



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
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, APRIL 19, 2012

6:00 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: March 15, 2012
- V. Public Comment (Items not on the Agenda)
- VI. **Quasi-Judicial Public Hearings**
 - A. **APPLICATION NUMBER: CUP 157-10, Dirt Hugger LLC**; Review of the pavement of the access road; Property is located at 4350 River Trail Way, The Dalles, Oregon and is further described as 2N 13E 21 tax lot 800. Property is zoned "I" – Industrial District.
 - B. **APPLICATION NUMBER: CUP 167-12, Nicholas Miles**; Request for a parking reduction. Properties are located at 701 E. 3rd Street and 310 Madison Street and further described as 1N 13E 3DB tax lot 1501. Property is zoned "CBC"- Central Business Commercial District.
- VII. Resolutions
 - P.C. Resolution No. 520-12, Nicholas Miles, CUP 167-12
 - P.C. Resolution No. 521-12, Dirt Hugger, LLC, CUP 157-10
- VIII. Work Session – LUDO Amendments
- IX. Staff Comments
- X. Commissioner Comments/Questions
- XI. Next scheduled meeting date: May 3, 2012
- XII. Adjournment

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, March 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, John Nelson, Dennis Whitehouse, Chris Zukin

BOARD MEMBERS ABSENT:

Ron Ahlberg, Nan Wimmers

STAFF MEMBERS PRESENT:

City Attorney Gene Parker, Community Development Director Dan Durow, Codes Enforcement Officer Nikki Lesich, and Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Zukin and seconded by Whitehouse to approve the agenda as submitted. The motion carried unanimously; Ahlberg and Wimmers were absent.

APPROVAL OF MINUTES:

It was moved by Whitehouse and seconded by Nelson to approve the minutes as submitted. The motion carried unanimously; Ahlberg and Wimmers were absent.

PUBLIC COMMENT:

None

LEGISLATIVE PUBLIC HEARING:

Application ZOA 80-12, City of The Dalles, requesting approval to recommend to City Council to adopt General Ordinance No. 12-1319, amending Section 13.070.040(C) of General Ordinance No. 98-1222 concerning enforcement of provisions prohibiting placement of signs in the public right-of-way or on City-owned real property.

Chair Lavier asked the Commissioners if they had any conflict of interest because of possible financial gain. None were noted.

Chair Lavier opened the public hearing at 6:03 PM.

City Attorney Parker presented the staff report and gave a summary history of City Ordinance 10-1303. Parker explained that the proposed ordinance amendment would simplify the code enforcement process in the following manner: 1) a change in the 30-day storage time period for confiscated yard/garage sale signs to seven days; 2) staff would be required to notify the sign owner either on the day the sign would be confiscated or within a reasonable amount of time thereafter; 3) the owner would have seven days to

retrieve the sign or to request a hearing if he/she chose to challenge the impoundment; 4) staff would not be required to notify sign owners if there was insufficient contact information on the sign; 5) Municipal Court would enforce the ordinance and make a determination on whether or not the impoundment was correct; 6) fines would be fairly minimal; and 7) the implementation of proposed central sign locations. Parker stated the two proposed sign locations are St. Vincent DePaul and the Senior Center, and the signs would be located outside the establishments for easy viewing. There would be up to 48 sign spaces available to advertisers, Parker said. Parker also brought up the point that the proposed amendment would free up stopped traffic from drivers who stop to gather sign information posted in the right-of-way (ROW), and the central sign locations would allow people to compare advertising all in one spot. In closing, Parker stated staff recommended that the Planning Commission recommend this proposed ordinance amendment to the City Council.

Commissioner Zukin asked if the City would probably not enforce the fines unless there were repeat violators. City Attorney Parker answered that was his intention, that fines would probably be imposed on repeat violators.

Commissioner Nelson asked if a list of violators would be kept on record to determine those who were repeat violators. City Attorney Parker said a list would probably be kept, not all of the details had been decided at this point.

Commissioner Whitehouse asked if an eastside site would be considered for a central sign location. Commissioner Nelson stated he believed a central sign in the downtown area might attract more people to the business district. City Attorney Parker said other locations had not been determined, but if the sign system proved to work well, locations could be added.

Commissioner Zukin asked if the provision that signs were allowed on private property had always been part of the original ordinance, and did it apply to any kind of sign. Parker answered that the provision was part of the original ordinance, but only pertained to garage sale signs specifically. Parker said the wording of the ordinance may need to change to "temporary signs" on private property to include all signs.

Commissioner Zukin asked if all three elements of identification on signs were necessary, i.e. name, address and telephone number, for the owner to be notified by the City. City Attorney Parker said that was the intent. Commissioner Lavier made the point that yard sale sign owners may not want to put a telephone number on a sign. City Attorney Parker said the City may take the initiative to contact the owner when only a name and address appeared on the sign. Codes Enforcement Officer Lesich explained that staff has found that, other than cardboard box signs, a majority of signs in the ROW were real estate or estate sale signs that were of some expense to the owners. Her typical process, Lesich said, was to pick up the signs and make contact with the owners, rather than impound the signs up, and to educate the sign owners on the sign code. Lesich also stated that by making an early contact to the owners, it allowed them the opportunity to relocate the signs which, in some cases, contained time-sensitive material. Lesich explained that, last year, staff sent letters to owners of confiscated yard sale signs to educate the people on the sign code. Commissioner Nelson asked if that procedure would continue this year. City Attorney Parker affirmed that process would continue this coming year, because the City needed to give people a chance to become educated on the ordinance.

Chair Lavier closed the public hearing at 6:26 PM.

It was moved by Zukin and seconded by Poppoff that the Planning Commission recommend to City Council to adopt General Ordinance No. 12-1319 as presented. The motion carried unanimously, Ahlberg and Wimmers were absent.

RESOLUTION:

It was moved by Zukin and seconded by Whitehouse that the Planning Commission adopt Resolution P.C. 519-12 as presented. The motion carried unanimously; Ahlberg and Wimmers were absent.

STAFF COMMENTS:

Director Durow presented an update on the Urban Growth Boundary work. One of the upcoming tasks, Durow stated, is to develop a technical advisory committee of staff members to include DLCD, the Gorge Commission, County, and City members. Durow explained that a series of meetings will be formulated, the first of which will involve a joint meeting with the City and County Planning Commissions, to lay out the schedule. The committee's objective is to deal with the Cultural Resources Management Plan, Durow said, and to gain an understanding that the content of the plan is understandable as staff and consultants begin to meet with the four tribes. The joint planning commission meeting could be scheduled for April 5, 2012, or some other date when both commissions would be available, Durow advised.

COMMISSIONER COMMENTS/QUESTIONS:

Commissioner Zukin asked if any action had been taken on the parking problem at the corner of River Road and Bargeway Road (at Riverside Gymnastics). Commissioner Nelson said the issue was taken to the Traffic Safety Committee, and Planning representative Dawn Hert was going to talk to the business clientele whom she knew personally. Nelson said he would take it back to the Traffic Safety Committee for further discussion.

Commissioner Poppoff asked why the City allows parking in the vision clearance zones because parked cars block vision, for instance, at the corner of 4th and Court streets. After further discussion, Commissioner Nelson said he would take the vision clearance issue of 4th and Court streets back to the Traffic Safety Committee.

NEXT MEETING:

April 5, 2012

ADJOURNMENT:

The meeting was adjourned at 6:43 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman



CITY of THE DALLES

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Community Development Dept.

Memorandum

To: Planning Commission

CC: Dan Durow

From: Dick Gassman, Senior Planner *DG*

Date: April 19, 2012

Re: Dirt Hugger LLC, CUP 157-10

BACKGROUND

On May 6, 2010, the Planning Commission approved the Conditional Use Permit (CUP) Application of Dirt Hugger, LLC, CUP 157-10, to operate a commercial compost facility on Port of The Dalles property north of Chenoweth Creek. A copy of the Notice of Decision is attached.

Condition of Approval number 7 stated that the Planning Commission would review public improvement requirements after it became known whether Google would exercise an option to buy the property where the Dirt Hugger operation is located. We now know that Google has not exercised its option to buy, hence this review.

QUASI-JUDICIAL REVIEW

The original CUP was approved in a quasi-judicial hearing. This item has been advertised as a quasi-judicial hearing with the appropriate notices in the newspaper and to surrounding property owners. This allows the Planning Commission to modify the conditions of approval as adopted on May 6, 2010.

DISCUSSION

The reason for not requiring any public improvements at the time of the original decision was due to unknown factors regarding the length of time Dirt Hugger LLC would be at this location. The costs of public improvements can be significant. Without any commitment on the length of stay at this location, it would not be feasible for Dirt Hugger to pay for these improvements. The Planning

Commission acknowledged this difficulty by adopting condition number 7.

Based on conversations with the applicant and with the Port of The Dalles, we do have more information now. For example, the Google option has now expired. However, the Dirt Hugger operation is still on a month to month tenancy and without a long term commitment from the Port of The Dalles, the outlay of capital for public improvements remains problematical. The business is doing well and is looking for a permanent site of up to 30 acres. If the operation were to stay at this location or at another location on Port property, then public improvements would be warranted. So far, however, there is no agreement that would allow Dirt Hugger to continue long term at this location.

In addition, The Port of The Dalles is considering its plans for the future development of the area north of Chenoweth Creek. At this point nothing definite has been decided, but the process has begun. Until that development plan is complete, it is unlikely the Port will make any long term commitment to Dirt Hugger LLC.

RECOMMENDATION

Under the circumstances, staff recommends that the review of the undefined requirement for public improvements be deferred for another year.

Staff recommends that condition number 7 be amended to read as follows:

7. The Planning Commission will review public improvement requirements, such as paving of River Trail Way, and a requirement of a paved surface access way to the operations site from the end of the public right of way, in the spring of 2013.



NOTICE OF PUBLIC HEARING DECISION
CUP 157-10
Dirt Hugger, LLC

DECISION DATE: May 6, 2010

APPLICANT: Dirt Hugger, LLC

REQUEST: To operate a commercial compost facility

LOCATION: Property is located at 4350 River Trail Way and is further described as 2N 13E 21 tax lot 800

PROPERTY OWNER: Port of The Dalles

AUTHORITY: City of The Dalles Land Use and Development Ordinance 98-1222 and the Comprehensive Land Use Plan, June 1994.

DECISION: Based on the findings of fact and conclusions in the staff report of CUP 157-10 and after a hearing in front of the Planning Commission, the request by **Dirt Hugger, LLC**, is hereby **approved with the following conditions:**

1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended.
2. Parking requirements for industrial uses are based either on floor area or number of employees. Applicant is proposing four parking spaces, one of which will be required to be handicapped. This seems adequate at this stage of the operation.
3. Whether or not additional parking spaces are required or constructed, all areas that are being used for parking must be developed to code requirements.
4. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
5. All material, solid or liquid, must be contained on site.
6. Odor shall be confined to the site.
7. The Planning Commission will review public improvement requirements, such as paving of River Trail Way, and a requirement of a paved surface access way to the site from the end of public right of way, in September 2011, after the Google option deadline
8. Parking, driveways, and vehicular maneuvering areas must be paved, on the same time schedule as condition #7.

9. Approval of a site plan review application, per the provisions of LUDO Section 3.050.030 B 2.
10. City Engineer approval is required for all public improvements and for any work done in the public right of way.
11. River Trail Way is a County Road. Any work done in the right of way of River Trail Way also requires a County facilities permit. Contact County Road Master.
12. Lighting must not directly illuminate adjoining properties.
13. Landscaping as shown in the application is approved in lieu of the landscaping required in LUDO Section 6.010.070. Landscaping to be added within 60 days of start of application.

Signed this 6th day of May 2010, by



Daniel C. Durow, Director
Community Development Department

TIME LIMITS: The period of approval is valid for the time period specified for the particular application type in Ordinance No. 98-1222. All conditions of approval shall be fulfilled within the time limit set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time. Failure to fulfill any of the conditions of approval within the time limits imposed can be considered grounds for revocation of approval by the Director.

Please Note! No guarantee of extension or subsequent approval either expressed or implied can be made by the City of The Dalles Community Development Department. Please take care in implementing your approved proposal in a timely manner.

APPEAL PROCESS: The Planning Commission's approval, approval with conditions, or denial is the City's final decision, and may be appealed to the City Council if a completed Notice of Appeal is received by the Director no later than 5:00 p.m. on the 10th day following the date of the mailing of the Notice of Public Hearing Decision. The following may file an appeal of administrative decisions:

1. Any party of record to the particular public hearing action.
2. A person entitled to notice and to whom no notice was mailed. (A person to whom notice is mailed is deemed notified even if notice is not received.)
3. The Historic Landmarks Commission, the Planning Commission, or the City Council by majority vote.

A complete record of application for public hearing action is available for review upon request during regular business hours, or copies can be ordered at a reasonable price, at the City of The Dalles Community Development Department. Notice of Appeal forms is also available at The Dalles Community Development Office. The fee to file a Notice of Appeal is \$380.00. **The appeal process is regulated by Section 3.020.080: Appeal Procedures of Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**

**City of The Dalles
Staff Report**

Conditional Use Permit No. 167-12

Nicholas Miles

Prepared by: Dick Gassman, Senior Planner

Procedure Type: Quasi-Judicial

Hearing Date: April 19, 2012

Assessor's Map: Township 1 North, Range 13 East, Map 3 DB, tax lot 1501

Address: 310 Madison and 701 E 3rd Street

Comprehensive Plan
Designation: "CBC" Central Business Commercial District

Zoning District: "CBC" Central Business Commercial District

City Limits: Inside

Request: To use a commercial property for different uses and waive the off-street parking requirements.

BACKGROUND INFORMATION

The subject property is located at the corner of East 3rd and Madison. It is one tax lot but has two different buildings with two different addresses, 310 Madison and 701 East 3rd. One of the existing buildings has been used as storage for Hughes Feed and now is being proposed as a fitness facility. The other building has been used for a variety of businesses. There is very limited off-street parking and no possibility of adding more parking. The lot is unusually small, with only about 3,800 square feet. The Land Use and Development Ordinance (LUDO) provides that off street parking can be waived in certain situations. The process for such a waiver is a Conditional Use Permit (CUP). The request is being treated as a parking waiver for both buildings.

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 April 6, 2012, as required by Section 3.020.050 D.

COMMENTS

As of the date of the preparation of this report, no comment had been received from the public.

RECOMMENDATION

Approval of the Conditional Use Permit application, with conditions, based upon the following findings-of-fact.

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 March 30, 2012. The 120-day State mandated decision deadline is July 28, 2012. The hearing date is set for April 19, 2012. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

A. Decision types. 3. Conditional Use Permits:

FINDING #2: This application is for a Conditional Use Permit per Section 7.020.040.C. Conditional Use Permits require a quasi-judicial hearing per Section 3.050.030. The hearing on April 19 is a quasi-judicial hearing. 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. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.

FINDING#4: The public hearing is scheduled for April 19, 2012, within 45 days from May 14, 2012. Criterion met.

D. Notice of Hearing.

FINDING #5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on April 6, 2012. Criterion met.

Section 3.050.030 Review Procedures

A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required two copies of the detailed landscape and construction/design plans, per the provisions of Section 3.030: Site Plan Review.

FINDING #6: Plans were not required for this application. Criterion met.

Section 3.050.040 Review Criteria

A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.

FINDING #7: Fitness Training is an allowed use within the CBC. The reason for the CUP request is to ask for a waiver of the parking requirements. Criterion met.

B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.

FINDING #8: Section 5.050.030 A. 18. allows recreational facilities as an outright use. The proposed use meets all standards except for the required off-street parking. That issue is discussed below. Criteria met.

C. Impact. The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the legal development of abutting properties and the surrounding neighborhood, with consideration given to:

1. Harmony of scale, bulk, building coverage, and density.

FINDING #9: The structure has existed on this site for a number of years.

The location, size, and design of the structure is not changing, and the proposed use will have little or no impact on the neighborhood. Criterion met.

2. The availability of public facilities.

FINDING #10: This is an existing site with all public facilities including sewer, water, public access, and other private utilities – power, telephone, etc. Criterion met.

3. Any harmful effects on desirable neighborhood characteristics and livability.

FINDING #11: This use will be in an existing building and there is nothing about the use of the building that will have any harmful effects on the neighborhood. The use is allowed in the zoning district, and the limited number of clients at a time can be assimilated with the other commercial activity on the street. Off-street parking is the only issue. Criterion met.

4. Traffic generation, the capacity and safety of surrounding streets and alleys.

FINDING #12: The property is located at the corner of East 3rd and Madison, both of which are fully developed with streets and sidewalks. There is a grid street system in the area with good access. There is a good supply of on-street parking on both sides of Madison Street, and some on East 3rd. The streets can handle the expected traffic. Criterion met.

5. Bicycle and pedestrian circulation, access and safety.

FINDING #13: The facility is existing and similar to other businesses in the downtown area. The proposed new use will not cause any unusual safety issues. Criterion met.

6. Any other impacts of the development deemed relevant to the Commission.

FINDING #14: No other impacts are deemed relevant. Criterion met.

Section 7.020.040. Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions.

C. Reduction for Existing Uses.

2. Where pre-existing development is unable to accommodate off-street parking that is required by a proposed use change and/or an addition or modification to existing building(s), the applicant may request a conditional use approval for a parking reduction providing each of the following conditions is met. The conditional use permit shall be processed per the provisions of *Section 3.050: Conditional Use Permits*.

- a) The enlargement, modification or use change does not displace any existing off-street parking.

FINDING #15: There is very limited off-street parking, and none of it is being displaced. Criteria met.

- b) The proposal is not for an existing non-conforming use.

FINDING #16: The proposed use is allowed outright in the zone. Criteria met.

- c) The applicant can demonstrate that an opportunity for shared or joint parking, as specified in this Chapter, is not reasonably available.

FINDING #17: There is no obvious area for shared or joint parking. Criteria

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends approval subject to the following conditions:

1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222.
2. No square footage may be added to either structure without providing for parking.
3. A future change of use involving a more intensive use will need to reapply for this waiver.

CONDITIONAL USE PERMIT 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 3/29/12
File# CUP 107-12
Date Deemed Complete 3/29/12
Hearing Date 4/19/12
Approval Date
Permit Log #
Other Cross Reference#

APPLICANT

Name Nicholas Miles
Address 1516 EAST 10th St.
The Dalles, Oregon, 97058
Telephone # 541-993-0334
E-mail address: nmiles@gorge.net

LEGAL OWNER (If Different than Applicant)

Name Same
Address
Telephone #

PROPERTY INFORMATION

701 East 3rd The Dalles, Oregon, 97058

Address 310 Madison St. The Dalles, Oregon, 97058
701 E. 3rd - 1N13E 3DB 1501
Map and Tax Lot 310 Madison - 1N13E 3DB 1501

Size of Development Site .087 acres

Zone District/Overlay CBC In City Limits: Yes X No

Comprehensive Plan Designation CBC Geohazard Zone: -

PROJECT INFORMATION

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

Current Use of Property Warehouse

Proposed Use of Property Fitness training

Briefly Explain the Project Parking Standards Review, sewer hook up

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet) _____

PARKING INFORMATION

Total Number of Spaces Proposed _____

Square Footage of Parking Lot Landscaping Proposed no parking lot

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed NONE Percent of Landscaping Irrigated none

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.

Signature of Applicant

[Signature]

3/29/12
Date

Signature of Property Owner* or Owners Agent

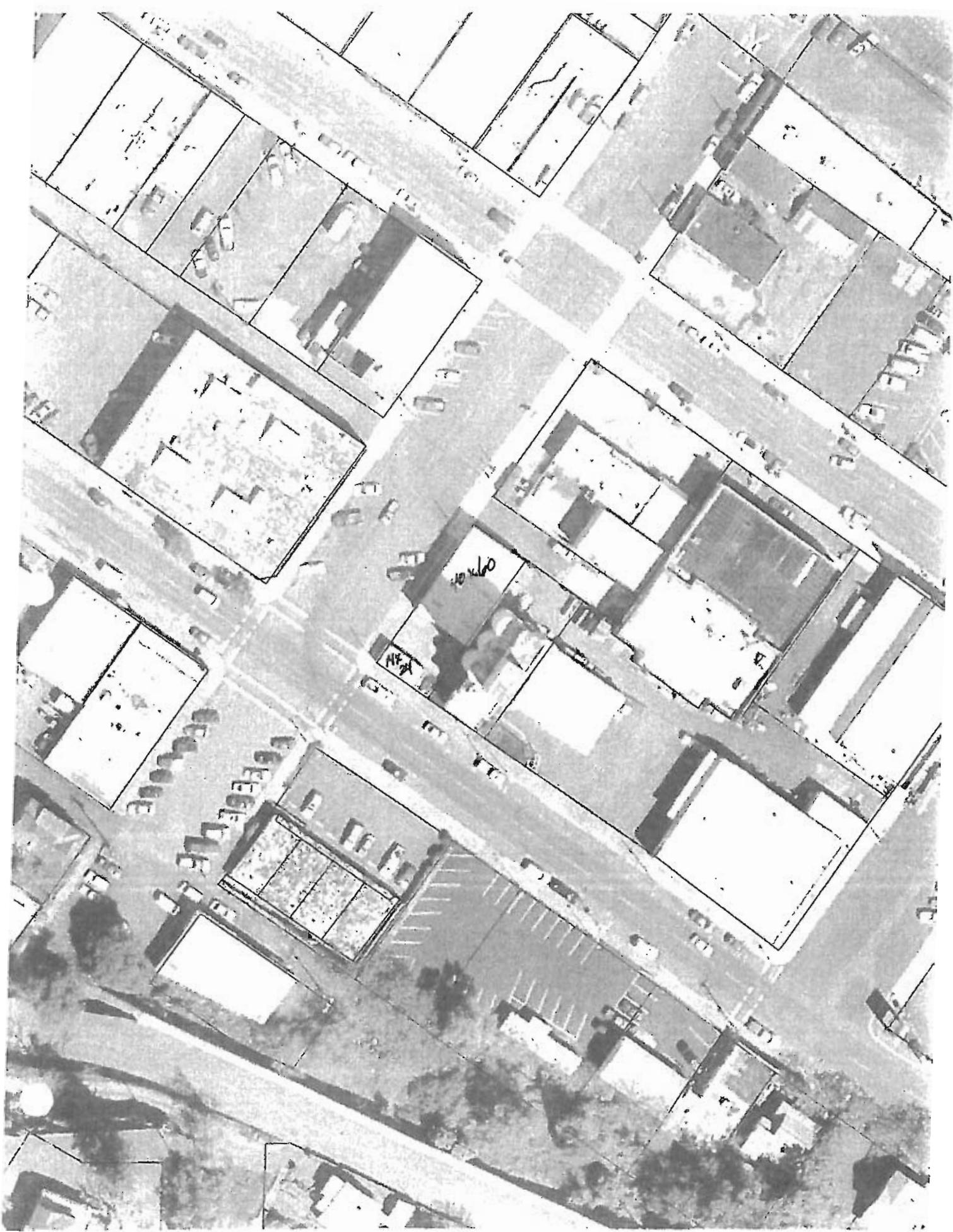
[Signature] 3/29/2012
Date

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

NOTE: This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.

PLANS REQUIRED:

- At least 12 copies of concept site plan.
- At least one 11 x 17 concept site plan.
- 2 copies detailed landscape plans 2 full size copies construction detail plans



0 '29/2012

Dear Community Development Dept.

This letter is to request "Conditional Use Permit" for property address 310 Madison, and also 701 East 3rd The Dalles, Oregon ,97058

We had filled out a change of use application on March 12th, 2012 and it was declined. (Please see attached letter.)

Please consider our conditional use permit as requested. As you can see by your inspection and also Ariel photos that we do not have any property space for additional parking. We have had this property for several years and are now just developing it. We do have renters that want to rent the property of 310 Madison and we also have renters in the 701 East 3rd property. If our conditional use permit is not approved then we will be stuck with a worthless property downtown. This is something we were not aware of when we purchased this property.

Can you please expedite this process, as our renters want to order equipment for the proposed property and we need to start the process with the building permit. The renters would like to move in between May 1st 2012 and June 1st 2012.

Enclosed is my check for the application. Please let me know if you need any additional information or you have any questions.

T hank you,

Nicholas and Robin Miles

RESOLUTION NO. P.C. 520-12

Adopting Conditional Use Permit Application #167-12 of Nicholas Miles to gain approval to use a commercial property for various uses and to waive the off-street parking requirements. The properties are located at 310 Madison and 701 E. 3rd Streets and are further described as Township 1 North, Range 13 East, Map 3 DB, tax lot 1501. Property is zoned "CBC" – Central Business Commercial District.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on April 19, 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 Conditional Use Permit #167-12 and the minutes of the April 19, 2012 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. CUP #167-12 is hereby approved with the following conditions of approval:
 - 1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222.
 - 2. No square footage may be added to either structure without providing for parking.
 - 3. A future change of use involving a more intensive use will need to reapply for this waiver.

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 19th DAY OF APRIL, 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 19th day of April, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____
Daniel C. Durow, Community Development Director
City of The Dalles

RESOLUTION NO. P.C. 521-12

A RESOLUTION OF THE PLANNING COMMISSION AMENDING
CONDITION OF APPROVAL #7 FOR CONDITIONAL USE
PERMIT #157-10 OF DIRT HUGGER, LLC

WHEREAS, on May 6, 2010, the Planning Commission approved Conditional Use Permit #157-10 of Dirt Hugger, LLC, to operate a commercial compost facility on the Port of The Dalles property north of Chenowith Creek; and

WHEREAS, Condition of Approval #7 of the approval stated that the Planning Commission would review the public improvement requirements, such as the paving of River Trail Way, and a requirement of a paved access way to the site from the end of the public right-of-way, in September of 2011, after the deadline for purchase of the property by Google had passed; and

WHEREAS, on April 19, 2012, the Planning Commission conducted a public hearing, and following the presentation of the staff report and public testimony presented during the hearing, the Planning Commission voted to extend the time for review of Condition of Approval #7 for CUP #157-10 concerning requirements for construction of public improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby adopts the following findings of fact and conclusions of law:

- A. The reason for not requiring any public improvements at the time of the original decision for CUP #157-10 was due to unknown factors regarding the length of time Dirt Hugger, LLC would be at their location. The costs of installing public improvements can be significant. Without any commitment as to the length of stay on their site, it would not be feasible for Dirt Hugger to pay for these public improvements. The Planning Commission acknowledged this difficulty by adopting Condition of Approval #7 in their original decision.
- B. Based upon conversations with the applicant and the Port of The Dalles, the City has learned that the option which Google had to purchase the property upon which Dirt Hugger is located has expired. Dirt Hugger's operation is based upon a month-to-month tenancy, and without a long-term commitment from the Port of The Dalles, the outlay of capital by Dirt Hugger for public improvements remains problematical. Dirt Hugger's business appears to be doing well, and they are seeking a permanent site of up to 30 acres. If their operation were to stay at their present location, or at another location on the Port's property, it would be appropriate to require Dirt Hugger to install public improvements. At this point in time, there is no agreement that would allow Dirt Hugger to continue to stay at their current site on a long-term basis.

- C. The Port of The Dalles is considering plans for the future development of the area north of Chenoweth Creek. At this time, the planning process has not been completed. Until that process has been completed, it is unlikely that the Port will make any long-term commitment to Dirt Hugger.

Section 2. Based upon the findings of fact and conclusions of law set forth in Section 1, the Planning Commission has determined that Condition of Approval #7 for CUP #157-10 shall be amended to read as follows:

7. The Planning Commission will review public improvement requirements, such as paving of River Trail Way, and a requirement of a paved surface access way to the operations site from the end of the public right-of-way, in the spring of 2013.

Section 3. This Resolution shall be effective upon its passage and approval. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 19TH DAY OF APRIL, 2012

Bruce Lavier, Chairman
Planning Commission

I, Daniel Durow, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Planning Commission, held on the 19th day of April, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

Memorandum

To: Planning Commission

CC: Dan Durow

From: Dick Gassman, Senior Planner 

Date: April 19, 2012

Re: LUDO Amendments

Approximately once a year the Community Development Department proposes a series of amendments to the Land Use and Development Ordinance (LUDO). This is the current list of proposals.

The agenda item on April 19 is a work session which will give the Planning Commission a chance to review the proposals, ask questions, offer suggestions on the proposals, and to suggest other new amendments. The Commission may or may not allow for public input at this hearing, at the discretion of the Commission. A public hearing for the Planning Commission to receive public input and to make a formal recommendation to the Council has tentatively been scheduled for May 17th.

For ease of reference I have listed the proposals generally by LUDO Section number. In some cases, there are related changes that will need to be made if the main amendment is adopted. Number 17 is an example of this. The bold language is current LUDO provisions. The words in italics are proposed new provisions. Words with the strikethrough feature indicate words that are proposed for deletion.

Of the proposed amendments we have several routine housekeeping items and several minor items. Included in those that seem more significant is number 4, a proposal for a no fee permit for all fences over 4 feet in height as a way to try to reduce the number of problems we have with fences. Number 6 limits which accessory structures are allowed to use the reduced three foot setback provision. Number 11 prohibits installing the old mobile homes (built prior to 1976) in a mobile home park. Last year the City adopted a provision which prohibited these older units on individual lots. Number 15 would add a new provision to set a time limit for installing public improvements.

Also included at the end of the list is a proposed new interpretation regarding the use of food wagons. This is a complicated subject, and we hope this interpretation will offer helpful guidelines. The interpretation language will not be included in the public hearing as this is not a proposed amendment, just a clarification. It has been included in this work session for your information and to give you an opportunity to comment on it.

Finally, we have added a section for errata. If you have found typos, missed numbering, or other such mistakes in the LUDO, please let us know.

Proposed Amendments:

1. **5.010.020 A 2 b.**

Single Family Detached (Zero Lot Line.) when used in cluster of zero lot line lots or when a 10 foot easement is obtained from the owner of the property adjacent to the zero foot setback. If a zero lot line is used, the opposite side yard setback is a minimum of 8 feet unless the entire yard is used, as in a cluster of townhouses.

2. **5.100.040 Development Standards.**

Building Height. Limited to the requirements of the underlying zone, *except 40 ft. maximum within 100 feet of a residential zone. In measuring the height of the structure adjacent to the residential zone, the provisions of LUDO Section 6.070.050 do not apply. The Commission may exempt certain structures from the height limitation as part of the conditional use review process.*

3. **6.010.050 E. 1. Residential Areas.**

a) **Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard, or in an exterior side yard within a 10 foot triangle adjacent to an alley or driveway.**

4. **6.010.030 L. Fences.**

All fences over 4 feet in height shall require a permit. Permits for fences 6 feet or under in height shall not require a fee.

5. **6.020.040 I. Other Laws, Ordinances, and Regulations.**

An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a Home Business Permit Application.

6.020.050. C. Permit Revocation. 3. Evidence establishing a violation of any provision of this Section, a condition of approval, or any other rule, regulation, ordinance or law, whether local, state or federal.

6. **6.030.020 C. Location.**

1. A required side or rear yard setback may be reduced to 3 feet for detached accessory buildings or structures that do not require a building permit, except as allowed in subsection C. 3. below.

7. **6.030.020 C. Location.**

3. Rear or side yard setbacks for garage/carports on alleys may be waived per the following:

8. **6.030.030 F.**
The 600 square foot limitation includes all areas that are not used as garages, even if originally built or planned for a garage.
9. **6.060.020. B. Residential Local Streets and Alleys.**
4. Nonconforming Driveways. With approval of the Director, existing nonconforming driveways that cannot practically meet current driveway standards can be approved for a 3 foot wing and reduced minimum width.
10. **6.060.020 C. Residential lots on Arterial and Collector Streets.**
Direct access onto arterial and collector streets in residential zones is discouraged. The preferred order of access is as follows: 1. Access from a side street or other existing access point; 2. A forward in, forward out arrangement including two driveways, regardless of the size of frontage as stated in Paragraph B above; 3. All other possibilities, including backing out, subject to approval by the City Engineer.
11. **11.020. Permitted Structures.**
A. Manufactured and Mobile Homes. *Manufactured and Mobile Homes, as defined in Chapter 2 - Definitions. Mobile homes are not allowed.*
12. **6.120.040 B 2.**
~~*If the home is placed on a basement, the 12 inch limitation shall not apply.*~~
13. **7.030.020 A.**
Except for driveways, no vehicle spaces shall occupy any of the required setbacks . . .
14. **8.020.010 A. Physical Constraints Permit.**
A Physical Constraints Permit shall be required for all development. 3. In areas designated ~~A1 and A2 on The Dalles Landslide Hazard Study Map, Plate 3, of the 2010 Geologic Hazards Study prepared by Mark Yinger~~ designated within zones 1 and 4, or land in zone 3 which is located in areas of groundwater discharge.
15. **10.030 Timing of Improvements. A. General.**
If any public improvement is required, prior to issuance of a permit or land use approval, the property owner shall sign an agreement on a form prepared by the City that will require the public improvements to be installed within one year, or the City will have the right to install the required public improvement and impose an assessment upon the property for the costs of the improvements.
16. **12.020 Development Standards.**
C. Area Requirements. 1. Park Size. *RV Parks shall be a minimum of ~~5 acres~~ one acre and a maximum of 15 acres in size.*
17. **12.050 Length of Stay.**
No recreational vehicle shall remain in the park for more than 30 days in any 60 day period. Exceptions shall include one space of unlimited duration for a park manager, and

up to one-third of the spaces for stays up to 6 months. Spaces for extended stays shall be marked as such.

12.060 Review Process. Recreational Vehicle Parks shall be reviewed as conditional uses per the provisions of Section 3.050: Conditional Use Permits.

3.020.040 Administrative Actions B. Decision Types.

8. ~~Recreational Vehicle Parks (Chapter 12).~~

3.020.050 Quasi-Judicial Actions A. Decision Types.

9. *Recreational Vehicle Parks (Chapter 12).*

5.060.020 Permitted Uses

A. 22. *Recreational Vehicle Parks, in accordance with Chapter 12-Recreational Vehicle Parks.*

18. 10.120. Mail Delivery Facilities.

E. *Cluster Mailboxes. Cluster Mailbox installations must be consistent with the standards of those in Section 1111 of the Oregon State Structural Specialty Code.*

19. New Interpretation for taco wagons and similar uses:

A site plan review is required in the following situations: 1. Any enterprise which operates for more than 7 days in a 60 day period; or 2. Which makes a permanent connection to a utility such as electrical, water, or sewer. In the site plan review process, the enterprise will be required to meet all the development standards for the zone and to pay all relevant charges, including system development charges.

20. Errata

a. Caption for 5.050.20 should be 5.050.020.

b. Footer on p 3-57 et seq should be Administrative Conditional Use Permits rather than Variances