



**AGENDA**  
**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:**

**Commission Chair:** Bruce Lavier

**Commissioners:** Sherry DuFault, John Nelson, Mark Poppoff, Steve Ross, Jeff Stiles,  
Chris Zukin

**III. APPROVAL OF AGENDA**

**IV. ELECTION OF OFFICERS**

**V. APPROVAL OF MINUTES:** January 5, 2017

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

**VII. QUASI-JUDICIAL PUBLIC HEARINGS**

**i. APPLICATION NUMBER: CUP 184-17 LUKE TANNER**

**REQUEST:** To change the use of an existing building to allow for use as a Recreational Marijuana Producer, Processor and Wholesaler.

**LOCATION** The property is located at 1119 W 2<sup>nd</sup> Street and is further described as 2N 13E 33DC t.l. 400: Property is zoned "CLI" – Commercial Light Industrial District.

**VIII. RESOLUTIONS:**

**560-17:** CUP 184-17 Luke Tanner

**IX. STAFF COMMENTS**

Next scheduled meeting: February 16, 2017

**X. COMMISSIONER COMMENTS OR QUESTIONS**

**XI. ADJOURNMENT**





## 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, JANUARY 5, 2017**

**5:30 P.M.**

## I. CALL TO ORDER

## II. ROLL CALL:

### In Attendance:

**Commission Chair:** Bruce Lavier

**Commissioners:** John Nelson, Mark Poppoff, Jeff Stiles (arrived 6:15p.m.), Chris Zukin

**Staff:** City Attorney Parker, Planning Director Harris, Senior Planner Hert, Associate Planner Kraemer, and HR Director Hunter.

### Absent:

Commissioner Sherry DuFault

## III. APPROVAL OF AGENDA

Commissioner Nelson motioned to approve the agenda as written. Commissioner Poppoff seconded the motion and it was unanimously approved. DuFault absent.

## IV. APPROVAL OF MINUTES: October 6, 2016 and December 1, 2016

Commissioner Zukin motioned to approve the minutes as written. Commissioner Nelson seconded the motion and it was carried unanimously by the Commission. DuFault absent.

## V. PUBLIC COMMENT: *Items not on the agenda*

There were no public comments.

## VI. QUASI-JUDICIAL PUBLIC HEARINGS

Chair Lavier read the rules for Quasi-Judicial Hearings and noted that the current hearing was continued due to the absence of City Attorney Parker and Senior Planner Hert during the last meeting.

The Commission asked for clarification about the decision at hand. Senior Planner Hert and Planning Director Harris reiterated that based on the City Council's decision the use of the property was allowed conditionally in the zoning and the only deviation in the application from Getty Pollard was in the landscaping guidelines. Pollard was asking for a delay for compliance based on security concerns.

The concern from several members of the Commission was that they would be setting a precedent for other conditions to be delayed for up to two years.

City Attorney Parker noted that there was very little to justify the deviation. He suggested that the applicant work with the Planning Department to meet the requirements.

Mr. Pollard agreed to meet the requirements for the landscaping.

The Commission decided to address the issue further by adding the wording “and general” to the current landscaping condition.

Pollard asked when implementation of the landscaping would need to occur. The Commission agreed that immediate implementation was not feasible and a timely installation during the summer months would suffice.

Commissioner Zukin wished to address the issue of odor control further and inquired about the power of the Commission to enforce more stringent filtration if odor became an issue during production.

Senior Planner Hert responded by saying that there were additional State standards the facility had to follow and it would be up to those inspectors to make a determination.

Commissioner Zukin asked if a surety bond would be appropriate. City Attorney Parker said that a bond would not be appropriate and the Commission would not have any power to require more filtration. Associate Planner Kraemer noted that the Commission could pursue further action through the code enforcement process.

The public hearing was closed. The Commission discussed whether or not the landscaping and security issue had been fully addressed. Commissioner Nelson motioned to approve the application based on the applicant working with the Planning Department to comply with landscaping conditions and by adding “and general” to the #10 of the Conditions of Approval to ensure full compliance to the intent of the condition. Poppoff seconded the motion. The Commission voted to approve the application with 3-0-2; with Lavier, Nelson, and Poppoff in favor, and Zukin and Stiles opposed. DuFault absent.

## **VII. RESOLUTIONS:**

**558-16:** MIP 330-16 & ADJ 16-024 Bishop & Blum

Zukin moved to approve the application. Nelson seconded and the Commission unanimously approved the resolution. DuFault absent.

**559:16:** CUP 183-16 Pollard Pollard

Nelson motioned to approve the resolution with the aforementioned changes to the Condition #10 if the Conditions of Approval. Poppoff seconded and the Commission approved the resolution 3-0-2 with Lavier, Nelson, and Poppoff in favor, and Zukin and Stiles opposed. DuFault absent.

## VIII. PRESENTATIONS:

a) **Scoping for Gorge 2020 Management Plan Update and Review:  
A Presentation of the Process**

Presented by Krystyna U. Wolniakowski, *Executive Director*  
Columbia River Gorge Commission

Wolniakowski prefaced with an overview of the processes occurring to complete a Gorge Management Plan by 2020. The current management plan had been created over thirty years ago with updates made in 2004. She emphasized the importance of including local governing bodies and citizens in the process and plans, placing particular importance on working with area Planning Departments, directors, and staff. The Gorge Commission will be holding public forums to take public opinion and help inform Gorge residents of the Management Plan update process. Commissioner Stiles asked how much impact public opinion would have on the plan. Wolniakowski said their responsibilities to the Scenic Act are clear, and they understand that some decisions will always make some people upset, but they want to do their best to make sure that residents feel like their opinions are being heard and act in the best way to support overall public opinion.

In response to a questions posed by Commissioner Lavier on the Urban Growth Boundary and how that will be effected by the final plan, Wolniakowski said that the process included a more thorough detailing of the legal descriptions of the border lands than had been previously completed.. As a follow-up, Commissioner Nelson asked if major and minor amendments to the Urban Exempt area would be defined during the Management Plan process; Wolniakowski said that it would.

b) **Housing and Residential Land Needs Assessment: Status Update**

Presented by Brendan Buckley, *Senior Project Manager*  
Johnson Economics, LLC

c) **Buildable Lands Inventory: Status Update**

Presented by Matt Hastie, *Project Manager*  
Angelo Planning Group

Brenden Buckley and Matt Hastie presented on the Housing and Residential Needs Assessment and Buildable Lands Inventory. As this was not a final draft of either survey, they wanted to convey a broad overview of the information gathered thus far to the Commission. Please see attached Exhibit A for PowerPoint presentation shown during the meeting.

Overall, the Housing Needs assessment showed that The Dalles needed an overall growth of every type of housing over the next twenty years, but specifically had a need for additional homes for ownership at higher-price points and additional rentals for mid-to-low income families. Based on the survey there was a need for a total of 1,769 new units, equating to a need for 232.5 net acres for the growth.

To meet these needs they next discussed the Buildable Lands Inventory. The presenters addressed their methods and talked about some of the limitations of the

survey such as large amounts of sloped land and large parcels that could only be partially counted. As this was a draft of the final presentation, they were open to comments or suggestions on their methods. Senior Planner Hert and Associate Planner Kraemer added that they had a few issues with the methodology including the projected density in High Density Residential versus current usage and political climate. They also were concerned that the represented Hispanic population was too low and would cause an underestimation of need. The presenters said that they were tied by varying State guidelines for the surveys, but the issues could be addressed by changes to the zoning ordinances.

**IX. STAFF COMMENTS**

Planning Director Harris noted that he would be adding a budgetary agenda item to the next meeting, along with the marijuana growth site application slated for the 19<sup>th</sup>.

**X. COMMISSIONER COMMENTS OR QUESTIONS**

Chair Lavier wished to move the Next Meeting agenda time to the staff comments.

**XI. NEXT SCHEDULED MEETING:** January 19<sup>th</sup>, 2017

**XII. ADJOURNMENT**

Respectfully submitted by Planning Secretary Jamie Jensen.

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Bruce Lavier, Chairman

# City of The Dalles

## STAFF REPORT

Conditional Use Permit No. 184-17

Luke Tanner & Edward Sohler Jr.

Prepared by: Dawn Marie Hert, Senior Planner

Procedure Type: Quasi-Judicial

Hearing Date: February 2, 2017

Assessor's Map: Township 2 North, Range 13 East, Map 33 DC

Tax Lot: 400

Address: 1119 West 2<sup>nd</sup> Street

Comprehensive Plan Designation: "CLF" Commercial Light Industrial

Zoning District: "CLF" Commercial Light Industrial

Request: The applicant is requesting to change the use of an existing building to allow for use as a Recreational Marijuana Producer, Processor and Wholesaler.

### **BACKGROUND INFORMATION**

Luke Tanner and Edward Sohler, Jr. are applying to change the use of the former automotive repair shop and storage building to a recreational marijuana grow and processing site. The Land Use and Development Ordinance requires marijuana producing, processing and wholesaling applications be reviewed as a Conditional Use Permit.

The applicants have submitted a hand-drawn site plan showing the entire mixed-use site which includes three (3) separate buildings. Two existing buildings will be used for the growing operations and the one remaining building will continue to be used as automotive repair. The site plan includes details about the parking and proposed landscaping. Due to the site being currently built out, the property owner and the applicants are requesting that the installation of pavement for the maneuvering and parking areas not be required. The request will be detailed in the findings.

## NOTIFICATION

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

## COMMENTS RECEIVED

No comments were received as of the date this report was written.

**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 December 21, 2016. The 120-day State mandated decision deadline is April 20, 2017.

#### 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 per Section 5.070.030 B. The decision criteria listed in this ordinance section is addressed in the body of this staff report. The hearing is a quasi-judicial hearing. Criterion met.

*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. Criterion met.

*Subsection C. Public Hearings. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.*

**FINDING A-4:** The public hearing is scheduled for February 2, 2017, which is within 45 days from the date the application was deemed complete. Criterion met.

*Subsection D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notices shall be mailed to property owners within 300 feet of the property.*

**FINDING A-5:** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on January 18, 2017. Criterion met.

### **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 Section 3.030: Site Plan Review.*

**FINDING A-6:** The preliminary plans have been submitted, the applicant intends to provide professional plans once the Conditional Use Permit is reviewed and approved by the Planning Commission. Criterion will be addressed as a condition of approval.

### **Section 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 is permitted conditionally in the Commercial Light Industrial zoning district.

*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:** Section 5.070.040 sets out the development standards for the Commercial Light Industrial zoning district. The applicant's plans show that all development standards will be met except for the hard surfacing for all maneuvering areas. Criterion will be addressed as a condition of approval.

*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:** The proposed use will be inside the existing buildings. 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 applicant has not provided the lighting plan for the site, but is willing to provide a photometric plan indicating lighting levels at the property line. Criterion can be met 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 be using some of the listed items that cause odors. However, with the additional filtration as required for the marijuana use, the applicant is confident that the odors will be confined to the subject property. 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:** Staff is unaware if the equipment for the proposed processing, producing and wholesaling operation could cause a 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:** The new business will be accessed via an existing paved shared driveway on 2<sup>nd</sup> Street. 2<sup>nd</sup> Street is classified as an Arterial street. The street capacity is capable of supporting the transportation impacts generated by the use change. Staff has determined that the proposed use is actually less intense than the previous use as an automotive repair business and storage building.

The applicant has shown the general location of the proposed parking area and does not anticipate that parking to be an issue due to the minimal traffic generated with the grow operation. The proposed existing parking will adequately serve as employee parking for the proposed grow and processing. There is no on-street parking available adjacent to the property.

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 proposed use is not located in a historic district or structure. Criterion does not apply.

**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, sanitary sewer, storm sewer and streets. This site is currently served by city water and has an on-site septic system. The Dalles Public Works Department has verified this information.

**C. Arrangement of Site Elements.**

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

**FINDING A-18:** This portion of 2<sup>nd</sup> Street does not currently have a public sidewalk. Pedestrian, bicycle and vehicular safety and welfare are promoted by the on-site parking and access meeting the requirements as set forth in the ordinance. Pedestrian walkways will be required to be added from the parking areas to the grow operations. The access will be required to be visible to ensure pedestrian safety. Criterion will be addressed as a condition of approval.

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

**FINDING A-19:** There are no known amenities or significant natural features that exist on this property. Criterion does not apply.

3. *Avoid traffic congestion.*

**FINDING A-20:** The applicant is proposing adequate parking for the uses. The anticipated traffic to the site is minimal for deliveries and employees. Criterion met.

4. *Minimize potential adverse impacts on surrounding properties.*

**FINDING A-21:** 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 parking areas and the buildings is not shown on the site plan. Lighting is not allowed to illuminate adjoining properties. 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:** The detailed construction/design plans for all improvements located within the proposed development site shall be approved by the City Engineer prior to construction. 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:** The subject property fronts 2<sup>nd</sup> Street and the I-84 off-ramp. No sidewalk exists along the street frontage and staff has determined that due to the off-ramp and topography installation of a sidewalk would not be advisable at this time. A waiver of remonstrance will be required for future 2<sup>nd</sup> Street right-of-way improvements. This will be addressed as a condition of approval.

### **Section 5.070.030 Conditional Uses**

*Section B. The production, processing, storage, and wholesaling of recreational marijuana,*

*subject to the following additional provisions:*

1. *Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.*
2. *A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.*
  - a. *The system shall consist of one or more fans and filters.*
  - b. *At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).*
  - c. *The filter(s) shall be rated for the required CFM.*
  - d. *The filtration system shall be maintained in working order and shall be in use.*
  - e. *An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*
3. *The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.*
4. *The recreational marijuana production, processing, storage, or wholesaling business must be located more than 1,000 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).*

**FINDING A-25:** As indicated on the application submitted by the applicant, the proposed use is for marijuana production, processing and wholesaling. The building is not a greenhouse; fans and a filtration system will be installed to meet City regulations; once approved, the City will sign off on the state’s licensing; and the location of this site is more than 1,000 feet from a school. Criterion met for building type, and distance from a school. Criterion can be met for the filtration and licensing and will be addressed as a condition of approval.

**Section 5.070.040 Development Standards**

The following table specifies Commercial Light Industrial development standards applicable to this application.

| <b>Commercial Light Industrial</b> | <b>Standard</b>  | <b>Proposal</b>   | <b>Meets Requirements</b>   |
|------------------------------------|--|---|---|
| Lot Size                           | <i>10,000 sq. ft. minimum</i>  | Existing lot  | Yes, existing lot.  |
| Setbacks                           | <b>Front and Side Yard:</b> <i>None, except 10 ft. on corner lots and 15 ft. where bordering a residential district.</i><br><b>Rear Yard:</b> <i>5 ft. minimum, 15 ft. min. where bordering a residential district..</i>   | Existing structures, meet the minimum setback requirements.   | Yes   |
| Building Height                    | <i>55 ft. maximum</i>  | Existing structures are less than 25 feet in height.  | Yes   |
| Building Orientation               | <i>New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance.</i>  | The existing building are oriented towards the street.  | Yes   |
| Pedestrian Access                  | <i>All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with sub-section 5.050.060{C}: Pedestrian Walkways</i>   | Detailed below.   | Detailed below.   |
| Off-Street Parking                 | <i>Processing/Manufacturing – .75 spaces per each employee on largest shift(min) to 2.5 spaces (max) per 1,000 sf and bicycle space at .1/1,000 sf.</i><br><br><i>New use allows a range of 3 to 15 spaces for the auto and 1 bicycle spaces based on 4 employees and a 5,770 sf building.</i> | A basic location for parking was indicated on the site plan no details on spaces.<br><br>The bicycle parking spaces are not shown on the site plan. | Automotive parking will need to be a minimum of 3 spaces, with one space being a van accessible, criterion can be met as a condition of approval.<br><br>Bicycle parking can be met with a condition of approval. |
| Landscaping                        | <i>Detailed Below</i>  | Detailed Below  | Detailed Below  |

**FINDING A-26:** This proposal can meet the development standards with conditions of approval.

### **Section 5.070.050 Design Standards**

**Subsection A. Exterior Elevations.** *Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.*

1. **Horizontal.** *At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.*
2. **Vertical.** *At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.*

**FINDING A-27:** The existing structures have very few architectural design features. The applicant will need to provide staff with additional information to ensure that the exterior elevations meet the design standards. 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 “CLF” Commercial Light Industrial zone requires that landscaping be 15% of the total footprint of all buildings. The total square footage of the two existing buildings is 5,770 square feet. Therefore, the minimum general landscaping requirement is 866 square feet. The applicant submitted plans for basic and parking lot landscaping totaling 2,510 square feet. A detailed landscaping plan will be required as a condition of approval.

### **Section 7.030 General Design Standards for Surface Parking Lots**

**7.030.020 Subsection A. Location.** *No vehicle parking spaces shall occupy any of the required setbacks unless the parking area is the only developed use of a legal lot of record and provided that all the other screening and landscaping requirements of this Ordinance have been met.*

**7.030.020 Subsection B. Surfacing.** *On site areas used for the parking and maneuvering of vehicles shall be surfaced with material approved by the City Engineer.*

**7.030.020 Subsection C. Striping.** *All parking spaces shall be striped.*

**FINDING A-29:** The parking locations shown on the concept site plan shows that the parking is not located within any required setback areas. Surfacing materials for all parking and maneuvering are required to be hard surface and meet the City Engineers approval. Criterion will be addressed as a condition of approval.

7.030.040 Subsection C. Interior Parking Lot Landscaping. In addition to buffer landscaping along public right-of-way (excluding alleys and accessways) and along interior lot lines where required, all surface parking lots greater than 6 spaces shall include landscaping to cover not less than 10% of the interior of the parking area in accordance with the following:

1. A planting strip bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 9' wide, to allow doors to open without damage, and a minimum of 180 square feet. Each bay shall be curbed, and planted with 1 approved tree having a clear trunk height of at least 9 feet when mature. Height of all plantings, other than trees, in planting bays is limited to 24 inches.
2. All trees shall be selected from a list of acceptable parking lot trees provided by the Director.
3. Trees shall not be placed within 10 feet of a public utility easement without prior approval of the City Engineer.
4. Parking area shall be separated by a 5 foot landscaped planting bed from all exterior walls that include no pedestrian entranceways or loading areas.
5. Driveways, accessways, and access drives into vehicle parking lots from public and private streets shall be bordered (both sides) by a minimum 5 foot wide landscape planter strip with approved trees planted 20-30 feet on center and low shrubs.
6. Trees shall be evenly distributed throughout the parking area according to the applicable requirements of this section and the following table. Zone District "CLI"- Commercial Light Industrial – Parking Lot Tree Requirement Ratio – 1 tree per 10 parking spaces.

**FINDING A-30:** The applicant has provided details on the improvements to the existing parking area which will bring the parking up to current standards. The revisions include the addition of space markings and parking lot landscaping with planting bays located at the end of the parking row. One van-accessible parking space will be required to be installed and be properly signed. Criterion 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:

- 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-31:** The proposed refuse collection area is not shown on the plan. The applicant will need to indicate the location of the trash enclosure and show that it is adequately screened, or provide information that the trash is located inside the building. 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-32:** The existing access to the property meets the minimum width necessary for maneuvering by emergency vehicles. Furthermore, the plan is being reviewed by the Fire Marshal, to ensure that it meets the necessary standards. Criterion met.

**B. Conclusion:** The above findings demonstrate one (1) compliance with the Land Use and Development Ordinance 98-1222. Recommended conditions are added at the end of this document to provide compliance with City Ordinances.

### **IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:**

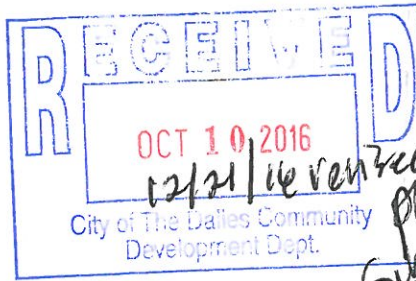
1. Professionally drawn plans will be required. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
2. All onsite and offsite improvements must be installed by the applicant in accordance with the Land Use Development Ordinance and the APWA 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.
3. Signs will be applied for under a separate permit.
4. A Physical Constraints Permit will be required for any excavation that exceeds 50 cubic yards. Erosion and dust control plans will need to be submitted for construction and be included in the detailed drawings.
5. Prior to the issuance of building permits, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
6. 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.
7. The refuse collection areas will need to be screened or located inside the building. Details of the screening materials will need to be provided to the Planning Department.
8. A detail of the parking will need to be provided. Plans will need to show a minimum of three (3) parking spaces with one being a van-accessible space and one (1) bicycle parking space will be required to be shown on a revised site plan. The van-accessible handi-cap parking space(s) will be required to be properly signed.
9. All parking and maneuvering areas will be required to be hard surface and marked per the City's standards. A pedestrian walkway will be required to be provided from the parking spaces to the buildings and be visibly marked.
10. A detailed site lighting/photometric plan shall be submitted and approved by the City. 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. The plan shall also demonstrate that the bicycle parking has a minimum lighting level of 3.0 foot candles.
11. A detailed landscaping plan for the site and parking lot will be required to be submitted to the planning department prior to final sign off on improvements.
  12. Details of the irrigation system, with a backflow prevention device will need to be provided.
  13. The property owner will be required to sign a waiver of remonstrance with a delayed development agreement for future street and utility improvements for West 2nd Street.
  14. The building is required to meet the architectural design features as detailed in this staff report. The applicant will need to provide staff with exterior elevation drawings or photos to ensure that the building meets the designs standard requirements.
  15. The building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control. Marijuana production, processing and wholesaling shall occur only in a completely enclosed building.
  16. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling and training.



CONDITIONAL USE PERMIT APPLICATION

CITY OF THE DALLES  
Planning Department  
313 Court Street  
The Dalles, OR 97058  
(541) 296-5481, ext. 1125  
www.ci.the-dalles.or.us



Date Filed 10/10/16 & 12/21/16  
File# CUP 104-17  
Date Deemed Complete 1/4/17  
Hearing Date 2/2/17  
Approval Date \_\_\_\_\_  
Permit Log # \_\_\_\_\_  
Other Cross Reference# \_\_\_\_\_

APPLICANT

Name Luke Tanner  
Edward Sohler Jr

Address 137805W Golden Mantel Rd  
Terrebonne Or 97760

Telephone # 541-815-1108  
E-mail address: EASohler@gmail.com  
Luke Tanner36@gmail.com

LEGAL OWNER (If Different than Applicant)

Name Melroy Brace

Address 38' 1119 W 2ND ST  
THE DALLES OR 97058

Telephone # 541 993 6020

PROPERTY INFORMATION

Address 1119 W 2nd St Building 15 & 18

Map and Tax Lot 2N 13E 33DC 400

Size of Development Site 1.59 acres

Zone District/Overlay CLI In City Limits: Yes  No

Comprehensive Plan Designation CLI Geohazard Zone: NON

PROJECT INFORMATION

New Construction  Expansion/Alteration  Change of Use  Amend Approved Plan

Current Use of Property Auto Repair / Mechanical Machine Repair

Proposed Use of Property Oregon Lic. Control. L. Producer Lic. (Cannabis Growing)

2500 Sqft Flower  
1230 Sqft Veg  
600 Sqft Drying

Briefly Explain the Project

OLCC Lic. Cannabis Growing Operation  
Approx. ~~2500~~ 2500 sq ft of Flower Production with odor control by carbon  
filter, Veg space ~~900~~ 900 sq ft for cloning/seed & plants with odor control  
~~400~~ 600 sq ft of Drying & Trimming Area.

**PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet)** \_\_\_\_\_

**PARKING INFORMATION**

Total Number of Spaces Proposed EXISTING 5+

Square Footage of Parking Lot Landscaping Proposed 10% if required

**LANDSCAPING INFORMATION**

Total Square Footage Landscaping Proposed 15% Percent of Landscaping Irrigated All

**ECONOMIC DEVELOPMENT INFORMATION**

Proposed Project is located in the Enterprise Zone

     Full Time Equivalent (FTE) jobs are currently provided.

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

Signature of Applicant

Signature of Property Owner\* or Owners Agent

Edith B. [Signature] 10/10/16

Date

Melroy Bruce 10-10-16

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 6 copies of concept site plan.

At least one 11 x 17 concept site plan.

2 copies detailed landscape plans

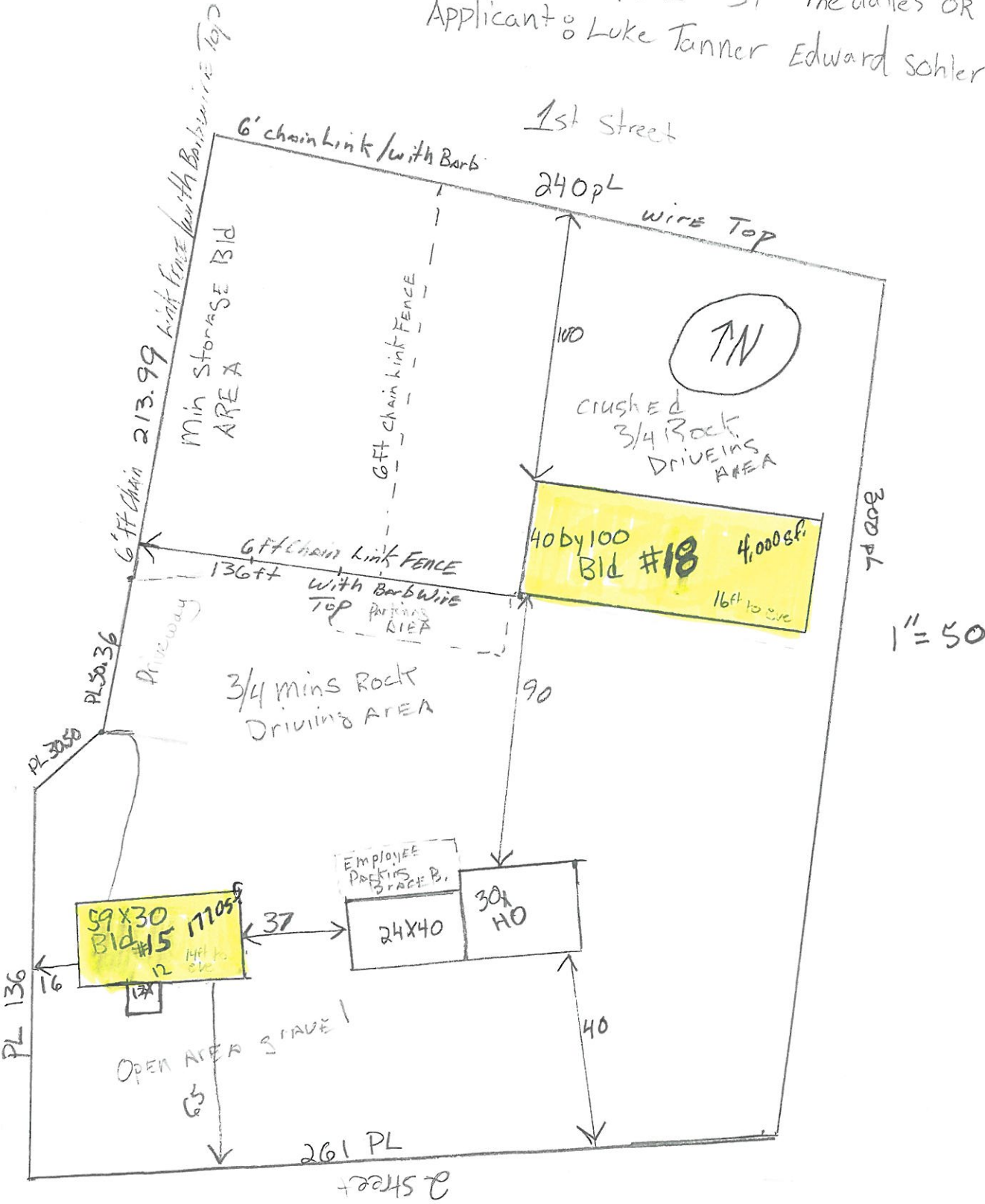
2 full size copies construction detail plans

# SITE PLAN

Project Name: Tanner Schler Project

Legal Owner: Melroy Brace

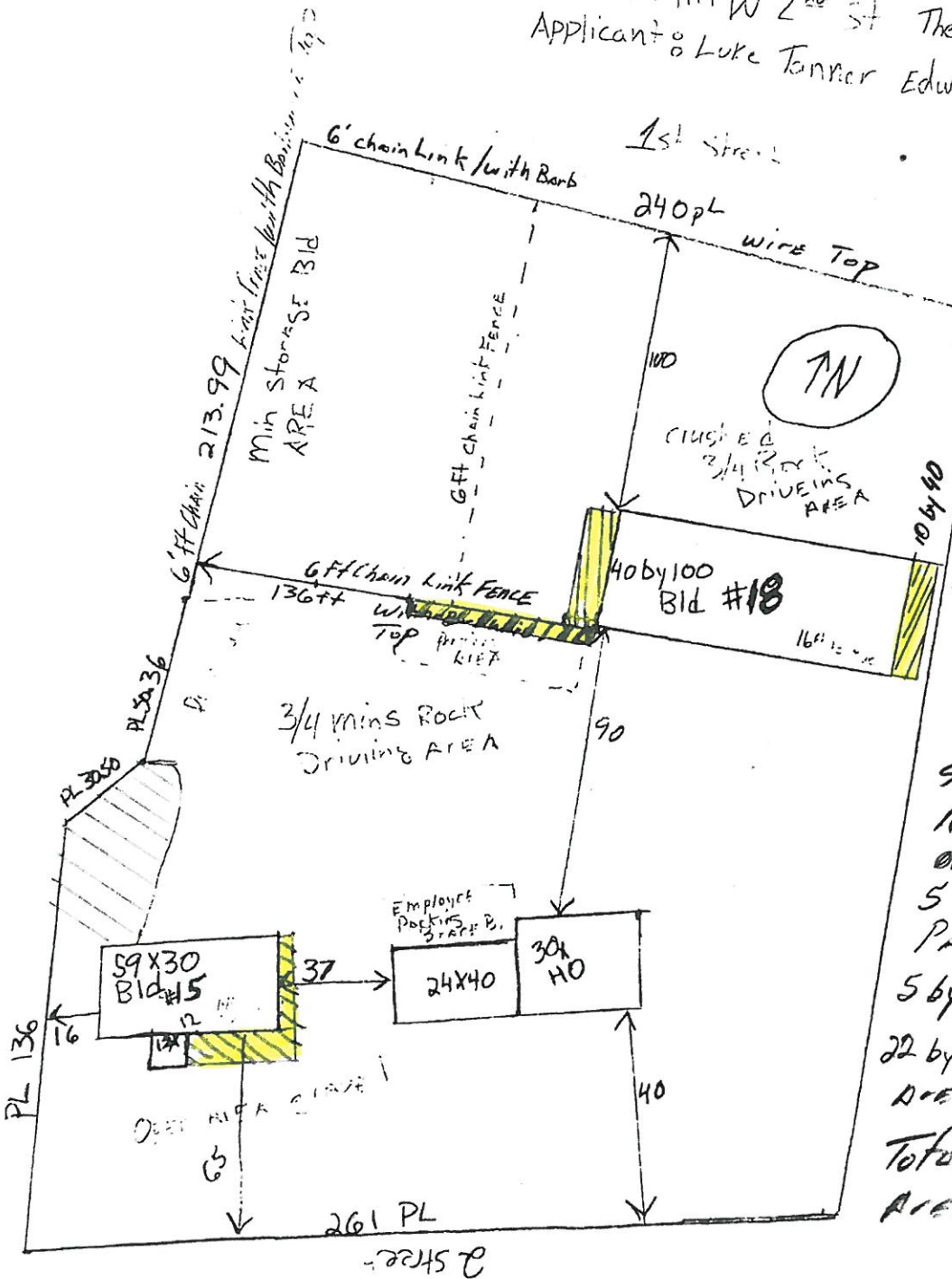
Address: 1114 W 2nd St The Dalles OR 97058  
 Applicant: Luke Tanner Edward Schler JR





# LANDSCAPING

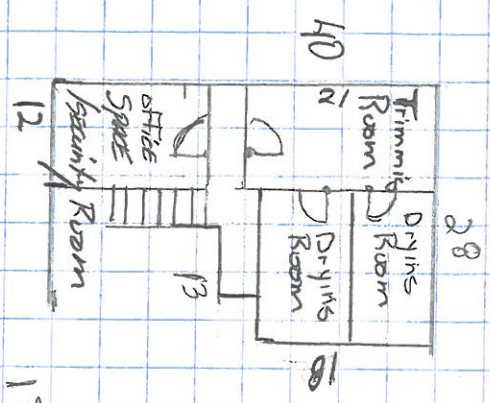
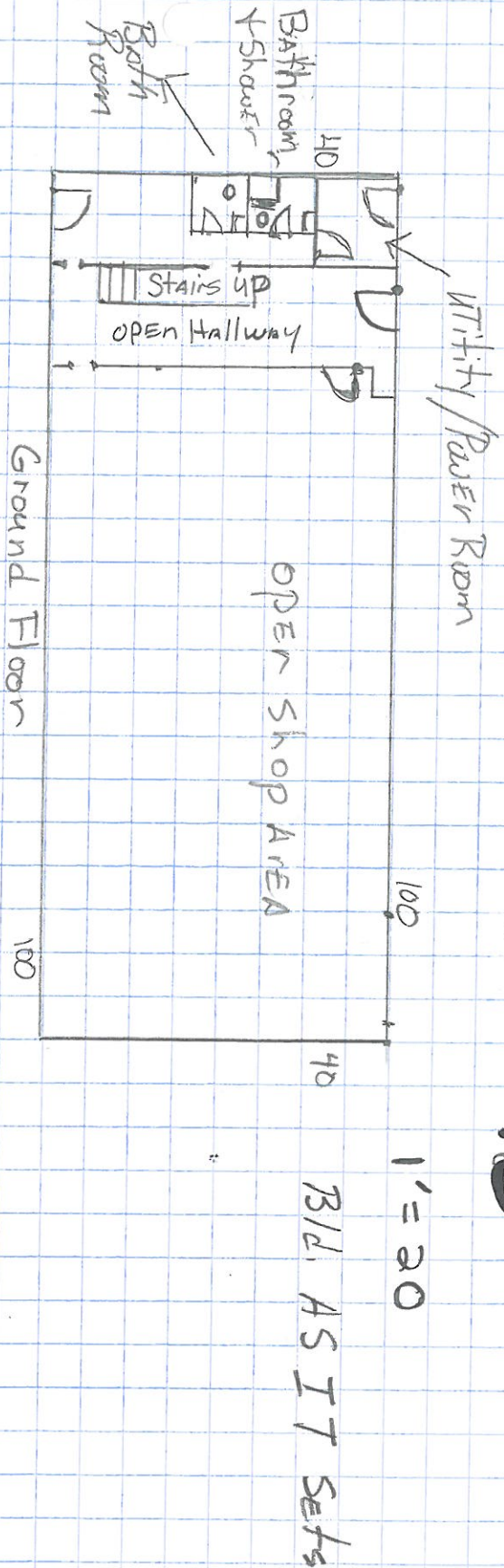
Project Name: Tanner Schler  
 Legal Owner: Melroy Brace  
 Address: 1119 W 2nd St The Dalles OR 97058  
 Applicant: Luke Tanner Edward Schler JR



$i'' = 50$   
 Purposed Land  
 Scape areas  
 10x40 Each end  
 of building 18#  
 5x60 in front of  
 Parking area #18  
 5x40 on building 15#  
 22x55 land scape  
 area building #15  
 $i'' = 50$   
 Proposed Land  
 SCAPE AREAS  
 10 by 40 EACH END  
 of Bld. 18#  
 5 by 60 in front of  
 Parking AREA #18  
 5 by 40 on bly 15#  
 22 by 55 land scape  
 AREA BLD #15  
 Total landscape  
 area 2510  
 Total landscape  
 area 2510



# FLOOR LAYOUT Bld #18



1st Floor (UP Stairs)

New Construction

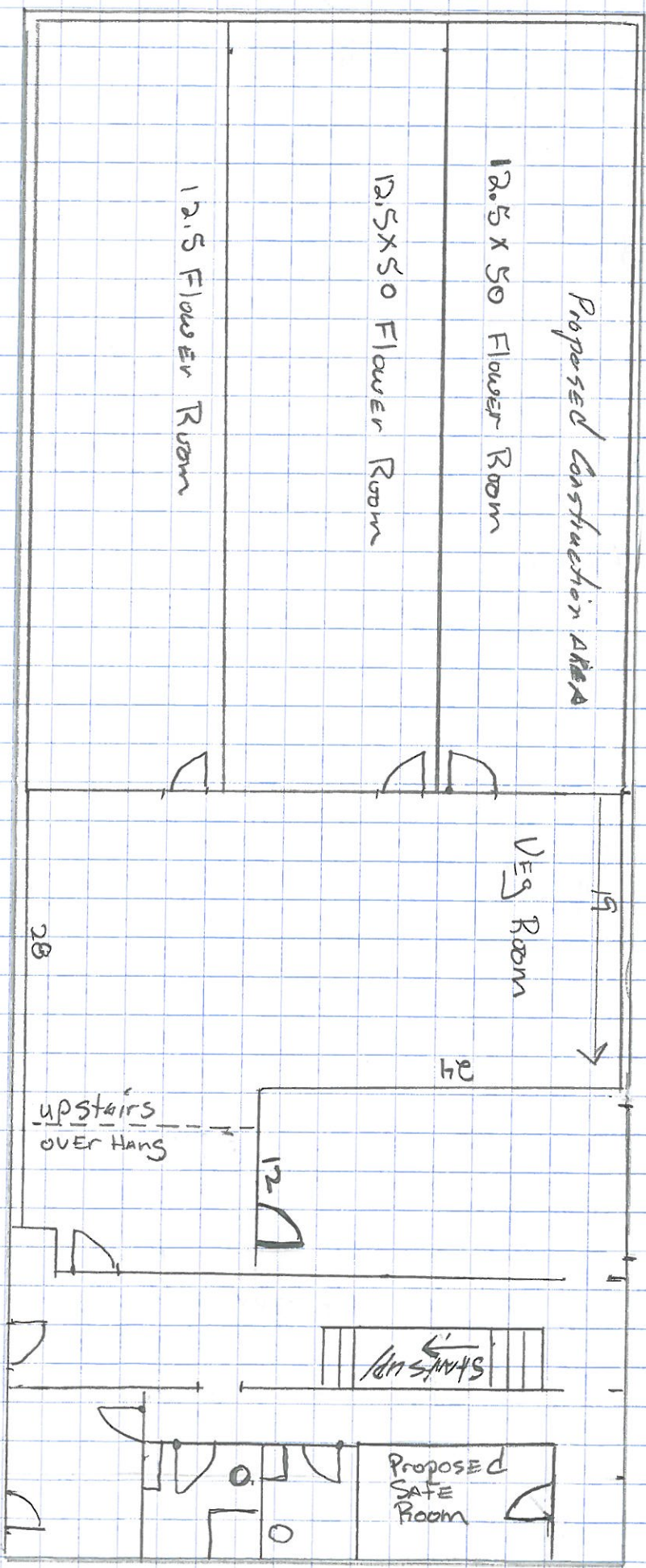
Bld. Construction exterior wall of Flower Room & Veg Room are Free Standing Wall that are touching the inside walls of the building

All exterior walls to be insulated to R16

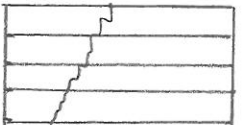
Ceilings to be Ins. to R34

10F

Bld #18 Proposed Construction



Wall side View



Exterior Walls  
2x6x12

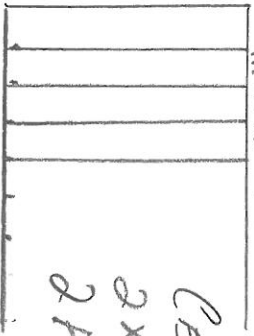
← 2' on center Framing with 1/2 sheet Rock cover

Press, Treat. Plate

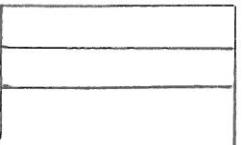
TRAINER /  
SOHLER

Top View Ceiling

Interior or Exterior wall



CEILING JOIST  
2x8x12  
2 Ft on center with 5/8 sheet Rock lid



Interior walls 2 by 4  
2 Ft on center  
with 1/2 sheet Rock





## **RESOLUTION NO. P.C. 560-17**

Approval of Conditional Use Permit Application #184-17 Luke Tanner and Edward Sohler, Jr. to change the use of an existing building for use as a Recreational Marijuana Producer, Processor and Wholesaler. The property is located at 1119 W. 2<sup>nd</sup> Street, The Dalles, Oregon, and is further described as Township 2 North, Range 13 East, Section 33DC, tax lot 400. Property is zoned "CLI" – Commercial Light Industrial.

### **I. RECITALS:**

- A. The Planning Commission of the City of The Dalles has on February 2, 2017 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 #184-17 and the minutes of the February 2, 2017 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. Conditional Use Permit # 184-17 is hereby approved with the following conditions of approval:
  - 1. Professionally drawn plans will be required. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
  - 2. All onsite and offsite improvements must be installed by the applicant in accordance with the Land Use Development Ordinance and the APWA 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.
  - 3. Signs will be applied for under a separate permit.
  - 4. A Physical Constraints Permit will be required for any excavation that exceeds 50 cubic yards. Erosion and dust control plans will need to be submitted for construction and be included in the detailed drawings.
  - 5. Prior to the issuance of building permits, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
  - 6. 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.

7. The refuse collection areas will need to be screened or located inside the building. Details of the screening materials will need to be provided to the Planning Department.
8. A detail of the parking will need to be provided. Plans will need to show a minimum of three (3) parking spaces with one being a van-accessible space and one (1) bicycle parking space will be required to be shown on a revised site plan. The van-accessible handi-cap parking space(s) will be required to be properly signed.
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11. A detailed landscaping plan for the site and parking lot will be required to be submitted to the planning department prior to final sign off on improvements.
12. Details of the irrigation system, with a backflow prevention device will need to be provided.
13. The property owner will be required to sign a waiver of remonstrance with a delayed development agreement for future street and utility improvements for West 2nd Street.
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16. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling and training.

### **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 2<sup>nd</sup> DAY OF FEBRUARY, 2017.

\_\_\_\_\_  
Bruce Lavier, Chairman  
Planning Commission

I, Steven Harris, 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 2<sup>nd</sup> day of February 2017.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Steven Harris – AICP  
Planning Director, City of The Dalles