



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 simplified 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

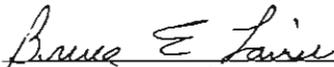
NEXT MEETING:

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.