



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
Planning Department

AGENDA
CITY OF THE DALLES PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM
THURSDAY, JULY 2, 2015
6:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – June 4, 2015
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **LEGISLATIVE HEARING**
Application Number: ZOA 88-14; City of The Dalles; Proposed Land Use and Development amendments; Recommendation to City Council
- VII. STAFF COMMENTS
- VIII. COMMISSIONER COMMENTS/QUESTIONS
- IX. FUTURE MEETING – July 16, 2015
- X. ADJOURNMENT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, June 4, 2015
City Hall Council Chambers
313 Court Street
The Dalles, OR 97058
Conducted in a handicap accessible room
6:00 PM

CALL TO ORDER:

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

COMMISSION MEMBERS PRESENT:

Bruce Lavier, John Nelson, Jeff Stiles, Sherry DuFault, Chris Zukin

COMMISSION MEMBERS ABSENT:

*Mark Poppoff, Dennis Whitehouse

STAFF MEMBERS PRESENT:

Director Richard Gassman, City Attorney Gene Parker, Associate Planner Nick Kraemer

APPROVAL OF AGENDA:

It was moved by DuFault to approve the agenda as submitted. The motion carried unanimously; Poppoff and Whitehouse absent.

APPROVAL OF MINUTES:

It was moved by Nelson and seconded by DuFault to approve the May 7, 2015 minutes as submitted. The motion carried unanimously; Poppoff and Whitehouse absent.

It was moved by DuFault and seconded by Nelson to approve the May 21, 2015 minutes as submitted. Lavier, Nelson, DuFault and Zukin voted in favor; Stiles abstained. The motion carried; Poppoff and Whitehouse absent.

PUBLIC COMMENT:

None.

QUASI-JUDICIAL HEARING:

Application Number: CUP 175-15; **Defiance Brewery;** **Request:** Application to obtain permit to establish a new brewery in addition to an existing business. The property is located at 208 Laughlin Street, The Dalles, Oregon, and is further described as 1North, 13 East, Map 3 AC, tax lot 500. Property is zoned "CBC" – Central Business Commercial.

Chair Lavier read the rules for public hearing. No conflicts of interest, bias or ex-parte contacts were noted.

Chair Lavier opened the public hearing.

Director Gassman presented the staff report. He stated the business had been in operation for a few years. He pointed out that a portion of the building was in the parking exempt zone, but staff made a determination that the entire building would be considered in the parking exempt zone. However, vehicular use of the parking lot would require bringing the lot up to City standards. Landscaping was not required, but if it was installed, it needed to meet City requirements. Gassman reported that the property currently had roof drains connected to sanitary sewer. These needed to be disconnected from the sanitary sewer; there was a storm sewer adjacent to the property. There were no street improvements required with this development, but staff recommended a Waiver of Remonstrance be required as a condition of approval along First Street. The reason was that First Street was on the City's list for improvements.

*Poppoff joined the meeting at 6:12 PM.

Stiles asked if any other businesses on First Street had a Waiver of Remonstrance or if the right-of-way could accommodate improvements along First Street. Gassman said he was not that familiar with the details of the First Street Improvement designs. However, he said, if and when First Street was improved, staff recommended the applicant's property be included in the project.

Nelson asked what amount of landscaping triggered the landscaping requirement. Gassman said any landscaping on the property requiring an irrigation system would trigger the landscaping requirement. Nelson asked where the proposed design plans for First Street ended. Gassman said the current proposed plan ended just west of the applicant's property, and staff was asking that the plan extend across the applicant's property frontage. He said there was no cost estimate at this point.

Proponents

Aaron Lee, 400 East 8th Street, The Dalles, Oregon, stated the winery use and brewery use were very similar. Lee said he didn't believe paving the parking lot at this time was necessary, but he planned on paving in the future. His current funding was for minimal construction, purchasing and setting up equipment. Plans called for a seven-barrel brew house, one of the smallest in the Gorge. Regarding street improvements, he said the pavement was two and a half feet from the building, and he didn't see that there was any room for street improvements. He was not in favor of the Waiver of Remonstrance, because no other adjacent property owners had waivers. Mr. Lee asked that the requirement for the removal of the storm drains from the sanitary sewer be phased, because the work would be difficult. The roof would need to be replaced within the next five years, and he would like to do it then. He also stated that he would not use the parking lot if paving was required. If the parking lot was allowed to be used, he would probably use it for brewery staff only. Mr. Lee said that he was currently leasing the building, and he could not afford major improvements at this time.

Ron Krol, 6875 Mill Creek, The Dalles, Oregon, suggested establishing an interim condition that would allow gravel grading in the parking lot suitable for parking. He stated paving was a \$50,000 project, and he felt the building would not pay the type of revenue needed for those types of improvements. He served on the First Street Committee, and he felt the goal was to create a visible strip of businesses. He stated a brewpub would add to the downtown and help attract visitors. Regarding the roof drains, the roof sloped the opposite direction from the alley storm drains, and re-pitching the roof would be very difficult and expensive.

Tom McDonald, 415 East Second Street, The Dalles, stated he was very supportive of the applicant's efforts. He felt that anything the applicant accomplished would be an improvement, and he urged the Commission not to require improvements for the parking lot.

Jim Wilcox, 415 West Seventh Street, The Dalles, Oregon, stated he and his wife owned a business development across the alley from the applicant's site address, and they were in favor of the development. He said it would be extremely expensive to asphalt the parking lot, and he stated that re-sloping the roof was not feasible. Mr. Wilcox suggested that new street and sidewalks should extend to the alley. He felt improvements should extend the entire distance of First Street. He urged the Commission to work with the applicant on the conditions of approval related to parking, storm water, and the waiver of remonstrance for First Street improvements, perhaps incremental improvements.

Rod Runyon, 2019 West Scenic Drive, The Dalles, Oregon, stated he was in full favor of the application. He was impressed with the applicant's existing improvements to the building. He felt the community can't stop people from spreading their dream into the community. Their success would be key to other developments coming to the community. Mr. Runyon saw this request simply as an expansion to the existing business – "another type of candy bar." He encouraged the Commission to let the business expand, and let them do it incrementally, because it was cost prohibitive otherwise.

Opponents

None.

Zukin asked the applicant if he had issues with the irrigation requirement. Mr. Lee said he had no issues with irrigation, because he felt the parking lot would trigger the landscaping/irrigation requirements.

Mr. Lee reported that he asked The Dalles Disposal if the location of the trash receptacle was acceptable. Dalles Disposal had no preferences on the location. Mr. Lee asked the Commission if the trash receptacle enclosure could be built at the same time as the installation of the parking lot.

Nelson asked staff about providing a period of time to develop the parking lot. Director Gassman concurred that parking lots were a big expense, and at the time of development of a business, a parking lot doesn't directly help the startup of the business. He said at some point in time the applicant may need to improve the parking area. The Commission could place a certain period of time after the applicant started using the parking lot before requiring the paving. Gassman said that if the applicant began using the parking lot immediately, it would be better to leave the parking lot "as is" until it was paved because of the dust issue.

Zukin asked if the CUP triggered the need for the parking lot improvement, or could they continue the business as a winery. Director Gassman said that the tasting room did not trigger a CUP or the improvements. He said the lot was currently being used.

Stiles asked about the food menu and if there were plans for a sit down restaurant. Mr. Lee explained that the kitchen would be very small, no deep-fried foods. The main menu item would be paninis because they were simple.

Mr. Lee reiterated that he wanted to eventually pave the parking lot. He stated that both Sunshine Mill Winery and Wonderworks were in operation, and they have had gravel parking lots for numerous years.

Chair Lavier asked staff how close in agreement the applicant and staff were regarding the conditions of approval. Gassman said they were in agreement that the conditions discussed were not required immediately. He said the Commission could set the time frame and that staff was looking for a recommendation. He said the winery currently had the required number of paved parking spaces. He clarified that Wonderworks was a non-profit organization, so their situation was somewhat different from the applicant's. DuFault asked if the conditions could be reviewed in 3-5 years. City Attorney Parker indicated that was feasible. He clarified that the conditions currently stated that any use of the unpaved parking lot would require paving at the time the use started. Chair Lavier suggested some of the other conditions could be included in the same time frame for review, such as the storm drain. DuFault recommended that all conditions be reviewed in a certain number of years, after the business was established. Mr. Lee responded that this would be a simple solution. The simple, inexpensive conditions could be met immediately, the more costly conditions he would like to address later after his business was established, he said.

City Attorney Parker stated the Commission could add an additional condition of approval that referenced certain conditions of approval could be delayed for a period of time, such as five years, then be reviewed by the Planning Commission after the time period expired. If the conditions had not been met, the applicant could come before the Commission to request an extension. Parker asked if the PC wanted to include condition #16 in the list. Stiles thought it should be included in the list since the First Street Improvement would not begin soon. Parker said it would be difficult to predict when the First Street Improvement would begin due to other future developments on the horizon. Lavier felt the First Street Improvement had too many open ended issues to try to address the Waiver of Remonstrance at this time. After further discussion, it was the general consensus of the Commission to remove condition of approval #16.

The hearing recessed at 7:02 PM and re-convened at 7:07 PM.

Director Gassman proposed the following new condition of approval as follows: "Items #6, 9, 12, 13 and 14 will be reviewed at the end of five years from the date of the approval of this application. If any of these conditions are not completed, applicant may request an extension of time from the Planning Commission." He also proposed that item #16 be removed.

Chair Lavier closed the public hearing.

Discussion

It was moved by Zukin and seconded by Poppoff to approve application CUP #175-15 with the modification of the proposed new condition of approval stating that conditions of approval #6, 9, 12, 13 and 14 would be delayed for a period of time of five years at which time the applicant and the Planning Commission would review those conditions to determine which items were completed and which items required the applicant's request for an extension of time. In addition, condition of approval #16 would be deleted. The motion carried unanimously; Whitehouse absent.

RESOLUTION

It was moved by Nelson and seconded by DuFault to approve P.C. Resolution #543-15 for CUP #175-15 as amended by the Planning Commission. The motion carried unanimously; Whitehouse absent.

STAFF COMMENTS:

Director Gassman reported that there were two other applicants interested in breweries. A Proposed Change of Use Application was approved for a medical marijuana dispensary.

City Attorney Parker reported that the City was waiting on Oregon legislation before moving forward with any local language surrounding recreational marijuana.

COMMISSIONER COMMENTS:

None.

NEXT MEETING:

Several Commissioners stated that they may not be available for the next regularly scheduled meeting. Gassman said the meeting may be cancelled.

ADJOURNMENT:

Chair Lavier adjourned the meeting at 7:21 PM.

Respectfully submitted by Associate Planner Nick Kraemer.

Bruce Lavier, Chairman



CITY of THE DALLES

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THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

City of The Dalles Planning Commission Staff Report

Amendments to the Land Use and Development Ordinance General Ordinance No. 98-1222, as amended

Prepared by: Richard Gassman, Director 

Procedure Type: Legislative

Hearing Date: July 2, 2015

Request: Amendments to the Land Use and Development Ordinance

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

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

BACKGROUND INFORMATION

The Land Use and Development Ordinance (LUDO) is the City's regulatory document which contains over 450 pages of language on procedural and substantive requirements for land division, property development, and zoning. The base ordinance was adopted in 1998. Beginning in 2005, there have been a variety of amendments. The Planning Department attempts to propose general amendments approximately once a year. The list of amendments in this staff report contains both general (housekeeping) amendments and a few more substantive amendments, as discussed later in this staff report.

This group of amendments was presented to a work session of the Planning Commission on May 21, 2015. Comments from that session have been reviewed and incorporated in the amendments where appropriate.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2).

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on June 21, 2015.

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 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 July 2, 2015.

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 21, 2015.

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 were not required.

f. Notice of Amendments as required by the State of Oregon, Department of Land Conservation and Development.

The Department of Land Conservation and Development requires a 35 day advance notice of any proposed amendments.

FINDING 6: The required notice was sent on April 13, 2015.

g. 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 7: 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 8: 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 9: 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 alterations to the proposed amendments based on testimony at this hearing. There will be another public hearing before the 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 10: These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan.

C. DISCUSSION

The attached list of amendments includes a variety of minor and significant changes. While any change might be considered important, here are some of the proposed changes that would appear to be of more interest.

1. Item #2. New language to restrict modifications of manufactured homes to try to meet orientation requirements.
2. Item #6. Modify distance between dwellings on the same lot from a minimum of 20 feet to a minimum of 10 feet.
3. Item #10. Increase height allowance in the Industrial zone north of Webber Street.
4. Item #15. Require document to be recorded for accessory dwellings as a way to notify existing and future owners of restrictions on use.

All of the proposed amendments are subject to revision or deletion. The Commission will forward a recommendation on the amendments to the City Council. The final decision on all the proposed amendments will be made by the City Council.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached list entitled *City of The Dalles Proposed LUDO Amendment Summer 2015*, with any additional changes from the Commission.

**City of The Dalles Proposed LUDO Amendments
Summer 2015**

This is a list of the proposed amendments, in order by LUDO number. Where appropriate they are placed in context of the existing LUDO language. The **bold print** indicates new language. The ~~strike through~~ indicates language to be deleted.

1. 2.030. Amend definition of Residential Care Facility by adding sentence to the end of the current definition as follows: **“A facility with over 15 patients does not qualify as a residential care facility.”**
2. 5.010.050, 5.020.050, 5.030.040. Add sentence at end of building orientation as follows: **“Front building orientation cannot be modified from its original design to meet this criteria.”**
3. 5.010.060 and 5.020.060. Change A.4 by adding the word “front” before “porch”. Covered **front** porch entries.
4. 5.010.060, 5.020.060. Change A.5 by adding the word “front” between the words “recessed” and “entries”. Recessed **front** entries.
5. 5.010.050, 5.020.050 and 5.030.040. Amend language of side yard setbacks to be the same in each section, as follows:

Side Yard (interior)	5 ft. minimum
Single Family Detached	8 ft. on one side of a dwelling with
Corner Duplex	zero setback on the opposite side,
	if either similar setbacks on
	adjacent property, or at least 10 ft
	separation of buildings.
Attached Row House	8 ft. minimum for end units; zero
	setback where common walls exist.

6. 5.020.060 F, 5.030.060 E. Change required distance between buildings on the same lot from ~~20~~ feet to **10** feet.
7. 5.030.040. Change front yard setback in the RM zone from ~~10~~ feet to **15** feet.
8. 5.030.040. Add new neighborhood compatibility section as in 5.010.040 and 5.020.040, and renumber existing sections.

5.030.040 Neighborhood Compatibility

To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RM-Medium Density Residential District shall comply with the provisions of Section 3.040: Neighborhood Compatibility Review. Where

applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Section.

To determine if Neighborhood Compatibility Review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in Section 3.040: Neighborhood Compatibility Review.

9. 5.050.090. Add a new Section as follows: **5.050.090 “Prohibited Uses. No outside storage is allowed in the Central Business Commercial District.”**
10. 5.060.040. Add sentence to Building Height. **“Maximum height for industrially zoned property north of Webber Street and east of Interstate is 75 feet with a maximum of 110 feet upon obtaining a Conditional Use Permit.”**
11. 6.010.050 E 3. Change height from 6 feet to 4 feet.
12. 6.020.040 A. Change the heading from “Residence” to “Property”.
13. 6.020.040 A.2. Change the language from “~~conducted at home~~” to **“conducted on the property”**.
14. 6.030.020. D. Amend first sentence to read as follows: **“The height of accessory structures shall not exceed 80% of the primary structure’s height, or 18 feet, whichever is higher.”** Delete the second sentence. ~~Notwithstanding the prior sentence, accessory structures up to 14 feet in height are allowed in all zones.~~
15. 6.030.030. Accessory Dwellings. Add a provision that approval of an accessory dwelling would be conditioned on the requiring of a recorded document that identifies the accessory dwelling and lists LUDO restrictions. **“M. Recording. Prior to final approval of an accessory dwelling, the owner shall record an instrument prepared by the City that identifies the property as having an accessory dwelling and lists the restrictions contained in the LUDO. A copy of the recorded instrument shall be provided to the City.”**
16. 6.060.040. Add language to the general section as follows: **“Drive approaches installed in the public right of way shall be constructed of concrete, in accordance with City Public Works Department Standards. Driveways on private property shall meet the requirements set out in paragraphs B or C.”**
17. 6.060.040 A. Delete first sentence. ~~Driveway connections to City streets shall be constructed of concrete in accordance with City Public Works Department Standards.~~
18. 6.160.020 C. Add a new paragraph C to read as follows: **“Use of Recreational Vehicle for Sleeping or Household Purposes. A recreational vehicle may be used for recreational or sleeping purposes only under the following circumstances:**
 - A. On the premises of a private residence and with the consent of the owner(s) of the property, provided that such use by any number of vehicles is limited to not more than seven (7) days in any ninety (90) day period.**

- B. With the consent of the property owner, and the consent of the property owners of the properties which are immediately adjacent to the property upon which the recreational vehicle would be parked, the City Manager may approve a special temporary use permit for recreational vehicle use of up to ninety (90) days duration in order to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreational vehicle park. Such approval shall be subject to any conditions which the City Manager deems appropriate to maintain public safety and community aesthetics. In addition, any such permit may be revoked by action of the City Council.**
- C. It is unlawful for any person to discharge wastewater from a recreational vehicle to a storm sewer, sanitary sewer, street, or upon private property except at an approved holding facility or dump station.**
- D. No utility connections shall be made across a public right-of-way to a recreational vehicle.**

19. 8.050.040. B and C. Change A1 and A2 to **Zone 2 of the February 2011 Geohazard Study.**

20. 10.040 A. 1. Change language from ~~“shall be separated from curbs by a planting area that provides at least five feet of separation”~~ to **“may be separated from curbs by a planting area that provides at least five feet of separation”**.