



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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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, JUNE 21, 2012

6:00 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: Joint Planning Commission April 26, 2012
May 17, 2012
- V. Public Comment (Items not on the Agenda)
- VI. **Legislative Hearing:**
APPLICATION NUMBER: ZOA 82-12; City of The Dalles; Proposed LUDO
Amendments; Recommendation to City Council
- VII. Resolution
P.C. Resolution No. 523-12; City of The Dalles; ZOA 82-12
- VIII. Staff Comments
- IX. Commissioner Comments/Questions
- X. Next scheduled meeting date: July 5, 2012
- XI. Adjournment



JOINT PLANNING COMMISSION MEETING WASCO COUNTY & CITY OF THE DALLES

Thursday, April 26, 2012

Columbia Gorge Discovery Center
Classroom
5000 Discovery Drive
The Dalles, OR 97058

WORK SESSION NOTES

CALL TO ORDER: The session was called to order at 6:00 PM.

I. **ROLL CALL**

Gorge Commission: Darren Nichols, Executive Director

County: Jon Roberts, Planning Director;

Planning Commissioners: Don Hoffman, Chair; Mike Omeg; Jill Amery; Chip Wood;
Ken McBain

Other County Staff: Jeanette Montour, Sr. Planner; Joey Shearer, Associate Planner

City: Dan Durow, Planning Director

Planning Commissioners: Bruce Lavier, Chair, Mark Poppoff; John Nelson;
Dennis Whitehouse

Other City Staff: Gene Parker, City Attorney; Richard Gassman, Sr. Planner,
Dawn Marie Hert, Associate Planner

Consultant: Greg Winterowd, Winterbrook Consultants

II. **PUBLIC COMMENT:** There were no comments.

III. **PRESENTATION:** Darren Nichols, Executive Director, Columbia River Gorge Commission

Mr. Nichols introduced himself and gave his work history and background.

Common interest: working together to protect and enhance our community/city/county/scenic area

Unexpected Opportunities (savings)

Embark on a consensus of stakeholders' aspirations, concerns and issues

Project conception – PSU + UW + WSU = assessment level of consensus in the National Scenic Area (NSA)

120 stakeholders compiled (cities, state, county, tribes, federal, recreational uses, agriculture, special interest groups) series of interviews. Purpose: to help prioritize topics for discussion.

Build trust, collaborate, work together

Urban Growth Boundary (UGB) Area – suggestions to both commissions about an “open communication between agencies.”

IV. WORK SESSION: Mr. Durow talked about Goal 10 and 11—what to expect in terms of process

Mr. Winterowd gave a presentation.

Explanation of UGB expansion:

- Archaeology
- Buildable Lands
- Natural Features
- Key Viewing Areas

Phase II Work Program Tasks:

- Cultural Resources Management Plan and LUDO Amendments (June)
- Public Facilities Plans (June)
- Revised UGB Alternative Analysis (June)
- Local, State, Federal Coordination and adoption process

Mr. Winterowd fielded questions/comments:

Nichols – Who goes first, City, County or Scenic Area?

Winterowd – Scenic Area

It was pointed out that the UGB expansion area is located in NSA property

Hoffman – Any expansion of a UGB would reduce the overall area of the NSA

Nichols – Commission (NSA) has authority for minor amendments. Nichols feels our community, not congress, can make a definition of “minor.”

Durow directed people to the City’s website for all of the information used in this work session.

Winterowd – Flexibility in interpretation in regards to the UGB area

Nichols – Opportunity for this group to work together, find common ground and prepare a “unified front”

Dave Ellis (archaeological consultant) – Addressing archaeological issues, richest regions in the Northwest. Produces opportunities and challenges looking at other communities and how it has been addressed. It’s a matter of deciding when and at what level of review to identify archaeological sites.

State regulates all historic artifacts on public or private lands.

Lavier – What would be expected on a site?

Ellis – Seasonal camps, temporary dwellings, chip shavings. Also human remains—very hard to predict. Other items: roots

Omeg – Asked about getting a polygon to get references for aerial photos.

Durow – will get back to him with information

Mike Elmore and Tim Ashmore of Chenoweth PUD – Public Facilities Plan – keenly interested in the process

V. ADJOURNMENT: 7:26 PM

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 17, 2012

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

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

BOARD MEMBERS PRESENT:

Bruce Lavier, Mark Poppoff, Dennis Whitehouse, Mike Zingg, Jeff Stiles

BOARD MEMBERS ABSENT:

Chris Zukin

STAFF MEMBERS PRESENT:

Senior Planner Richard Gassman, City Attorney Gene Parker, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:

It was moved by Whitehouse and seconded by Poppoff to approve the agenda as submitted. The motion carried unanimously, Zukin was absent.

APPROVAL OF MINUTES:

It was moved by Whitehouse and seconded by Poppoff to approve the April 19, 2012 minutes as submitted. Lavier, Whitehouse and Poppoff voted in favor; Zingg and Stiles abstained; Zukin was absent.

PUBLIC COMMENT:

None

QUASI-JUDICIAL HEARINGS:

Application Number SPR 408-12, Bob Thompson, TVA Architects; Request: Site Plan Review application to construct a new Oregon Army National Guard Readiness Center and Columbia Gorge Community College Workforce Training Facility. The property is located at 400 E. Scenic Drive, The Dalles, Oregon, and is further described as 1N 13E 9 t.l. 100. Property is zoned "RL/CFO" – Residential Low Density/Community Facilities Overlay Districts.

Chair Lavier read the rules for conducting a public hearing. Lavier asked the Commissioners if they had any conflict of interest, ex-parte contact, or bias that would prohibit them from making an impartial decision in the matter. Commissioner Whitehouse reported that he was previously employed at Columbia Gorge Community College (CGCC) and was involved with the initial plans between Oregon Military Department (OMD) and CGCC. After asking some qualifying questions of Whitehouse, City Attorney Parker determined Whitehouse had no conflict of interest, ex-parte contact, or bias towards the current application presented.

Chair Lavier opened the public hearing at 6:09 PM.

Senior Planner Gassman began his staff report presentation by providing a background summary of the project. In 2006, Gassman explained, there was a Planning Commission public hearing to review the college's Master Plan. At that hearing, the Planning Commission approved CGCC's Master Plan, excluding the property on the east side of the roundabout that showed a designation for a future Readiness Center, and requested that the OMD plans for the east side development come back at a later date to the Planning Commission that showed more detailed information. OMD submitted a Conditional Use Permit (CUP) Application in 2009 for the modification of the Master Plan that included a conceptual plan for the Readiness Center, Gassman stated. The City approved the conceptual plan, but OMD did not receive funding. In 2011, OMD re-submitted a CUP, similar to the original CUP application, the Planning Commission approved the re-submittal, and because of the previous process and high interest of the citizens, requested OMD come before the Planning Commission for a Site Plan Review. Senior Planner Gassman reminded the commissioners that the purpose of this hearing was to review the site plan, the CUP had already been approved.

Senior Planner Gassman stated he received two written comments: 1) The Nerdin Family (Exhibit 1); and 2) Jason Corey (Exhibit 2). Gassman highlighted each point of each letter, specifically pointing out details on building height, setbacks, landscaping, lighting, noise, access, parking, and other miscellaneous details.

Testimony

Proponents:

Gerry Hein, Hoffman Construction, 805 SW Broadway, Portland, Oregon pointed out that the Oregon Military Department wanted a design that was responsive to the needs and concerns of the community. Hein stressed that the structure would be a gateway to CGCC, and the college was fully engaged as a partner in the project.

Pamela Saftler, 1800 SW Elizabeth Street, Portland, Oregon, and Elisa Rocha, 4741 NE Davis Street, Portland, Oregon, gave a PowerPoint presentation of the site plan, and the proponents specifically addressed such issues as primary access, parking, structural height, lighting (including light trespass), traffic, and landscaping. Regarding height criteria, Ms. Rocha highlighted the structural height diagram based on a segmented site plan broken down into segments #1 and #2. Ms. Rocha pointed out that the height for the segment 2 portion of the project totaled 54.2 feet, and the height for the segment 1 portion of the project totaled 34.17 feet. The criteria given to the team, Ms. Rocha stated, was that the structure was to be no taller than the tallest existing building at CGCC, and the tallest existing building measured 61 feet. Therefore, Rocha said, the site plan for height met the criteria.

Commissioner Whitehouse asked the proponents where fencing would be installed on the property. Ms. Rocha answered that the only fencing installed would be on the south side of the military parking area.

Chair Lavier asked what would become of the existing fencing along the east side of the property. Ms. Rocha stated that the architects did not intend to do modify the existing fencing.

Dennis Herring, Oregon Military Department, 1776 Militia Way, Salem, Oregon, stated fencing would only be added in the red boundary area of the site plan, and it would extend out into the road. Herring explained that, somewhere along the property line on the east side, there is a pedestrian opening, and at this time OMD does not intend to change the existing opening.

Dana Schmidling, 240 Lone Pine Lane, #3, The Dalles, Oregon, commented that this structure would be an asset to the community in that it would provide a facility large enough for trade shows, conferences, and conventions. This structure, Schmidling said, would be an economic boon to the community, and it would showcase The Dalles.

Gerry Hein, 805 SW Broadway, Portland, Oregon, emphasized that the OMD would open up the facility to the community, and the assembly hall would be available to the community for trade shows and conventions as Ms. Schmidling had stated.

Frank Toda, 659 Sherman Drive, The Dalles, Oregon, stated that he supported the project, it would be a win-win for the community. Toda also pointed out that the college could potentially receive up to eight million dollars in match funds from the state to be used for a technology training center.

Commissioner Whitehouse asked Toda if the match monies would be used to build a separate building. Toda stated plans were a combination of an expansion space of the Readiness Center and a separate building.

Opponents:

Richard Williams, 1212 Blakely Drive, The Dalles, Oregon, stated he was concerned about the noise for the nearby residences, because he lives by the current armory site, and events at the current site generate noise. Williams also expressed his concern about the traffic of the military vehicles.

Commissioner Stiles asked Williams what the nature of the events was at the current armory. Mr. Williams replied that the main activity is parties.

Jason Corey, 603 E. 18th, The Dalles, Oregon, stated he was not opposed to the military or the armory, however, he had some concerns. Corey stated he was opposed to the nature in which the building would loom over the neighborhood because of its height, and he asked that the method of calculation of height measurements of the proposed new structure be consistent with the method of calculation of height of the existing buildings. Another concern Corey brought out was that the proposed outside patio to be rented out for commercial purposes was going to be 60 to 70 feet from his property line. Corey asked the Commissioners to consider a requirement of a re-design of the patio area so the neighborhood would not be subjected to the noise. In conclusion, Corey stated that he appreciated the military not cutting off the pedestrian access, and he urged the Planning Commission to be diligent to keep that access open to the public.

Eric Nerdin, 702 E. 21st Place, The Dalles, Oregon, complimented the efforts of the agencies to take the neighbors' concerns into consideration. Nerdin emphasized that he is not opposed to economic development, the National Guard, or the structure itself. However, Nerdin stated, he did not view the structure's conference center as an economic win-win for the community because other facilities in the area, such as The Civic and the Discovery Center, could be negatively impacted economically. The commercial nature of the structure was a concern, Nerdin commented. Nerdin summarized his memo (Exhibit 1). In closing, Nerdin acknowledged there was a need for a Readiness Center, but he felt the location was not good. Nerdin requested that the structural height be lower than recommended, consideration be given to lowering the ceiling heights, and research the traffic flow.

Jennifer Blevins, 1212 Blakely Drive, The Dalles, Oregon, stated she is aware of the noise level that is generated by the current armory. Blevins expressed her concern for the noise level that would come from the outdoor patio from weddings, receptions, and other social functions. Blevins suggested the operating hours be restricted to 9 PM weekdays and 10 PM on the weekend. In closing, Blevins urged developers and agencies to take the neighborhood into consideration and close down the commercial aspect of the project.

Chair Lavier asked if anyone in the audience had questions or statements.

Ernest Keller, 1205 Walnut Street, The Dalles, Oregon, stated that the facility would be a tremendous asset to the college and the community.

Rebuttals:

In response to one of Mr. Nerdin's comments, Dana Schmidling, 240 Lone Pine Lane, #3, The Dalles, Oregon, pointed out that indeed there are other facilities in The Dalles for gatherings, and they well serve the community for a number of activities. However, Schmidling explained, the OMD Conference Center would serve different, larger-sized activities that currently is not available.

Elisa Rocha, 4741 NE Davis, Portland, Oregon, responded to several opposing comments. Regarding Mr. Corey's question on the method of height calculation used for the existing buildings, Rocha reported that the existing building heights were provided by the college, and she was unaware what method was used to determine the heights. Regarding the measurement of height on the new structure, Rocha stated the method used was not invented by the design team, it was based on Land Use Development Ordinances for the City of The Dalles and the Land Use Specialty Codes. In her PowerPoint presentation, Rocha explained that her measurement procedure did not divide the project up into two separate buildings, she was measuring two distinct segments of one structure based on a stepped or terraced building. Rocha also read the LUDO's list of allowed uses of the Community Facility Overlay District (CFO) which included public facilities which serve a substantial public service including government facilities, civic assembly, parks, museums, public and private schools, etc. Rocha also reported that the facility would be an OMD managed facility for community events.

Ms. Rocha stated the rear ceiling height would be 28 feet, and one important aspect was the linkage between the ground floor and the first floor opening the building up to views that slope up toward the north.

Commissioner Stiles asked Ms. Rocha if she knew the sea level elevation of the new structure as compared to the elevation of the existing buildings. Rocha answered that she did not know. Stiles also asked if there would be a possibility of lowering the land at the new facility site. Rocha explained that the construction team was attempting not to change the existing site too much, their intentions are to preserve existing trees around the boundaries, maintain the scenic view on the south side, provide additional screening on the east side by planting more trees, and maintain the bulk in the middle of the site. Therefore, Rocha said, there was not a lot of room to remove land from the site.

Commissioner Zingg asked if the design team conducted any neighborhood meetings. Rocha answered the team held a meeting, and there were only two attendees from one household in attendance.

Commissioner Zingg asked if staff had seen the college's building design portion of the Readiness Center. Pamela Saftler answered that the exterior design that was presented showed the college's portion of the structure in the design, exterior only, no interior design had been done yet. Dennis Herring clarified that the college's portion of the structure was the lower section or segment of the site plan. Commissioner Zingg asked if the college's portion would be built at this time, and Herring replied that the team was close to being ready to include the construction of the college's section.

Robb Van Cleave, 400 E. Scenic Drive, The Dalles, Oregon, stated that the college had been in discussion with the design team, and both parties should be able to conclude with the state soon so that both projects could start as close together as possible.

Chair Lavier asked Mr. Van Cleave if anyone from the college knew how the existing building heights were measured. Van Cleave stated the college used the information found on the original blueprints.

Chair Lavier asked City Attorney Parker for a review of the City's noise ordinance. Parker explained that unreasonable noise is not tolerated, there is a certain provision that no noise can be created between 11 PM and 7 AM within 50 feet from the source. The City could address any complaints from the neighbors to the OMD and the College.

Chair Lavier asked staff where the hours of operation were established. Senior Planner Gassman stated the hours of operation were established in an earlier CUP that approved the general use. The City Council set the hours. Lavier asked if the hours could be altered. Parker answered that the hours could not be altered during a site plan review, but they could be changed later.

Chair Lavier asked for an explanation of the kind and number of military vehicles that would be used. Dennis Herring stated that eventually there would be 15 vehicles assigned to the facility, but future numbers could not be determined due to the nature of military operations. The vehicles are an urban version of the Bradley. Mr. Herring also pointed out that the facility would be a state building, and alcohol is not allowed to be served in a state building.

Commissioner Whitehouse asked Mr. Herring if the ATFP boundaries would still be in effect. Mr. Herring stated the boundaries are still in place. Mr. Whitehouse clarified by stating that he remembered Mr. James Willeford of OMD reporting that the boundaries would be somewhere around 100 feet from neighbors' property lines, and on the east side of this site plan the facility comes within 60 feet. Mr. Herring replied that he could not speak to Mr. Willeford's earlier comments, but the existing building does comply with existing ATFP regulations which are necessary to receive federal funding.

There was further discussion on landscaping density. Ms. Saftler advised there would be fill-in trees to the east and north of the building, and their intention was to fill in with similar types of trees to the existing trees.

Commissioner Whitehouse asked if a day lighting study had been conducted to determine shadowing on neighboring properties, it would speak to the building heights. Mr. Hein replied that the building height would be 44 feet and 66 feet from the property boundary, so the likelihood of casting shadows was unlikely.

Chair Lavier closed the public hearing at 8:11 PM.

Deliberation:

Commissioner Poppoff asked if the Douglas Fir trees mentioned in the Exhibit 2 letter would remain. Senior Planner Gassman stated that there were some trees farther north than what the site plan showed, and the team indicated the existing trees would remain.

Commissioner Poppoff commented he would like to see an upgrade to the pavement between Scenic Drive and Dry Hollow Road to handle the truck traffic. City Attorney Parker stated that the City Public Works Department will conduct a study on that portion of Scenic Drive that will probably require some major changes beyond paving, however Parker did not see the relevancy of street paving to the site plan review. Poppoff commented he would like to see additional tree planting along the east side to help screen the building and parking lot from the neighborhood, limit the building height to 66 feet from the entrance level—perhaps lower the ceiling on the main hall, move the outdoor patio to the west side of the building to limit the noise, and limit public activities to 10:30 PM, and parking lot lighting turned off at 11:30 PM.

There was additional discussion on maintaining the public access. Mr. Herring explained that during a forced military protection condition, a Charlie Delta code, all public accesses would be cut off until the forced protection condition was lifted. After further discussion, the consensus of the Planning Commission, as a matter of public record, encouraged the Oregon Military Department and Columbia Gorge Community College to maintain the public access point.

Commissioner Whitehouse commented that he was not pleased with the building height, but he believed that to change the height by lowering the ceiling or excavating the land would not maintain the same design concept. Therefore, Whitehouse stated, he would accept the building height. Commissioner Zingg stated that unless the commission could prove the calculations were incorrect, the design was in compliance. Zingg also believed it would be arbitrary to lower the height further.

Commissioner Stiles wished to encourage the design team to fill in the east and south boundaries with as many plants and/or berms as possible to reduce noise and light infiltration to the surrounding residences.

It was moved by Whitehouse and seconded by Zingg to approve SPR 408-12, Bob Tompson, TVA Architects, including the findings of fact and 13 conditions of approval as presented in the staff report. The motion carried unanimously, Zukin was absent.

RESOLUTIONS:

Resolution No. P.C. 522-12, Bob Thompson, TVA Architects, SPR 408-12

It was moved by Whitehouse and seconded by Poppoff to adopt Resolution No. P.C. 522-12 based on the findings of fact and the 13 conditions of approval as submitted in the staff report. The motion carried unanimously, Zukin was absent.

STAFF COMMENTS:

Senior Planner Gassman reported that, due to health issues, Commissioner Ahlberg resigned as Planning Commissioner, effective immediately. Gassman stated the Mayor will appoint a new commissioner.

Senior Planner Gassman advised that the Planning Commission was required to appoint a Planning Commission representative to the Urban Renewal Advisory Committee to replace former Commissioner John Nelson's URAC position. The Planning Commission decided to table the discussion until Commissioner Zukin was in attendance and a new Planning Commissioner was appointed.

NEXT MEETING:

June 7, 2012

ADJOURNMENT:

The meeting was adjourned at 8:41 PM.

Respectfully submitted by Carole J. Trautman, Administrative Secretary.

Bruce Lavier, Chairman

DRAFT

Richard Gassman

From: The Nerdin Family [nerdins@embarqmail.com]
Sent: Thursday, May 17, 2012 3:28 PM
To: Richard Gassman
Subject: Proposed National Guard Readiness Center Concerns

Hi Dick,

I will probably not be able to attend the meeting tonight, so I thought I'd send an email with these concerns.

1. Building height: please keep original height restriction in place including basement level.
2. Building location is too close to the east property boundary and the residential neighborhood. It needs to be moved closer to the college campus building.
3. Motor pool was originally slated to be farther west and not directly behind the armory
4. Address removing messy deciduous trees such as Locust between armory and eat property line and replace with evergreen barrier, such as Leyland Cypress. Also provide a buffer of 15-25 between property line and this barrier.
5. Lighting needs to be specifically addressed
6. Noise needs to be specifically addressed, especially with apparent outdoor use areas of patio and decks
7. A lot of people use this area for walking and running; trails and paths need to be provided.

Thanks for your time and consideration.

Take care – Eric Nerdin

DICK, DICK & COREY, LLP

WILLIAM G. DICK II
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(541) 296-2152

WILLIAM G. DICK (1916-1992)
EDGAR M. OICK (1924-1986)
ROGER L. DICK (1922-2010)

May 17, 2012

HAND DELIVERED

The Dalles Planning Commission
313 Court Street
The Dalles, OR 97058

Re: Site Plan Review 408-12

Dear Planning Commission Members:

Now that the Oregon Military Department has moved to the Site Plan Review process, I have a few specific concerns and objections I would like to voice.

1. Height of Proposed Building. The Staff Report addresses the issue of the height of the proposed building in its Finding 17 of its Staff Report. When the Planning Commission adopted CUP 136-05 in 2006, it specifically limited the height of development to no greater than the existing buildings on campus. The College has advised the Planning Department that the tallest building on campus is between 61 and 62 feet. The proposed height of the Armory is over 76 feet. That exceeds the height of the tallest existing building on campus. As a result, the Planning Commission should require OMD to confirm the height of the tallest building and should limit the height of the Armory to comport with the Commission's previous decision reflected in CUP 136-05.
2. Setback. My second concern regarding the Site Plan is the location of the Armory relative to the east property line. During the CUP application process OMD represented that it has security setback requirements for the development. That setback requirement was identified as 200 feet in at least one meeting. In a meeting with OMD and the College on October 19, 2011, OMD representatives indicated that figure was 148 feet. Now the plan as presented requires a setback of less than 67 feet from the property line. The issue of the height of the building is only exacerbated by placing it this close to the property line. The Planning Commission should require the setback, even if only 148 feet, that OMD has previously represented.
3. Patio. The Site Plan includes a significant patio off of the 10,000 square foot assembly hall to be rented out by OMD commercially to support the facility. A commercial building, a dance hall for example, would not be permitted in RL zone. A significant function of this facility is its rental for commercial purposes. Given the restrictive nature of RL zoning and the neighborhood, I would ask the Commission to recognize the significant impact having that outdoor space will have when those social functions OMD is counting on spill out onto the patio. I would ask that the Planning Commission restrict that architectural feature of the Armory.

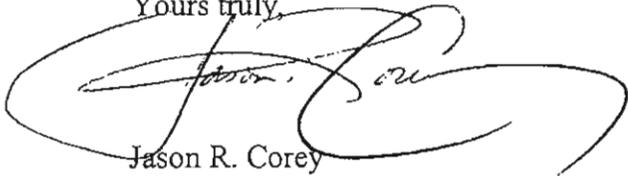
4. Exterior Lighting. The Staff Report does not address exterior lighting of the facility. OMD has made assurances that it will use exterior lighting, especially in the parking lots, that will turn off when not in use. I would ask that, as a condition of the approval of the proposed Site Plan, the Planning Commission require OMD to install that type of lighting.

5. Landscaping. While I understand that the staff finds that the landscaping proposed by OMD meets the legal requirements, I am concerned that the architectural renderings do not reflect retention of the trees already serving as a barrier between the College property and the neighbors. I am also concerned that the screening on the east side of the property promised by OMD is lacking in the site plan. I would ask that approval of the Site Plan include a requirement of additional and more thorough screening on the east side of the property.

6. Pedestrian Access. At the Planning Commission meeting in August 2011, when OMD's CUP was approved, there was a discussion regarding pedestrian access to Sorosis Park through the College property. Presently, there is a highly used pedestrian access through the property being leased by OMD. I did not see anything reflected in the architectural renderings about the retention or elimination of that pedestrian access. I would ask that as a condition of the approval of the Site Plan, that the Planning Commission require that pedestrian access remain available to the neighborhood.

I appreciate your consideration of the concerns raised in this letter.

Yours truly,

A handwritten signature in black ink, appearing to read "Jason R. Corey", is written over a large, stylized circular flourish.

Jason R. Corey

JRC:kjn

City of The Dalles
Planning Commission Staff Report

Amendments to the
Land Use and Development Ordinance

ZOA 82-12

Prepared by: Dick Gassman, Senior Planner 

For: City of The Dalles Planning Commission

Procedure Type: Legislative Hearing

Meeting Date: June 21, 2012

Request: Amendments to the Land Use and Development Ordinance

Properties: All properties within the land use jurisdiction of the City of The Dalles

Applicant: City of The Dalles
Community Development Department
313 Court Street
The Dalles, OR 97058

BACKGROUND INFORMATION

The Land Use and Development Ordinance (LUDO) contains over 450 pages of language on procedural and substantive requirements for land division, property development, and zoning. The last major rewrite of the LUDO was in 1998. There were significant amendments that were approved in 2005, and additional amendments have been made more or less annually since 2005. The list of amendments attached to this staff report is part of a group of suggested changes received since the last group of amendments.

This group of amendments was presented to a work session of the Planning Commission on April 19, 2012. Suggestions made at that time by the Commission have been incorporated into the proposed amendments.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2). The role of the Planning Commission is to review the proposed amendments, amend as appropriate, and forward a recommendation to the City Council. The final decision on the proposed amendments will be made by the City Council.

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on June 10, 2012.

COMMENTS

As of the date of the preparation of this staff report, no comments were received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

1. PROCEDURE

a. Section 3.010.040 Applications:

FINDING #1: This application is initiated by the Director pursuant to the provisions of Section 3.010.040 F.

b. Section 3.020.060 Legislative Actions:

Subsection A. Decision types. 2. Ordinance Amendments:

FINDING #2: This application is for a group of Ordinance Amendments per Section 3.110.

Subsection B. Public Hearings. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

FINDING #3: The public hearing has been set for June 21, 2012.

d. Section 3.020.060 Legislative Actions:

Subsection C. Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING #4: A notice of hearing containing the information required was published in The Dalles Chronicle on June 10, 2012.

e. Notice of Hearing as required by ORS 227.186.

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days but no more than 40 days prior to the date of the first

hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

FINDING #5: Staff has determined that none of the proposed amendments comes within the definition of rezone as contained in the statute. Notices to individual property owners were not required.

f. Section 3.020.070(A)(3) Staff Report.

A staff report shall be presented 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, approval with conditions, or denial.

FINDING #6: The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval.

2. REVIEW

a. Section 3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

FINDING #7: The City of The Dalles has broad discretion to adopt zoning textual changes. Each of the proposed amendments is consistent with the Comprehensive Plan, State Laws, and Administrative Rules.

B. COMPREHENSIVE PLAN

1. Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.

FINDING #8: This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The Commission can make changes to the proposed amendments based on testimony at this hearing. There will be another public hearing before the City Council and that body will also have the opportunity to consider testimony from citizens and make changes.

2. Goal #2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policy 6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.

FINDING #9: These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan.

DISCUSSION

These items have been discussed at previous work sessions and also separately with interested parties. Suggestions from those meetings have been incorporated to the extent possible. Most of the proposed amendments are relatively minor. One new proposed amendment is that listed in Section 21. The more significant ones are listed below:

1. Sections 5. This proposed change would restrict how close larger buildings could be constructed to residential zones.
2. Section 7. This would allow fences up to 6 feet high in areas of an exterior side yard that currently are limited to 4 feet.
3. Section 10. This amendment would limit the size and type of structures in residential zones that could be built within 3 feet of a property line.
4. Section 18. This is a new procedure that will help specify when public improvements required by development need to be completed.
5. Section 20. This amendment would prohibit the installation of mobile homes – those built prior to 1976.

Attached is a draft ordinance with the proposed amendments. The bold italic print indicates new language, the bold print indicates text to be removed.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached draft ordinance, with any additional changes from the Commission.



June 21, 2012

Preliminary Ordinance Draft for ZOA 82-12, proposed amendments to the City's Land Use and Development (LUDO) Code, Ordinance 98-1222, as amended. Language to be added is in ***bold italics***. Language to be deleted is in **bold**.

Section 1. Amend 3.020.040 Administrative Actions B. Decision Types, by deleting number **8. Recreational Vehicle Parks (Chapter 12)**, and renumbering.

Section 2. Amend 3.020.050 Quasi-Judicial Actions A. Decision Types, by adding a new **9. Recreational Vehicle Parks (Chapter 12)**, and renumbering.

Section 3. Amend 5.010.020 A 2 b, Single Family Detached (Zero Lot Line.) by adding the following at the end of the sentence: ***“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.”***

Section 4. Amend 5.060.020 Permitted Uses by adding a new A. 21. ***Recreational Vehicle Parks, in accordance with Chapter 12-Recreational Vehicle Parks***, and renumbering.

Section 5. Amend 5.100.040 Development Standards. Building Height, by adding after the words “Limited to the requirements of the underlying zone,” the following: ***“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.”***

Section 6. Amend 6.010.030 by adding new language as follows: ***“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 permit fee.”***

Section 7. Amend 6.010.050 E. 1. Residential Areas. by adding after “a) Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard”, the words: ***“or in an exterior side yard within a 10 foot triangle adjacent to an alley or driveway.”***

Section 8. Amend 6.020.040 I. Other Laws, Ordinances, and Regulations, by adding the following: ***“An existing violation of any rule, regulation, ordinance, or other law is grounds to deny or conditionally approve a Home Business Permit Application.”***

Section 9. Amend 6.020.050. C. Permit Revocation, subparagraph 3 to read as follows: ***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.

Section 10. Amend 6.030.020 C. Location by adding to subparagraph 1 after the words “A required side or rear yard setback may be reduced to 3 feet for detached accessory buildings or structures,” the following language: ***“that do not require a building permit, except as allowed in subsection C. 3. below.”***

Section 11. Amend 6.030.020 C. by adding a new subparagraph 4 as follows: ***“No rear yard setback is required for detached accessory buildings if the rear yard abuts an alley that has at least a 20 foot right of way. If the alley right of way is less than 20 feet in width, detached accessory structures may be located up to 10 feet from the centerline of the right of way.”***

Section 12. Amend 6.030.020 C. Location, subparagraph 3, by adding the words **“or side yard”** after the words “rear yard”.

Section 13. Amend 6.030.030 F. Accessory Use Size, by adding the following language: ***“The 600 square foot limitation includes all areas that are not used as garages, even if originally built or planned for a garage.”***

Section 14. Amend 6.060.020. B. Residential Local Streets and Alleys, by adding the following language: ***“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.”***

Section 15. Amend 6.060.020 C. by renumbering existing language as subparagraph 1 and adding a new subparagraph 2 as follows: ***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.***

Section 16. Amend 6.120.040 B 2. by deleting the following language: **“If the home is placed on a basement, the 12 inch limitation shall not apply.”**

Section 17. Amend 8.020.010 A. Physical Constraints Permit, so that subparagraph 3 reads as follows: ***“3. In areas 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.”***

Section 18. Amend 10.030 Timing of Improvements. A. General. by adding the following language to the end of the paragraph: ***“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 from the beginning of the project, 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.”***

Section 19. Amend 10.120. Mail Delivery Facilities, by adding a new paragraph as follows: **“E.**

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

Section 20. Amend 11.020. Permitted Structures by deleting in Paragraph A the words “**and Mobile**” in the heading and in the body, and adding the language: “***Mobile homes are not allowed***”.

Section 21. Amend 11.060 by deleting the following: “**F. Play Areas. A separate play area shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each manufactured dwelling space has a minimum size of 4,000 square feet. A required play area shall not be less than 2,500 square feet in area with no dimension less than 30 feet. There shall be at least 100 square feet of play area provided for each manufactured dwelling space occupied by children.**”

Section 22. Amend 12.020 Development Standards to read as follows: “C. Area Requirements. 1. Park Size. RV Parks shall be a minimum of ***one acre*** and a maximum of 15 acres in size.”

Section 23. Amend 12.050 Length of Stay, to read as follows: “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.***”

Section 24. Amend Chapter 12 by adding a new provision as follows: “***12.060 Review Process. Recreational Vehicle Parks shall be reviewed as conditional uses per the provisions of Section 3.050: Conditional Use Permits.***”

RESOLUTION NO. P.C. 523-12

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF VARIOUS AMENDMENTS TO THE LAND USE AND DEVELOPMENT CODE, ORDINANCE 98-1222, AS AMENDED.

WHEREAS, an application was submitted for Zoning Ordinance Amendment #82-12 proposing various amendments to the City's Land Use and Development Ordinance; and

WHEREAS, the City Planning Commission conducted a public hearing on June 21, 2012 to take public testimony on the proposed Zoning Ordinance Amendment #82-12; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed legislative amendments set forth in Zoning Ordinance Amendment #82-12, and based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the legislative amendments be forwarded to the City Council for their review and adoption;

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

Section 1. The Planning Commission recommends that the proposed Zoning Ordinance Amendments #82-12 be approved and forwarded to the City Council for its review and adoption.

Section 2. 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 21st DAY OF JUNE, 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 21st day of June, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

DRAFT