west of the office, Dr. Sakimoto and Dr. Wester across from the Mayor's office have the exact same perpendicular parking to the front of the building as we propose. As you go west of there you have a barbershop with precisely the exact same thing and then you have a curb cut, now their recommendation is 50 feet. Did you see the pictures that my wife took that we sent out? The curb cut is what is it, this much? The plan that my son has drawn up is actually 50 feet; we have no problem with a 50 feet curb cut. If you go out to the corner where the high school and turn left to the hospital you have a couple other offices. You have Dr. Enyeart's office, I think I sent you that one, and they drive right across the sidewalk and they park right against the building. And the next office is when you come back towards the city and there's a shamrock building, it's exactly the same way as Dr. Eason's office. And then there's a building across the street I kind of have to use a magnifying glass to see the six percent landscaping but I can see a couple bushes there. I think you should be able to build you business in Ontario and I'm not an attorney but I know that in law they go back and search out things that have worked and cases that have

been approved by the court that have actually functioned and I think the pictures that we sent, when we talk about CK3 or other offices we in no way indicate that we think that the city should change their situation or that they should be worried about Ontario taking that off if we can't have that. So what's the purpose? The purpose was that this works, it has worked; it was a good ruling then, I think it's a good ruling now. I would ask you to vote a variance. I think it's a good thing that we've gone from five employees to eleven employees in two years in a time when other businesses have maybe shut down. I don't think that we want to see for sale signs on different businesses around town. One of the things Mr. Richey told my son as I understand is that he didn't know what he could do; he suggested we talk to a librarian about that historical. What I'm saying is that I think we should be thoughtful and if the city of Ontario has a Planning Director, I think we should find ways to make things work and that's what I have to say tonight. We're asking for five parking places. Either right up against the building or back a little bit so you can have landscaping to make your six percent. We would like to keep the Canfield house. We'd like to make the office wood like it belongs. I think we built a very nice office for our team in 83, I like the office, I like to come to work and the Canfield house we've maintained for all these years with new siding. We have two nice buildings and we would like to put them together so they look like they belong and so it looks like a business should look in Ontario. That's what I'm saying, thank you".

Nancy Anderson, Ontario, "My name is Nancy Anderson and as you might have assumed from my attire I am an employee at Whitehouse Dental and like many of you I was born and raised in Ontario and I want to preserve this small town atmosphere of this community also while still being able to access the best services that I know that are available in surrounding larger areas. And as luck would have it, Whitehouse Dental has grown over the last 28 years and I've been here during those years and even in this lackluster economy we could benefit from some extra space. How many of us have went from a crowded apartment to a nice larger home with cupboards and garage space to spare only to find ten years later there isn't a nook or cranny in the building to store an item and the garage has long ceased to have room for a car. We have endeavored to be thrifty with our available space making it as efficient as possible including extending our hours but we are needing some added space outside our existing facility. In order to provide more and better services to our patients and our community we need to expand. If we are to increase our employees and the number of patients accessing our business the first step is to make sure we have adequate parking. Obviously, some innovative, forward-thinking, past city planners have been able to address that obstacle with the very viable plan of slant parking as opposed to parallel parking on some streets. It addresses the issue of creating more parking spaces within the confines of a business and boundaries in a very effective and economical means. We've seen it utilized successfully all over town, friends and family that I have talked with all agree that this type of parking was a great solution to a really aggravating problem and some good examples have already been cited.... I'm sure there's a lot more examples and they have been cited already. By expanding our parking in our existing facility we'll be better able to offer additional services to our community that people are accessing outside our city. They're going to Boise for some of the services that we're trying to provide. That isn't necessary. Our employees and our patients help support the local economy with their purchases of food, gas, and services, many times in conjunction with their dental services. We have a huge amount of patients that come in from Burns and they're doing a lot of shopping here while they're here so it's bringing a lot of extra growth to our city and in addition, something I didn't plan on talking about, the historical building. There aren't very many people in town who would even know it's a historical building. Obviously if you moved the sign, nobody would know. The inside has been remodeled so many times that it does not maintain the integrity of a historical building and who's going to know if they close it down and don't use it. It's a picture and we can take a picture and put the picture someplace. We can put it in one of the museums and say this is my house that was here. The outside, it's been resided, it doesn't even have the same outside wood on it, the integrity is not there. It is a picture of the past that most people have forgotten so we can utilize that space in a better way and I think that that's progressive in my mind. Thank you for giving us your time and consideration".

Tera, Payette, "My name's Tara from Payette we're just basically asking for your support and I've worked for the practice for ten years and I think about the patients a lot. You know they do struggle with that parking lot and I hear comments every time they walk through that door so just taking care of them and the employees so we have a place to park. We don't even have enough parking for our employees, let alone our patients and we are growing. It's convenient for parents and the kids. We're right there at a great location. We're right there right next to the middle school. We have kids that walk over to their appointments so just think about that too. We're here to help Ontario grow so we're asking for your help. That's about it".

Chairman Rudd closed the public portion of the hearing.

Commissioner Mendiola asked if they were to demo the Canfield house then what would determine the parking spaces required? And, what would happen if they added onto the building.

Chairman Rudd said that he understood that a demolition permit was a building permit and would trigger the new parking requirements.

Mr. Richey explained that demolishing the home would not trigger the requirement for additional parking spaces and that it would depend on if they remodeled.

Commissioner Tuttle asked how many parking spaces they needed right then on the existing code requirements.

Mr. Richey said that he didn't know how many square feet the building was but for every 300 square feet of the building they would need a parking spot plus one parking spot for each employee including the doctors.

Commissioner Tuttle mentioned that a couple of years ago the city made diagonal parking along busier streets including in front of the Post Office.

Commissioner Kanrich asked if NW 3rd Street was wide enough to drive in park.

Mr. Richey did not think that the road would be wide enough. He said that his objection was not to the diagonal parking in the street but to the parking on their private property next to the Canfield house.

Mr. White explained that first he wanted to do parallel parking on NW 3rd Street like at the Elks Club across the street and the city said no. Next he asked about diagonal parking along the same street and was told that they didn't know how long it would take to talk about it. He said that if he had to go through a six to twelve month thing with Public Works and City Council and then he would be told no, that he would reach his boiling point. His understanding was that some of the City Council and Public Works committee were against diagonal parking.

Commissioner Graversen said that she wanted to come up with a feasible solution for everyone.

FINDING OF FACTS

Michael Rudd moved, seconded by Dennis Mendiola, to adopt the Findings of Fact as amended. Roll call vote: Allen-yes; Currey-absent; Tuttle-yes; Graversen-yes; Kanrich-yes; Mendiola-yes; Rudd-yes. Motion carried 6/0/1.

APPROVAL OF ACTION 2012-03-02 V

Michael Rudd moved, seconded by Dennis Mendiola to 1.) Allow the demolition/alteration of the historic building and, 2) Allow parking to be built in the required yard on the north edge of the property on the provision that a privacy fence is installed on the property line and, 3) To STRONGLY RECOMMEND the allowance of angled parking along NW 3rd Street to the Public Works Committee. Roll call vote: Allen-yes; Currey-absent; Tuttle-yes; Graversen-yes; Kanrich-yes; Mendiola-yes; Rudd-yes. Motion carried 6/0/1.

REPORTS

Marcy Skinner reported on the permit activity.

ADJOURN

Dennis Mendiola moved, seconded by Cindy Graversen to adjourn. Roll call vote: Allen-yes; Currey-absent; Tuttle-yes; Graversen-yes; Kanrich-yes; Mendiola-yes; Rudd-yes. Motion carried 6/0/1.

Michael Rudd, Chairman

Marcy Skinner, Planning Technician