



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

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, OCTOBER 18, 2018

6:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES – September 20, 2018

V. PUBLIC COMMENT

VI. PUBLIC HEARING

CUP 173-14 – Dry Hollow Elementary School Implementation of Student Drop-Off /
Pick-Up Plan

VII. DISCUSSION

Mobile Food Vendor Policy Brief

VIII. STAFF COMMENTS

Next regularly scheduled meeting: November 1, 2018

IX. COMMISSIONER COMMENTS OR QUESTIONS

X. ADJOURNMENT

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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, AUGUST 2, 2018
6:00 P.M.**

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Brent Bybee, Sherry DuFault, Bruce Lavier, John Nelson, Steve Ross and Jeff Stiles

Commissioners Absent: Mark Poppoff

Staff Present: Planning Director Steve Harris, City Attorney Gene Parker, Senior Planner Dawn Hert, Associate Planner Riley Marcus, Planning Technician Joshua Chandler

Public in Attendance: Six

APPROVAL OF AGENDA

Commissioner Nelson moved to approve the agenda as written. Commissioner Ross seconded the motion; the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner DuFault moved to approve the minutes of June 21, 2018 as amended; Commissioner Stiles seconded the motion. The motion passed 5-0, Nelson abstained.

PUBLIC COMMENT

Daliea Thompson, 724 E. 20th Street, The Dalles

Thompson stated she was pleased and encouraged to see the Planning Commission look at a variety of housing options for our community.

LEGISLATIVE HEARING – Zoning Ordinance Amendment 97-18, City of The Dalles

This application is a request to amend The Dalles Municipal Code, Title 10 Land Use and Development. The purpose is to bring the City's development regulations into compliance with state law and to encourage the development of a range of needed types of housing. The changes seek to remove unnecessary barriers to the development of accessory dwelling units

(ADUs), townhomes, duplexes and triplexes, while maintaining important standards that regulate the form and character of new development.

Chair Lavier asked if any Commission member wished to make a disclosure or abstain from participating or voting on the matter being heard due to possible financial gain resulting from legislative action. Hearing none, Chair Lavier opened the Legislative Hearing at 6:05 p.m.

Director Harris introduced the new Commissioner, Brent Bybee.

Senior Planner Hert presented the Amended Staff Report, Exhibit 1.

Chair Lavier asked how the comments provided would impact the request.

Hert reviewed the Fair Housing Council's letter dated August 2, 2018, submitted jointly by the Housing Land Advocates and the Fair Housing Council of Oregon; Exhibit 2. Hert stated the Amended Staff Report included the information requested by the Fair Housing Council relating to Goal 10 of the Statewide Planning Goals.

An email submitted by Benjamin Beseda on behalf of Chenoweth Water PUD stated their support of City efforts to streamline the development process, Exhibit 3.

Hert summarized documents sent by Mrs. Lorene Hunt to Angelo Planning Group and forwarded to City Staff, Exhibit 4. Documents included a letter dated May 30, 2018, and two faxes dated June 1, 2018, and August 2, 2018. Hunt voiced concerns about ADUs, owner occupancy, and standard units per acre in the Residential Low Density Zone. Hunt also said inconsistencies were not addressed and public input was discouraged by the City. City Attorney Parker clarified these documents had been submitted previously at the Public Hearing.

Matt Hastie, Angelo Planning Group, provided a presentation on Housing Needs Analysis Code Amendments, Exhibit 5.

Chair Lavier invited questions or testimony.

Lorene Hunt, PO Box 81, The Dalles

Mrs. Hunt commented on:

- Lack of public involvement
- Difficulty locating an agenda
- Online survey in Beaverton in which over 500 people participated
- Various methods of engaging the public
- ADU densities

Mrs. Hunt distributed an unsigned commentary on ADUs (previously included in Exhibit 4).

Director Harris stated for the record that the two Planning Commission meetings discussing this item were properly noticed; the public was invited to attend and comment. The workshop held on July 19, 2018, was also properly noticed; agendas were available at the meeting.

Daliea Thompson, 724 E. 20th Street, The Dalles

Thompson said many new homes were built with an ADU as a feature. She asked if these ADUs were also being considered.

Hert responded that ADUs are currently permitted outright, with a maximum size of 600 sq. ft. or 60% of the gross floor area of the primary structure. Under consideration is an increased square footage allowance and removal of homeowner occupancy. Homeowner occupancy becomes an enforcement issue for the City.

Hert clarified that an attached ADU was not the same as a duplex; a duplex does not have the size limitation. Hastie further stated that a duplex is defined specifically in the Code. A duplex requires separate electrical and water meters. An ADU would function as a separate unit, but would not be defined as a duplex.

Lorene Hunt, PO Box 81, The Dalles

Hunt commented the ADUs would not be duplexes, but would serve as rental units.

Hunt said it was important to note there were many options to increase density. She suggested ADUs be included in Medium and High Density zones.

Commissioner Ross noted the intent of the amendments was to bring our code into compliance with State law, and to encourage development in a manner that meets current standards.

Jonathan Blum, 403 E. 8th Street, The Dalles

Blum stated he is very supportive of the changes considered by the Planning Commission to allow for better development and increased housing in the community.

John Windsor, 1916 W. 13th Street, The Dalles

Windsor asked if the Commission was changing low density to high density. Hert replied the Commission was not changing zoning or density allowances. The purpose of the amendments was to remove barriers to allow for infill, which will increase the possibility of meeting density requirements. ADUs had been permitted outright since 1998 yet the number of applicants had been very low.

Windsor stated large lots with fewer homes attracted him to the area. If everyone chose to increase density, it would make a major change to the neighborhood.

Vern Beito, 1914 W. 13th Street, The Dalles

Beito stated he had lived in the community for 50 years and watched the community get worse; attracting more people to the community was not good planning. More infrastructure is needed before making these changes.

Hastie clarified the only proposed change to the Low Density Residential zone was to reduce lot size for duplexes on corner lots. All remaining changes relate to the Medium and High Density zones. Removal of the owner occupancy requirement would increase available rental properties.

Commissioner Nelson stated it was not a new thing to split a large lot or allow ADUs.

Commissioner Stiles said it could be a headache to manage ADU properties with shared utilities.

Daliea Thompson, 724 E. 20th Street, The Dalles

Thompson disagreed with Commissioner Stiles' comment.

Thompson stated that when discussing increased densities, we were not talking about bringing in the poor; we were talking about taking care of our community. The community needs clean, sustainable, affordable housing.

In response to Commissioner Bybee's inquiry, Hert stated the public is notified by publication in The Dalles Chronicle, the City's website, and the City's Facebook page.

Lorene Hunt, PO Box 81, The Dalles

Hunt said the City should look at Beaverton's public outreach. Hunt chose their property for the air quality to benefit their son.

A brief discussion covered notification requirements, live streaming and public participation. Currently, the public is unable to comment interactively during the Commission meeting. The public is welcome to comment in person, by mail or email.

Jonathan Blum, 403 E. 8th Street, The Dalles

Blum stated from an outside point of view, it may seem suspect that the proposed amendments directly relate to his project on West 13th and Perkins Streets. He clarified that the land use changes pre-date his purchase of the property.

Chair Lavier invited Commissioner comments or questions.

Commissioner Stiles stated he liked development and a growing city, but does not want to change the ambiance of The Dalles with "Portland-like" changes. The proposed changes are not required, the Commission can make the choice.

Commissioner Bybee stated as proposed, only corner lots are affected. Landowners have a choice; this will be a gradual process. Bybee shared his personal difficulty finding a home; it's important to consider affordable housing in The Dalles.

Commissioner DuFault stated the housing available is "sad". She stated consistent, legal, quantifiable, distinct guidelines will assist the Planning Commission when making decisions.

Commissioner Nelson seconded DuFault's opinion. He appreciated the work done by Angelo Planning and the process that allowed for comment and changes. Nelson said this was all about language, looking at our Code and making it work for changes to State law.

Commissioner Ross mirrored Nelson's comments. He further stated there is a tidal wave of housing need coming. The Commission needs to look 15-20 years forward to responsibly develop for future needs. Clear, definable language is not a step backward.

Chair Lavier closed the Public Hearing at 7:56 p.m.

Commissioner Nelson moved to recommend to the City Council approval of the various housing code amendments to The Dalles Municipal Code, Resolution 576-18, approving ZOA 97-18. Commissioner DuFault seconded the motion. The motion passed 5-1, Stiles opposed, Poppoff absent.

STAFF COMMENTS

Director Harris stated the next regularly scheduled meeting was August 16, 2018. There were no Public Hearings scheduled.

The School District update would be held in a September meeting.

The updated plans for CUP 180-16, Heath RV Park, 3821 W. 10th Street, were in Public Works for review. Staff will report back with the status in September.

Harris introduced Associate Planner, Riley Marcus, and Planning Technician, Joshua Chandler.

Harris stated two applications were appealed to City Council, one on E. 19th Street and one on W. 13th and Perkins Streets. The City Council upheld Planning Commission approval.

ADJOURNMENT


Chair Lavier adjourned the meeting at 8:04 p.m.

Respectfully Submitted
Paula Webb, Planning Secretary

Bruce Lavier, Chair

City of The Dalles
Planning Commission Staff Report
AMENDED
Amendments to the Municipal Code,
Title 10 - Land Use and Development

ZOA 97-18

Prepared by: Dawn Marie Hert, Senior Planner 

Procedure Type: Legislative

Hearing Date: August 2, 2018

Request: Housing Needs Analysis Code Amendments to the Municipal Code, Article 10 -Land Use and Development

Properties: All properties within the City of The Dalles Urban Growth Boundary

Applicant: City of The Dalles – Community Development Department

BACKGROUND INFORMATION

The City of The Dalles Municipal Code, Title 10- Land Use and Development, previously referred to as the Land Use and Development Ordinance 98-1222 or “LUDO”, is the City’s regulatory code for all land use located in The Dalles Urban Growth Boundary.

In 2017, the City of The Dalles completed a Housing Need Analysis (HNA) which considered and recommended a range of proposed amendments to the land use code. Staff worked with Angelo Planning Group to identify and prioritize specific areas of the land use code that would be amended for short-term implementation. The objective for this group of amendments is to provide more housing options to meet the needs identified in the adopted HNA; ensure that our land use code is consistent with statewide housing goals, administrative rules and statutes; and reduce barriers for development of specific housing types which are already allowed and supported by the City and State.

This group of amendments was presented to two work sessions of the Planning Commission on April 19, 2018 and May 17, 2018. Comments from that session

have been reviewed and incorporated in the amendments where appropriate. An Open House was also held on July 19, 2018 at the Civic Auditorium.

This application is a legislative action under the provisions of Article 3.110 - Ordinance Amendments – 10.3.110.020 – Review Procedures and 10.3.020.060(A)(2) – Ordinance Amendments.

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on July 21, 2018.

COMMENTS

Discussion at the public Open House included questions on accessory dwelling units, duplexes and increased density.

REVIEW

A. CITY OF THE DALLES MUNICIPAL CODE – TITLE 10- LAND USE AND DEVELOPMENT

I. PROCEDURE

a. Article 10.3.010.040 Applications:

FINDING #1: This application is initiated by the Director pursuant to the provisions of Section 10.3.010.040 F.

b. Article 10.3.020.060 Legislative Actions:

Section A. Decision types. 2. Ordinance Amendments:

FINDING #2: This application is for Ordinance Amendments per Article 10.3.110.

Section B. Public Hearings. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

FINDING #3: The public hearing has been set for August 2, 2018.

d. Article 10.3.020.060 Legislative Actions:

Section C. Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING #4: A notice of hearing containing the information required was published in The Dalles Chronicle on July 21, 2018.

e. Notice of Hearing as required by ORS 227.186.

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days, but no more than 40 days, prior to the date of the first hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

FINDING #5: Staff has determined that none of the proposed amendments comes within the definition of rezone as contained in the statute. Notices were not required.

f. Notice of Amendments as required by the State of Oregon, Department of Land Conservation and Development.

The Department of Land Conservation and Development requires a 35 day advance notice of any proposed amendments.

FINDING #6: The required notice was sent on June 28, 2018.

g. Section 10.3.020.070(A)(3) Staff Report.

A staff report shall be presented 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, approval with conditions, or denial.

FINDING #7: The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval.

II. REVIEW

a. Section 10.3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

FINDING #8: The City of The Dalles has broad discretion to adopt zoning textual changes. Each of the proposed amendments is consistent with the Comprehensive Plan, State Laws, and Administrative Rules.

B. COMPREHENSIVE PLAN

1. Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.

FINDING #9: This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published, and the public has an opportunity to provide testimony on the proposed changes to the Commission. The Commission can make alterations to the proposed amendments based on testimony at this hearing. There will be another public hearing before the Council, and that body will also have the opportunity to consider testimony from citizens and make changes.

2. Goal #2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policy 6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.

FINDING #10: These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan.

3. Goal #10. Housing. To provide for the housing needs of citizens of the state.

Policy 1. Plan for more multi-family and affordable home ownership opportunities, including small lot single family residential, townhomes and manufactured housing development consistent with the City's Housing Needs Analysis.

FINDING #11: These proposed amendments are consistent with the Comprehensive Plan policy #1 by increasing the opportunity for duplexes, triplexes, townhomes, and Accessory Dwelling Units (ADU), in accordance with the City's 2017 Housing Needs Analysis (HNA).

The HNA found that the housing types identified above are projected to make up a significant share of new housing development:

- 27% of new housing units are projected to be some form of attached housing.
- Single family attached units (townhomes) are projected to meet 3% of future need. These are defined as units on separate tax lots, attached by a wall but separately metered, the most common example being townhome units.
- Duplex through four-plex units are projected to represent an additional 11% of the total need. Duplex units would include a detached single-family home with an accessory dwelling unit on the same lot.

The HNA found that there is enough land zoned for these housing types in the City; however, land zoned for these housing types must be developed at a higher density than in the past:

- The new housing unit capacity was estimated for the buildable lands identified in the City of The Dalles. There is a total remaining capacity for nearly 3,689 units.
- There is a total forecasted need for 1,769 units over the next 20 years. This is below the estimated capacity of 3,689 units.
- There is currently sufficient buildable capacity within The Dalles to accommodate projected need; however, much of this capacity is in the form of parcels with the potential for development or infill with future multi-family units. The size of the available remaining

capacity assumes that some high-density and medium-density zoned lands are built out at higher average densities than these areas have traditionally achieved in the past.

The Housing Strategies Report, part of the HNA, found that land zoned for duplexes, triplexes, townhomes, and Accessory Dwelling Units may not be developed for these housing types due to the barriers presented by certain regulatory standards. The proposed amendments are intended to reduce these barriers and facilitate development of these housing types.

Policy 2. Plan for the more efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods and by encouraging new development which achieves the density allowed by the comprehensive plan.

FINDING #12: These proposed amendments are consistent with the Comprehensive Plan policy #2 by expanding the opportunities for ADUs in residential zones, reducing the lots sizes for housing types as well as providing clear and objective design criteria for infill development. These proposed changes will allow for infill development to help achieve the density as allowed by the Comprehensive Plan.

Policy 8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.

FINDING #13: These proposed amendments are consistent with the Comprehensive Plan policy #8 by providing flexibility for a variety of housing types and development scenarios. Proposed amendments include reductions in minimum lot area, minimum site area per dwelling unit as well as a reduction in minimum lot width in residential zones. The proposed changes to the standards will encourage the development of ADU's, Duplexes, Triplexes, and Townhomes. Additionally, to ensure compliance with the Fair Housing Act and state law, Residential Care Homes are being added as 'Primary Uses Permitted Outright'.

Policy 9. Provide for development of a wide range of housing types which may include single-family detached and attached housing, townhouses, apartments and condominiums, and manufactured housing. Housing types shall allow for a variety of price ranges to meet the needs of low, medium, and high income groups.

FINDING #14: These proposed amendments are consistent with the Comprehensive Plan policy #9 by increasing the opportunities for development of a wide range of housing types.

Policy 16. Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development.

New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.

FINDING #15: These proposed amendments are consistent with the Comprehensive Plan policy #16 by provide flexibility by reducing lot sizes for duplexes, triplexes and townhomes, so they may be developed on a wider range of lots. The proposed amendments also provide more flexibility for development of ADUs by removing unnecessary or overly restrictive requirements.

C. DISCUSSION

The attached memorandum entitled ***Housing Needs Analysis Code Amendments - City of The Dalles*** details the proposed amendments to the code, which include a variety of changes.

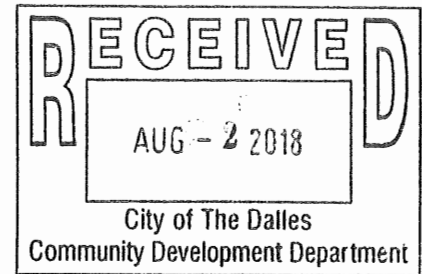
All of the proposed amendments are subject to revision or deletion. The Commission will forward a recommendation on the amendments to the City Council. The final decision on all the proposed amendments will be made by the City Council.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached memorandum entitled ***Housing Needs Analysis Code Amendments - City of The Dalles***, with any additional changes from the Commission.



Exhibit 2



August 2, 2018

City of The Dalles Planning Commission
313 Court Street
The Dalles, Oregon 97058

Re: Amendments to the Municipal Code, Title 10; ZOA 97-18

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Buildable Land Inventory (BLI), in addition to its Housing Needs Analysis (HNA), to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the proposed amendment refers to its intent to create more housing—a need revealed by the City's recent HNA. The report, however, does not include findings for Statewide Goal 10 to demonstrate that the amendment's effects do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete

analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the County is achieving its goals through code amendments.


In particular, this is an opportunity to dig back into the HNA and make findings showing that the goals and information are being applied through the proposed code amendments. In this way, the City will start to meaningfully track the goals in the HNA with its subsequent land use actions. For example, increasing density within zones by lowering minimum lot sizes might accomplish some of the goals in the HNA, but on reading the staff report, all we can observe is that more housing is better and that is enough to meet Goal 10. Instead, the findings should explain in words that rely on the HNA how these changes will result in increased density and achieve the goals of the HNA. To do otherwise is the start of allowing the HNA to gather dust when it has only just been written.

As such, HLA and FHCO urge the Commission to defer adoption of the proposed amendment until Goal 10 findings include reference to the Buildable Land Inventory. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org.

Thank you for your consideration.



Louise Dix
AFFH Specialist
Fair Housing Council of Oregon



Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Paula Webb

From: Dawn Hert
Sent: Thursday, August 02, 2018 4:29 PM
To: Paula Webb
Subject: FW: Thursday's Planning Commission Meeting

From: Ben Beseda [<mailto:BBeseda@tennesoneng.com>]
Sent: Thursday, August 2, 2018 4:27 PM
To: Dawn Hert <dhert@ci.the-dalles.or.us>
Cc: districtmanager@chenowithwater.com
Subject: RE: Thursday's Planning Commission Meeting

Good afternoon Dawn. I am writing this email on behalf of Chenowith Water PUD. The District Manager and I have reviewed and discussed proposed ZOA 97-18 Housing Code Amendments. Chenowith Water supports these efforts to stream line the development process in the City and UGB. We hope that the Planning Commission passes the proposed amendments.

Thanks, Ben

Benjamin B. Beseda PE, PLS, Enigneer of Record, Chenowith Water PUD
Tennessee Engineering Corporation
3775 Crates Way
The Dalles Or. 97058
(541)296-9177

Public Comment provided to Angelo Planning Group from Ms. Lorene Hunt,
PO Box 81, The Dalles, OR 97058:

- Letter dated 5/30/2018
- Fax dated 6/01/2018
- Fax dated 08/02/2018



Matt,

May 30

Several items were omitted from the mailing yesterday needing explanation, lending understanding to the contents and a few glaring omissions which may have raised questions.

-Names of contributors were not included because the developer has already reduced the concerns of many to the concerns of a few, minimizing the wide-spread concern. To avoid a recurrence, content is the focus, not the writers.

-The issue of ADUs was barely touched in the commentary by a citizen. For ADUs not to count as an increase in density is fair if the ADU is a mother-in-law unit (in the family). If the condition of owner occupancy is removed, as proposed, and one unit is no longer owner occupied, then density must be said to increase, since two unrelated family units can occupy 2 units. This should rightfully be called a duplex. *With this scenario, a duplex could be placed anywhere, thus circumventing the condition of corner lots only for duplexes in the RL zone.* This would be inconsistent with the standard for units per acre in the RL zone, other inconsistencies/problems not addressed here. Importance of retaining owner occupancy with an ADU cannot be overemphasized.

-Dialogue with citizens has not been invited; in fact, has been discouraged...a very concerned person having been told at the city planning office that the May 17 meeting was "to adopt current rulings into official code - not to discuss any planned changes to the code - which is disturbing" (per email) - so persons with that information did not come to the meeting May 17, disheartened.

-When the city does not respond in good faith to citizen input/involvement, the developer is witness to a model that does not bode well for the welfare of the neighborhood. An opportunity still exists to recognize the importance of local citizens, especially those citizens living near proposed development that does not meet city code and does not meet approval of neighbors. Since the city has not successfully included the community in planning stages of proposals that have huge impact, it is hoped the Angelo Planning Group will guide the city to realize the importance of GOAL 1 of Oregon's Statewide Planning Goals and Guidelines: CITIZEN INVOLVEMENT - the 1st paragraph stating "citizens to be involved in all phases of the planning process." Who believes a public hearing at the end of the proposal stage meets that standard? particularly taking into account results of the public hearings reported in the May 4 document? (good faith responses to citizen input absent) Adequate? A resounding "no".

*Thank you for your efforts
with difficult matters
involving land use*



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Planning Commission Minutes

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Planning Commission Agenda Packet

October 18, 2018 Page 19 of 87

Date 6/1

This FAX transmission contains 2 pages (not including this cover sheet)

To: Name Matt H.
 (CT referred you as project manager)
 Company Angelo Planning Group
 FAX (503) 227-3679

The attached letter is a replacement for one you may (or may not) have received dated 5/30.

Notes: A priority envelope with information about The Dalles project was mailed on 5/29 & mis-dialed. After 1 1/2 hours at the post office today, the supervisor said 2 mistakes were made - will not arrive until Monday due to unfortunate delay.

Matt,

Amended replacement for the letter dated 5/30

Several items were omitted from the priority mailing 5/29 concerning code changes in The Dalles. Explanation will lend understanding to the contents and address a few glaring omissions which may have raised questions.

-Names of contributors were not included because the developer has already reduced the concerns of many to the concerns of a few, minimizing wide-spread concern. To avoid a recurrence, content is the focus, not the writers.

-The issue of ADUs was barely touched in the commentary by a citizen. For ADUs not to count as an increase in density is fair if the ADU is a mother-in-law unit (in the family). If the condition of owner occupancy is removed, as proposed, and one unit is no longer owner occupied, then density must be said to increase, since two unrelated family units can occupy 2 units. This should rightfully be called a duplex. *With this scenario, a duplex could be placed anywhere, thus circumventing the condition of corner lots only for duplexes in the RL zone.* This would be inconsistent with the standard for units per acre in the RL zone, other inconsistencies/problems not addressed here.

Importance of retaining owner occupancy with an ADU in RL zones cannot be overemphasized.

-Dialogue with citizens has not been invited; in fact, has been discouraged...a very concerned person having been told at the city planning office that the May 17 meeting was "to adopt current rulings into official code - not to discuss any planned changes to the code - which is disturbing" (per email) - so persons with that information did not come to the meeting May 17, disheartened.

-When citizen input/involvement from immediate neighborhoods is not included until the end (hearing phase), the process becomes adversarial when citizens express reasons why proposals are not in the best interests of persons who have already invested much in their properties. In addition, the persons having worked on the proposals internally are less likely to hear/adapt to the input of citizens at the end of the process, minds already made up. Results of the May 3 hearing provide a dramatic example of the failure of one hearing at the end of the proposal process to adequately factor in citizen input/involvement, unanimous in protest, the Commission siding with internal staff rather than giving adequate credence to the multitude of dissenting views presented by the citizens of the immediate neighborhoods. Unfortunately, the developer is witness to a model that does not bode well for the welfare of neighborhoods, local citizens' concerns not given the legitimacy deserved.

An opportunity still exists to recognize the importance of local citizens, especially those citizens living near proposed development that does not meet city code and does not meet support and approval of neighbors. Since the city has not successfully included the community in planning stages of proposals that have huge impact, it is hoped the Angelo Planning Group will guide the city to realize the importance of GOAL 1 of Oregon's Statewide Planning Goals and Guidelines: CITIZEN INVOLVEMENT - the 1st paragraph stating "citizens to be involved in all phases of the planning process." A public hearing at the end of the proposal stage does not provide a reasonable platform for citizen input, setting up an adversarial situation. Citizen input should instead take place in a cooperative way throughout the planning process, meeting goals of both the State and the Planning Commission and leading to results that better serve neighborhoods and towns.

NOTE: The Beaverton Land Use Element, adopted in Oct. 2017 and your project, is a model that provides adequate citizen input/involvement. The Dalles greatly needs such a model...an online survey (in which over 500 people participated) - why not in The Dalles?...engagement with neighborhood groups? - why not in The Dalles?... online interactive map and summary of proposed changes? - why not in The Dalles?...allowing people to submit comments, including official testimony, online? - why not in The Dalles?

For a project that will result in code changes, impacting nearly all of the city's citizens, why haven't even one of these modes of including the persons being impacted been used? **PLEASE consider several of these ways of including at least those citizens most impacted before a hearing phase (see comments above about a cooperative way of including citizens throughout the planning process - done in Beaverton).**

(Note: Several citizens contributed this additional information as critical to understanding difficulties in The Dalles. This demonstrates what can happen when citizens are included in the discussion/planning phase)

Last night, I sat in on the meeting of you and your partner with The Dalles Planning Commission. Since no public input was solicited by the Planning Commission at the meeting after your discussion with them about proposed changes in the city code, citizens did not feel comfortable approaching you or commission members to provide input on measures spoken to at the meeting, hence a phone call the following day was made to the Angelo Group. CJ suggested contacting you as the project manager, this written material presented in an attempt at "citizen involvement", awkward at best. Only because of a hearing with the Commission on May 3 with those concerned about proposed developments in RL neighborhoods was there any awareness of a meeting taking place regarding proposed amendments to the LUDO. After the experience of citizens as described in the joint letter (with signatures of those in one neighborhood who are opposed to lowering standards in RL for development of a duplex included, both neighborhoods working together in expressing needs of citizens to be heard, both gathering signatures of those in agreement), it is no surprise that there was little motivation for involvement in further matters considered by the Commission, unanimous and multi-faceted citizen opposition expressed at the hearing having been rebuffed in the decisions of the Commission just this month.

Last night's meeting provided some insight into one reason the Commission might have found it necessary to overrule unanimous citizen protest to measures that are not in compliance with current code and objected to widely by homeowners in the immediate areas next to the proposed developments, that reason being pressure to conform to an uncertain degree to the state goals. How to do that was in question, expressed by one Commission member who asked at one point (paraphrased), "Is this change required by the state?" The 'process' occurring is very troubling to those who are directly impacted by recommended code changes...those being homeowners/families with a wide range of reasons for objecting. Some homeowners in the target RL neighborhoods have grown up and lived in The Dalles all their lives, in some cases moving to an RL zoned area specifically to get away from higher density areas in The Dalles. In other cases, families have more recently moved to The Dalles from higher density cities, carefully and painstakingly choosing locations for their homes to support important reasons for those choices, including health reasons i.e. air quality considerations (needing to be near purer country air and a lower trafficked area to avoid toxins which are life-altering for some individuals).

The importance of citizen involvement in the development of proposed changes that impact them directly, so apparently important (on paper) in the mission of the Planning Commission and also given priority in the Angelo Planning Group material, would seem to be critically necessary for a number of reasons that should not need further enumeration. The use of the Comprehensive Planning Goals rather than current city code to determine RL development (as reflected in the staff reports and occurring in both Planning Commission decisions on May 3 overruling unanimous citizen protest) may be an unintended and far-reaching consequence of focus on state goals without adequate citizen input, particularly important in smaller towns such as The Dalles. The importance of citizen input is directly referred to on p. 38 of the Housing Strategies Report in LUDO #3 referring to "updating density standards" in the Notes: "This is one of the more significant code recommendations in terms of potential impact and community interest or concern. It should be done in concert with additional community engagement." The community has spoken, clearly and with unified voice, at hearings where citizens are directly involved in proposed density changes. From all results thus far, "community engagement" can be questioned as a real/meaningful goal in The Dalles. Most discouraging was a statement by one Planning Commission member to the developer in the hearing (paraphrased): "Why don't you wait 5 or 6 months to do this? Then this won't be necessary!!!" indicating the city code will have been changed to allow his adjustments!!! SO MUCH FOR COMMUNITY ENGAGEMENT/CITIZEN INVOLVEMENT!! The minds of some Commission members seem to have been already made up...what is the purpose of a public hearing under those circumstances?

Being new this month to the Comprehensive Planning Goals and the involvement of the Angelo Planning Group in recommending city code revisions, I am more than grateful for the phone interaction with CJ today, my first personal interaction with someone connected to the official process of city code revisions that lent a hearing ear and showed care/concern for impacted citizens. It was observed that few persons on the Planning Commission operated with awareness of the purposes of the Commission that refer to citizen involvement.

What the responsibility of the APG has in supporting/encouraging the Commission in honoring community involvement/citizen engagement is not known. If the Commission seems bent on ignoring citizen input in making decisions that impact family upon family, citizens have little recourse other than to spend additional time and money on efforts which could have been avoided** had those citizens been heard, respected, and honored at the outset in the decision-making process. The efforts of citizens uniting for a common cause can be witnessed: in the document signed by citizens in 2 RL communities; in the letter to the developer expressing difficulties with the process even before the hearing, requesting a meeting; in the material of a concerned citizen researching the HSR and other documents, sharing a solution to proposed problems suggested on p. 18 that respects homeowners in RL neighborhoods; in the appeal to the city, work of multiple concerned citizens in consultation with lawyers. If there is any doubt that citizens in The Dalles care deeply about the direction of a city which overlooks citizen concerns, may the enclosed materials be evidence to the contrary. Recent public hearings have failed to produce evidence of good faith responses to citizen involvement.

*** this prolonged process also costing the city time and money. On behalf of concerned citizens*
Planning Commission Minutes
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Planning Commission Agenda Packet
October 18, 2018 Page 21 of 47

To the Angelo Planning Group,

May 27, 3:30 a.m.

Most of the materials in this packet have been waiting to be sent for the labor of a concerned citizen addressing the Housing Strategies Report. That citizen also wrote the commentary on p. 18 of the HSR, prepared before the meeting in The Dalles on May 17 and brought to that meeting with the intention of sharing it as a contribution to the "citizen input" that was anticipated after the discussion, but was never invited. Why were persons at the May 3rd hearing invited to participate in the May 17 discussion of code changes and then not included in the discussion that evening? Is there another avenue to be used for feedback? The fact that citizen input has been so unsolicited in proposing code changes that impact families in major ways was upsetting to the person writing the commentary to such a degree that it took some days before it was possible for this person to return to the Housing Strategies Report for further comment. That further comment was completed on Friday - too late for mailing before the weekend. Because respect for individuals is a hallmark valued in this neighborhood, no pressure was applied. The voice of each individual is valued and valuable. Note the labor of that individual in studying the Housing Strategies Report and other documents, presenting insights that matter and information invaluable to those concerned, limiting the issues addressed to the 2 most important ones.

A member of this community suggested that information sent to your group would be incomplete without recommendations - to make it more likely to positively move forward in a way that includes citizen involvement in proposing changes in city code. Following are suggestions to facilitate citizen involvement:

- that community involvement/citizen input be solicited at the formative stage of proposals (a hearing at the end deemed totally inadequate after recent experiences with the Planning Commission)

- that homeowners in RL neighborhoods within the city be sent information regarding proposals being discussed that relate to increased density (the RM and RH zones already zoned for multi-family housing to greater degrees)

- that input be sought from these citizens regarding that information (could be a return mailing, person(s) to call about the proposals, etc.)

- that a meeting for citizen input be planned and notice be given in a more public way (newspaper, mailings) rather than online with folders that are difficult/ impossible to access for the average individual

- that meetings with committees discussing proposed changes be advertised i.e. in the paper, on TV,

- that such meetings have a time after such discussion for public input regarding topics discussed

Concerning code changes, you are urged to recommend:

- retaining owner occupancy as a condition of ADUs in RL zones in The Dalles

- retaining minimum lot size of 9,000 s.f. for duplexes in RL zones in The Dalles

Statements from more than one document support these recommendations, ^{current} recommended changes inconsistent with a number of statements and factual information related to goals, etc.

Refer to Goal 1: Citizen Involvement OAR 660-015-0000 (1)
... citizen involvement... that insures... citizens to be involved in
all phases of the planning process

May 3, 6 p.m., The Dalles Planning Commission held a public hearing on application ADJ18-036, that hearing lasting 2 ½ hours. Not until 8:30 p.m. was another hearing held regarding ADJ18-037, homeowners wishing to speak to that application having sat through hours, hearing compelling arguments for rejection of ADJ18-036. Those arguments included: (1) promises made to purchasers of lots next to the lot under consideration; (2) easements; (3) nature of the the neighborhood (high end homes), the neighbors repeatedly expressing that only a single family dwelling on that lot be "compatible with the surrounding neighborhood (supposedly a consideration of the Commission); (4) traffic considerations, (5) property value considerations; (6) aesthetic considerations; (7) information about the developer, including his goal of having 100 rental properties before he turns 40, financial matters related to developer from online i.e. 'bigger pockets' etc.; and more. Goals of the developer and development are respected, but why not in cooperation with current homeowners?

The proposal in both cases involved reducing the minimum lot size, the application clearly stating the purpose: building dwellings on the reduced lots, affirmed by the developer as rentals. If all of the compelling arguments, in total, did not result in the rejection of application ADJ18-036, a more compelling case cannot be imagined. Homeowners might as well 'hang up their hats', no matter in which neighborhood they live. **It appears the city supports increasing density (reducing lot size to facilitate more dwellings in the same space) over maintaining standards "compatible with the neighborhood"**, this case setting a precedent which does not bode well for homeowners working to maintain standards "compatible with neighborhood", a series of new rentals on smaller lots next to larger lots with single family dwellings not only on the horizon, but actually being implemented (to the dismay of homeowners in both areas considered). Policies presented related to "infill" might be appropriate in larger cities i.e. Portland and Salem, but here in The Dalles and other smaller towns? Has the Commission considered that persons have purchased homes in The Dalles to avoid such higher density populated places? Certainly there must be areas in which rental units can be constructed in The Dalles which would be "compatible with the surrounding area". How can the neighborhood in application ADJ18-036 be considered one of them? Consider homes along 13th Street in application ADJ18-037. Astounding.

"Setting a precedent" was included in the discussion as a consideration in making a decision about ADJ18-036. Isn't supporting homeowners (for a variety of reasons, including the fact that they support the city with taxes) a precedent to set that will have far-reaching positive impact? For homeowners who have invested significant financial resources and time into purchase and improvement of their carefully-selected properties which they value and trusted the city to value, events last night with The Dalles Planning Commission are not encouraging.

Imagine being a homeowner speaking to application ADJ18-037 after 2 ½ hours including compelling arguments against accepting the proposed reduction in lot size (for the expressed purpose of building rentals), that proposal finally accepted with an additional condition not preventing the reduced lots. The condition simply will require the building permit to be presented to the Planning Commission, the same Planning Commission that did not hesitate to go against the choir of opposition by the impacted homeowners. Based on this track record, little hope can be had that the subsequent reviews will result in anything that actually recognizes the viewpoint and wishes of the neighboring community. Homeowners who wish to preserve their property values and family-oriented neighborhoods without packing people in on reduced lots are up against a Planning Commission that is not supportive of those values. A meeting regarding related matters was announced to be held on May 17. Considering the number of very concerned homeowners expressing arguments in opposition to the reduction in lot sizes, in many cases with compelling information, yet without positive results, attending the May 17 meeting might be as non-productive as the hearings on ADJ18-036 and ADJ18-037.

Homeowners who care about their neighborhoods – BEWARE (be wary).

The Planning Commission has a duty to the citizens of The Dalles. Their website at http://www.ci.the-dalles.or.us/community_dev.htm says so itself. The role of the Planning Commission is as follows:

Mission: "PREPARING FOR THE FUTURE" a long-standing mission carried out for the benefit of this community's citizens and future generations through:

- Responsive, accurate, consistent, helpful and honest service to our citizens and customers
- Aggressively pursuing meaningful citizen involvement in all planning endeavors.
- Active staff support for our citizen volunteers serving on the Planning Commission, Historic Landmarks Commission, Urban Renewal, and Ad Hoc Committees.
- Determined implementation of adopted plans, programs and policies.
- Helping to foster a climate of cooperation among City personnel, local citizens, special interest groups, and State and Federal agencies.

On paper the above looks promising, yet what was witnessed during the hearing on 5/3/18 regarding the aforementioned adjustment requests was a far cry from the honorable roles that are mentioned on their website. Focusing on just one of their commitments, "Aggressively pursuing meaningful citizen involvement in all planning endeavors" shows a stark contrast in the commitment made, and in reality. A notice was sent out to individuals that may be impacted by the partition adjustments. The good citizens of the neighborhoods responded, believing their City representation would perform a fair and unbiased review of the situations, yet despite UNANIMOUS opposition to the adjustment requests by the citizens, the Planning Commission moved forward with the approval of the adjustments. What is the point of the hearing? Our voices weren't heard. It honestly felt that there wasn't much of a point to participate. The facts and neighborhoods' visions were laid out, in very reasonable fashion, and the Planning Commission ignored them, plain and simple. They are obligated, per their own definition, to engage and represent the good citizens of the The Dalles, and they failed.

Please consider this statement as a formal request to reopen and reconsider the cases referenced in ADJ18-036, and ADJ18-037. The Citizens of The Dalles are depending on you to do the right thing. Please don't let us down again.

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To the Developer,

May 7

Close to your property at 13th and Perkins, homeowners have been struggling with matters relating to your request for reduced lot size for the purpose of building a duplex, that purpose not included in the letter from the city to concerned parties. What has been most difficult is dealing with your verbally-stated purpose that came from a trusted neighbor, that trusted neighbor repeating to others that you said you were building a garage on that property. No-one objected to that, and had one person not gone to city hall to look at the documents there, no-one would have showed up at the hearing, believing you to be building a garage. A duplex is something altogether different with a host of concerning issues. Trusting your word would have resulted in completely eliminating the chance for an appeal, one person checking at the city stunned by the proposal as stated in the application, persons scrambling at the last minute to inform others. An already-difficult situation was made even more difficult by the fact that persons were not in any shape to address such difficult issues after 2 ½ hours of other proceedings, one person having worked a 10-hour day, another homeowner needing to leave at the 2 ½ hour break. At the hearing, it was stated repeatedly that you talked with neighbors at the 19th Street location, giving them a chance to talk with you before the hearing with full disclosure about your purpose. That did not happen here, one neighbor sharing your "purpose", that "purpose" trusted. Persons here do not feel valued or respected.

Persons in this neighborhood have expressed a desire to meet with you regarding concerns, your responses to them, and your vision for this loved neighborhood, as others in the 19th Street community had the opportunity to do outside the hearing setting. This would best be done as soon as possible, hopefully this week. An early evening time has been suggested as the best for most persons i.e. 6 p.m. Hopefully shared values will result in shared vision and cooperation.

Please respond as soon as possible (hopefully by Tuesday evening) so that neighbors can be informed of your presence and their opportunity to meet with you. Send your response to

Thanking you in advance.

[The Dalles Municipal Code (10.3.020.050)
states in C.7.

"Prior to the public hearing the applicant is recommended (but not required) to conduct an outreach meeting with residents and others who may be affected by the development."

Did the city care about the neighborhood enough to recommend this to the applicant?
If so, why did the applicant ignore so important a step?
If not, why not?

The decision, based on the findings of fact and conclusions in the staff report of ADJ18-037 and after a hearing, should be reversed on the following grounds:

The developer wishes to place a duplex (defined in 10.2.030 as “two dwelling units located on a single lot...”) on a corner lot. The lot in question measures, according to the application, .17 acres , or approximately 65.36 by 115 feet (7,475 sq. feet) According to city code 10.5.010.060, the required standard for a corner duplex in the RL zone is 4,500 sq. feet per dwelling unit, or at least 9,000 sq. feet, also confirmed as fact in the Staff Report under the heading 'Request'.

The developer filed an adjustment application seeking a reduction in the lot size required, to meet the actual lot size of approximately 7,500 sq. feet. This was apparently done in accordance with 10.3.080.020 D.3, for 'up to 20% reduction in required minimum area', or 10.3.080.020 D.7, where 'one- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Section 10.5.010.060'.

However, 10.3.080.020 B clearly states that 'adjustments are prohibited for the following items: ...6. to allow an increase in density in the RL zone'. Density is defined in 10.2.030 as 'the number of dwelling units per acre'. The proposed adjustment, in reducing lot size for a duplex without decreasing the number of dwelling units, corresponds precisely to an increase in density. Therefore, this application seeks an adjustment that is specifically prohibited by The Dalles city code. (Refer to compliance standards in 1.100 of the LUDO).

Referring to the Planning Commission Staff Report for Adjustment 18-037, hearing date May 3, 2018, the following findings of fact do not apply because this adjustment is specifically prohibited by the city code as stated in Section 10.3.080.020 (B 6), invalidating use of the following: parts C and D of that same section (Finding #2 and Finding #6); use of Section 3.080.040, Applications, A. Review Criteria 1. Finding #7, Criteria 4, Finding #10, Criteria 7, Finding #13, Criteria 8, Finding #14.

In addition, the use of any review criteria, as addressed in the statement under 'A. Review Criteria' on p. 2 is irrelevant. An adjustment is prohibited and cannot be accepted under any review criteria based on 10.3.080.020 B.6.

Even if this adjustment were not specifically prohibited under The Dalles city code, other issues addressed at the quasi-judicial hearing May 3rd provide support for denial of the adjustment request: negative impacts on livability, appearance, traffic, safety, and property values.

Compatilby with the neighborhood, street condition and width, and purpose of the adjustment omitted from the hearing notice were also addressed at the hearing. Reliance in the staff report on suggested amendments rather than existing code as well as reliance also in the staff report of proximity to high density zoning rather than of actual low density zoning of the property in question and the predominance of low density housing in the immediate area do not support citizens living in the area.

This request was not properly decided in a quasi-judicial hearing. The proper way to address this applicant's request would have been an amendment to the comprehensive plan or a change in the zoning designation or a change in the development standards for residential low density housing.

Commentary on last full PP on p. 18 to provide a reasonable solution to both issues raised. Exhibit 4

On page 18 the housing strategies report states that the minimum lot size for corner duplexes in the RL zone is 9,000 square feet (according to city code), and then brings up two issues related to the minimum lot size.

One is that 'this minimum lot size may incentivize development of larger unit sizes, and thus a larger overall duplex structure', noting that 'this may result in buildings that are out of scale with nearby homes'. The document correctly identifies a solution to this issue, which is that 'regulations should prevent structures that are out of proportion with adjacent homes'.

The other is that the minimum lot size 'does not incentive [sic] development of more affordable, smaller units'. It then suggests lowering the minimum lot size to 2,500-3,000 sq. ft. per dwelling unit 'so it is equivalent to or only slightly higher than the minimum lot size for a single-family home'.

It is important to note that the second proposal cannot be considered a solution to the first issue. The problem of 'larger unit sizes... duplex structure... out of scale with nearby homes' cannot be rectified by making it possible to build corner duplexes on more, smaller lots. If anything, by increasing the supply of lots available for this use, reducing the minimum lot size would only exacerbate the problem.

The production of more affordable, smaller units seems a reasonable goal, but the emphasis on solving this with RL-zoned corner duplexes is curious because it would seem that medium and high density zones are specifically suited to address this issue.* As noted in the housing and residential land needs assessment, page 36, 'The Dalles has ample mid-density and high-density residential zoned land, but these areas have traditionally experienced low-density development'.

Therefore, the proper solution to both of these issues is to regulate development in a way that maintains the purpose of zoning districts, instead of drastically altering density requirements to inappropriately shoehorn additional dwelling units into established neighborhoods where they do not adequately fit.

*It is noted that the proposed amendment would fit well in medium or high density zones and actually corresponds precisely to the required area for two dwelling units per lot in those zones (2,500 sq. ft. per dwelling unit in RH, 3,000 sq. ft. per DU in RM)

Due to acute concern regarding land-use and development in 2 RL neighborhoods in The Dalles this month and after The Dalles Planning Commission sided with the developer rather than lending support to the concerns of citizens from the east and west sides of town all opposing the developments, the following brief statements address serious issues of concern in the Housing Strategies Report of April 2017.

One issue is that of ADU's (HSR page 21) and specifically the proposed city code changes related to them (HSR page 22). Consider the following situation: A developer obtains a 5,000 square foot lot somewhere in the RL zone. According to the current codes, this would seem ideal for a single-family residence, but the developer builds a house with basement addition and a separate external ADU. These could then be rented to three different families who would reside on that one relatively small lot, an aberration and departure from the predominant character of the present RL neighborhoods. Consider: this situation would not meet the intent and purpose of the city codes and zoning ordinances, but could happen unchecked with these proposed changes. Most concerning is the change recommended about the owner-occupancy requirement, particularly in the RL zone where it is much more likely that residents (in this case, those in surrounding properties) are homeowners. Who is concerned with these RL communities (homeowners/families)? **It seems unconscionable that such significant changes should be allowed for those whose interest and investment in these neighborhoods is primarily financial.**

It is important to note that rental duplexes are already allowed in RH and RM zones, and on corner lots in the RL zone, so this is already an option. However, rental duplexes are regulated with certain requirements in the city codes which could be amended if necessary in the RM and RH zones. It is only reasonable to keep the owner-occupancy requirement for ADUs in RL zones and change standards for rental duplexes in the RM and RH zones. This approach seems far more appropriate in RH and RM zones and more neighborhood-friendly in the RL zone. Many homeowners bought houses in RL zones because they wanted to live in an RL zone for important reasons unique to each household (health, density, traffic, quality of life, etc.)

Another issue to address is exactly that of rental duplexes on corner lots in the RL zone. On page 18 a suggestion is made to lower the minimum lot size to between 5,000-6,000 sq. ft. for these developments, representing a significant increase in potential density on these lots (the same paragraph notes that 5,000 sq. ft. matches the minimum lot size for a single-family home). This amendment would seem to fit well into the current standards of the RM and even RH zones, though the recommendations also call for duplex lots in those areas to be decreased. However, there is a significant difference between these changes in RL as opposed to RM and RH, and it concerns the underlying purpose behind the zoning ordinances. On page 16, in the second paragraph, it is stated **that 'neighborhoods in the RL zone are intended primarily for single-family development'**, unlike the RM and RH zones. Page 17 begins with 'per the city's comprehensive plan, multi-family development may not be appropriate in the RL zone generally, but the code makes exceptions for duplexes built on corner lots'. This statement highlights the idea that **corner lot duplexes are already an exception to the general requirements of the city code in the RL zone**, 'the only multi-family development allowed in the RL zone', noted on page 18. **To reduce the lot size required for a duplex in the RL zone is adding another exception to an already-existing exception, compromising compatibility of a corner duplex with a neighborhood in the RL zone to an unacceptable degree**, altering the character of a potential property in the RL zone to a drastic degree (consider properties on 13th St. west of Cherry Heights, the lots many times the size of the vacant lot on which a duplex has been proposed, that lot not large enough to meet current code for a duplex in RL zones. Why is this not seen as an amendment which does not honor the character of a neighborhood in an RL zone, changes proposed in another RL neighborhood also not in character with that area?)

Back on page 17, it is stated that 'the standards that govern corner duplexes [in the RL zone] could be adjusted to make their development feasible on more sites'. This may be true, but why? From page 16 we know that 'the RH and RM zones account for a significant portion of the city's total residential land'. Furthermore, these zones already allow multi-family housing in general, not just on the corner lots. **Why not put multi-family housing primarily on the land that is already widely available for that very purpose (in RM and RH zones) before altering low-density neighborhoods** in a neighborhood already well-established with single-family homes, preserving the unique character of present RL neighborhoods chosen for their unique character by families who have invested much to live in just such a neighborhood?

Those are the two issues impacting the very character and livability of neighborhoods in RL zones of particular concern in the Housing Strategies Report. Summary recommendations at the end of the HSR are a very important part of the document, as follows:

Considering the second issue first, there is no mention of corner lot duplexes in the RL zone in this summary, even in the section labeled Land Supply (page 40) which gives three suggestions regarding increasing density. The closest would probably be LUDO #3 (page 38), which recommends updating density standards, though the statement about a potentially broader mix of housing forms also is more appropriately aimed at RM and RH zones. This indicates that reducing lot size for corner duplexes in RL is not actually as important as one might conclude from a cursory reading of pages 17 and 18.

The issue of ADUs is mostly addressed in LUDO #6, the implications here of great concern. It is noted that 'relatively few ADUs have been developed or proposed recently', but if the owner-occupancy requirement is removed, that could change in unexpected ways negatively impacting RL neighborhoods. Because of this, the relative impact could be potentially high with less-than-desirable side effects. It is to be noted that all of the summary suggestions mentioned here are listed as optional.

Why are citizens (living in these RL neighborhoods and other than the Planning Commission) not included in the planning stages? Why are the citizens directly impacted by the implementation of these proposed changes not valued, their input sought and seriously considered. Land use and housing are important issues with no easy solutions to such questions. Hopefully these few paragraphs will **help in reconsidering some of the apparent solutions before they produce unintended consequences**. At the very least, the APG, aware of these issues, may **assist in implementing ideas in a way that those consequences are minimized, especially necessary in RL neighborhoods.**

(Name withheld by request)



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Date

8/2

This FAX transmission contains 2 pages (not including this cover sheet)

To: Name Matt + others

Department _____

Company APG

FAX (503) 227-3679

You are invited to a cookout
supper at 1311 Perkins tonight at

5 p.m. -- indicate the # of persons +
call 503-327-3454. If that is not possible,
read at least the underlined parts of attached pages
our RL neighborhood before proposing changes that
will dramatically alter it.

Commentary on last full # on p. 18 to provide
a reasonable solution to both issues
raised.

On page 18 the Housing Strategies Report states that the minimum lot size for corner duplexes in the RL zone is 9,000 square feet (according to city code), and then brings up two issues related to the minimum lot size.

One is that 'this minimum lot size may incentivize development of larger unit sizes, and thus a larger overall duplex structure', noting that 'this may result in buildings that are out of scale with nearby homes'. The document correctly identifies a solution to this issue, which is that 'regulations should prevent structures that are out of proportion with adjacent homes'.

The other is that the minimum lot size 'does not incentive [sic] development of more affordable, smaller units'. It then suggests lowering the minimum lot size to 2,500-3,000 sq. ft. per dwelling unit 'so it is equivalent to or only slightly higher than the minimum lot size for a single-family home'.

It is important to note that the second proposal cannot be considered a solution to the first issue. The problem of 'larger unit sizes... duplex structure... out of scale with nearby homes' cannot be rectified by making it possible to build corner duplexes on more, smaller lots. If anything, by increasing the supply of lots available for this use, reducing the minimum lot size would only exacerbate the problem.

The production of more affordable, smaller units seems a reasonable goal, but the emphasis on solving this with RL-zoned corner duplexes is curious because it would seem that medium and high density zones are specifically suited to address this issue.* As noted in the housing and residential land needs assessment, page 36, 'The Dalles has ample mid-density and high-density residential zoned land, but these areas have traditionally experienced low-density development'.

Therefore, the proper solution to both of these issues is to regulate development in a way that maintains the purpose of zoning districts, instead of drastically altering density requirements to inappropriately shoehorn additional dwelling units into established neighborhoods where they do not adequately fit.

*It is noted that the proposed amendment would fit well in medium or high density zones and actually corresponds precisely to the required area for two dwelling units per lot in those zones (2,500 sq. ft. per dwelling unit in RH, 3,000 sq. ft. per DU in RM)

(This page prepared by a concerned citizen to be
presented at discussion on 5/17 - no opportunity
provided for discussion with citizens)

Addressing the issue of ADU's (HSR page 21) and specifically the proposed city code changes related to them (HSR page 22), consider the following situation: A developer obtains a 5,000 square foot lot somewhere in the RL zone. According to the current codes, this would seem ideal for a single-family residence, but the developer builds a house with basement addition and a separate external ADU. These could then be rented to three different families who would reside on that one relatively small lot.

This situation would not meet the intent and purpose of the city codes and zoning ordinances, but it's easy to see it happening with these proposed changes. The potential change in the owner-occupancy requirement is most concerning, particularly in the RL zone where it seems more likely that residents (in this case, those in surrounding properties) are homeowners. These homeowners have invested not only money but in many cases significant time and effort in building and maintaining the communities where they themselves live. It seems improper that such significant changes should be allowed for those whose only interest in these neighborhoods is a financial one.

It is noted that rental duplexes are already allowed in RH and RM zones, and corner lots in the RL zone, so this is already an option. However, rental duplexes are regulated with certain requirements in the city codes, which could be adjusted if necessary. It should not be difficult to keep the owner-occupancy requirement for ADUs and change standards for rental duplexes. This approach seems far more appropriate.

Another issue is exactly that of rental duplexes on corner lots in the RL zone. On page 18 a suggestion is made to lower the minimum lot size to between 5,000-6,000 sq. ft. for these developments, representing a significant increase in potential density on these lots (the same paragraph notes that 5,000 sq. ft. matches the minimum lot size for a single-family home).

This amendment would seem to fit well into the current standards of the RM and even RH zones, though the recommendations also call for duplex lots in those areas to be decreased. However, there is a significant difference between these changes, and it concerns the underlying purpose behind the zoning ordinances.

On page 16, in the second paragraph, it is stated that 'neighborhoods in the RL zone are intended primarily for single-family development', unlike the RM and RH zones. Page 17 begins with 'per the city's comprehensive plan, multi-family development may not be appropriate in the RL zone generally, but the code makes exceptions for duplexes built on corner lots'. This statement highlights the idea that corner lot duplexes are already an exception to the general requirements of the city code in the RL zone, 'the only multi-family development allowed in the RL zone', noted on page 18.

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Land use and housing are important issues, and the solutions may not be easy, but the effects of actions must be considered. Hopefully these few paragraphs will help in reconsidering some of the apparent solutions before they produce unintended consequences, or assist in implementing them in a way that those consequences are mitigated to the extent possible.

TO: The Dalles City Council
FROM: Lorene Hunt
DATE: June 25, 2018

SUBJECT: Tonight's Hearing--5:30 pm

I am Lorene Hunt, PO Box 81, our home at the corner of 13th and Perkins which I share in The Dalles with my husband when I can be here, our son living in Eugene needing my presence at our other home, to which we moved to assist him when he was diagnosed during his first months of study for his Master's. He has been unable to work since going downhill during his studies, barely able to finish his Master's. His condition in Dec. of 2015 was so compromised that friends (and sometimes we) thought he would not survive his hospital stay. A team of doctors have instructed him regarding the importance of 3 conditions: avoiding toxins that impact his health (that includes exhaust fumes from vehicles and even foods that his body does not tolerate), adequate sleep, and low stress = these conditions key to controlling symptoms in addition to experimental medication that has made a difference in the past few years. His body seems to be acutely sensitive in many ways, his hearing tested this past Dec. due to an incident, his hearing confirmed to be extremely acute, a condition we had already considered as he was able to hear whispers from across our home, among other things. I will be leaving tomorrow morning, here only because of this appeal, our son needing me to prepare organic food and take care of other matters at our home there... his home that we provide.

I give you this background information because it relates to our search for a home in The Dalles to which my husband transferred in a management position in 2013, The Dalles a small town near where our other son lives. We looked 6 months for a home to purchase, focusing on low density areas that would provide conditions making it possible for our son to visit us or even live with us if necessary - quiet surroundings near country and cleaner air, yet close to my husband's work. We found that home along 13th Street, a one-way street with expansive properties offering low density and cleaner air, that street attracting us as less trafficked than other 2-way streets, limiting toxic fumes impacting our son. In 4 years and after putting much labor into an obviously distressed property inside and out (notices on the door about the yard before we purchased it, the inside unlivable without major work), we have grown to love this home, offering a peaceful neighborhood with no incidents of any kind to report. Neighbors have been quiet and caring, our son visiting occasionally, hopefully more often as his condition slowly improves, his health always uncertain.

This is our particular experience. Families, particularly along 13th Street, have chosen this area specifically because of what it offers, as did we - proximity to country, low density, peaceful surroundings, etc. One family moved from a high density area in The Dalles to this area not many years ago specifically because it is low density and close to country; other residents have lived here for longer than the developments on and near 10th street. Several residents in the homes we so love along 13th are

connected to city government in various ways and feel constrained to not become more involved in this matter, one person offering very helpful advice with a statement of the need to remain publicly uninvolved. Only one person has expressed neutrality as to the construction of a duplex, that person having mowed the developer's property for several years and receiving an additional payment shortly before the hearing May 3... difficulty understood and no pressure placed on that person. Others have been most supportive, a petition signed by many concerned persons having been sent to city council members after the May 3 hearing.

A garage (reported by a neighbor to have been the stated project of the developer) or single family dwelling across the street would have raised no concerns, but a duplex? 2 dwellings on such a small area? vehicles parking where? exiting onto Perkins, as was suggested at the hearing May 3? that area of street already in very compromised condition? Try turning from 13th onto Perkins or vice versa, right next to the proposed duplex, potholes on both sides of the street, the paved portion connecting with 13th less than 17 feet wide at the potholes!!! Daily negotiating that corner from 13th (our preferred route used from Steve's work and from downtown) to our home on the corner of Perkins and 13th requires serious effort to avoid the large depression on the east side of Perkins at that corner. Better yet, take a drive from Cherry Heights Road slowly along 13th, looking at the properties on both sides of the road, particularly homes on 13th. (Even the park-like setting and considerable setback behind trees hide West Park Orchards, at least 2 normally-sized tax lots away from 13th with that setback, senior citizens respectfully entering the neighborhood with reasonable speed). Note the size of the properties and landscaping on 13th, then turn onto Perkins making a wide but reasonable corner as you did onto 13th St (you will feel a significant bump as your tire enters the pothole). You are sincerely invited to stop at our home on the corner of 13th and Perkins and sit in the chair under our porch, looking up at 13th and the hills. Note the peacefulness and sounds of nature (even country animals can be heard in the distance occasionally).

All plants removed from former lush front entrance... only side entrance used by me to avoid activity prohibited by city code.

HOME IS NOT HOME ANYMORE. It's a "development."

Then - ask - would I want my efforts, my home, my family, my RL neighborhood, impacted by an uncharacteristic duplex squeezed onto a too-small lot, rentals at that, next to these homes and properties so loved by their owners? only 1 duplex down Perkins lived in by a family member and housing a person with special needs? Please take the time to drive this route; survey the construction site on the corner of 13th and Perkins (earth dug and forms laid 6 feet from the property line); sit at our home and get a feel for the neighborhood; drive to Walnut Street to get a feel for the section of 13th beyond Perkins; consider The Dalles Municipal Code and the section that states "Adjustments are prohibited for the following items: To allow an increase in density in the RL zone" - **THEN**, and only then, taking information above and that of others testifying at the hearing, **make a decision that will honor this neighborhood and those who have contributed to it for many years (in many cases).**

Forene Hunt

PO Box 81, The Dalles, OR 97058

Exhibit 4
Commentary on last full P on p. 18 to provide
a reasonable solution to both issues
raised.

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(This page prepared by a concerned citizen to be
presented at discussion on 5/17 - no opportunity
provided for discussion with citizen)

ZOA-97-18

Distributed @

8/2/18 PC mtg

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Land use and housing are important issues, and the solutions may not be easy, but the effects of actions must be considered. Hopefully these few paragraphs will help in reconsidering some of the apparent solutions before they produce unintended consequences, or assist in implementing them in a way that those consequences are mitigated to the extent possible.

Housing Needs Analysis Code Amendments

Planning Commission Public Hearing
August 2, 2018



LAND USE PLANNING
TRANSPORTATION PLANNING
PROJECT MANAGEMENT



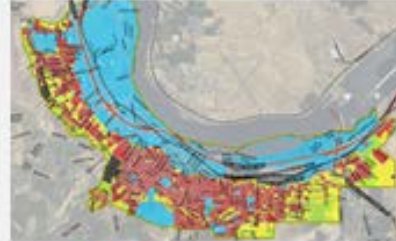
Project Background

- Implementation of Housing Needs Analysis (HNA)
- Ensure compliance with Senate Bill 1051
- HNA identified 11 code amendment strategies (see *Housing Strategies Report*)
- Five strategies selected for implementation with this project



Key Findings of the HNA

- The population is growing.
- Renters are burdened by high housing costs.
- There is a key need for more rental housing.
- Attached housing will make up greater share of new development.
- Demand for denser housing is rising
- Land is available but must be developed at higher densities to meet needs.

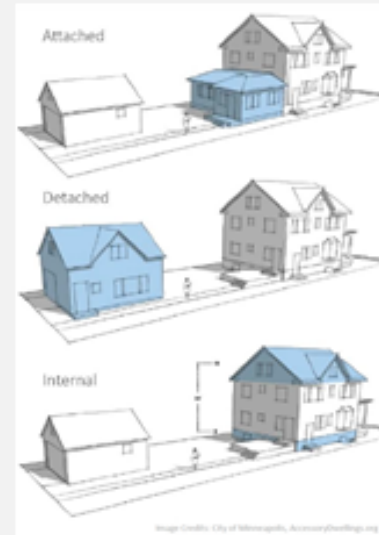


Overview of Proposed Code Amendments

1. **Accessory Dwelling Units:** compliance with SB 1051, LUDO Strategy #6 in HNA.
2. **Duplexes, Triplexes, and Townhomes:** component of LUDO Strategy #3 in HNA.
3. **Residential Care Facilities:** compliance with state and federal fair housing laws, LUDO Strategy #1 in HNA.
4. **Neighborhood Compatibility Standards:** LUDO Strategy #2 in HNA)
5. **Expedited Permitting for Affordable Housing:** compliance with SB 1051, Non-Regulatory Strategy #3 in HNA

Accessory Dwelling Units

- Purpose: encourage development of ADUs to meet a needed housing type
- Update multiple standards to remove barriers to development while improving some standards that address livability and character
- Comparison to DLCD Model Code (released March 12)



Accessory Dwelling Units: Overview

Standard	Existing Code	Proposed Code
<i>Max number of ADUs (per lot)</i>	One per lot	One in RL zone, two in zones that allow multi-family housing
<i>Max size (floor area)</i>	600 square feet or 60% of main house (whichever is lower)	800 square feet or 75% of main house (whichever is lower)
<i>Privacy standard</i>	"Entrance shall be oriented to protect privacy"	Windows facing adjacent lot must be either (1) placed on upper third of wall or (2) screened by 6-foot high fence or shrubs
<i>Special Setbacks (in addition to base zone)</i>	No special setbacks	Front of ADU must be at least as far setback as main house
<i>Design Style</i>	"Compatible with primary dwelling"	No special design style requirement
<i>Owner Occupancy (owner must live on site)</i>	Yes	No

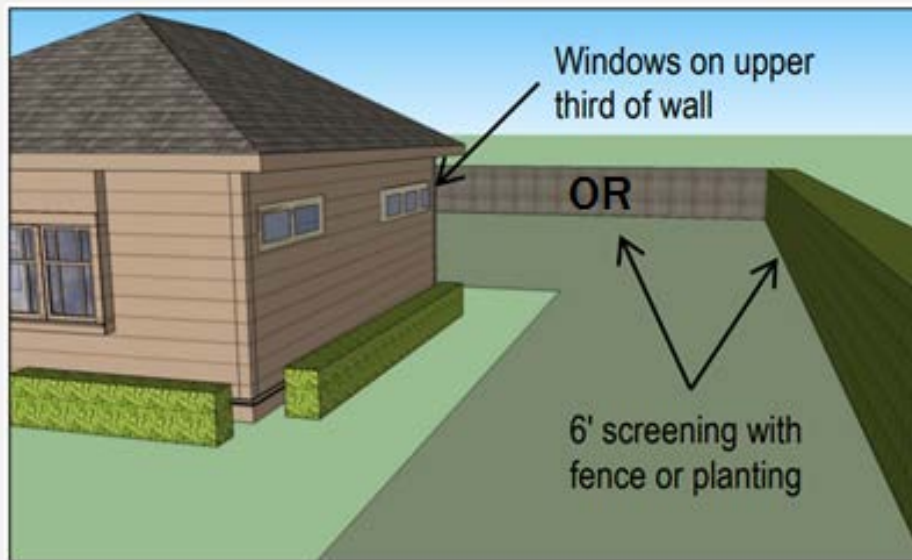
ADUs: Allowance for Two Per Lot

- Second ADU permitted on one lot in zones that allow multi-family development (RM, RH, NC, and CBC).
- One of the ADUs on site must be internal/attached.
- Second ADU must be reviewed as an **Administrative Action**.
 - Notice to property owners within 100 feet and 14 day comment period.
 - Option to elevate to Quasi-Judicial Action.
 - May be appealed to the Planning Commission.

ADUs: Owner Occupancy Requirement

- Proposed amendment would remove this requirement.
- Disadvantages of the requirement:
 - Difficult to enforce;
 - May complicate financing for prospective buyers or existing owners that want to build an ADU;
 - Inconsistent with other regulations (duplexes).

ADUs: Privacy Standard



ADUs: Maximum Size

- Current: Lesser of 600 square feet or 60% of house
- Proposed: Lesser of 800 square feet or 75% of house
- Goal: Expand appeal of ADUs by allowing them to meet similar size needs as apartments:
 - Median size of new apartment unit (nationally): 1,031 square feet¹
 - Only 31% of new apartments are below 1,000 square feet¹

¹ Source: US Census Bureau, Annual 2016 Characteristics of New Housing

ADUs: Maximum Size



APC Housing Needs Analysis Code Amendments

City of The Dalles 11

Duplexes, Triplexes, and Townhomes

- Goal: Encourage development of duplexes, triplexes, and townhomes to help meet citywide housing density goals.
- Issue: Current lot size and minimum landscape requirements are a barrier to reaching density goals:
 - Effectively require development of larger units
 - May require acquisition of multiple lots



APC Housing Needs Analysis Code Amendments

City of The Dalles 12

Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit <small>(corner lots only)</small>	2,500 sf per unit <small>(corner lots only)</small>	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit <small>(corner lots only)</small>	2,500 sf per unit <small>(corner lots only)</small>	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Examples: Duplexes on Smaller Lots

Example: Corner Duplex, 5,000 sf lot



APC Housing Needs Analysis Code Amendments

City of The Dalles 15

Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

APC Housing Needs Analysis Code Amendments

City of The Dalles 16

Examples: Duplexes on Smaller Lots

RM Zone: Side-by-Side Duplex, 5,000 sf lot



Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Examples: Duplexes on Smaller Lots

RH Zone: Side-by-Side Duplex, 4,000 sf lot



Duplexes, Triplexes, and Townhomes: Lot Sizes

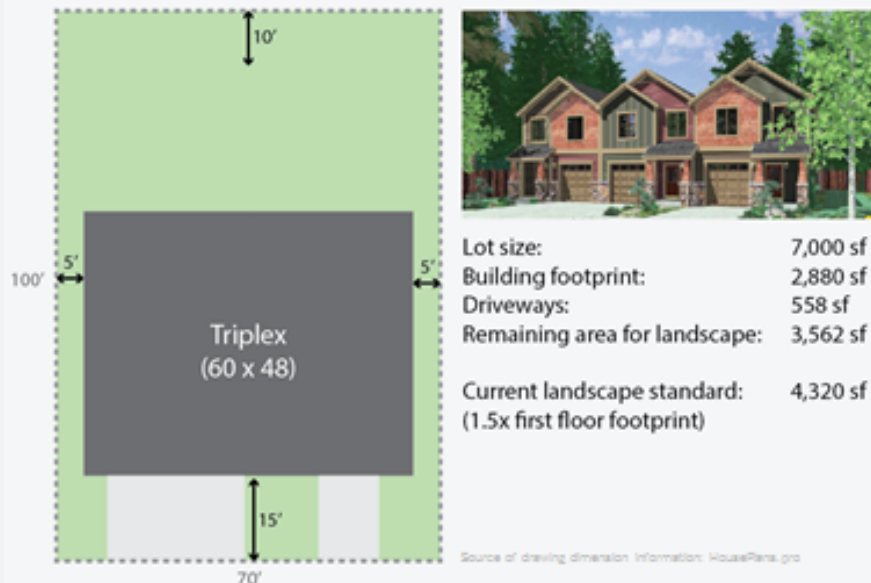
Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Triplexes: Landscaping Standard

- Background: Minimum landscape area standard apply to developments of over 3 units per lot (triplexes +).
 - RH Zone: 1.5 times the first floor area
 - RM Zone: 1 times the first floor area
- Issue: The standard may prevent development of triplexes on smaller lots.
- Proposal: Apply the same landscape standard that applies to single-family homes and duplexes to triplexes.
 - Landscape all undeveloped areas of front yard

Triplexes: Landscaping Standard

RH Zone: Triplex, 7,000 sf lot



Residential Care Homes and Facilities

- ORS 197.665 and 197.667:
 - Residential Care Home (5 or fewer individuals) must be permitted in any residential or commercial zone where single-family dwellings are permitted
 - Residential Care Facilities (5-16 individuals) must be permitted in any zone where multi-family dwellings are permitted.
- LUDO: Residential Care Homes as a permitted accessory use in every zone where single-family dwellings are a permitted use.
- Classification as accessory use could be interpreted as a more restrictive than requirements of single-family dwellings

Neighborhood Compatibility Standards

- ORS 197.307 requires that cities apply “clear and objective standards” to needed housing types.
- Proposed amendments preserve the intent of the standard, but revise to ensure it is clear and can be administered objectively:
 - Façade Articulation
 - Trim and Details
 - Duplexes, Triplexes, and Townhomes (2 units) must “have appearance of a single house”
 - Townhomes (3-8 units): “may be required to combine roof lines and front porches”

Expedited Permitting for Affordable Housing

- SB 1051: cities must complete land use decisions for qualifying affordable housing developments within 100 days after the application is deemed complete (current standard is 120 days)
- Qualifying developments:
 - A multifamily building containing five or more units;
 - At least 50 percent of the units must be affordable to households with an income at or below 60 percent of Median Family Income; and
 - The units must be affordable for at least 60 years.
- Existing time limits defined in LUDO are in compliance

Expedited Permitting for Affordable Housing

- Purpose:
 - Facilitate affordable housing development by reducing costs of permitting delays.
 - Ensure compliance with 100-day limit defined by SB 1051
- Existing expedited permitting program in place for developments in the Enterprise Zone
- Implemented by ordinance:
 - Qualifying developments (defined by ORS 197.311) processed ahead of all other applications
 - Planning Director to act as “Permit Coordinator”

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PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 18, 2018

TO: Chairman and Members of the Planning Commission

FROM: Steven Harris, AICP
Community Development Director

ISSUE: **CUP No. 173-14 Modified Condition No. 13 Status Update - Dry Hollow Elementary School – 1314 E. 19th Street, The Dalles – 1N 13E 10 Tax Lot 100**

BACKGROUND

At their meeting of November 16, 2017, the Planning Commission conducted a public hearing to consider a request by the North Wasco County School District No. 21 (School District) to modify Condition of Approval No. 13 for CUP No. 173-14 (Dry Hollow Elementary School). As originally approved, the condition established a deadline for construction of a traffic and improvement plan for student pick-up, drop-off and parking required for the installation of two modular classroom facilities. The School District requested reconsideration of the time limits imposed in the original condition language, necessitating a new public hearing by the Planning Commission.

Original Condition of Approval No. 13 read as follows:

13. North Wasco County School District #21 shall provide a traffic and improvement plan that acknowledges the pedestrian, vehicular drop off and parking issues which exist, and will be created with the addition of the two new modular buildings. The plan will need to be submitted within one year of the approval of this application to the Planning Commission to review and provide options and timings of necessary improvements to ensure the safety of the children that are walking to, or being dropped off/picked up at Dry Hollow Elementary. The plan shall include a provision acknowledging the Planning Commission's expectation that construction of improvements designed to implement the plan be completed by September 1, 2017. In the event North Wasco County School District #21 determines it cannot complete construction of the improvements by September 1, 2017, the District shall notify the Planning Director of this determination by no later than June 30, 2017. A hearing will then be scheduled before the Planning Commission during which the Planning Commission will consider progress made on the improvement plan to date and will determine whether to grant an extension of the timeline for construction of the improvements.

Following closure of the hearing the Commission modified the condition (see below) requiring the School District to report back at regular intervals during the 2017/18 school year on their efforts to enact modifications to current student drop off/pick plan procedures, and to proceed with the implementation of certain physical improvements.

PROCEDURE

Quasi-judicial hearing.

NOTIFICATION

Property owners within 300 feet, City Departments and franchise utilities were mailed a notice on October 5, 2018. Notice was also given to members of the public that provided testimony at the November 16, 2017 public hearing, as well as publication in The Dalles Chronicle.

DISCUSSION

Since the November 16, 2017 public hearing, School District representatives have provided updates to the Commission on February 1 and May 17, 2018. Modified Condition of Approval No. 13 requires that a hearing be held following closure of the 2017/18 school year to consider the School District's progress in implementing the condition.

Modified Condition of Approval No. 13 reads as follows:

13. During the 2017-2018 school year, North Wasco County School District #21 shall implement the procedures and practices set forth in the Arrival and Dismissal Procedures for Dry Hollow Elementary, and the Dry Hollow Drop-off and Pick-up Update dated September 24, 2017. The School District shall provide updates by no later than January 5, 2018, and April 6, 2018 to the Planning Commission as to the effectiveness of these procedures and practices in addressing traffic congestion in the area near Dry Hollow Elementary where students are dropped off and picked up.

In July, 2018, a hearing will be held before the Planning Commission where the School District will present a report as to progress in identifying a funding source for proposed capital improvements which are part of a long-term plan to address the traffic safety issues associated with the drop-off and pick-up of students at Dry Hollow Elementary.

As part of its report to the Planning Commission, the School District shall report on its efforts to secure an amendment to the intergovernmental agreement with the City and Wasco County related to annual project fees paid to the School District, pursuant to the Enterprise Zone Tax Abatement Agreement executed on September 24, 2013, to allow the project fees to be used as a source of funding for the capital improvements to be constructed as part of the School District's plan to address traffic safety issues associated with the drop-off and pick-up of students at Dry Hollow Elementary School.

The report shall also include estimated engineering and construction costs for the capital improvements, and a timeline for completion of construction of the capital improvements.

Preliminary engineering and construction cost estimates for the improvement plans from the School District's engineering firm (Klein & Associates) are attached.

RECOMMENDATION

Staff recommends the Planning Commission conduct a public hearing, receive public testimony, and following closure of the hearing determine if the North Wasco County School District No. 21 has satisfactorily fulfilled the requirements of modified Condition of Approval No. 13 for CUP No. 173-14.

If the Commission determines that satisfactory progress has been made, staff suggests the following motion:

1. Move to find that North Wasco County School District No. 21 has satisfied the requirements of Modified Condition of Approval No. 13 for CUP No. 173-14.

If the Commission determines that the satisfactory progress has not been made, staff suggests the Commission consider the following options:

2. Move to continue the public hearing to date certain to allow the School District additional time to satisfy the requirements of Modified Condition of Approval No. 13 for CUP No. 173-14.
3. Move to find that the North Wasco County School District No. 21 has not satisfied the requirements of Modified Condition of Approval No. 13 for CUP No. 173-14, and move to direct staff to initiate proceedings to revoke CUP No. 173-14.
4. Other direction as appropriate.

ATTACHMENTS

- Memorandum from Klein & Associates w/cost estimates (August 13, 2018)
- Planning Commission Agenda Report & Minutes (November 16, 2017)
- Planning Commission Minutes (February 1, 2018 & May 17, 2018)



Klein & Associates, Inc.

Engineering, Land Surveying, Planning

Hood River, OR
1411 13TH STREET, 97031
(541)386-3322

Camas, WA
2517 252ND AVE, 98607
(360) 687-0500

Bingen, WA
PO Box 786, 98605
(509) 493-3111

August 13, 2018

**Dry Hollow Elementary School
1314 E 19th Street, The Dalles, OR 97058**

RE: Stormwater Design for New Parking Lot and Drop-off Area

To Whom it May Concern:

This memorandum is in support of providing a feasible stormwater design for the new Parking Lot and Drop-off Area (the Project) for the Dry Hollow Elementary School in The Dalles, Oregon. The conceptual parking lot design was provided by Blue Zones and drafted by Klein and Associates, along with Right-of-Way Improvements coordination with the City of The Dalles for the Safe Routes to School Grant. Based on the City of the Dalles Stormwater Master Plan, Appendix F, the proposed new development will require a stormwater system that will need to manage the new pollution generating storm flows on-site, and address any offsite drainage concerns.

Currently, the site is a graded gravel lot (approximately 15,000 sf) used as an informal drop-off and parking area for the School. Based on the Concept Plan, the Project will generate approximately 17,500 square feet of pollution generating impervious area (asphalt parking and turnaround), and approximately 3,000 square feet of non-pollution generating impervious area (concrete sidewalks and graded features), along with landscape areas within the parking lot and street frontages. The new development will need to match the existing runoff generated by the 25-year 24-hour storm based on the NOAA Atlas 2 Volume X isopluvial maps. The new development must not exceed 0.36 cubic feet per second (cfs) based on the existing conditions for the 25-year 24-hour stormwater runoff at the site.

Upon initial Concept layout and hydrologic modeling using HydroCAD, the onsite stormwater system shall consist of bioretention swales within the landscape frontage along Dry Hollow Road, and a final bioretention area at the northeastern area of the site, with overflow connecting to the existing stormwater system on Dry Hollow Road. A typical cross-section of a bioretention swale is shown in Figure 1, however a perforated collection pipe will not be needed.

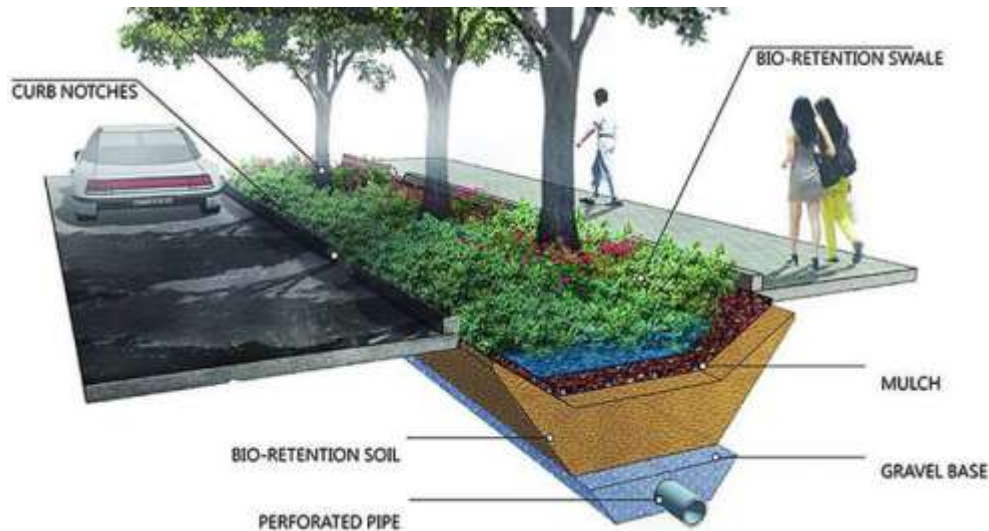


Figure 1: A Typical Cross-Section of a Parking Lot Bioretention Swale System (photo credit by Bay Area Bioswale)

For the general design of this project, a minimum 290 linear foot bioretention swale with 2' bottom width will be needed to manage and treat the onsite stormwater from the parking lot area, with an overflow structure to the existing stormwater system on Dry Hollow Road. These approximate bioretention facility dimensions will treat and infiltrate to the native soil the 1.45 cfs of onsite stormwater runoff generated by the new impervious areas, with a maximum overflow of 0.19 cfs from the 25-year 24-hour storm to the existing system.

Additional stormwater factors to consider:

- Infiltration testing as not been performed for this Site. The existing soil conditions based on NRCS Soil Survey note that the Site is underlain by Endersby Loam, which has high infiltration rates. Infiltration rates will need to be confirmed upon further design. An estimated infiltration rate of 6in/hr was used in HydroCAD modeling.
- It is noted in the City's GIS inventory, that there is an old 48" stormwater culvert which directs runoff from the northwest corner of the project site (upstream of the Site) to the Dry Hollow Road drainage ditch system. The existing condition of the culvert is unknown, and may need to be replaced and retrofitted to connect to the Site's new stormwater system.
- An additional oil and water separator may be required (per LUDO Section 7, New Parking Lots) since the lot is over 10,000 square feet of new pollution generating impervious area if the City deems the bioretention system inadequate for treatment.

Please let me know if you have any additional questions.

Sincerely,

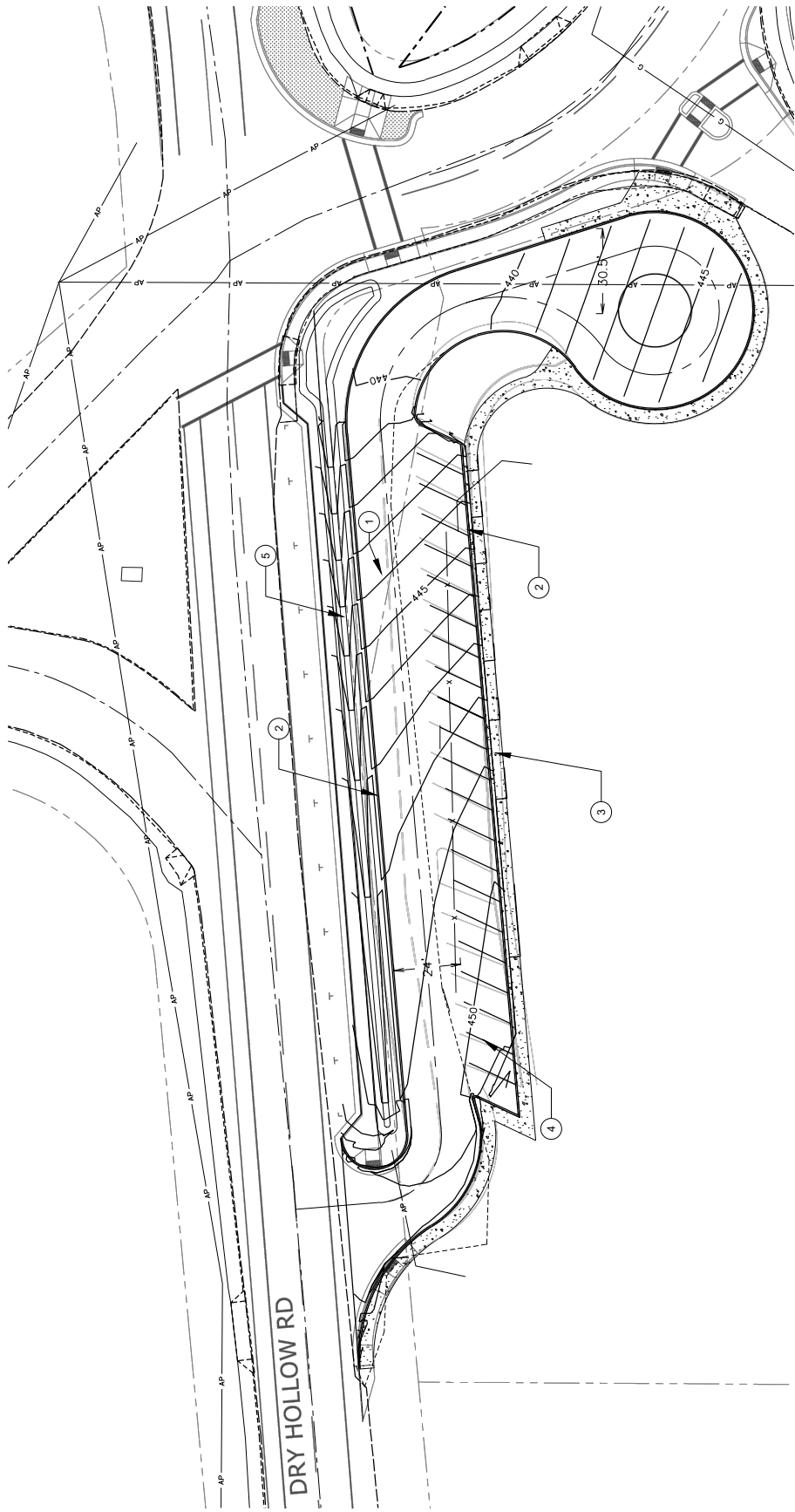
Anne E Alsheimer, P.E.
Klein and Associates, Inc.
(541) 386-3322

STUDENT DROP-OFF IMPROVEMENTS SITE PLAN
WASCO COUNTY SCHOOL DISTRICT
THE DALLES, OREGON

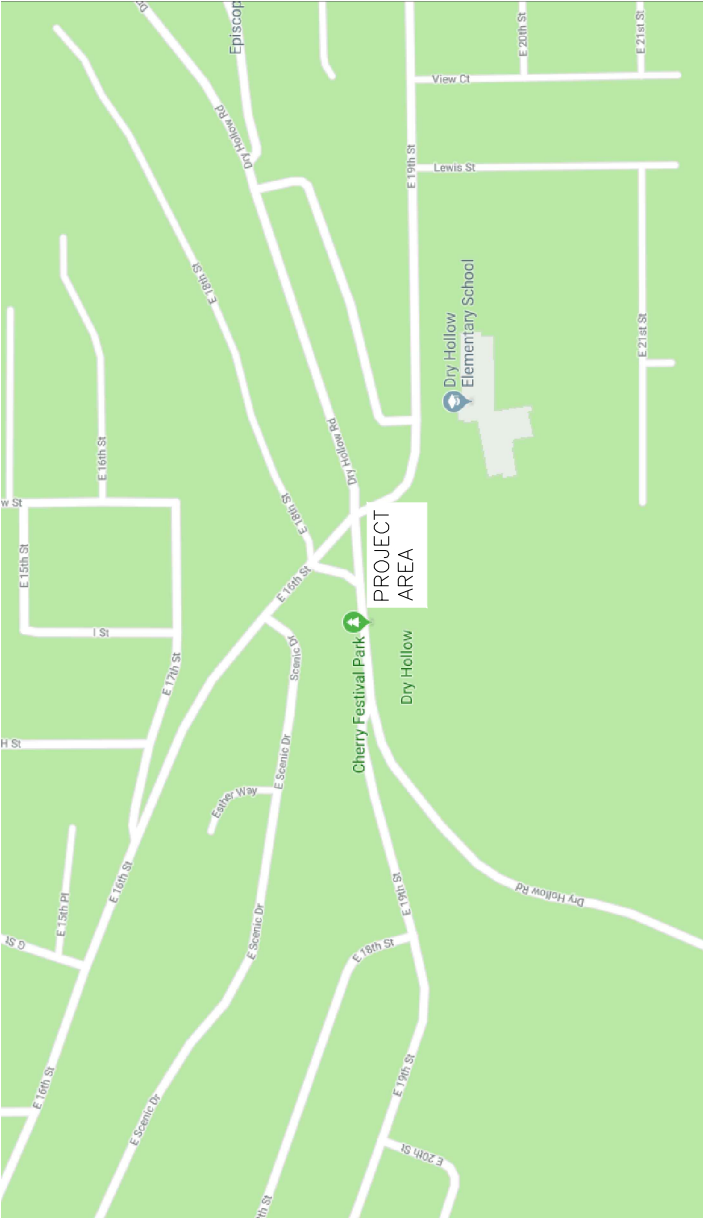
REVISIONS:	NO.	DESCRIPTION	DATE

PROJECT: 140913
FILE No: 140913 CONCEPT 5.dwg
DRAWN BY: JAV/MSB/3/08/09
LAYOUT: Layout Name
SURVEYED: Initials
DESIGN: Initials
CHECKED: Initials
APPROVE: Initials
DATE: AUG 13, 2018

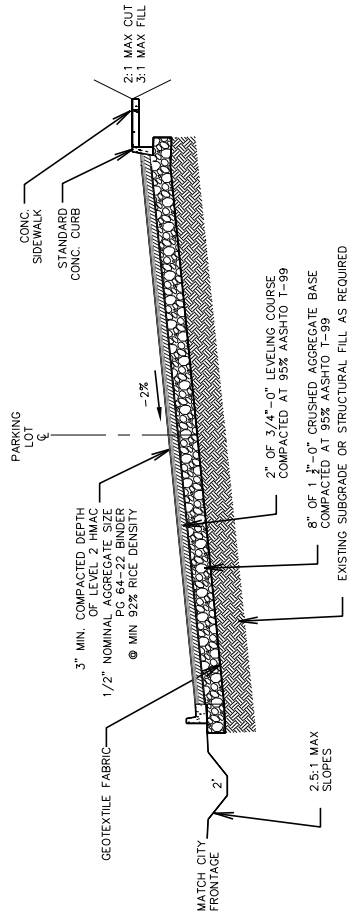
SHEET
C1 OF C1



LEGEND	
=====	EDGE OF ASPHALT
=====	CURB
-----	EDGE OF GRAVEL
-----	SETBACK LINE
○	CONSTRUCTION NOTE



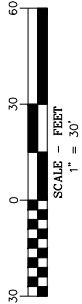
VICINITY PLAN



PROPOSED ASPHALT SECTION
NTS

CONSTRUCTION NOTES:

1. CONSTRUCT ASPHALT PAVEMENT PARKING LOT. SEE TYPICAL SECTION ON THIS SHEET.
2. CONSTRUCT STANDARD CONCRETE CURB PER CITY STANDARD DETAIL RD700.
3. CONSTRUCT 5' WIDE CONCRETE SIDEWALK, PER CITY STANDARD DETAIL RD720.
4. INSTALL PAINTED PAVEMENT STRIPING, STALLS 10' WIDE X 20' DEEP, TYP.
5. CONSTRUCT STORMWATER SWALE



PRELIMINARY

PRELIMINARY CONSTRUCTION COST ESTIMATE FOR
DRY HOLLOW PARENT DROPOFF

Project: Dry Hollow Dropoff
KA Project #: 140913
Date: 8/13/2018
Prepared By: Alejandro Virgen, EIT and Annie Alsheimer, PE
Reviewed By: Elizabeth Betts, PE



	ITEM	UNIT	#	COST/UNIT	TOTAL
	SITE PREP & TESC				
1	MOBILIZATION (8%)	LS	6%	\$25,500.00	\$ 25,500
2	TRAFFIC CONTROL	LS	1	\$5,000.00	\$ 5,000
3	EROSION CONTROL	LS	1	\$4,000.00	\$ 4,000
4	CLEARING AND GRUBBING	SF	35000	\$0.25	\$ 8,750
	DEMOLITION				
5	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS	1	\$5,000.00	\$ 5,000
6	ASPHALT PAVEMENT SAW CUTTING	LF	65	\$7.00	\$ 455
	EARTHWORK				
7	NET CUT PER CIVIL 3D*	CY	1525	\$40.00	\$ 61,000
	*Based on 2014 topo survey by Klein, actual earthwork quantity may be lower due to recent grading				
	PAVING & SURFACING				
9	1-1/2 inch - 0 AGGREGATE BASE	TON	1170	\$51.67	\$ 60,454
10	3/4 INCH - 0 AGGREGATE BASE	TON	312	\$35.33	\$ 11,023
11	LEVEL 2 HMAC, PG 64-22 IN PRECOATED AGG	TON	348	\$135.00	\$ 46,980
12	CONCRETE WALK	SF	3252	\$10.50	\$ 34,146
13	CONCRETE CURBS, STANDARD CURB	LF	1055	\$27.00	\$ 28,485
	UTILITIES - STORM**				
14	12" STORM SEWER PIPE	LF	30	\$200.00	\$ 6,000
15	CONCRETE STORM SEWER MANHOLE	EA	2	\$3,000.00	\$ 6,000
16	WATER QUALITY SWALE	LS	1	\$33,000.00	\$ 33,000
17	CURB CUT INLET	EA	17	\$250.00	\$ 4,250
	**Assumes that existing culvert under parking lot remains in place				
	UTILITIES - MISC				
18	MANHOLES, RELOCATIONS, REMOVALS, ETC	LS	1	\$25,000.00	\$ 25,000
19	ADJUST BOXES	EA	4	\$360.00	\$ 1,440
20	PARKING LIGHTING	LS	1	\$25,000.00	\$ 25,000
	MISC. CONSTRUCTION				
21	REMOVE AND REPLACE EXISTING CL FENCE	LF	330	\$36.00	\$ 11,880
	MISC. MATERIALS				
22	STREET TREES (2.5" CALIPER DECID., 30' SPACING)	EA	6	\$300.00	\$ 1,800
23	IRRIGATED PLANTING STRIP NOT INCL TREES	SF	4500	\$10.00	\$ 45,000
24	LONGITUDINAL PAVEMENT MARKINGS-PAINT	LF	440	\$1.00	\$ 440
	ESTIMATED HARD COST				\$ 450,000
	CONTINGENCY	%		20%	\$ 90,000
	SURVEY AND ENGINEERING DESIGN	%		15%	\$ 67,500
	CONSTRUCTION ENGINEERING	%		4%	\$ 18,000
Estimated Total					\$ 625,500



PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

PLANNING DEPARTMENT

DATE: November 16, 2017

TO: Honorable Chairman and Members of the Planning Commission

FROM: Steven Harris, AICP
Planning Director

ISSUE: **Conditional Use Permit No. 173-14 – Reconsideration of Condition of Approval No. 13 Pertaining to Submission of a Traffic and Improvement Plan for Dry Hollow Elementary School located at 1314 E. 19th Street, The Dalles – 1N 13E 10 Tax Lot 100 – Continued Public Hearing**

BACKGROUND

The North Wasco County School District No. 21 has requested reconsideration of a condition of approval pertaining to the submission of a traffic and improvement plan for student pick-up, drop-off and parking required for the installation of two modular classroom facilities at Dry Hollow Elementary School. Specifically the School District requests the Planning Commission grant an extension of time for the construction of improvements identified in the traffic and improvement plan.

PROCEDURE

Quasi-judicial hearing.

NOTIFICATION

Continued public hearing from October 5, 2017 Planning Commission meeting; no additional public notice given. Property owners within 300 feet, City Departments and franchise utilities were mailed a notice on September 11, 2017, as required by Section 3.020.050 D.

DISCUSSION

This item was continued from the October 5, 2017 Planning Commission meeting to allow School District representatives to meet with City staff to discuss their plans to address this issue, as well as to allow time for City staff to draft alternative language to Condition of Approval No. 13 for the Commission's consideration. (See attached "Exhibit A" for proposed condition modification.)

The condition under discussion pertains to the development and implementation of an improvement plan to address traffic safety issues associated with student drop-off/pick-up at the Dry Hollow Elementary School. This condition, Condition of Approval No. 13, of Planning Commission Resolution No. 538-14 reads as follows:

13. North Wasco County School District #21 shall provide a traffic and improvement plan that acknowledges the pedestrian, vehicular drop off and parking issues which exist, and will be created with the addition of the two new modular buildings. The plan will need to be submitted within one year of the approval of this application to the Planning Commission to review and provide options and timings of necessary improvements to ensure the safety of the children that are walking to, or being dropped off/picked up at Dry Hollow Elementary. The plan shall include a provision acknowledging the Planning Commission's expectation that construction of improvements designed to implement the plan be completed by September 1, 2017. In the event North Wasco County School District #21 determines it cannot complete construction of the improvements by September 1, 2017, the District shall notify the Planning Director of this determination by no later than June 30, 2017. A hearing will then be scheduled before the Planning Commission during which the Planning Commission will consider progress made on the improvement plan to date and will determine whether to grant an extension of the timeline for construction of the improvements.

Staff contacted the School District in June of this year inquiring into the status of the required improvement plan and improvements. The District informed staff that they are unable to satisfy the subject condition of approval. City and District representatives met to discuss the matter, where at District staff were requested to submit a narrative of actions undertaken, or to be taken, to mitigate the traffic impacts attributed to the two modular classrooms (see attached).

District and school representatives provided comments at the October 5th Planning Commission hearing, explaining measures they have implemented to reduce potential student/traffic conflicts for this current school year. The representatives also stated that the District has yet to approve a final improvement plan, nor do they have the resources to fund such improvements.

COMMISSION ALTERNATIVES

The following alternatives were presented to the Commission at the meeting of October 5th:

1. Modify Condition No. 13 with the establishment of a new deadline for construction of the improvements.
2. Modify Condition No. 13, eliminating the deadline and/or requirement of constructing the improvements.

3. Determine that the School District has not fulfilled the requirements established in Condition No. 13, and direct staff to initiate revocation proceedings of the conditional use permit.
4. Another alternative for the Planning Commission to consider would be to grant an extension of time referencing the measures outlined in the *Dry Hollow Drop-Off/Pick-Up Update* memorandum (dated September 24, 2017) and *Dry Hollow Elementary Arrival & Dismissal Procedures* handout for the 2017-18 school year. The Drop-Off/Pick-Up memorandum includes the original implementation items as well as a status update on each of the measures.

The granting of the time extension would also be conditioned with the requirement that periodic updates would be provided to the City Traffic Safety Commission and Planning Commission. The progress reports would address the measures included in the materials above and also the District's ability to fund the identified physical improvements.

Staff also suggests that at the conclusion of the 2017-18 school year, School/District representatives return to the Planning Commission with an evaluation of the traffic mitigation measures undertaken and any proposed modifications to those measures. The Commission at that time would have the option of revisiting the pertinent conditions of approval.

FOLLOW UP ACTIONS

Subsequent to the October 5th meeting, City staff and School District representatives met to discuss the Commission's direction and possible solutions to mitigate traffic safety concerns at the school. District representatives provided the attached chart which illustrates the mode of transportation (walking, bus and auto) utilized by students arriving and departing from the school.

At the meeting City staff proposed that the School District's annual Enterprise Zone revenues (approximately \$240,000) be designated for the Dry Hollow Elementary School traffic improvements, including preparation of engineered plans, cost estimates and an implementation schedule. City staff believes this approach is consistent with a list of capital projects generated by the District in 2013, which identified \$300,000 for the "Dry Hollow Elementary School Parent Drop Off" (see attached).

A City staff prepared modification to Condition of Approval No. 13 is shown on attached "Exhibit A." Staff recommends the Commission discuss the proposed language and if appropriate move to approve.

ATTACHMENTS

Exhibit A Proposed Modification to Condition of Approval No. 13
Projects – North Wasco County School District (dated August 21, 2013)
Dry Hollow Arrivals and Dismissal Procedures
Dry Hollow Elementary – Student Arrivals and Departures Chart

“EXHIBIT A”

**Conditional Use Permit No. 173-14
Condition of Approval No. 13
Proposed Modification**

13. During the 2017-2018 school year, North Wasco County School District #21 shall implement the procedures and practices set forth in the Arrival and Dismissal Procedures for Dry Hollow Elementary, and the Dry Hollow Drop-off and Pick-up Update dated September 24, 2017. The School District shall provide updates by no later than January 5, 2018, and April 6, 2018 to the Planning Commission as to the effectiveness of these procedures and practices in addressing traffic congestion in the area near Dry Hollow Elementary where students are dropped off and picked up.

In July, 2018, a hearing will be held before the Planning Commission where the School District will present a report as to progress in identifying a funding source for proposed capital improvements which are part of a long-term plan to address the traffic safety issues associated with the drop-off and pick-up of students at Dry Hollow Elementary.

As part of its report to the Planning Commission, the School District shall report on its efforts to secure an amendment to the intergovernmental agreement with the City and Wasco County related to annual project fees paid to the School District, pursuant to the Enterprise Zone Tax Abatement Agreement executed on September 24, 2013, to allow the project fees to be used as a source of funding for the capital improvements to be constructed as part of the School District's plan to address traffic safety issues associated with the drop-off and pick-up of students at Dry Hollow Elementary School.

The report shall also include estimated engineering and construction costs for the capital improvements, and a timeline for completion of construction of the capital improvements.

received
8/21/13
from Randy
@ D21

Projects - North Wasco County School District

Exterior Painting

The Dalles Wahtonka High School	\$	380,000.00
Chenowith Elementary School	\$	125,000.00
Wahtonka Campus	\$	181,000.00
Colonel Wright Elementary School	\$	40,000.00
Dry Hollow Elementary School	\$	67,000.00

*Cost estimates are from 2008 Needs Assessment conducted
by Premise Architecture & Planning

Sub Total \$ 793,000.00

Refurbish Parking Lots

	Sq. Ft.	PSF	
Wahtonka Campus	95,000.00	\$ 3.50	\$ 332,500.00
Dry Hollow Elementary School	76,250.00	\$ 3.50	\$ 266,875.00
Chenowith Elementary School	49,500.00	\$ 3.50	\$ 173,250.00
The Dalles Wahtonka High School	28,800.00	\$ 3.50	\$ 100,800.00
Colonel Wright Elementary School	8,900.00	\$ 3.50	\$ 31,150.00

*PSF estimate from Bill Ketchum, Crestline
Construction Co.

Sub Total \$ 904,575.00

Other Projects

Dry Hollow Elementary School Parent Drop Off	\$	300,000.00
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* Rough estimate from Bill Ketchum Crestline
Construction Company

Server Room Relocation	\$	75,000.00
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*Estimate based on best guess based on size
and requirements

Sub Total \$ 375,000.00

Total \$ 2,072,575.00

Dry Hollow Elementary Arrival & Dismissal Procedures

Our primary concern is the safety of our students. We request that the following safety procedures be followed during arrival and dismissal times. These updated procedures will not only help with student safety, but also with traffic congestion.

General Procedures:

- Supervision on the playground begins at 7:25 am. *Please do not drop students off before that time.* If your child arrives after 7:55 am they need to check in at the office and get a tardy slip before continuing to class.
- Our school office is located to the left of the main entrance of the school. When visiting, please enter the building using the main entrance.
- As a safety measure we must know who is on campus at all times. ALL visitors, including parents, must sign in at the office and get a visitor's badge before proceeding beyond the office, or interacting with students. Visitors must sign out in the office before leaving campus.
- Please DO NOT drive into the parking lot during drop off and pick up. Space is *very* limited and buses are on a tight schedule to deliver students to the middle school and high school.
- When waiting to pick up your children, please do not park in, or block our neighbors' driveways. Our neighbors deserve our courtesy.
- Crossing guards are at the street corners during arrival and dismissal times to help students cross. Please be considerate of them as they assist students to safely cross streets.
- Students may cross streets *only* in marked crosswalks. Students should *never* cross in the middle of the road.
- It is illegal and unsafe to double park while dropping off/picking up your child even if you remain in the car.

Morning Drop-off

- Please use 19th Street to drop off students in the morning. New this year there is a marked area called the DROP & GO ZONE on 19th Street for students to be dropped off.
- For morning drop-off, please say your good-byes *before* your turn to unload, so traffic will move quickly.
- There is also an area marked PARK & WALK-IN ZONE for parents to park and walk their child in to the building. The PARK & WALK-IN ZONE begins just past the fence along 19th Street. Parents can also park in the gravel area around the lower field to park and walk their child into the building.

Afternoon Pick-up:

- New this year are labeled areas along 19th Street where various grade levels are located for pick-up. Kindergarten exits the building near the ramp coming from the office that Y's near 19th St. First Grade is along this same ramp extending along the fence. Second Grade is further down 19th St. near the east ramp. Third Grade is also along the east ramp on 19th St. Fourth and Fifth Grades exit the far west end of the building and can be met for pick up in the gravel area along the lower field.

Busses:

- The loading and unloading area for the bus is in the parking lot. For student safety and the high amount of bus traffic, we ask that parents *not* drop off/pick up their students in the parking lot.

Walkers:

- Students should enter the school building at the front of the school through the doors near the office.
- Students are instructed to use crosswalks. Please remind your child to look both ways to make sure no cars are coming before entering the crosswalk.
- Please remind students to stay on the sidewalk when walking to/from school. We ask that students be good citizens and stay off other people's property as they walk to and from school.

Thank you for helping us keep our students safe!

Dry Hollow Elementary

Procedimientos de la llegada/despedia

Nuestra primera preocupación es la seguridad de nuestros estudiantes. Les pedimos que el siguiente procedimiento de seguridad sea seguido durante la hora de llegada y despedida de los estudiantes. Este proceso no solo ayudará con la seguridad de los estudiantes sino también con la congestión de tráfico.

Proceso General:

- La supervisión en el patio de recreo empieza a las 7:25 am. Por favor no deje a su niño/a antes de esa hora. Si su hijo/a llega a la escuela después de las 7:55 am ellos necesitan reportarse a la oficina para recibir un pase de llegada tarde antes de seguir a clase.
- Nuestra oficina es localizada en la esquina del Noreste de nuestra escuela cerca a la entrada. Cuando visite, por favor entre la propiedad por la entrada principal.
- Como precaución para la seguridad de nuestros estudiantes debemos saber quién está en la escuela a todo tiempo. TODOS los visitantes incluyendo padres deben ir a la oficina y notificarles, ellos le darán una chapa de visita antes de que usted pueda ir al salón, hablar con los estudiantes, y maestros. Los visitantes tendrán que ir a la oficina y notificarles antes de irse de la escuela.
- Por favor NO DEJE NI RECOJE a su estudiante en el estacionamiento. El espacio es *muy* limitado y vehículos de servicio y descargo están entrando y saliendo durante el día. Es muy importante que los autobuses no tengan que esperar porque el horario es muy limitado y tienen que dejar a estudiantes en la secundaria y la preparatoria.
- Cuando venga recoger a su hijo/a, por favor no se parquee adentro o bloquee el camino de entrada de nuestros vecinos. Nuestros vecinos merecen nuestra cortesía.
- Los guardias del cruce de panteones están en cada esquina durante la hora de despedida para ayudar a los estudiantes a cruzar la calle seguramente. Por favor tenga consideración de ellos mientras que ellos ayudan a los niños a cruzar la calle.

Llegada/Despedida:

- Le pedimos que use la calle 19 para dejar y recoger a sus hijos. Los estudiantes deberán salir del carro por el lado de la curva solamente.
- Si va a caminar junto con su estudiante al edificio por favor estacionese en el estacionamiento de grava para que se puede usar la calle 19 para dejar a estudiantes.
- Despídase antes de que sea su turno de descargar, para que el tráfico siga corriendo rápidamente.
- Cuando llegué a la calle 19 para dejar o recoger a su estudiante, por favor haga que su hijo/a use el cruce de panteones. Los estudiantes *nunca* deberán cruzar a media calle.
- No es seguro y es ilegal estacionarse al lado de otro carro durante que deja o recoge a su hijo/a, aunque usted se mantenga adentro del carro.

Autobuses:

- El área de subida y bajada del autobús es en la calle Bridge. Para la seguridad de los estudiantes, y por la gran cantidad de tráfico, le pedimos a los padres que *no* dejen a su estudiante en la zona de autobuses.

Peatones:

- Estudiantes deben entrar a la escuela por la entrada al frente de la escuela.
- Estudiantes son instruidos a usar el cruce de peatones. Por favor recuerde a sus hijos a mirar a los dos lados para asegurarse de que no haya carros antes de entrar el cruce.
- Por favor hable con su estudiante acerca de ser un ciudadano responsable y que cuando viene/sale de la escuela no debe entrar en la propiedad de otra gente.

Dry Hollow Drop-Off/Pick-Up Update- September 24, 2017

Some things to consider include the current student enrollment of 545, and the staff size of 62. Also it is important to note that in the mornings we have students and staff arriving over a 45 minute period of time, however at the end of the day we have all 545 students leaving at once. Another challenge is that once on 19th Street heading east there is no longer a way for traffic to get back to Dry Hollow Road until Nevada Street.

The following is a list of things we are or will be doing to mitigate these challenges. An update on each is listed in red.

- The help of The Dalles City Police was enlisted to provide more of a presence during drop off and pick up times. This did help to curtail some of the aggressive drivers. (This is an on-going partnership with the police department, for all of our schools, not just Dry Hollow. I have emailed Chief Ashmore about this and will be meeting with him in early October, as well.)

- Continue to partner with the health department to encourage students to walk to and from school through monthly Step It Up, Walk to School events. (I reached out to the health department and facilitated the approval process for handing out flyers at all of our schools for the Step It Up! walk to school campaign. The first Step It Up! event will be October 4th. These will be held monthly at all of our elementary schools, and is an on-going partnership with the health department to encourage students to be healthy and to walk to school.)

- Other plans include purchasing updated school zone signs for the streets near the school as another visual reminder to drivers. Our maintenance staff will work with the public works department on installation. (These signs have been purchased by the district's maintenance department and the city has installed them. They are a bright yellow to catch people's attention.)

- A 'drop and go' zone will be marked down on 19th Street for parents to drop their students off in the morning. This, along with designated 'park and walk in' zones should help with the morning flow. (I have purchased banners as well as feather flags to delineate our 'Drop and Go Zone' and our "Park and Walk In Zone" for parents. The feather flags make the zone quite visible. This was all spelled out to parents in our Dry Hollow Arrival and Dismissal Procedures that was mailed home and again sent home with each child.)

- Once supervision staff has arrived we will open the east gate on 19th Street so students can be dropped off and go directly to the playground. (This has not yet happened due to staffing limitations as well as safety concerns that all adults visiting campus enter through the front door, instead of having access at the far east end of campus.)

- We dismiss our kindergarten students about 10 minutes before the rest of the students. This allows parents that are most likely to be picking their students up, due to their age, to get their child and go.

(We continue to dismiss our youngest students, our kindergarteners, first before the other grade levels.)

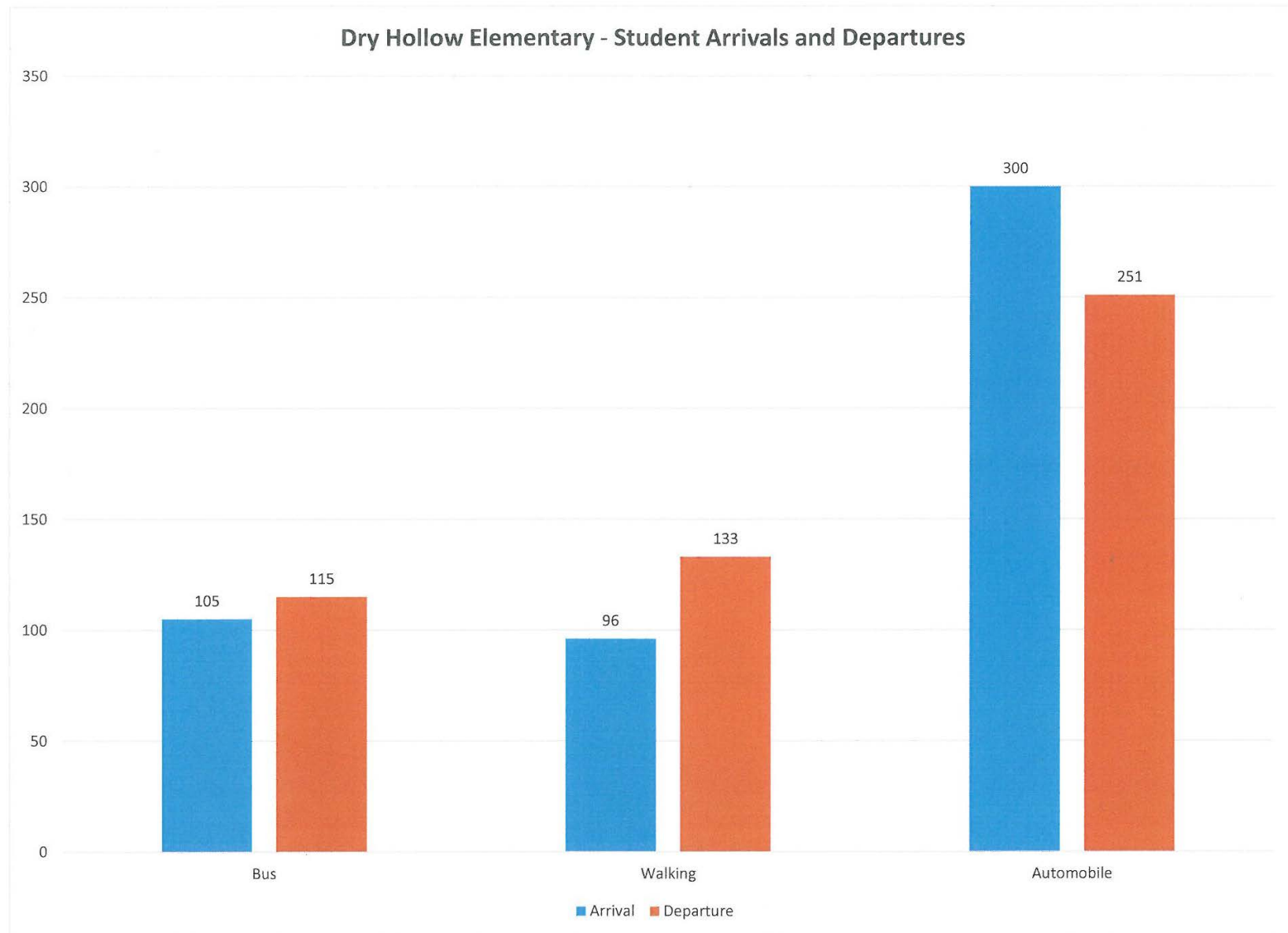
-We have all of our walkers and pick up kiddos go next so they can get on their way before the busses leave the parking lot. We try to have some of the congestion gone before the busses head down the Dry Hollow driveway. (We continue to orchestrate our dismissal so that our kindergarteners go first, then the students that walk or get picked up exit the building, and finally our bus students board the bus. This allows the majority of our walkers and students that are picked up to be on their way before the busses head down the drive-way into the flow of traffic.)

-Next year we will recommend that for parents that are picking their children up, they will meet them in specific areas- the fourth and fifth graders in the gravel lot, the first graders on 19th Street in a specific area, the second graders in a specific area and the third graders in a specific area. We will try and post signs for these areas at the beginning of the year. (We purchased banners that are posted along our fence on 19th Street showing where the various grade levels are dismissed. This was also outlined in our Dry Hollow Arrival and Dismissal Procedures which was mailed home with the registration letter in August and again sent home with each child the third week of school.)

-We will recommend that parents of older students consider parking on Dry Hollow Rd (the side with the sidewalk) and have their children meet them there. This will keep some traffic out of the congestion on 19th Street. (I have since noticed that there is a sign along Dry Hollow road indicating No Parking, so this is not something we will continue to ask parents to do. However, some parents may choose to do this even though there is a sign posted as No Parking.)

-We will work on training our crossing guards to better coordinate the flow of students and traffic, especially at dismissal time. There is some good information on the Oregon Department of Education website regarding this. Public works staff has also offered to assist with this. (I received a resource from Ray Johnson with the City of The Dalles. This was very helpful. I have also utilized an on-line video to help with on-going training of our crossing guards.)

-We will send information on the drop/off and pick/up expectations to parents with the August registration letter. This information will also be shared with parents on a monthly basis, and handed out at evening events such as the fall Open House and conferences. (We mailed our updated Dry Hollow Arrival and Dismissal Procedures as part of our registration letter which went to all Dry Hollow families in August. This was sent home in English and in Spanish. We also included this in our new student registration packet. We did not include it as a blanket hand-out to parents at Open House, however, it was available in our Parent Resource Center. The Dry Hollow Arrival and Dismissal Procedures was sent home with all students the third week of school. This went home with each child. I plan to hand these out again at conferences in December.)





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, NOVEMBER 16, 2017

6:00 P.M.

CALL TO ORDER

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

ROLL CALL

In Attendance

Commissioners: Sherry DuFault, Bruce Lavier, April Moore, John Nelson, Mark Poppoff and Jeff Stiles

Absent: Steve Ross

Staff: Planning Director Steve Harris, City Attorney Gene Parker, Senior Planner Dawn Hert, Planner Garrett McAllister and City Engineer Dale McCabe

APPROVAL OF AGENDA

Commissioner DuFault moved to approve the agenda. Commissioner Nelson seconded the motion; the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Moore moved to approve the minutes of October 5, 2017. Commissioner Poppoff seconded the motion; the motion passed unanimously.

PUBLIC COMMENTS

None.

PUBLIC HEARING

REQUEST: Conditional Use Permit 173-14 – Reconsideration of Condition of Approval No. 13 Pertaining to Submission of a Traffic and Improvement Plan for Dry Hollow Elementary School

Chair Lavier read the rules for a public hearing. He then asked if the Commission had any ex parte contact, conflict of interest or bias which would prevent an impartial decision.

Commissioner Nelson stated he was on the District 21 School Board. City Attorney Parker stated based on his review there would not be a conflict for Commissioner Nelson; Parker saw no basis for Nelson to be disqualified.

Chair Lavier re-opened the public hearing at 6:08 p.m.

Director Harris presented the amended staff report.

Randy Anderson
Chief Financial Officer
School District 21
3632 W. 10th Street
The Dalles, Oregon 97058

Mr. Anderson expressed his appreciation for cooperation received from Staff and the City Attorney in drafting an agreement. Anderson stated they were pleased with the outcome of the drafted condition.

Chair Lavier invited comments from those in opposition to the proposal.

Daniel Hammel
2005 Lewis Street
The Dalles, Oregon 97058

Hammel stated he was neither in opposition or approval. Hammel acknowledged there were a number of factors outside the District's control, yet those factors did not eliminate the need for safety.

Kathy Ursprung
School Board Chair
1525 E. 10th Street
The Dalles, Oregon 97058

Ursprung stated she was speaking on her own behalf, not that of the District. Ursprung asked if there was any latitude in this condition for materially correcting the traffic situation through non-construction means.

Chair Lavier asked the District to respond to the question.

To clarify, Ursprung asked if non-construction interventions would provide a better outcome, would the Planning Commission consider such intervention a solution.

Anderson said what they were considering would move some of the congestion off the street and onto the school's property. The condition as presented was a step in the right direction.

Commissioner Nelson asked if the proposed capital improvements referred to a physical change on site. City Attorney Parker replied it referred to capital improvements. His understanding was the Commission wanted to see commitment to a long term solution.

Further discussion covered changes implemented, different access, non-construction alternatives, the lack of infrastructure, and additional data provided by the District.

Russ Brown
903 E. 14th Street
The Dalles, Oregon 97058

Brown stated he is the City Council's representative on the Traffic Safety Committee. Brown said the traffic issue at Dry Hollow Elementary has been discussed at length.

Attorney Parker suggested the possibility of using Enterprise Zone funds.

Chair Lavier closed the public hearing at 7:43 p.m.

Commissioner Moore motioned to approve the request. Commissioner DuFault seconded the motion; the motion passed unanimously.



ACTION ITEMS

A. Conditional Use Permit #173-14 – Dry Hollow Elementary School Implementation of Student Drop-Off/Pick-Up – Status Report

Director Harris presented the staff report.

Theresa Peters, Principal
Dry Hollow Elementary School
1314 E. 19th Street
The Dalles, Oregon 97058

Peters outlined procedures implemented at Dry Hollow Elementary. The school continued to partner with local law enforcement, use directional signs, and will meet with Safe Routes to create a Safe Routes to School Action Plan.

~~B. Conditional Use Permit #180-16 – Heath RV Park – Status Report~~

Director Harris presented the staff report.

Linda Heath
3821 W. 10th Street
The Dalles, Oregon 97058

Heath reported on progress made on the RV Park. Professional plans were not yet complete.

Commission consensus was that progress was made.

Commissioner Ross moved that Conditional Use Permit #180-16, Heath RV Park, 3021 W. 10th Street, remain in effect through August 22, 2018. Commissioner Poppoff seconded the motion; the motion passed unanimously.

STAFF COMMENTS

Director Harris provided a status report on Site Plan Review #42-83, A&P Recycling Closure. No additional product was being accepted and clean-up is in progress.

Harris provided a population estimate prepared by Portland State University, Exhibit 2.

Staff has begun an effort to enforce the temporary sign ordinance based on the increased number of temporary signs. Staff will work with The Dalles Main Street and The Dalles Area Chamber of Commerce to educate business owners and/or managers of the requirements set forth by the ordinance. A copy of the memorandum is attached, Exhibit 3.

Two public hearings are scheduled for the next meeting on February 15, 2018. Two public hearings are tentatively scheduled for the March 1, 2018, meeting.

Work continues on the Tokola Development and Disposition Agreement.

First Street Streetscape Project: Staff is working with representatives from ODOT to process a contract amendment with the City's engineering firm to provide current estimated construction costs.

The budgetary process has begun for the City; Harris will provide a briefing to the Commission on the proposed budget.



PRESENTATION

Status Report: Dry Hollow Elementary School Implementation of Student Drop-Off/ Pick-Up Plan (CUP No. 173-14) – District 21 Representatives

Randy Anderson, Chief Financial Officer, North Wasco County School District 21, 3632 W. 10th Street, The Dalles

Anderson reported significant progress. The District was informed that the proposed plan was an acceptable use of Enterprise Zone funding. Also, improvements made on E 19th Street are eligible for matching funds from Safe Routes to School.

Anderson distributed a drawing of planned improvements, Exhibit 1. The plan will be implemented as a pop-up trial period. Cones (set up by Blue Zones) and paint will be laid out on Saturday, June 2, 2018. Citizens can practice the new drive through plans on June 3, and the trial period will begin on June 4, 2018. After the trial period, an evaluation and decision will be made as to whether to proceed or revise the current plan.

The plan includes a new parking lot and round-about below the ball park, as well as marked out changes to 19th Street.

Proposed plans include:

Parking lot below the ball park with back-in and pull-out parking spaces

Roundabout for parents to drop-off and pick-up students

Removal of planter strips to gain space for a snorkel lane

Addition of a traffic circle at E. 19th and Lewis Streets (temporary paint, no raised median)

Buses will use top parking area, right turn only when exiting school grounds

Crosswalk mid-block on E. 19th Street

Jonathan Blum, 403 E 8th Street, The Dalles, asked if parking on the south side of E. 19th Street would be eliminated. McCabe said it would not be eliminated.

~~DISCUSSION~~

Proposed LUDO Amendments – Housing Strategies Report Implementation

Jamin Kimmel and Matt Hastie, Angelo Planning Group, presented Draft 3 of proposed LUDO Amendments, Exhibit 2.

Topics included:

Accessory Dwelling Units (ADU)

- Allow two ADUs per lot; second ADU would follow Administrative Action process
- Removal of owner/occupancy requirement
- Privacy standards: window placement, screening or fencing
- Increase in allowable size of ADU

Duplexes, Triplexes and Townhomes

- Reduction in lot size requirements to meet housing density goals
- Allow multi-family structures on smaller lots
- Landscaping standards: apply the current standard for single-family homes and duplexes to triplexes

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PLANNING COMMISSION STAFF REPORT CITY OF THE DALLES

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: October 18, 2018

TO: Chairman and Members of the Planning Commission

FROM: Steven Harris, AICP
Community Development Director

ISSUE: **Mobile Food Vendor Policy Brief**

BACKGROUND

Mobile food vendors (food trucks) are currently regulated through the Transient Merchant License Permit process (Municipal Code Chapter 8.28 Transient Merchants). Staff and applicants alike have found this process somewhat cumbersome and lacking in specificity when applied to mobile food vendors. The attached briefing paper has been prepared to address issues specific to mobile food vendors, and will provide the basis for a new permit process and standards for the vendors.

Staff has met with the Main Street Board of Directors to discuss the policy brief, and will meet with the Chamber of Commerce Board later this month. Staff will also contact current mobile food vendors for input on the current Transient Merchant License Permit process and potential future regulatory measures.

RECOMMENDATION

Discussion purposes only.

ATTACHMENTS

Mobile Food Vendor Policy Brief (dated September 24, 2018)

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

Mobile Food Vendor Policy Brief

City of The Dalles
Community Development Department
9/24/2018

Statement of Issue

The City of The Dalles has experienced some regulatory issues with the recent increase in mobile food vending. This paper will discuss the current issues with mobile food vendors in the city, provide a brief review on how other jurisdictions both within and outside of Oregon regulate these vendors, and finally provide a brief list of policy recommendations for The Dalles. This brief does not cover anything regarding public health, such as County or State health regulations. The report is focused specifically on land use impacts from mobile food vendors.

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Terms and Definitions

Mobile Vendor – Person(s) who sell foods, goods, wares, or merchandise from a portable vending unit.

Food Cart – Portable, wheeled vehicle without engine, used for serving food.

Food Truck – Portable, wheeled vehicle with engine, used for serving food.

Mobile Food Unit – Portable wheeled vehicle; can be cart, truck, or trailer.

Transient Merchant – Mobile vendor that sells foods, goods, wares, or merchandise in a non-permanent location.

Introduction

The Dalles is experiencing an increase in the number of mobile food vendors, with the downtown area the more popular of the operating locations. Mobile food vendors currently are permitted via the issuance of a Transient Merchant License (TML). This process is proving to be somewhat cumbersome in the regulating of the mobile food vendors, as the TML applies to a wide variety of businesses. Currently there are fourteen (14) registered TMLs in The Dalles, of which ten (10) are food vendors (including one seasonal vendor).

Chapter 8.28 of the City of The Dalles Municipal Code defines a Transient Merchant as “a temporary or transient business of selling or exhibiting for sale, or purchasing, goods, wares, or merchandise of any name or nature in the City.”¹ It seems that this ordinance is intended to be for truly mobile merchants: Temporary, highly-mobile vendors, such as a traditional ice cream truck or a lunch truck that serves laborers at work sites.

The City has recently encountered the issue of some vendors operating under the Transient Merchant License in a permanent, fixed location, which arguably violates the intent of the regulations. (Whether or not there is a true violation is up for debate. Staff’s opinion is that permanent occupancy does go against the spirit of the regulations). Some vendors have challenged the language of the TML and have argued that permanent residence is permissible, arguing that their business is technically a “mobile” business because it *can* be moved, even though *in practice* they operate in a permanent, fixed location.

The cause of the confusion is perhaps due to weak and somewhat ambiguous TML regulations. This has led to a variance in regulation and enforcement for different Transient Merchant operators. Some operators have participated in a full Site Plan review and have provided the necessary site amenities that the City requires under the conditions of approval, while others have not.

By allowing food vendors to operate on a permanent basis under the TML, the City does not have a mechanism to regulate and manage the land use impacts from these businesses, which include but are not limited to; parking and circulation impacts, landscaping standards, utility connection requirements, and other site amenities. Continuing with this approach also brings up concerns about economic competition with brick and mortar restaurants that are subject to many more regulations and requirements in order to obtain land use approval.

On the other hand, requiring a full Site Plan review and connection to City utilities eliminates a vendor’s ability to be mobile. This is a concern for some food truck vendors that may want to be “permanent” in the winter, but have the option of being more mobile in the summer in order to serve laborers in the cherry orchards or to be a part of public events where they can sell their product.

¹ City of The Dalles Municipal Code Chapter 8.28 Transient Merchants.

At this time, the City has no ordinance that deals specifically with food truck vendors that are seeking semi-permanent residence to sell their product, other than going through a full site plan review or conditional use permit and connecting to City utilities, which effectively locks them into a permanent location and no longer allows them to be a truly mobile unit. In other words, there is no middle-ground regulatory process between that approach and the TML. A middle-ground regulatory process is needed for these unique businesses that are neither permanent nor transient.

Methods

This section outlines the research methods for this paper.

There are numerous case studies and various types of reports on this topic. Three of the most comprehensive reports were reviewed in depth and the results and recommendations were synthesized into six different general policy areas:

1. Location and Zoning
2. Duration
3. Hours of Operation
4. Goods for Sale
5. Licenses and Permits
6. Parking, Site Amenities and Utilities

Findings

Policies from jurisdictions across Oregon and the country vary widely. Below is a general discussion about what communities are doing in each different policy area. The intention of this section is to provide a better understanding of the range of policy options available to planners and municipalities when considering regulations on mobile food vendors.

1. Location and Zoning

The discussion around location and zoning is arguably one of the most closely examined and consequential regulatory factors regarding mobile food vendors, and there are a few different components to this complex policy topic.

Private vs Public

Regulations for vending on private property tends to be relatively lenient, as land owners have the right to control, within reason, what takes place on their land. Any activity is of course subject to underlying zoning and land use regulations. The key to mitigating impacts from mobile food vendors is to forecast potential negative externalities that might impact adjacent properties or impact movement within and access to the public right of way. There is virtually no regulation on private property when only one vendor is present. However, if a property owner grants permission for multiple vendors to operate in one location, it becomes particularly important to take a closer look at potential impacts. The majority of Portland's mobile vending occurs on private property² and in most cities a Site Plan review is typically required for multiple food vendors wanting to occupy one lot.

Food vending on public property presents a large range of regulatory considerations. It is beyond the scope of this policy brief to go into detail, but many cities do not permit vending on public property

² Urban Vitality Group. (ND). Food Cartology: Rethinking Urban Spaces as People Places. Report for the City of Portland Bureau of Planning. Portland, OR.

unless done within the public right of way. And if it is in the public right of way, there are strong restrictions on where and how long a vendor can be parked on the side of the road, taking up curb space.

One long-term option that some cities have pursued is to identify public space (or other City owned property) for siting vending group sites, where multiple food truck vendors operate on a semi-permanent basis. This would require a full Site Plan review to consider the various land use impacts. If a public site is identified, it may be in the City's best interest to pursue the group site option, as it allows for greater regulatory control and the ability to minimize secondary impacts.

Zoning

Limiting vending to certain locations can help track vendors and help patrons find food trucks, but can also limit economic growth and activity. Of the case study cities, most have a patchwork approach, where vending is limited to certain zones and/or districts. As with all policies on food vendors, there is great variability in zoning regulations. Some cities have outright bans on vending in public space or in the Central Business District. Other cities are very lenient, where vending is allowed in nearly every zone.

Preliminary research indicates that the Central Business Commercial District, General Commercial District, and Commercial/Light Industrial District would be the most appropriate locations for food vendors. It may also be beneficial to consider Parks and Open Space District on a limited basis.

Proximity Restrictions

Proximity regulations are primarily concerned with distance restrictions between food trucks and restaurants. Most cities have moderate or lenient proximity restrictions and several have no restrictions. Lenient restrictions are usually around 50 feet, with the strongest restrictions in New Orleans, which has a 600 foot restriction.³ The middle ground is between 150-200 feet. Another potential policy that is more nuanced is a tiered model, with distance requirements shortened for areas with denser restaurant establishments and lengthened for less commercially dense areas, such as residential. Proximity regulation in general tends to be less restrictive unless restaurant owners in the community push for increased restrictions.

2. Duration

The duration that vendors are allowed to operate in a single location is one of the most challenging issues and varies from city to city. Duration also tends to be location dependent. For example, in one community, vending on public property is permitted but the vendors must remove their vehicles every night.⁴ This is not a requirement for vendors operating on private property.

Some communities greatly restrict the amount of time a food vendor can be parked in a single location. Los Angeles County requires mobile food vendors to move location every hour, which is a regulation driven by concerns about competition with brick and mortar restaurants.⁵ Atlanta regulates mobile food

³ National League of Cities. (ND). Food on Wheels: Best Practices for Integrating Food Trucks into City Life. National League of Cities. Washington, D.C.

⁴ Arroyo, R. & Bahm, J. (2013). Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending. *Zoning Practice*. 30(9), 1-7. American Planning Association, Washington D.C.

⁵ Urban Vitality Group. (ND). Food Cartology: Rethinking Urban Spaces as People Places. Report for the City of Portland Bureau of Planning. Portland, OR.

vendors to no more than 30 minutes in two locations per day.⁶ This requires highly mobile vehicles and does not allow for any kind of public seating or any other site amenities. It is literally a vehicle parked on the side of the road or in an empty lot.

Other communities allow for longer durations, some up to 30 days. Grand Rapids, MI allows vending at one location for up to 200 days over 12 calendar months.⁷ After a public battle in Durham, NC, 15-minute parking limitations were lifted and no alternate time constraints were adopted, resulting in unlimited vending in one location.⁸ Generally speaking, a minimum of 4 hours is recommended to allow mobile vendors time to set up and take down.⁹

3. Hours of Operation

Related to duration, hours of operation deal more specifically with the time of day or night a business is allowed to operate. For various reasons, a city may decide to prohibit mobile food vending after a certain time at night or before a certain time in the morning. Or a city may only allow mobile food vendors to operate during a specific lunch-time window in order to serve downtown patrons but not compete with restaurants for evening business. Some communities place no limits on hours of operation.

4. Goods for Sale

As with other policies, regulations around the types of goods sold by mobile vendors varies greatly. Some communities limit vending to food, while others allow for clothing, jewelry, and household goods.¹⁰ Other communities even allow for the purchase of alcohol within specific enclosed areas.

5. Healthy Menu Options

The Dalles is one of four cities in Oregon to be designated a Blue Zone Project Demonstration Community. In support of Oregon's Healthiest State Initiative, Blue Zone Project (BZP) encourages changes to communities that lead to healthier lifestyle options, including food/meal choices. In this regard, BZP works with local restaurants to offer healthy menu items, complementing the program's other areas to promote healthy lifestyle changes and to improve a community's overall public health.

BZP surveyed local restaurants and other food-serving establishments and found that 47% of the menu and food selection choices that can be categorized as "food fast." A BZP/Gallup survey found that 72% of the local population aged 15 years and above self-reported that they were overweight or obese. The North Central Public Health District (NCPHD) conducted BMI (body mass index) testing on elementary school students in The Dalles and found that 38% could be considered overweight/obese.

Due to the increasing popularity of mobile food vendors, an opportunity has presented itself to expose a growing segment of the community to healthy menu options.

⁶ National League of Cities. (ND). Food on Wheels: Best Practices for Integrating Food Trucks into City Life. National League of Cities. Washington, D.C.

⁷ Arroyo, R. & Bahm, J. (2013). Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending. *Zoning Practice*. 30(9), 1-7. American Planning Association, Washington D.C.

⁸ National League of Cities. (ND). Food on Wheels: Best Practices for Integrating Food Trucks into City Life. National League of Cities. Washington, D.C.

⁹ Ibid.

¹⁰ Arroyo, R. & Bahm, J. (2013). Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending. *Zoning Practice*. 30(9), 1-7. American Planning Association, Washington D.C.

6. Licenses and Permits

All cities require some type of permitting. Some require multiple permits from multiple agencies, while others streamline the process and accept all permits (except those for state/county Health Department) in the Planning/Community Development Department. Most permits are valid for one year. There is not much of a middle ground in the cost of these permits, as most are either modest (\$150-400) or quite expensive (\$1,000+).¹¹

7. Parking, Site Amenities and Utilities

Related to location and zoning are considerations around parking and site amenities. Whether a vendor is located on public or private property, it is important to consider the parking and circulation impacts. A new business (or multiple) may generate a significant amount of vehicle (and walking/cycling) trips and the site may not be able to handle additional vehicle traffic and parking space requirements. Often, these sites were not originally designed for mobile food vending, but for some other type of land use. For sites that were not originally planned for retail use, such as industrial sites or hotels, revisiting the parking and circulation requirements may be necessary. For vendors on private property, most communities require the applicant to provide evidence that there is sufficient parking for customers and that there are no major traffic impacts to the adjacent right of way.

There are a number of things to consider in terms of site amenities, including public restroom facilities, trash and recycling receptacles, the minimum and maximum number of tables and seating allowed, signage requirements, and lighting requirements. Most cities at the very least require refuse receptacles and limit the amount of seating. In addition, most cities require that food vendors abide by the same sign regulations as brick and mortar restaurants. A few cities do have specific food vendor sign code.

The more permanent location a mobile food vendor operates from, the increased likelihood that connections to public utilities are required. This is especially true when multiple vendors locate at a particular site. Required utility connections are generally limited to sanitary sewer and water services. For vendors selling foods prepared using oil fryers or similar methods, the proper disposal of fats, oils and grease will need to be properly addressed.

Conclusions

The City has a few options to consider.

One is to basically continue with the current approach. At this time, regulations are limited and the City allows for businesses to operate with minimal oversight. This includes operating in a permanent, fixed capacity under the Transient Merchant License. There currently is minimal tracking, regulation, and enforcement. And as described above, minimal regulation raises potential concerns about land uses and impacts.

Another option is to clarify and strengthen the Transient Merchant ordinance to *require* that a vendor follow the transient definition and relocate every (X) number of hours. Hours of operation would also be indicated on the TML permit. Limiting duration would effectively prohibit permanent location of mobile food vendors unless the applicant chooses an empty lot as a site, goes through a full Site Plan review, and receives a permit from the City Planning Department. At that point, the applicant is no longer

¹¹ National League of Cities. (ND). Food on Wheels: Best Practices for Integrating Food Trucks into City Life. National League of Cities. Washington, D.C.

considered transient and is instead considered the same as a brick and mortar restaurant, subject to the same requirements as a permanently located commercial structure.

The third option is for the City to allow permanent/semi-permanent food vendors that are *separate* from both Transient Merchant Licenses *and* commercial brick and mortar restaurants. This new option would be a regulatory middle ground between the two. If the City opts to go this third route, there are a number of topics to consider. One APA document recommends considering the following questions:¹²

- Where in the community should such uses be permitted? (Location and Zoning)
- How long shall a food truck be permitted to stay in one location? (Duration, Location & Zoning)
- Hours of operation?
- Are these mobile units just for food sales, or can other goods be sold as well? (Goods for Sale)
- How can zoning ordinances address up-keep and maintenance? (Parking and Site Amenities)
- How is visitor parking and circulation accommodated? (Parking and Site Amenities)
- How are these uses reviewed, permitted and enforced? (Licenses and Permits)
- How is signage regulated? (Licenses and Permits)
- How is the site lit to ensure safety? (Parking and Site Amenities)

The overall takeaway from the research is that the City can implement reasonable regulations based on local conditions and community standards. There is no “one size fits all” solution and there are no standardized regulations at the state or federal level.

Recommendations

The following section is a brief set of policy recommendations for the “third option”, discussed in the previous section. They are organized by each policy category.

Before discussing recommendations for Food Vendor regulations, there are a few important recommendations needed to strengthen the City’s current TML.

Transient Merchant License Recommendations:

- Strengthen and clarify language.
- Establish strict time-limits. For example, limit to three hours in one location.
- Require all vending to occur on private property, not on public ROW or public spaces except for special events.
- Develop transportation SDC fee.
- Provide applications in Spanish.
- Enforce TML ordinance.

Food Vendor Recommendations:

The first general recommendation is to hold a public meeting with stakeholders, including restaurant owners, mobile food vendors, and other interested parties. It may be appropriate to facilitate a “discussion session” in order to talk about the proposed new ordinance, answer questions, and receive feedback from stakeholders. The second recommendation is that upon adoption of a new Mobile Food Vendor ordinance, a one-year trial period shall be implemented in order to assess impacts and make necessary changes to the ordinance. Lastly, it is recommended that a chapter be added to Title 10 of the Municipal Code (Land Use and Development), since this is a unique regulatory category that is not

¹² Arroyo, R. & Bahm, J. (2013). Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending. *Zoning Practice*. 30(9), 1-7. American Planning Association, Washington D.C.

applicable to other chapters. Another option to consider would be to amend Chapter 10.6, the chapter that covers general regulations.

1. Location and Zoning

Public vs Private

It is recommended to only permit food vending on private property at this time. This would prohibit any mobile food vending in the public right-of-way and at public parks. If mobile food vendors would like to operate at a public park for a special event, they would need to apply for a separate Transient Merchant permit, which would permit operation on public property during a specific date and time. Another option to consider for multiple vendors seeking to operate in a public park would be to issue a “master mobile food vendor permit” to the park’s owner. The owner then would regulate the individual vendors pursuant to the conditions of the “master mobile food vendor permit.”

Mobile Food Vendor permit applications on private property will require signed written permission from the private property owner. It may also be beneficial to require a separate permit fee of the private property owner.

Specific Zones

To start, it might be best to keep regulations flexible and allow food vending in all commercial zones. It is not recommended to allow vending in residential zones. Neighborhood Overlay zones are unique zoning areas and require careful consideration due to the underlying residential zone. Zoning requirements in general may require more discussion in the future, after the new ordinance has been in place for a certain length of time. One option the City could explore is to find creative ways to encourage or discourage the siting of food carts in specific zones. For example, the City could adopt a policy to encourage the location of vendors in the Central Business Commercial District by reducing the permit fee.

Proximity Restrictions

It may not be necessary to regulate at this time. However, if the City receives significant concerns from local brick and mortar restaurants, this policy may need to be revisited in the future.

2. Duration

Because the City has a Transient Merchant License, the time allowed for vending in one location should be longer than the TML allowance, but not indefinitely. However, any duration limits on both the TML and mobile food vendor could be difficult to enforce, and should be considered carefully. A starting point for mobile food vendors might be eight hours in one location. Overnight parking could be considered with written authorization of the private property owner.

3. Hours of Operation

No recommendation for hours of operation at this time, though a limitation on hours of operation in certain zones due to lighting, safety, or other concerns may be warranted. For example, vending in industrial zones might be limited to daylight hours only. Vendors located downtown in the Central Business Commercial zone might be allowed to operate after dark.

4. Goods for Sale

It is recommended to only permit food vending at this time. One benefit of limiting mobile vending to just food is the opportunity to use these vendors as a ‘trial’ run to see what kind impacts and issues might arise due to mobile vending activity in general.

5. Healthy Menu Options

City Council Resolution No. 18-019 adopted on June 25, 2018, expresses City support for the Blue Zone Project and the initiatives aimed at promoting healthy lifestyle choices for local residents. Staff is of the opinion that encouraging or incentivizing mobile food vendors to include healthy menu options is consistent with Resolution No. 18-019. One such approach could include a reduction in the City permit fee for a mobile food vendor that provides at least one healthy menu option that does not include fried foods, trans fat, or high fructose corn syrup that has been vetted by the BZP or the NCPHD. The permit fee reduction would remain valid as long as the vendor satisfies the healthy menu options criteria established by BZP and NCPHD.

6. Licenses and Permits

Much like the Transient Merchant License, the City should require a permit to operate a mobile food vehicle within City limits. In addition, the property owner's written authorization would be required on all permits for all mobile food vendors located on the property. There also may be a benefit to require the property owner to pay a portion of the mobile food vendor license, or even require a separate license and fee for hosting mobile food vendors. This requirement is intended to provide an enforcement mechanism and accountability for the impacts due to activities on the subject property. The option of six month and one year lifespan of licenses is recommended. Staff also recommends providing applications in Spanish.

7. Parking, Site Amenities and Utilities

It is recommended that for private lots that are hosting only one mobile food vendor, the City require the applicant (and property owner) to provide a site plan with evidence that there is adequate parking for customers and that there will be no major access, mobility, and safety impacts. This portion of the application should be reviewed and approved by the Public Works Department prior to the approval of the permit.

To ensure that adequate parking is available for other businesses, no more than 10% of required parking (not including handicapped spaces) could be designated for mobile food vendors.

In addition to the parking and circulation plan, the issue of Transportation System Development (SDC's) charges should also be discussed. These businesses presumably will generate additional vehicle traffic to a site that may not have been planned to accommodate increases in traffic. A possible approach to consider would be the establishment of a new transportation SDC category for mobile food vendors and requiring that the property owner (not the vendor) be responsible for paying this fee. If the property owner pays the transportation SDC to host a mobile food vendor and that vendor relocates or ceases to operate, the property owner could receive a full or partial SDC credit. Staff would need to develop a formula for this SDC credit policy. Any assessment of Transportation SDC's would be done with consideration of SDC credits allowed for previous uses of the subject site.

Another area to be addressed is the need for utility connections for multiple (or even a single) mobile food vendors located on a single property. This is especially important in the area of collection and disposal of grease. All food service businesses in the City are required to have or install a grease trap, which must pass yearly inspections. The City should require all mobile food vendor applicants to provide a plan of how they will collect and dispose of grease (e.g., grease management plan). This requirement is to prevent unauthorized dumping into the sanitary sewer or storm water collection systems. The City

might even consider requiring a mobile food vendor applicant to provide documentation that they are registered for a grease collection service.

It is recommended that utility connections be required when three or more vendors locate on a single property. For properties hosting fewer than three mobile vendors utility connections would not be required, unless determined otherwise by the Public Works Department or utility providers, based on criteria established by the appropriate authority

Owners desiring to host more than one mobile food vendor on their property would be required to submit for Site Plan Review. Such an application would be reviewed by the staff-level Site Team where development issues can be discussed in-depth. A customer parking and circulation plan, provided by the property owner and the food vendor, would be required. Other considerations might include hard surface requirements, setbacks from property lines, space between vendors, and ADA accessibility. Site amenities discussions would include requirements for restroom facilities, trash and recycling receptacles, the minimum and maximum number of tables and seating allowed, and lighting requirements (particularly if allowing vendors to be open past dark). There would also be language that addresses what is permitted to be set-up outside the mobile food vendor vehicle. Staff recommends prohibiting refrigerators, ice chests, outdoor propane tanks, or other similar-type appliances.

Next Steps

Staff will host a discussion workshop with various stakeholders (e.g., current TML vendors, Main Street, Chamber of Commerce, restaurant owners, etc.) to identify potential issues associated with mobile food vendors and explore preliminary regulatory language. From this meeting, staff will draft operational and permit standards, and conduct an additional workshop with the identified stakeholders. A draft ordinance will then be prepared and scheduled for a Planning Commission and/or City Council workshop, to be followed by public hearings

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