



**CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, June 4, 2015**

City Hall Council Chambers

313 Court Street

The Dalles, OR 97058

*Conducted in a handicap accessible room*

6:00 PM

**CALL TO ORDER:**

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

**COMMISSION MEMBERS PRESENT:**

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

**COMMISSION MEMBERS ABSENT:**

\*Mark Poppoff, Dennis Whitehouse

**STAFF MEMBERS PRESENT:**

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

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

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

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

**PUBLIC COMMENT:**

None.

**QUASI-JUDICIAL HEARING:**

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

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

Chair Lavier opened the public hearing.

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

\*Poppoff joined the meeting at 6:12 PM.

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

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

### **Proponents**

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

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

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

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

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

### **Opponents**

None.

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

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

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

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

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

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

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

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

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

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

Chair Lavier closed the public hearing.

### **Discussion**

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

### **RESOLUTION**

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

**STAFF COMMENTS:**

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

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

**COMMISSIONER COMMENTS:**

None.

**NEXT MEETING:**

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

**ADJOURNMENT:**

Chair Lavier adjourned the meeting at 7:21 PM.

Respectfully submitted by Associate Planner Nick Kraemer.



Bruce Lavier, Chairman

Dennis Whitehouse  
Vice Chairman