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, JUNE 4, 2015
6:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

A. May 7, 2015
B. May 21, 2015

V. PUBLIC COMMENT (Items not on the Agenda)

VI. **QUASI JUDICIAL HEARING**
Application Number: CUP 175-15; Defiance Brewery; Request: Application to gain request 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 13East Map 3 AC tax lot 500. Property is zone "CBC" – Central Business Commercial.

VII. RESOLUTION – P.C. Resolution #543-15; CUP 175-15; Defiance Brewery

VIII. STAFF COMMENTS

IX. COMMISSIONER COMMENTS/QUESTIONS

X. FUTURE MEETING – June 18, 2015

XI. ADJOURNMENT

DRAFT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 7, 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.

BOARD MEMBERS PRESENT:
Bruce Lavier, Mark Poppoff, John Nelson, Jeff Stiles, Dennis Whitehouse

BOARD MEMBERS ABSENT:
Chris Zukin, Sherry DuFault

STAFF MEMBERS PRESENT:
Senior Planner Dawn Marie Hert, City Attorney Gene Parker, City Engineer Dale McCabe, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:
It was noted by Senior Planner Hert that the zoning information for the quasi-judicial hearing on the agenda should be changed from "CBC" – Central Business Commercial to "RH/NC" – Residential High Density District with a Neighborhood Center Overlay. It was moved by Whitehouse and seconded by Poppoff to approve the agenda as amended. The motion carried unanimously; Zukin and DuFault absent.

APPROVAL OF MINUTES:
It was moved by Nelson and seconded by Stiles to approve the April 2, 2015 minutes as submitted. The motion carried unanimously; Zukin and DuFault absent.

PUBLIC COMMENT:
None.

QUASI-JUDICIAL HEARING:
Application Number: CUP 174-15; FFA Architects+Interiors/The Dalles Wasco County Library;
Request: Application to gain approval for the construction of a one-story 2,300 s.f. addition to the existing Dalles-Wasco County Library. The property is located at 722 Court Street, The Dalles, Oregon and is further described as 1N 13E 3CB t.l. 800. Property is zoned "RH/NC" – Residential High Density with a Neighborhood Center overlay.

Chair Lavier read the rules for a public hearing and asked if any of the Commissioners had any conflict of interest, bias, or ex-parte contact with the application. None were noted.

Chair Lavier opened the public hearing at 6:05 pm.

Senior Planner Hert highlighted the staff report and stated that no comments were received. She said that staff recommended approval, to include the suggested conditions of approval as listed in the staff report.

Nelson asked if lighting specifications were a concern. Hert said no new lighting was indicated, but a photometric plan would be required if new lighting was incorporated into the plans.

Stiles asked if there would be any excavation other than the footprint of the property. Hert indicated there would be fill for the foundation, but the City planned to relocate the existing shed out toward the cliff. All in all, Hert said, excavation would be minimal.

Proponents
Daniel Hunter, 2416 West 10th Street, The Dalles, Oregon, stated he was in favor of the project. The development would provide children in the community with a place to go to have fun and learn. The children's area would be separated from the remainder of the library area to alleviate noise distraction, Hunter said.

Opponents
None.

Whitehouse asked if there were any geohazard concerns. Senior Planner Hert said the project was located in a non-geohazard area.

Chair Lavier closed the public hearing at 6:12 PM.

Poppoff said he would like to see the City's service development charges (SDCs) dropped for the project. City Attorney Parker said the SDCs were required and could not be waived. Parker advised that the Planning Commission could make a recommendation to City Council. Senior Planner Hert said mechanisms were in place where staff could inform the applicant to make a request to City Council for SDC reductions.

Poppoff and Nelson indicated they were in favor of the project. The expansion was well placed and had minimum impact on the surrounding area.

It was moved by Nelson and seconded by Whitehouse to approve CUP 174-15, based on the findings of fact, including staff's site plan review and the recommended conditions of approval. The motion carried unanimously; Zukin and DuFault absent.

It was moved by Poppoff and seconded by Lavier to recommend to the City Council that the SDCs be waived.

After further discussion, Chair Lavier called for the vote. Poppoff and Lavier were in favor; Stiles, Nelson, and Whitehouse were opposed; Zukin and DuFault absent. The motion failed.

Senior Planner Hert reported that the library had raised a substantial amount of funds for the project from within the community, which was a very positive effort.

RESOLUTION

It was moved by Nelson and seconded by Stiles to approve P.C. Resolution #542-15, CUP #174-15, FFA Architecture+Interiors/The Dalles - Wasco County Library, to include staff's recommended conditions of approval. The motion carried unanimously; Zukin and DuFault absent.

PRESENTATION

Dennis Whitehouse, Director of Operations for Northern Wasco School District #21, 3632 West 10th Street, The Dalles, Oregon, distributed a diagram of the latest option for the drop off/pick up zone at Dry Hollow Elementary School (Attachment 1). Whitehouse summarized the Planning Commission's request that came out of the 2014 conditional use permit public hearing where the Commission asked for a preliminary design of the drop off/pick up zone. The preliminary design would be presented at a future Commission meeting. Whitehouse reported that the engineer felt the options were difficult, given the various code requirement compliance issues. He stated that this option had not been submitted to City Engineering, because funding was several years away.

Whitehouse gave a detailed explanation of the design plan. The bus route grade would be no more than the existing grade, he said. The lower parking area would be a fill area. Parent/child safety would be controlled by routing parents/children to the proposed upper parking area, and the current parking lot would remain in effect for staff and visitors. The estimated cost would be approximately $500,000 for paving and moving dirt.

Senior Planner Hert mentioned that the Public Health Department received a Safe Route to Schools Grant, and there could be a component that would fit with their grant. Hert said she would confer with the Health Department personnel.

Discussion followed regarding the school district's next step. Whitehouse said the next step was to formalize and submit the plan to City Engineering. He said the school district had many needs district wide. Federal grant money was very difficult to come by. He assured the Commission that this project was a high priority, and as soon as adequate funding was available, this project would be one that would be addressed. Stiles commented there could be other means outside school district funding. Chair Lavier stated this design was a good beginning, and it basically fulfilled what the Planning Commission had asked of the school district. City Engineer McCabe commented that it would be beneficial to take a step forward and take this plan through the City's Traffic Safety Committee for review. He said he had a couple of concerns that he would like to discuss, and Traffic Safety could assist in fine tuning the design.

Stiles asked if the Commission could extend a time limit for the next step. City Attorney Parker advised that it would require another land use review to place another time limit on the project. Whitehouse stated that he felt it would not be fair to keep placing time limits on the school district. The school district met the condition, and to give more requirements would be burdensome. Chair Lavier said he would be more interested in revisiting the plan to see what assistance could be given. In conclusion, Parker said he would review the due process for the City assisting an entity on a development project, and Senior Planner Hert would talk to the Safe Routes to School people.

STAFF COMMENTS:
Senior Planner Hert reported that staff had received four different inquiries for medical marijuana dispensaries. One application potentially could be submitted in the near future. City Attorney Parker advised that the legal possession law for recreational marijuana starts July 1, 2015. However, the Oregon Liquor Control Commission (OLCC) had not formulated regulations, and they are scheduled to start taking applications in January of 2016. Parker advised that the City Council adopted the Planning Commission's recommendation on the medical marijuana dispensaries. There were 112 eligible parcels available, 5 were located in the downtown area.

Stiles asked for an update on the Northwest Aluminum property. Senior Planner Hert reported that the City had not received any formal applications.

City Attorney Parker reported that he was seeking to determine when the latest appeal hearing for WalMart was scheduled, but he was not aware of any information yet.

Hert reported that was a definite increase in stick built housing development recently.

Commissioner Nelson advised that the Department of Environmental Quality (DEQ) implemented a Nuisance Odor Strategy on Amerities.

COMMISSIONER COMMENTS:
Nelson commented that on the corner of W. 4th and 3rd Place, the ADA ramps and concrete seemed high, and he didn't understand what was happening with the crosswalk. City Engineer advised that the entire intersection would be raised, because the crosswalk must meet the slopes. The ADA ramps were installed and in place. All of the ADA ramps and crosswalk needed to meet the standards. The project on the Trevitt Street side would start at about the area of the island, McCabe said.

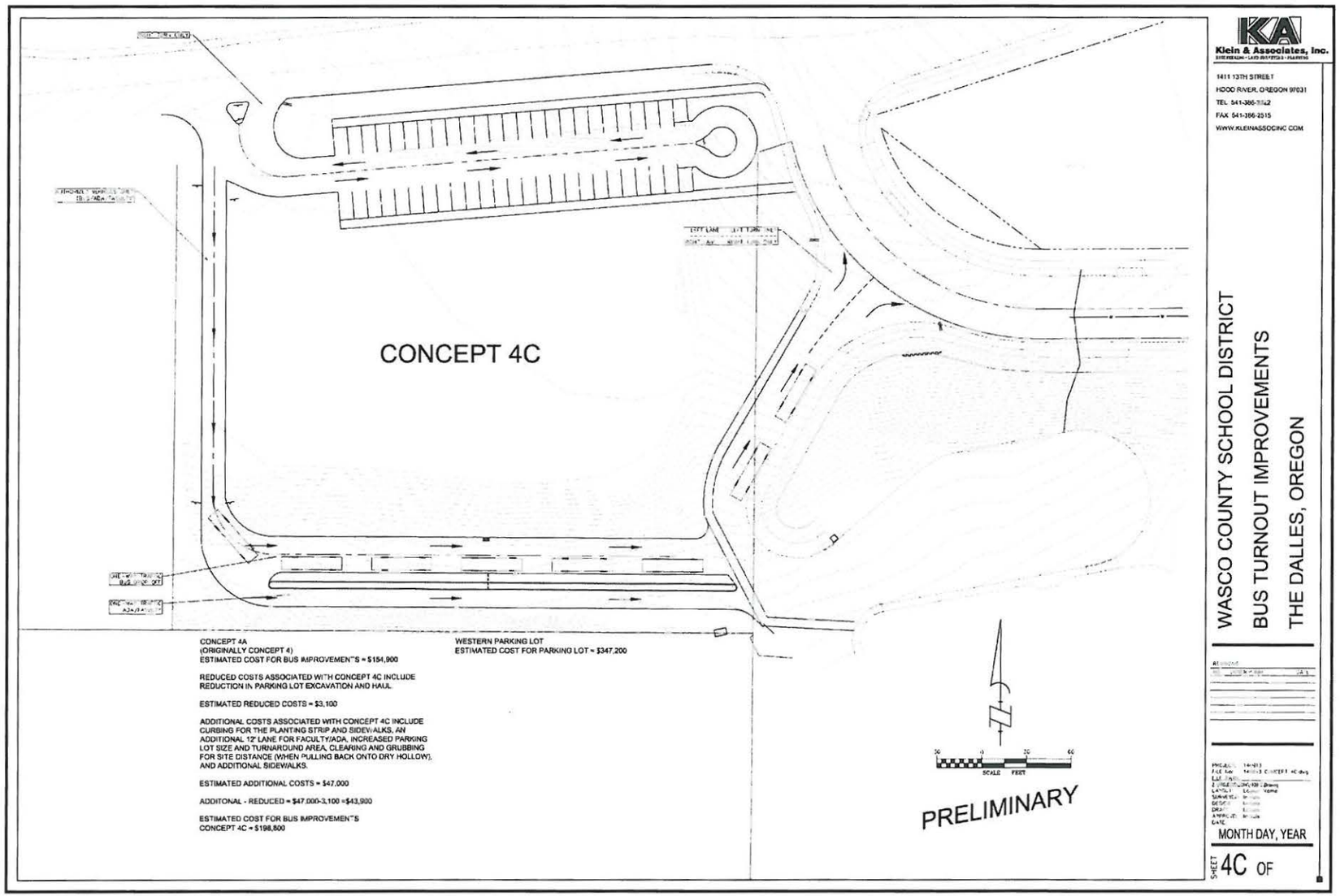
NEXT MEETING:
May 21, 2015

ADJOURNMENT:
Chair Lavier adjourned the meeting at 7:11 PM.

Respectfully submitted by Administrative Secretary Carole Trautman

_____
Bruce Lavier, Chairman

ATTACHMENT 1



CONCEPT 4A
(ORIGINALLY CONCEPT 4)
ESTIMATED COST FOR BUS IMPROVEMENTS = $154,900

REDUCED COSTS ASSOCIATED WITH CONCEPT 4C INCLUDE REDUCTION IN PARKING LOT EXCAVATION AND HAUL.

ESTIMATED REDUCED COSTS = $3,100

ADDITIONAL COSTS ASSOCIATED WITH CONCEPT 4C INCLUDE CURBING FOR THE PLANTING STRIP AND SIDEWALKS, AN ADDITIONAL 12' LANE FOR FACULTYADA, INCREASED PARKING LOT SIZE AND TURNAROUND AREA, CLEARING AND GRUBBING FOR SITE DISTANCE (WHEN PULLING BACK ONTO DRY HOLLOW), AND ADDITIONAL SIDEWALKS.

ESTIMATED ADDITIONAL COSTS = $47,000

ADDITONAL - REDUCED = $47,000-3,100 =$43,900

ESTIMATED COST FOR BUS IMPROVEMENTS
CONCEPT 4C = $198,800

WESTERN PARKING LOT
ESTIMATED COST FOR PARKING LOT = $347,200

Klein & Associates, Inc.
SITE DESIGN • LAND DEVELOPMENT • PLANNING
1411 13TH STREET
HOOD RIVER, OREGON 97031
TEL 541-386-3112
FAX 541-386-2515
WWW.KLEINASSOCINC.COM

WASCO COUNTY SCHOOL DISTRICT
BUS TURNOUT IMPROVEMENTS
THE DALLES, OREGON

MONTH DAY, YEAR

SHEET 4C OF

DRAFT

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 21, 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.

BOARD MEMBERS PRESENT:
Bruce Lavier, Mark Poppoff, Dennis Whitehouse, Sherry DuFault

BOARD MEMBERS ABSENT:
Chris Zukin; John Nelson; Jeff Stiles

STAFF MEMBERS PRESENT:
Planning Director Richard Gassman, City Attorney Gene Parker, Administrative Secretary Carole Trautman

APPROVAL OF AGENDA:
It was moved by Whitehouse and seconded by DuFault to approve the agenda as submitted. The motion carried unanimously; Zukin, Nelson and Stiles absent.

PUBLIC COMMENT:
None.

WORK SESSION: – General Land Use and Development Ordinance Amendments
Director Gassman presented a review of each Land Use and Development Ordinance (LUDO) proposed amendment as listed in staff's May 21, 2015 memorandum. Gassman distributed two handouts: 1) written comments dated May 20, 2015 from Commissioner John Nelson (Attachment A); and 2) City Attorney Parker's document dated May 11, 2015 regarding potential amendments associated with using Recreational Vehicles for residential purposes (Attachment B).

Director Gassman explained that there were two issues to consider regarding sleeping in recreational vehicles (RVs), RVs located in the right-of-way (ROW) and RVs on private property. RVs in the ROW are controlled by the City's General Ordinances, and RVs located on private property are controlled by the LUDO.

Listed below are the comments per amendment item.

1. Section 2.030 – The proposed LUDO change came about through staff discussions and people coming into the Planning Department who wanted to provide medical help in a home. Gassman explained that there needed to be more distinction and clarity for medical care facilities with more than 15 residents. He suggested re-drafting proposed amendment by either 1) adding the revised language to the Residential Care Facility definition, or 2) making a separate definition stating facilities that are intended to provide medical care for over 15 people would not qualify as a Residential Care Home and would be considered a Community Facility that would require a conditional use permit review.
2. Section 5.010.050, 5.020.050, 5.030.040 – LUDO required that the front of a building must face toward the street, and over the years City Council had been adamant about that, because they wanted people to be able to see the street for safety reasons. In the past, Gassman said, problems arose mostly from manufactured homes that were typically designed with the long side being the front of the structure. Some people wanted to place their manufactured home (mfh) with the long side going away from the street, sometimes due to the fact that their lot was narrow. Others just preferred that type of orientation. Some residents that placed the narrow end facing the street added a little porch that led to the house entrance, or they actually cut out a door entrance with a little porch on the narrow end. If done properly, Gassman stated, such design met the technical aspect of the code, but it didn't meet the intent. Neighbors don't like the way they are modified either because it looked tacky or because it didn't meet code requirements. The proposed amendment does not allow any modification. If the revised code was adopted, manufactured homes would need to be placed the long way on the lot, or the land owner would be required to purchase a mfh with the front entrance on the narrow end. He said such homes existed, but the proposed code change would not be popular. He pointed out that staff has an opportunity to review the site plan and building orientation and make adjustments at the time of the building permit. However, some people purchase the mfh and/or the lot before they come in for permits. Poppoff asked if the code could require residents to come into Planning first before purchasing a mfh. Gassman said that was not feasible. Out of innocence people purchase a mfh before permitting. It was the consensus of the Commission to support the code change and refine the language.
3. 5.010.060 and 5.020.060 – Gassman said this section of code pertained to Design Standards. Some developers, in an attempt to keep costs down, select simple and creative ways to meet Design Standards. The proposed code change pertained to the "covered porch entrance" standard. Some property owners place the architectural feature on another entrance other than the front porch, i.e. a back entrance. Gassman said the intent of the code was to have the architectural feature on the front, to be seen by others, and to eliminate a plain front entrance.
4. 5.010.060 and 5.020.060 – This proposed amendment also pertained to Design Standards. The proposed change would require the "recessed entry" to be on the front of the structure, Gassman said.
5. 5.020.050 – In the High Density Residential Zone (RH), the proposed change would reduce the front yard setback from 15 feet to 10 feet. The other two residential zones required a 10 foot front yard setback. The alternative would be to change the Medium Density Residential Zone (RM) setback to 15. Poppoff said it seemed like the proposed change would create more problems than it would solve. If the setback was reduced, there would not be room to plant trees in front of the house, he said. He was in favor of changing the RM zone to 15 feet. Lavier said it would make sense to make the three residential zones similar, for consistency. It was the general consensus of the Commission to make the front yard setback in the three residential zones the same; change the front yard setback in the RM zone to 15 feet.
6. 5.020.050 and 5.030.040 – In the Low Density Residential Zone (RL), there is certain language regarding side yard setbacks. The language is different in the RM and RH zones on side yard

setbacks, Gassman said. They have fewer sections and are missing allowances that are listed in the RL zone. The proposed change is to apply the RL zone language to the other two residential zones for consistency. Gassman said it would not change the requirements of any residential zone.

7. 5.020.060.F and 5.030.060.E – In the RM and RH zones, if there was more than one residence on one lot, there must be 20 foot separation. This past year, Gassman said, a property owner asked why a 20-foot separation was required for two structures on the same parcel, when only a 10-foot separation was required for two structures on adjoining lots. Gassman stated that typically, on adjoining lots, the 10-foot separation had side walls from two structures facing each other (i.e. a garage, bedroom, or a family room with little or no windows), and privacy often was not an issue. Commissioner Nelson expressed a concern in his memo that there could be a risk of having two structures with front windows facing each other on the same lot. Poppoff said he was not in favor of the proposed setback change to 10 feet. Lavier suggested changing the code to a 10-foot setback "with stipulations" added. DuFault stated she did not see why a 20 foot separation was required on the same lot. After further discussion, it was the general consensus to leave the proposed change "as is" and discuss it further at the hearing.
8. 5.030.040 – In the RL and RH residential districts, a Neighborhood Compatibility standard is required. Developers are required to take pictures of other residences in the neighborhood where they intend to build. Currently, Gassman said, the Neighborhood Compatibility standard is not required in the RM zone. The proposed change would add this requirement to the RM zone. Lavier said it would bring consistency.
9. 5.050.090 – In the Central Business Commercial District (CBC), the proposed change would clearly state that no outside storage is allowed, Gassman stated.
10. 5.060.040 – Gassman said this proposed code change would be a new standard for the Industrial zone. The new provision would change the maximum building height north of Webber and east of Interstate 84 to 75 feet with a maximum of 110 feet upon attaining a conditional use permit. This change would increase density potential and was requested because of a potential business enterprise, Gassman stated.
11. 6.010.050.E.3 – This proposed code change pertained to fences. Gassman said fences cause issues for staff. People think they can build fences any way they wish, and they do. According to code, Gassman said, property owners were allowed to build 6-foot fences except for in the front. The proposed change would allow people to build a 4-foot fence without a permit, and anything over 4 feet would require a building permit. Lavier said the code should be changed for corner houses to a 4-foot requirement on the street sides. Poppoff said some property owners want a 6-foot fence for animals or children. Lavier said 6-foot fences looked like a fortification. Gassman said the Commission could continue to discuss it later.
12. 6.020.040.A – Regarding the Home Business Permit, Gassman said the proposed change was a simpled word change. The regulations included more than just the house, he said.
13. 6.020.040.A.2 – Another word change in the Home Business Permit.
14. 6.030.020.D – The current code limits the height of the Accessory Dwelling Unit (ADU) to a certain percentage of the height of the house. The code allows 18 feet without any restriction. Any higher than 18 feet, the ADU cannot be higher than 80% of the height of the home. The proposed change would eliminate the existing second sentence in this section for clarity.
15. 6.030.030 – Gassman said ADUs cause endless problems, because the second unit often looks like a second dwelling unit. Current code requires the property owner to live on the property, the intent being to prohibit the two structures from becoming two rental units with a change in ownership. The problem lies in the fact that there is no way to know if the property owner is living in one of the structures. Gassman said staff discussed this at length and decided to recommend that the ADU must be attached to the main dwelling. The definition of "attached"

is by a common roof or common wall, Gassman stated. Poppoff said he wasn't sure it would remedy the problem. Gassman agreed, but he said it would give the appearance of something different than what is now being assumed as two dwelling units by realtors and potential buyers. Gassman said an alternative would be that, at the time of construction, the City could require a recorded document for the ADU so that when someone bought the property, they would be aware there were some restrictions. Whitehouse asked if it would apply to a shop. Gassman said the intent of an ADU was for living quarters usage, not as a shop. After further discussion, it was the general consensus of the Commission to recommend that at the time of construction, a recorded document would be required to inform future buyers that there were some restrictions to the ADU.

16. 6.030.020. H – Self-explanatory
17. 6.060.040 – Gassman said the proposed change was an attempt to clarify the specifications for a drive approach.
18. 6.060.040.A – The current code is somewhat misleading, and developers often think the drive pad requirements apply to the entire driveway. They sometimes install concrete 20 feet back, which was unnecessary and costly. The proposed change is another clarification.
19. 6.080.A – The proposed change is another point of clarification on a LUDO change a couple of years ago pertaining to carports. The proposed code change would clarify that the past LUDO change was for side and rear yards.
20. 6.160.020.C – City Attorney Parker addressed the proposed changes pertaining to people living in RVs on private property. The City basically does not want to allow RVs on private property, because many use them for storage units and they are unsightly. If people are using RVs for living quarters, often times there are no provisions for proper facilities, such as sewage. Section A – the proposed change would limit the use of RVs for sleeping or household uses for 7 days within a 90-day period. Section B – The intent of the proposed change is to allow some flexibility to residents that come upon certain hardships that are unforeseeable and cannot be remedied in any other way other than by the use of an RV. Parker said Commissioner Nelson had some concerns about the time frame being too long, because the situation may go downhill for concerned parties sooner than 90 days. Nelson, in his memo, proposed a 30-day permit which could be extended another 60 days if all parties were still in agreement to extend the permit. Whitehouse asked if the City could override one non-consenting party out of several. City Attorney Parker said that would need to be discussed and addressed. Gassman said the way it read, all parties must agree. Lavier proposed language stating that a permit could be provided if facilities were made available before the permit was issued. People living in RVs would either be required to stay mobile to get to a dump site, or not stay on private property long term.
21. 8.050.040.B and C – The proposed change is a "housekeeping" change to insert current Geohazard Study language.
22. 10.040.A.1 – Gassman said the current code requires a 5-foot planter strip in subdivisions. Residents don't like that because they are difficult to maintain, and it takes away usable space of additional land.

Director Gassman added an additional proposed change regarding wireless communication. The current code requires a financial guarantee to ensure the proper removal of a wireless pole. City Attorney Parker recommended deleting the provision, because it was not necessary and it wasn't practical. If it became a nuisance, the City would probably be able to require the property owner to remove it. Poppoff asked if the City was liable if a pole came down in a wind storm. Parker said he and Director Gassman have not reviewed the other wireless provisions. Gassman said he and Parker would review them.

STAFF COMMENTS:
City Attorney Parker reported that there was a Lake Oswego property owner who objected to the historic designation of their home, and the City overruled their objection and designated it as historic. Later on, a subsequent owner to the property objected to the historic designation stating that the former owner had objected to the designation. The Court of Appeals determined that the historic designation could be appealed, and potentially the historic designation could be removed. Parker said Oregon historic organizations were very concerned about this ruling. Restore Oregon and the cities of Portland and Pendleton were joining forces to fight for historic rights, he said.

Parker reported that one application for a medical marijuana dispensary was submitted for a downtown site. The business owner must complete the State licensing requirements for medical marijuana dispensaries, and had plans to seek recreational marijuana licensing in the future, Parker said.

COMMISSIONER COMMENTS:
None

NEXT MEETING:
June 4, 2015

ADJOURNMENT:
Chair Lavier adjourned the meeting at 7:47 PM.

Respectfully submitted by Administrative Secretary Carole Trautman

_____
Bruce Lavier, Chairman

Carole Trautman

From: John Nelson <auroearth@icloud.com>
Sent: Thursday, May 21, 2015 10:03 AM
To: Carole Trautman
Subject: Fwd: My comments relating to the proposed LUDO amendments for spring 2015

Begin forwarded message: Carole, Here are my comments. Let me know if you got this. -John

From: John Nelson <auroearth@icloud.com>
Subject: My comments relating to the proposed LUDO amendments for spring 2015
Date: May 20, 2015 at 4:01:33 PM PDT
To: Richard Gassman <rgassman@ci.the-dalles.or.us>

To my fellow planning commissioner members:

I am unable to attend the May 21st Planning Commission meeting, but I have read all the present language in LUDO as it applies to the 22 items you are scheduled to discuss at this meeting, and have compared it to the proposed amendments as presented by the planning department staff.

As you deliberate and discuss the proposed amendments, here are my thoughts. Hopefully they will help you in your decision making.

1. 2.030. Amend definition of Residential Care Facility by adding language that a residential care facility is not allowed as a residential care home, or as a residential care facility if over 15 patients.

I ask why is this language change proposed? If you read the definitions of a Residential Care Facility and a Residential Care Home, the present language seems to adequately say what is proposed, except for the notion that a residential care facility cannot exceed a capacity of 15 individuals.

The ordinance reads as:

Residential Care Facility - A residential care, treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 6 to 15 individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

Residential Care Home - A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents

By the present definition a residential care home applies to residential treatment of 5 or fewer individuals, and a residential care facility is for treatment of 6 to 15 individuals. By present language, a residential care home cannot have more than 5 individuals, so perhaps the amendment should apply only to the Residential Care Facility definition and it should read that the facility may provide residential care for no less than 6 or more than 15 individuals.

I concur with the suggested amendments for #2 through #6. However I think #2 might present future challenges from the public when, say a modular home no longer can be changed to fit a lot configuration and meet the "front street facing requirements".

7. 5.020.060 F, 5.030.060 E. Change required distance between buildings on the same lot from 20 to 10 feet.

This would apply to low and medium density Residential districts. This regulation is to provide privacy, light, air and access to multiple dwellings on one lot. I think a reduction of building separation requirements could adversely effect the privacy of dwelling units, especially if one dwelling faces another and you are looking out your front window into another person's front window, etc. I like the standard as it now reads.

I concur with the suggested amendments for #8 and #9.

10. 5.060.040 to change the building height regulations for the port property north of Chenoweth Creek. I think this is a bad idea. We are talking about allowing 7 to 10 story structures on smaller acre size lots in the port area. Google has built their new center which is about equivalent to a 6 story building but it is in proportion to other large industrial structures and fits in a campus like arrangement on one large lot. Allowing an increase in building height on these smaller port lots could without some overall control and consideration of how buildings would spatially relate to each other across different lots as they were built is, I think, bad planning.

I concur with the suggested amendments for # 11 through #19.

20. 6.160.020 C Use of recreational vehicle for sleeping or household purposes.

I understand the need for this amendment and most of its parts. Part B bothers me. Giving the city manager the authority to grant a temporary use permit to park and reside in a recreational vehicle on property in the city to alleviate a housing hardship for 90 days is too long a period of time for things to go wrong. Neighbors who initially agree to such an arrangement might think twice if the actual living situation becomes less desirable than they initially imagined etc. I think a better idea would be to allow for a 30 day permit, and then extend that permit if all parties are still in agreement for another 60 days. It gives everyone a chance to assess how they are impacted by this temporary living arrangement.

I concur with the suggested amendments for # 21.

22. 10.040 A. 1.

After talking with Dick Gassman I can see the need to, shall I say weaken the language about requiring the construction of curbs with planting areas creating a degree of separation for the pedestrian from the street. With my feet dragging I agree with the need for this amendment.

Thanks in advance for taking the time to read and consider my view point and suggestions.

John

Potential Amendments to Address Issues Associated With Sleeping in Vehicles on Public Streets, and Using Recreational Vehicles for Residential Purposes

(Revised 05/11/15)

Amendments for traffic ordinance – General Ordinance No. 92-1149

Section 3, Definitions, would be amended by adding a new definition for "Recreational Vehicle" which would replace the current definition of "Street" in subsection F.

F. Recreational Vehicle. A travel trailer, truck camper, van, tent trailer, motor home, or other unit that is transportable over public highways and may or may not contain facilities for sleeping, food preparation, or waste disposal. Such a vehicle is not designed for attachment to the land.

The current subsections (F), (G), (H), and (I) would be renumbered (G), (H), (I), and (J) respectively.

A new Section 14(A) would be added to the ordinance, which would read as follows:

Section 14(A). Use of Motor Vehicles or Recreational Vehicles for Sleeping or Housekeeping Purposes. It is unlawful, within the City limits, for any person to use a motor vehicle or recreational vehicle for sleeping or housekeeping purposes, except as follows:

(1) Within an approved recreational vehicle park.

(2) Upon the premises of a private residence in accordance with the provisions allowing such use as set forth in the City's Land Use and Development Ordinance.

(3) Option #1. Within a public right-of-way, parking of self-contained recreational vehicles is limited to twenty four (24) hours with the consent of the adjacent property owner. In addition, parking of any such vehicle must comply with any other applicable parking provision of this ordinance.

Option #2. Recreational vehicles may be parked upon a public right-of-way for a period of not more than twenty four (24) hours if self-propelled, hitched or otherwise attached to a vehicle, and only for the purpose of loading, unloading, or otherwise preparing the recreational vehicle for use.

Removal of a motor vehicle or recreational vehicle from one location on the public right-of-way to another location on the public right-of-way, within a twenty four (24) hour period, will not prevent the issuance of a citation for violation of the twenty four (24) hour parking limit provided for in this ordinance.

Amendments for LUDO – General Ordinance No. 98-1222

The concept I have would be to add a section to the provisions regulating the RL – Low Density Residential District, the RH – High Density Residential District, and RM – Medium Residential District that would address the allowed use of recreational vehicles. The language could look something like the following:

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.

City of The Dalles
STAFF REPORT

Conditional Use Permit 175-15

Defiance Brewery

Prepared by:	Dawn Marie Hert, Senior Planner
Procedure Type:	Quasi-Judicial
Hearing Date:	June 4, 2015
Assessor's Map:	Township 1 North, Range 13 East, Map 3 AC
Tax Lot:	500
Address:	208 Laughlin Street
Zoning District:	"CBC-2" Central Business Commercial, Sub-district 2
Request:	To expand existing wine tasting room to a brewery/winery/public house. The expansion will be within an existing footprint of a locally landmarked building known as the Ice House. The operation will utilize the entire building for manufacturing handcrafted lagers and ales, retail sales of beer and a limited food menu, offices, storage as well as continued blending of wines under the Maison de Glace label.

BACKGROUND INFORMATION

The subject site has been used over the years for various uses including storage of files from a governmental agency, a graphics studio, a market, and retail automotive performance equipment. In December of 2010 the City approved Maison de Glace to operate their wine tasting, blending and sales at the current location. The operation did not include the crush operation of wine making. At that time staff made a determination that the use in a portion of the subject building was similar/less intense than the previous retail and professional services and that no formal land use review was necessary.

In April, the applicant's submitted an application for an expansion of the wine tasting/blending operation to include a brewery as well as a public house to be added to their existing business. The expansion incorporated the remainder of the building and warranted a formal land use review. The use as a brewery requires that the application be reviewed as a Conditional Use Permit. The other uses as a public house (food and beer/wine) and wine tasting are permitted outright in the Central Business Commercial zoning district.

The subject building is located in the Parking Exempt Zone, which allows for a new use to occupy a building and not have to provide parking. The parking lot that was developed for the properties located in the Parking Exempt Zone are located between Washington, First and Federal Streets. The subject property has a graveled lot to the rear of the building. Use of this area as a parking lot will require that it meet the parking lot requirements as stated in our Land Use and Development Ordinance 98-1222. The applicant is not proposing any improvements to that graveled lot in this application.

This property fronts First Street which is not constructed to City standards. Typically improvements such as sidewalk and streets are required with development applications. Staff has discussed the improvements needed for the Frist Street frontage and will detail the recommendation in this staff report.

This staff report includes both the Conditional Use Permit review as well as a Site Plan Review.

NOTIFICATION
Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

COMMENTS RECEIVED
Pre-Application –Site Team. The application was reviewed by the Site Team members on May 14, 2015. The comments received from that application are included in this staff report.

Property Owner Comments – No comments were received as of the date this report was written. However, staff received one phone call from a neighboring property owner who planned to attend the public hearing.

RECOMMENDATION: Approval, with conditions, based upon the following findings-of-fact.

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications:
Subsection B. Completeness.
FINDING A-1: This application was found to be complete on May 22, 2015. The 120-day State mandated decision deadline is September 19, 2015.

Section 3.020.050 Quasi-Judicial Actions:
Subsection A. Decision Types, (1) Site Plan Review; (3) Conditional Use Permits:
FINDING A-2: This application is for a Conditional Use Permit and Site Plan Review as required by Section 5.050.040 (E). The decision criteria listed in this ordinance section is addressed in the body of this staff report.

Subsection 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 A-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.

Subsection C. Public Hearings.

FINDING A-4: The public hearing is scheduled for June 4, 2015.

Subsection D. Notice of Hearing.

FINDING A-5: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies have been completed.

Section 3.050.030 Review Procedures:

Subsection 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 A-6: Copies of the required plans have been submitted. Criterion met.

3.050.040 Review Criteria:

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

FINDING A-7: The proposed use as a Brewery is conditionally permitted in the Central Business Commercial District. Criterion met.

Subsection B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, applicable policies of the Comprehensive Plan, and any other statutes, ordinances, or policies that may be applicable.

FINDING A-8: The proposed use is permitted through a Conditional Use Permit review process. The review will also include that all requirements of a Site Plan Review be met. The Site Plan Review criteria will be addressed later in this staff report.

Subsection C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.

1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.

FINDING A-9: All beer manufacturing will occur inside the existing building. The applicant will be advised of the allowable levels. Criterion can be addressed as a condition of approval.

2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)

FINDING A-10: The lighting will be addressed as a condition of approval and is discussed later in this report. The applicant is proposing lighting that will be located on the building facing toward the public sidewalk. Criterion can be addressed as a condition of approval.

3. Dust and other particulate matter shall be confined to the subject property.
FINDING A-11: The applicant will be required to confine dust and particulate matter to the subject property. All areas of maneuvering for vehicles and parking areas will be required to be a hard surface. Criterion can be addressed as a condition of approval.

4. The following odors shall be completely confined to subject property:
   a. industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;
   b. fuels, and
   c. fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.

FINDING A-12: The proposed use will not be using any of the listed items that cause odors. This proposal does not indicate that many of these nuisances need to be reviewed in depth for mitigation purposes. Trash receptacles should be sized to fully accommodate the needs of the business. Appropriate screening from the public right-of-way and adjacent neighbors and containment of trash receptacles should be required as a condition of approval.

No outdoor storage of materials or supplies related to this proposed use will be allowed. Criterion will be addressed as a condition of approval.

5. Vibrations shall not be felt across the property line.
FINDING A-13: The proposed use includes brewing equipment. Staff is unaware if the equipment causes vibration. The applicant will be made aware of the requirement. The criterion can be addressed as a condition of approval.

6. The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are not limited to:
   a. Street designations and capacities; and
   b. On-street parking impacts.

FINDING A-14: Access to this parcel is from the adjacent streets and alleyway. Laughlin Street is built to handle transportation needs and provides some on-street parking. First Street abuts the parcel and is not currently built to City Standards. Staff has discussed First Street and is suggesting that the applicant sign a Waiver of Remonstrance and a Delayed Development Agreement that will address the improvements to First Street. Staff will encourage modification to the designed First Streetscape project, so that is can be extended one additional block and include this property as part of the improvement district. Staff will recommend that the Planning Commission delay the required improvements to First Street to either when the formal First Streetscape project is underway, or at a time that the City determines in the event that the Streetscape project is not completed. Staff

will suggest that a waiver of remonstrance and delayed development agreement be addressed as a condition of approval.

The applicant has provided drawings that show the truck/vehicle maneuvering area. Unfortunately, the existing configuration of the loading dock may force some maneuvering or backing onto the alleyway. Without a complete reconfiguration of the loading dock, the alleyway will be used for maneuvering. Maneuvering in the alleyway could pose an issue to adjacent businesses that use the alleyway for access. General Ordinance 86-1078 addresses this concern and requires that there is no blocking of the alleyway, however, it allows for expeditious loading/unloading for period to not exceed 30 minutes in any one hour period. Staff will suggest that this be addressed as a condition of approval.

On-street parking is limited on Laughlin Street and not constructed on First Street. The subject property is located in the Parking Exempt Zone, which will be detailed later in this staff report. The Laughlin Street frontage could handle approximately 5 on-street parking spaces. The applicant is not proposing any parking with this application and is anticipating an additional 6 employees, for a total of 8 at this site. The parking lot constructed for the Parking Exempt Zone exists between Washington, First and Federal Streets, which could accommodate the employee and patron parking.

7. *In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)*

FINDING A-15: The subject property is a locally landmarked property; but is not located in a National Historic District. Any exterior modifications are required to meet historic design guidelines. The applicant has indicated in their application that only painting, exterior lighting and signage are planned for exterior modifications. These types of minor modifications are allowed to be reviewed and approved by the Planning Director and do not require a formal review by the Historic Landmarks Commission. If the alterations exceed the definition of minor, they will be required to be reviewed by the Historic Landmarks Review. Criterion will be addressed as a condition of approval.

Site Plan Review - Section 3.030.040 Review Criteria.

A. City Ordinance Provisions. *All the provisions from the applicable City ordinances have been met or will be met by the proposed development.*

FINDING A-16: All provisions are met by this proposal or will be met as a condition of approval. This will be detailed in the staff report through a series of findings.

B. Public Facilities Capacity. *Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and were applicable, through, the subject property.*

FINDING A-17: Adequate capacity exists for facilities including water, storm sewer, and streets. The site currently is served by a ¾" water meter, if any

upsizing is necessary, the applicant will be required to make application to the Planning Department and a System Development Charge would apply. Due to the brewing operation, the applicant will need to install a back-flow preventer on the water line to ensure that there is no backflow into the City's water service.

The building roof drains are currently connected to the Sanitary Sewer system. With re-development or new development, the city requires that the drainage be brought up to standards. The applicant needs to have the roof drainage diverted to the City's storm sewer system and remove it from the sanitary sewer. In 2011 the City provided a storm lateral for the property to make a connection.

As stated earlier in this staff report, staff is suggesting that the right-of-way improvements for the First Street frontage be delayed and addressed with a waiver of remonstrance and delayed development agreement. This will allow the improvements to be included in the Streetscape project that is planned in the near future. Criterion will be addressed as a condition of approval.

C. Arrangement of Site Elements.

1. Promote pedestrian, bicycle, and vehicular safety and welfare.

FINDING A-18: Pedestrian sidewalks exist on the Laughlin Street frontage. Repairs to the existing Laughlin sidewalk are the responsibility of the property owner and are required to be repaired if there is a trip hazard. Off-street parking is not being provided and is not required because the property is located in the parking exempt zone. Off-site parking is provided in the Parking Exempt Lots between Washington, First and Federal Streets and public sidewalks are available on Second for pedestrians. Bicycle parking exists at the site and is located on the sidewalk directly in front of the business.

2. Preserve and maintain public amenities and significant natural features.

FINDING A-19: There are no known public amenities or significant natural features on this site. Criterion does not apply.

3. Avoid traffic congestion.

FINDING A-20: Parking will be available on-street and in the parking lots available on First, Washington and Federal Streets, and all deliveries will be via the alleyway. All areas of maneuvering and parking are required to meet the guidelines as set forth in the LUDO.

4. Minimize potential adverse impacts on surrounding properties.

FINDING A-21: The use as a brewery/public house could have varying volumes of customers. The applicant stated that their primary focus is on beer and wine production and sales. Nuisance conditions that may develop are addressed on a complaint basis; this includes noise, dust, vibration, and odor. Criterion will be addressed as a condition of approval.

D. Lighting. *Proposed lighting shall not directly illuminate adjoining properties.*

FINDING A-22: General lighting of the sidewalk and signage is shown on the site plan. Lighting is not allowed to illuminate adjoining properties. If additional lighting is planned, a detailed site lighting/photometric plan shall be submitted

and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights. These items will be addressed as a condition of approval.

E. City Engineer Approval. *Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer as a condition of Site Plan Review approval.*

FINDING A-23: Detailed construction/design plans for all improvements located within the proposed development site shall be approved by the City Engineer prior to construction. Professional drawings will be necessary for any parking lot construction, site grading, and paving and irrigation installation. Criterion will be addressed as a condition of approval.

F. Waiver of Remonstrance. *Where applicable, the applicant shall agree to waive any future rights to remonstrate against future improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this ordinance.*

FINDING A-24: Staff has discussed improvements to First Street and is suggesting that the applicant sign a Waiver of Remonstrance and a Delayed Development Agreement that will address the improvements to First Street. Staff will encourage modification to the designed First Streetscape project, so that is can be extended one additional block and include this property as part of the improvement district. Staff will recommend that the Planning Commission delay the required improvements to First Street to either when the formal First Streetscape project is underway, or at a time that the City determines in the event that the Streetscape project is not completed. Staff will suggest that a waiver of remonstrance and delayed development agreement be addressed as a condition of approval.

Section 5.050.040 - Conditional Uses

I. Micro-breweries and wineries

G. Light Manufacture, assembly, and packaging.

FINDING A-25: As indicated on the application submitted by the applicant, the proposed use is an expansion of a wine-tasting business to a brewery and public house. The use is allowed conditionally in the Central Business Commercial district. Criterion met.

Section 5.050.050 Development Standards:

The following table specifies Central Business Commercial development standards applicable to this application.

Central Business Commercial – Sub district 2	**Standard**	**Proposal**	**Meets Requirements**
Lot Size	*No minimum, one City block maximum*	Existing lot	Yes, existing lot.

Setbacks	***Front 10** feet maximum* ***Side Yard:** no minimum /maximum.* ***Rear Yard:** No minimum/maximum.*	Existing building, no change in footprint.	Existing building.
Building Height	*55 ft. maximum*	Existing building 24±	Yes
Building Orientation	*New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance.*	Existing building is oriented towards Laughlin Street.	Yes
Pedestrian Access	*All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with sub-section 5.050.060{C}: Pedestrian Walkways*	Detailed below.	Detailed below.
Off-Street Parking	*Manufacturing -8 employees & 4609 sf- .75spaces/each employee on the largest shift (min)—2.5 spaces/1,000 sf floor area (max). & Bicycle spaces @ .1 per 1000 sf floor area.* *Retail -2490 sf- 3.5(min) spaces per 1000 sf floor area—5 spaces/1,000 sf floor area (max). & Bicycle spaces @ .3 per 1000 sf floor area.* *Office -1168 sf- 3(min) spaces per 1000 sf floor area—4 spaces/1,000 sf floor area (max). & Bicycle spaces @ .5 per 1000 sf floor area.* If parking was required, the uses for this building would allow for a range of 19-30 automotive spaces and 3 bicycle spaces.	Building is located in the Parking Exempt Zone and applicant has proposed no off-street parking spaces. A bicycle rack is shown was provided on the site plan.	Automotive parking not required as the business is located in the parking exempt zone. However, any on-site parking will be required to meet the standards set forth in the ordinance.
Landscaping	*Detailed Below*	Detailed Below	Detailed Below

FINDING A-26: This proposal meets the development standards, or can, with conditions of approval.

Section 5.050.060 Design Standards:

Subsection C. Pedestrian Walkways. *Each developed site shall include pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry (ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.*

Section 10.040 Pedestrian Requirements:

Subsection B. Connectivity.

(3) *(a) The on-site pedestrian circulation system shall connect the sidewalk on adjacent street(s) to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.*

(b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.

(c) Walkways shall be as direct as possible and avoid unnecessary meandering.

(d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets and pedestrian facilities.

(e) Walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

FINDING A-27: A public pedestrian walkway is provided on Laughlin Street. No parking lot is planned or provided. If on-site parking is provided, a pedestrian access will be required from the parking area to the main entrance and meet the requirements as stated above. Criterion will be addressed as a condition of approval.

Section 6.010 Landscaping Standards:

6.010.030 General Provisions

Subsection B. Landscape Plans*; where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process.*

FINDING A-28: The "CBC" Central Business Commercial, Sub-district-2 states that no landscaping is required. If the applicant chooses to add landscaping it is required to be 100% irrigated. Criterion met. Irrigation requirement for possible landscaping installation will be addressed as a condition of approval.

Section 7.030.110 Refuse Collection *Where refuse collection is provided in, or adjacent to a parking area the following shall be required:*

Subsection A. Screening*. Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.*

FINDING A-29: The applicant has indicated on the site plan the location of the refuse collection. Details of the trash enclosure will be required to be provided to the planning staff. The screening will need to meet the requirements as stated above. Criterion will be addressed as a condition of approval.

Section 6.050 Access Management

Subsection 6.050.030 General Requirements

E. Emergency Access *all development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.*

FINDING A-30: The proposed project fronts a constructed street, a paved alley, and a partially constructed street. Emergency access can be provided from all sides of the building. This access meets the minimum width for emergency vehicles. All on-site vehicular aisles meet code required minimums and all for the safe and convenient access of emergency vehicles. This criterion is therefore met.

Section 6.060 Driveway and Entrance Standards

6.060.020 General Standards *No approach/entrance shall be built closer than 5 feet to any property line except as authorized below in Subsection 6.060.050: Shared Driveways. The length of driveways shall be designed to accommodate the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing up into the flow of traffic on a public street or causing unsafe conflicts with on-site circulation. In addition, driveways and entrances shall meet the following applicable requirements:*

FINDING A-31: The site plan shows no defined vehicular access to the property. If the applicant constructs a parking lot, additional staff review of the plans will be necessary and will include entrance standard requirements. Criterion will be addressed as a condition of approval.

CONCLUSION AND STAFF RECOMMENDATION:

Staff is recommending approval of this application with the suggested conditions listed below. The applicants have concerns of additional improvements that may be necessary with their development. Staff suggested that they make a request to the Planning Commission for a phased timeline to any improvements that may involve additional costs to the development. The Planning Commission may offer this as an option to the applicant if so desired.

IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:

1. All onsite and offsite improvements must be installed by the applicant in accordance with the Land Use Development Ordinance and the AWPA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
2. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
3. Prior to the issuance of a building permit, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department. The results of the

survey will determine if an industrial wastewater discharge permit is required. If a permit is required, there will need to be a method to meter this discharge. This is for compliance of the City's state mandated waste water pre-treatment program. General Ordinance #08-1292

4. Any onsite food cooking or heating of food requires that a grease trap be installed
5. A backflow assembly is required at the water meter. Details provided by the City water supervisor.
6. Storm is available in the alleyway. All roof drains on the building will need to be connected to the existing lateral and be removed from their connection to the sanitary sewer.
7. Prior to the start of any city utility connection work or required changes, the City requires that a pre-construction meeting be held with the applicant, the City Engineer, and the Development Inspector.
8. All materials and supplies must be stored within the structure. No outside storage of business materials or supplies will be allowed.
9. Details of the trash enclosure will be required to be provided to the planning staff and is required to meet the screening standards as set forth in the ordinance.
10. If additional lighting is planned for the site, a detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights.
11. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
12. All on-site areas of travel, parking and maneuvering are required to be a hard surface.
13. If on-site parking is provided, it will be required to meet the requirements as stated in Section 7.030 of the LUDO 98-1222. This will include a pedestrian access from the parking area to the main entrance.
14. If on-site parking is planned, it will be required to meet driveway entrance standards as well as access management standards as detailed in Section 6.060 and Section 6.050 of the LUDO 98-1222.
15. If any landscaping is planned, a detailed landscape plan will be required to be submitted. Details of the irrigation system with a backflow prevention device will need to be shown on a revised site plan. The backflow prevention device will need to be permitted through the City of The Dalles.
16. Property owner sign a Waiver of Remonstrance and a Delayed Development Agreement for First Street improvements. Improvements delayed to either when the formal First Streetscape project is underway (including this property in an amended design plan), or at a time that the City determines in the event that the Streetscape project is not completed.
17. Use of the alleyway for loading/unloading and maneuvering to the loading dock will be allowed and be required to meet the regulations as provided in General Ordinance 86-1078.
18. Signs will be applied for under a separate permit.
19. Any exterior modifications are required to meet historic design guidelines. Minor modifications are allowed to be reviewed and approved by the Planning Director and do not require a formal review by the Historic Landmarks Commission. If the

alterations exceed the definition of minor, they will be required to be reviewed by the Historic Landmarks Review.

20. All work in a commercial building is required to be permitted through Mid-Columbia Building Codes and completed by a licensed contractor. Painting is the only work that can be completed without a licensed contractor.

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

RECEIVED
MAY 22 2015
City of The Dalles Community Development Dept.

Date Filed 5/22/2015
File# CUP 175-15
Date Deemed Complete 5/22/2015
Hearing Date 06/04/2015
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

APPLICANT

Name Defiance Brewing Co.

Address 208 Laughlin St., The Dalles, Or 97058

Telephone # 541-993-4640

LEGAL OWNER (If Different than Applicant)

Name Aaron & Kelley Lee

Address 400 E 8th St., The Dalles, Or 97058

Telephone # 541-993-4640

E-mail address: aaronlee46@charter.net

PROPERTY INFORMATION

Address 208 Laughlin St., The Dalles, Or 97058
Map and Tax Lot 1N 13E 3AC 500

Size of Development Site .62 acres

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

Comprehensive Plan Designation CBC Geohazard Zone: non

PROJECT INFORMATION

☐ New Construction ☒ Expansion/Alteration ☑ Change of Use ☐ Amend Approved Plan

Current Use of Property: Site is currently being operated as a production winery and tasting room with additional space being leased out for storage.

Proposed Use of Property: Change of usage from Winery/Tasting Room to Brewery/Winery/Public House.

OVER →

Briefly Explain the Project:

Project Description

Defiance Brewery is a Columbia River Gorge based brewery specializing in wholesale distribution of handcrafted ales and lagers. Defiance will also operate a public house in conjunction with the brewery, offering in-house retail sales of beer and a limited food menu. Defiance will provide a casual, friendly Pacific Northwest experience for customers to not only taste the latest seasonal or flagship ales and lagers, but also view the production of our beer. We aim to create a brewing facility where people can gather, tell stories, and laugh while dining and enjoying family, friends, neighbors and visitors.

At the same time, we will continue to produce wines under our current licensing as Maison de Glace Winery. Maison de Glace will function as a ghost entity that produces the house wine for the brewery under the Maison de Glace label.

The limited menu available in the taproom will consist of panini sandwiches, pizza and salads. There will be no fried food, deep fryers or greasy food of any kind. Our primary focus is on beer and wine production and sales.

Changes in the usage of the building at 208 Laughlin are minimal, as we have been using the building for 4 years as a winery production facility and tasting room. The business is certified by the Department of Agriculture.

- Room #1 which is currently our winery tasting room will continue to serve in that capacity as a taproom for the brewery. This room currently has a restroom and countertop space that meet ADA requirements.
- Room #2 previously served as retail space and will eventually become part of the taproom.
- Room #3 currently has 2 restrooms and a kitchen.
- Rooms #4 and #5 currently are used for winery production and barrel storage. These rooms will continue to serve as keg and barrel storage. No fermentation will occur in these rooms going forward.
- Room #6 is currently a wine fermentation room. It will become grain and hop storage for the brewery (bags of grain and hops).
- Room #7 is currently storage. This is the largest room in the former Ice House. This room will become the brew room where the 8-barrel brew house will be set up. It will be a electric brew house with 4 barrel fermenters. Total capacity is 270 gallon per fermenter.
- Room #8 is currently storage and will eventually become the business office. This room currently has a restroom.

OVER →

PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet): 9,991

PARKING INFORMATION

Total Number of Spaces Proposed: N/A

Square Footage of Parking Lot Landscaping Proposed: N/A

LANDSCAPING INFORMATION

Total Square Footage Landscaping Proposed: N/A Percent of Landscaping Irrigated: N/A

ECONOMIC DEVELOPMENT INFORMATION

☑ Proposed Project is located in the Enterprise Zone

____0_____ Full Time Equivalent (FTE) jobs are currently provided.

____6_____ FTE jobs are expected to be created by the proposed project.

Signature of Applicant

5/4/2015
Date

Signature of Property Owner* or Owners Agent

_____
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

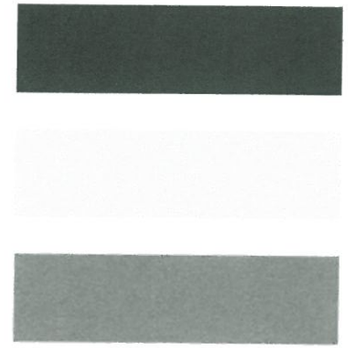
INFORMATION REQUIRED WITH APPLICATION

Defiance Brewery

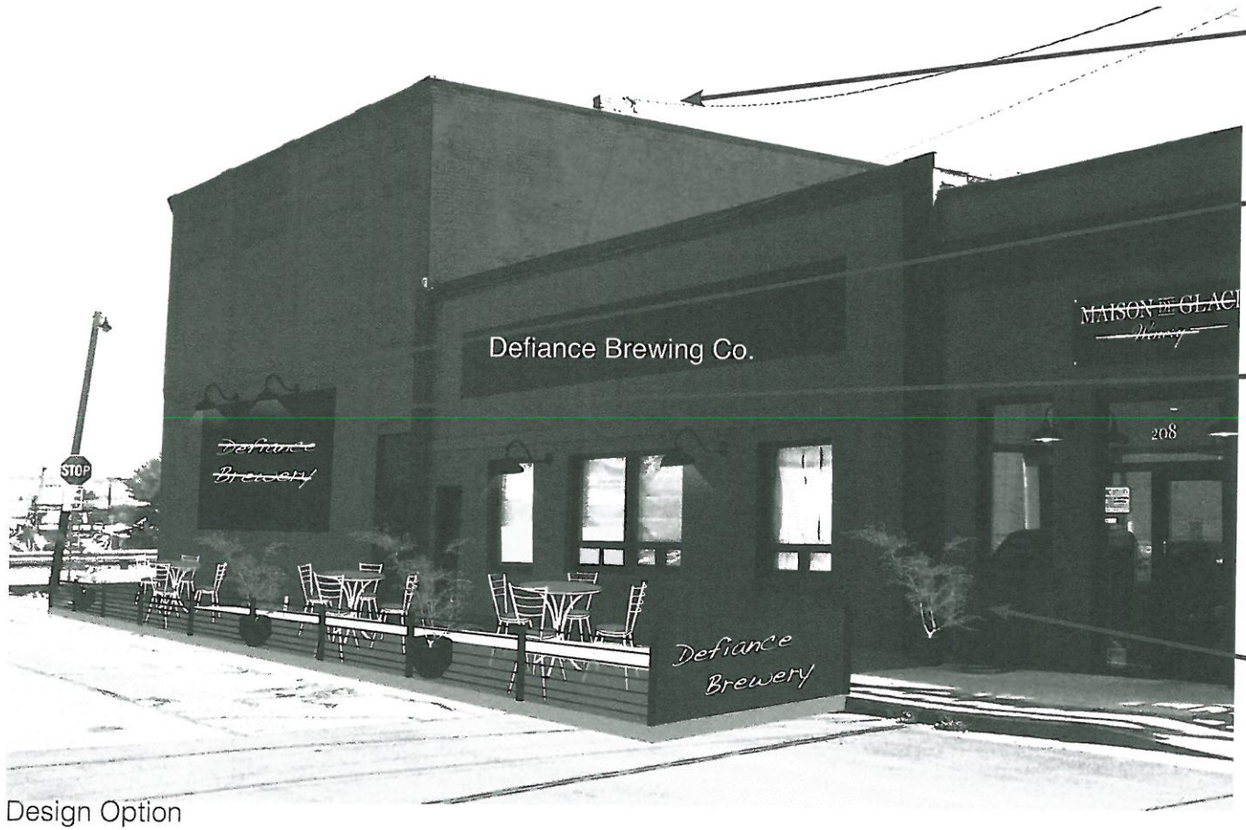
The Dalles, Oregon

For Illustration purposes only. Defiance Brewing Co. would be painted on building.

Existing Building



Color Scheme



Ice House painted maroon.

Additional exterior lighting added to building.

Signage added to building.

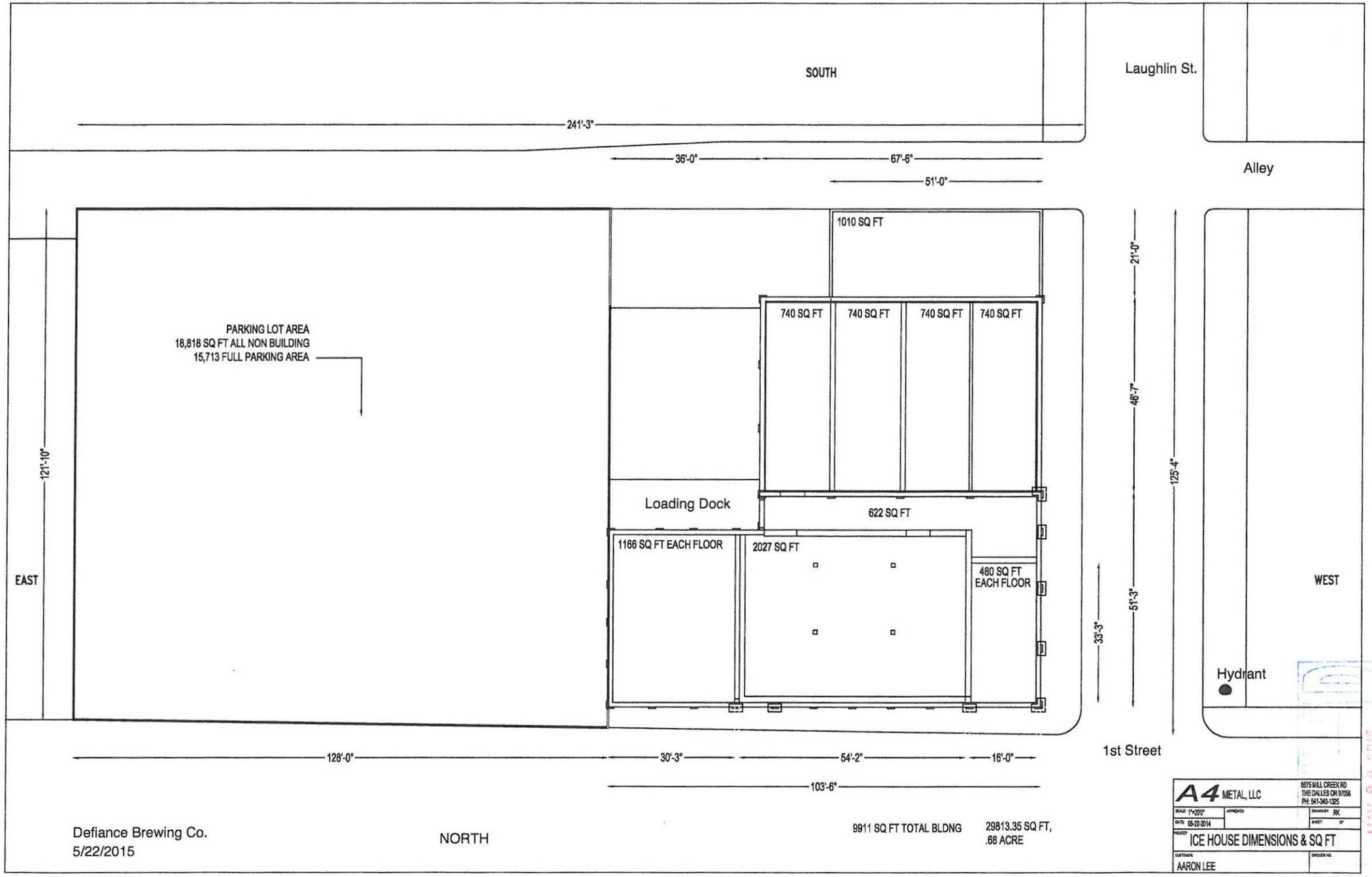
Parklet added to sidewalk with signage.

Foliage added to sidewalk.

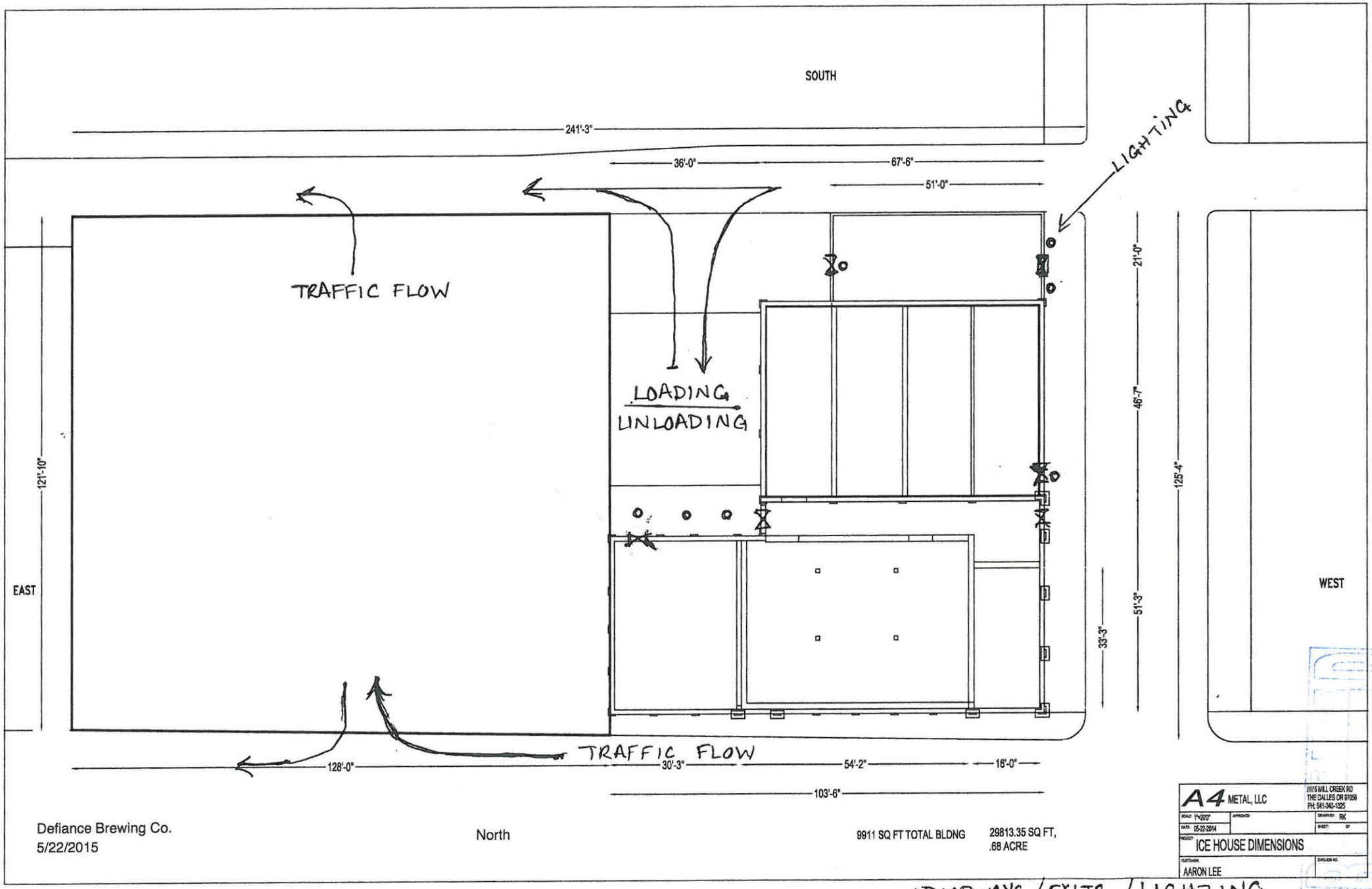
Design Option

Provided by MainStreet as possible option.

RECEIVED
MAY 22 2015
City of The Dalles Community Development Dept.

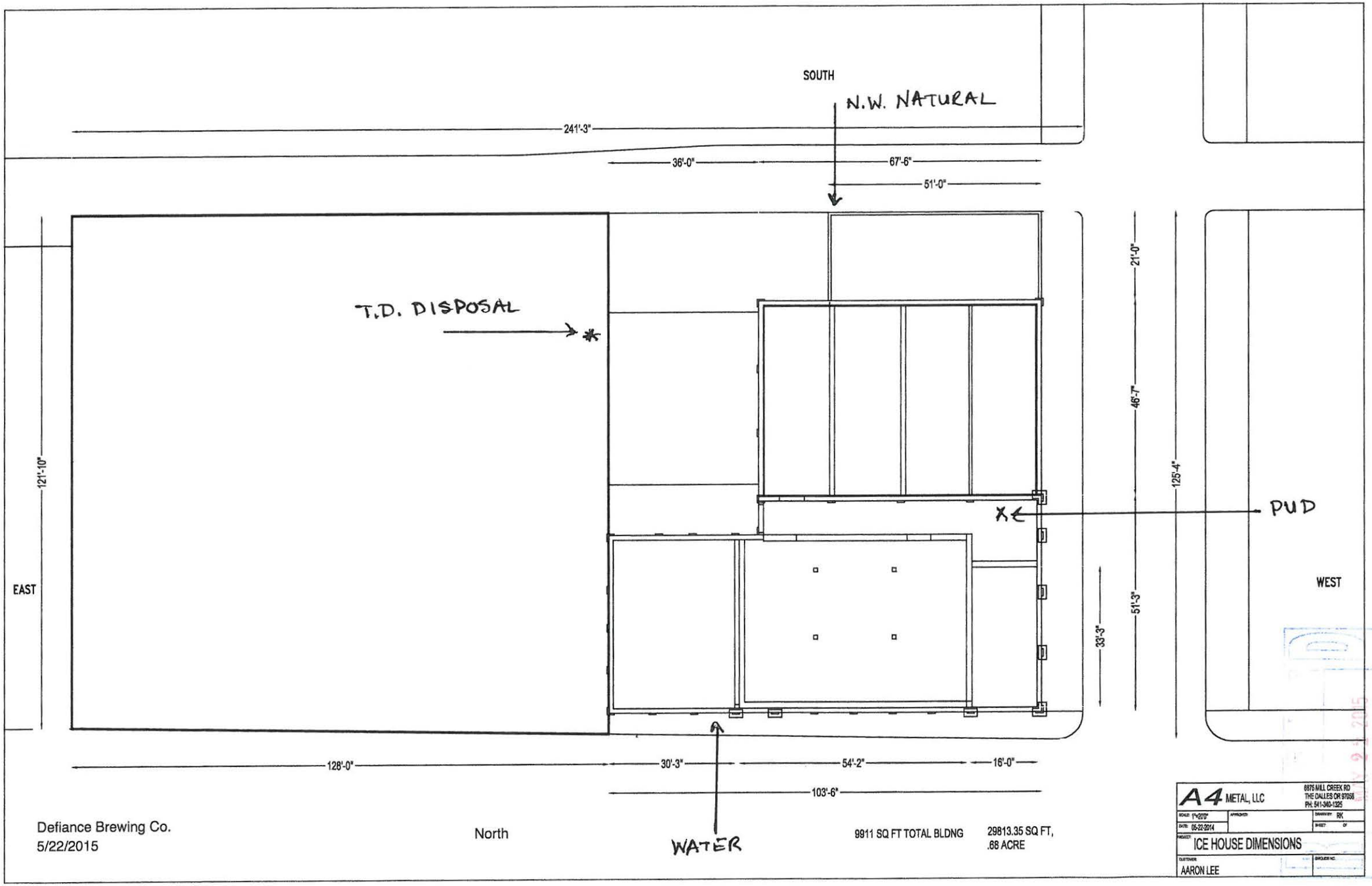


Defiance Brewing Co.
5/22/2015



Defiance Brewing Co.
5/22/2015

*DOORWAYS / EXITS / LIGHTING

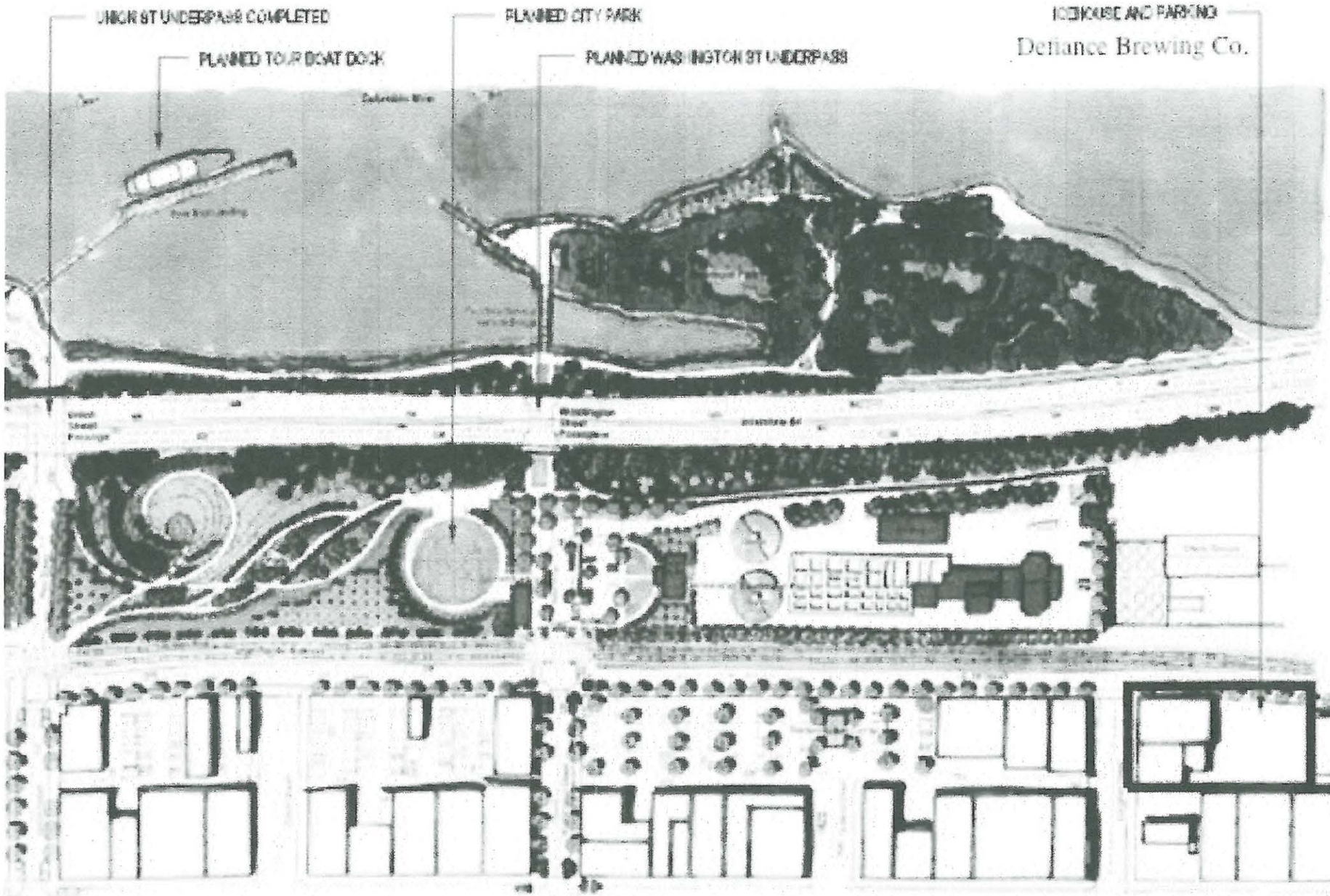


Defiance Brewing Co.
5/22/2015

North

9911 SQ FT TOTAL BLDNG

29813.35 SQ FT,
.68 ACRE



Defiance Brewing Co.
5/22/2015

N

Illustrative Plan

MAY 22 2015

RESOLUTION NO. P.C. 543-15

Adopting Conditional Use Permit Application #175-15 of Defiance Brewery to gain approval to establish a new brewery as an addition to an existing business. The property is located at 208 Laughlin Street, The Dalles, Oregon, and is further described as Township 1 North, Range 13 East, Map 3 AC, tax lot 500. Property is zoned "CBC" – Central Business Commercial District.

I. RECITALS:

A. The Planning Commission of the City of The Dalles has on June 4, 2015 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 #175-15 and the minutes of the June 4, 2015 Planning Commission meeting, upon approval, provide 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 #175-15 is hereby approved with the following conditions of approval:

1. All onsite and offsite improvements must be installed by the applicant in accordance with the Land Use Development Ordinance and the AWPA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
2. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
3. Prior to the issuance of a building permit, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department. The results of the survey will determine if an industrial wastewater discharge permit is required. If a permit is required, there will need to be a method to meter this discharge. This is for compliance of the City's state mandated waste water pre-treatment program. General Ordinance #08-1292
4. Any onsite food cooking or heating of food requires that a grease trap be installed
5. A backflow assembly is required at the water meter. Details provided by the City water supervisor.
6. Storm is available in the alleyway. All roof drains on the building will need to be connected to the existing lateral and be removed from their connection to the sanitary sewer.
7. Prior to the start of any city utility connection work or required changes, the City requires that a pre-construction meeting be held with the applicant, the City Engineer, and the Development Inspector.
8. All materials and supplies must be stored within the structure. No outside storage of business materials or supplies will be allowed.

9. Details of the trash enclosure will be required to be provided to the planning staff and is required to meet the screening standards as set forth in the ordinance.
10. If additional lighting is planned for the site, a detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights.
11. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
12. All on-site areas of travel, parking and maneuvering are required to be a hard surface.
13. If on-site parking is provided, it will be required to meet the requirements as stated in Section 7.030 of the LUDO 98-1222. This will include a pedestrian access from the parking area to the main entrance.
14. If on-site parking is planned, it will be required to meet driveway entrance standards as well as access management standards as detailed in Section 6.060 and Section 6.050 of the LUDO 98-1222.
15. If any landscaping is planned, a detailed landscape plan will be required to be submitted. Details of the irrigation system with a backflow prevention device will need to be shown on a revised site plan. The backflow prevention device will need to be permitted through the City of The Dalles.
16. Property owner sign a Waiver of Remonstrance and a Delayed Development Agreement for First Street improvements. Improvements delayed to either when the formal First Streetscape project is underway (including this property in an amended design plan), or at a time that the City determines in the event that the Streetscape project is not completed.
17. Use of the alleyway for loading/unloading and maneuvering to the loading dock will be allowed and be required to meet the regulations as provided in General Ordinance 86-1078.
18. Signs will be applied for under a separate permit.
19. Any exterior modifications are required to meet historic design guidelines. Minor modifications are allowed to be reviewed and approved by the Planning Director and do not require a formal review by the Historic Landmarks Commission. If the alterations exceed the definition of minor, they will be required to be reviewed by the Historic Landmarks Review.
20. All work in a commercial building is required to be permitted through Mid-Columbia Building Codes and completed by a licensed contractor. Painting is the only work that can be completed without a licensed contractor.

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 4th DAY OF JUNE, 2015.

_____

Bruce Lavier, Chairman
Planning Commission

I, Richard Gassman, Planning 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 4th day of June, 2015.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: _____

Richard Gassman, Planning Director
City of The Dalles