



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
PLANNING DEPARTMENT

**MINUTES**  
**CITY OF THE DALLES PLANNING COMMISSION**

CITY HALL COUNCIL CHAMBERS  
313 COURT SREET

THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

**THURSDAY, FEBRUARY 2, 2017**

**5:30 P.M.**

**I. CALL TO ORDER**

**II. ROLL CALL:**

**In Attendance:**

**Commission Chair:** Bruce Lavier

**Commissioners:** Sherry DuFault (5:55p), John Nelson, Mark Poppoff (5:55p), Steve Ross, Jeff Stiles, Chris Zukin (5:55p)

**Staff:** City Attorney Parker, Planning Director Harris, and Senior Planner Hert

**III. APPROVAL OF AGENDA**

Commissioner Nelson moved to approve the agenda as written. Commissioner Stiles seconded the motion and the agenda was unanimously approved by the Commission.

**IV. ELECTION OF OFFICERS**

Chair Lavier asked if the Commission should move the agenda item due to the lack of present commissioners. Planning Director Harris concurred that it might be prudent to delay the vote in case more commissioners arrived during the meeting.

**V. APPROVAL OF MINUTES**

Commissioner Stiles indicated he had arrived at the previous meeting at 5:45p, not 6:15p. Commissioner Nelson moved to approve the amended minutes and Commissioner Stiles seconded the motion. The minutes were unanimously approved by the Planning Commission.

**VI. PUBLIC COMMENT – *Items not on the agenda***

Chair Lavier asked if there were any public comments for items not listed on the agenda. There were none.

**VII. QUASI-JUDICIAL PUBLIC HEARINGS**

Chair Lavier read the rules for quasi-judicial hearing, and asked the Commission if they had any conflicting interests in the matter to be heard. The Commissioners indicated they did not have any conflicting interests; there were no challenges from the public.

**CONDITIONAL USE PERMIT 184-17 – Luke Tanner and Edward Sohler, Jr.**

Senior Planner Hert introduced the Conditional Use Application and cited the conditions of approval. She indicated that the proposed use was less intense than the previous use of the property (automotive repair). With this and the conditions in mind, the staff recommended approval pending the applicants' ability to meet the paved parking requirement. She requested the Commission make a judgement on that condition, and indicated that although the client had only submitted concept drawings, if approved, they would be submitting professional plans for Site Plan approval. Senior Planner Hert also mentioned the applicants' willingness to work with staff to meet conditions and be in compliance with the code. She mentioned that some of the issues with parking improvements were with the property owner.

Commissioner Stiles asked for clarification that the building would only be used for wholesale and production, not retail. Senior Planner Hert said that it was only a wholesale and production facility with no future plans for retail use.

Commissioner Nelson asked about the hard surface requirements for parking. Senior Planner Hert said that all parking and maneuvering space for the building needed to be hard surface. The applicants were proposing to put all of the parking in front of Building #15 (Referenced in Exhibit 3). The applicants were then proposing a marked, gravel pedestrian walkway to be installed from Building #15 to Building #18. This was to abide by the owners' wishes to keep the majority of the area gravel for maneuvering large construction equipment.

Commissioner Nelson asked how a walkway would work with current condition of gravel and obvious puddles and ruts. Senior Planner Hert indicated that the employee path only needed to be marked.

Based on several Commissioners' concerns that the applicant would utilize the gravel area for traffic, Senior Planner Hert indicated that any deviation from the approved Site Plan would be subject to the Code Enforcement process.

Commissioner Zukin asked for clarification that although there was currently product in Building #15, there was not product in Building #18. Senior Planner Hert confirmed that the first building was in use for medical marijuana production. The City of The Dalles had not chosen to proceed with code enforcement because the regulations and zoning for the industry had not been in place when the applicant began production.

Chair Lavier asked if there was anyone to speak in favor of the application.

**Proponent**

**Edward Sohler, Jr., 1378 Golden Mantle, Terrebonne, Oregon 97760**

Mr. Sohler expressed to the Planning Commission that he had been regularly attending meetings on marijuana regulation in order to keep in compliance with any enacted laws. He also said that he was being mindful of the property owner's wishes and would try and balance those with the Planning Commission's decision. The owner, Bud Brace, wished to keep a majority of the property unpaved to maneuver machinery.

Chair Lavier said that the main idea is that the applicant be committed to working with staff to come to a solution.

Commissioner Nelson expressed a concern that the pedestrian walkway between the two buildings would not be maintained based on the current condition of the driveway.

**Proponent**

**Luke Tanner, 1105 29th Street, Hood River, Oregon 97031**

The applicant expressed a wish to comply with the LUDO standards. He added that the pedestrian walkway would be marked with railroad ties and that he personally would ensure that the driveway would be maintained regularly. In response to the commission questions, he described how the product would be moved from building to building. He added that per State regulations the movement of product would be minimal based on the amount of tracking needed for each plant.

The applicants entered two exhibits into the record. An amended site plan (Exhibit 1) and a letter from the property owner Bud Brace (Exhibit 2).

Chair Lavier closed the Public Hearing and opened discussion among the Commission.

Commissioners Stiles and Nelson wished to see professional site plans from the applicant before making a decision. Commissioner Poppoff believed their submission was sufficient. Commissioner Zukin added that he wished for the applicant to be in complete compliance with the LUDO and their premature occupancy of the building and property that did not fit the guidelines was a "self-made hardship."

Chair Lavier asked if it was within the Commission's purview to ask for a formal drawing. Senior Planner Hert said that the intent of the concept plan being allowed was to lessen the financial costs for applicants who were denied. City Attorney Parker asked for a brief recess to review the wording of the LUDO referring to concept plans. Chair Lavier called for a ten minute recess.

Planning Director Harris resumed the meeting by giving the Commission options to proceed. If they believed that the concept plans and information given by the applicants was enough to make a decision, they could vote for or against the application. If they believed the information to be insufficient they could require the applicant to provide a professional set of plans, either in a continued hearing or as part of the Site Plan approval process.

The Commission discussed the parking as the main issue with the permit. Commissioners DuFault, Zukin, and Stiles all expressed concern with the current state of the property and an issue with believing that the maintenance would occur.

Chair Lavier and Commissioner Poppoff both expressed similar stances that the property would be improved and the Commission was impeding business.

Commissioner Nelson made a motion to approve the application according to finding and staff recommendations. The motion was seconded by Commissioner Ross. The Commission approved the application (5-2). Chair Lavier, Commissioners Nelson, Poppoff, DuFault and Ross were in favor. Commissioners Zukin and Stiles were opposed.

#### **VIII. RESOLUTIONS**

Nelson motioned to approve the resolution. This motion was seconded by Poppoff. The Commission approved the application (4-3). Chair Lavier, Nelson, Poppoff and Ross were in favor. Zukin, DuFault, and Stiles were opposed.

#### **IX. STAFF COMMENTS**

City Engineer McCabe reminded the Commission of the joint City Council and Planning Commission meeting the next Monday at 5:30. They would be discussing the TSP. Kittleson and Associates would be coming to present.

The Commission discussed keeping the time change and agreed to keep the meeting at 5:30p.

Planning Director Harris formally welcomed Steve Ross to the Commission.

Planning Director Harris announced an APA conference in Hood River and noted that there were enough funds in the Planning Commission budget for two or three Commissioners wishing to attend.

Planning Director Harris added that the next meeting would be a discussion of several marijuana ordinance changes that the City Council was wishing to be reconsidered or changed. The meeting would be a work session with no other business items at the moment.

#### **X. COMMISSIONER COMMENTS**

Commissioner Zukin informed the Planning Commission that he had sold his home within the city limits, and therefore would be resigning from the Commission as soon as the sale was final, he believed sometime in March.

#### **XI. ELECTION OF OFFICERS**

Lavier was nominated. Nominations were closed. Stiles motioned for Lavier to be elected Chair of the Planning Commission. Poppoff seconded the motion. The motion carried unanimously.

Commissioner Nelson was nominated for Vice Chair. The nominations were closed. Commissioner Zukin motioned to elect Commissioner Nelson. Commissioner DuFault seconded the motion. The motion carried unanimously.

#### **XII. NEXT SCHEDULED MEETING: February 16, 2017**

**XIII. ADJOURNMENT**

Respectfully submitted by Planning Secretary Paula Webb.

  
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Bruce Lavier, Chairman