



## **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 1, 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, Mark Poppoff, Steve Ross and Jeff Stiles

Commissioners Absent:

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

Public in Attendance: Six

### **APPROVAL OF AGENDA**

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

### **APPROVAL OF MINUTES**

Commissioner Nelson moved to approve the minutes of August 2, 2018 as written; Commissioner Stiles seconded the motion. The motion passed unanimously.

### **PUBLIC COMMENT**

None.

### **QUASI-JUDICIAL HEARING – Conditional Use Permit 189-18, Jonathon and Shannon Zilka**

This application is a request to convert an art gallery on the ground floor of an existing single family dwelling to a convenience store and waive the required four off-street parking spaces.

Chair Lavier read the rules of a public hearing. He then asked if any Commission member had ex parte contact, conflict of interest, or bias which would prevent their unbiased decision. Hearing none, Chair Lavier opened the public hearing at 6:07 p.m.

Director Harris re-introduced new staff member, Riley Marcus.

Associate Planner Marcus presented the amended staff report, Exhibit 1.

In response to Commissioner inquiries, Marcus replied:

- Alternative one would allow a reduction of required off-street parking spaces. Rather than four spaces, two would be required.
- Alternative two would waive the required four off-street parking spaces.
- Other parking options may include relocation of the outdoor seating area, removal of permanent outdoor seating, or creation of parking behind the business.
- Currently, there is no requirement to repair the sidewalk or remove the tree. Should the Commission decide to require off-street parking, the area must be paved and the sidewalk would be brought up to code.
- City ordinance requires the property owner to maintain the sidewalk.

Chair Lavier invited comments from proponents.

*Jonathan and Shannon Zilka, 318 E. 4<sup>th</sup> Street, The Dalles*

Mr. Zilka stated they are proposing a business that will attract a wide variety of people. Ample parking is available in the area. The existing driveway is narrow and would not accommodate two cars parked side by side. An outdoor seating area will be dedicated to bicyclists, children and families to congregate without interaction with automobiles.

Mr. Zilka said items to be addressed include the dead tree, a sprinkler system, ADA access, and electrical and plumbing upgrades.

Operating hours will be noon to 8 p.m. with the majority of business between 4 p.m. and 8 p.m. They will provide healthy snacks, ice cream and drinks, not the traditional convenience store products.

Mr. Zilka provided a site plan and photographs of the surrounding area, Exhibit 2.

Mrs. Zilka stated the area of the store will be less than 300 sq. ft. They did not expect to open for approximately six months.

The upstairs one bedroom apartment would be accessed by an outdoor stairway.

Chair Lavier invited comment from proponents or opponents. Hearing none, Chair Lavier closed the public hearing at 6:28 p.m.

Commission discussion topics included:

- Concern with setting precedence on parking waivers
- Approval of the parking waiver on a temporary basis
- Planned outdoor improvements are not permanent in nature
- Variations in standards are allowed for employee parking
- The house was not currently on the historic register. If added to the register, less visible parking was desirable.
- The back yard is inaccessible from the alley due to a retaining wall
- Waiver of two parking spaces would allow on-site parking to be used for employees and the apartment tenant

Commissioner Nelson moved to approve Conditional Use Permit 189-18 to convert an existing art gallery to a convenience market located at 318 E. 4<sup>th</sup> Street, approve a reduction of four required off-street parking spaces to two off-street parking spaces for the existing residential use, and to direct staff to prepare the resolution with conditions of approval. Commissioner Poppoff seconded the motion.

Attorney Parker stated there was a suggestion to extend the evaluation period from one year to two years. Staff was in favor of the extension.

Commissioner Nelson amended his motion to extend the evaluation period to two years. Commissioner Stiles seconded the motion; the motion passed unanimously.

## **DISCUSSION – MOBILE FOOD VENDOR POLICY BRIEF**

Director Harris presented the Mobile Food Vendor Policy Brief. The initial steps were to gather comments and draft an ordinance specific to mobile food vendors. The purpose of the brief was to raise the following issues: whether or not mobile food carts were allowed on public or private property, parking, duration, and amenities such as tables, chairs and umbrellas.

Once a draft ordinance was completed, a working group consisting of, in part, The Dalles Area Chamber of Commerce, Main Street and food vendors would be assembled. Results of their efforts would then be presented to City Council.

Discussion topics included:

- The importance of collaboration on a community level
- Enforcement concerns for transient merchants operating semi permanently
- Transient merchants are not connected to City utilities or required to pay impact fees
- Sanitation is licensed through the Health Department
- Restrooms are required within a specific vicinity
- Consistency in site amenities
- Potential traffic conflicts
- *Leticia Valle, Blue Zones Project*  
Valle stated the Blue Zones Project focused heavily on healthy food options. Of the 38 restaurants in The Dalles, 50 percent are fast food. Four restaurants are now Blue Zones approved.
- In some communities transient merchants are set up in a pod, connected to utilities and near public restrooms. Locally, costs associated with this approach proved prohibitive.
- Setbacks and safety concerns for food trucks
- Two separate categories for food trucks: trucks that arrive daily for a few hours with pre-packaged food, or trucks that prepare food on site and operate semi permanently
- Staff's recommendation was that food trucks be allowed only on private property
- *Nikki Lesich, City of The Dalles Codes Enforcement Officer*  
Lesich stated staff was requesting some type of guideline, inclusive for all, that would allow effective enforcement.

Commissioner Bybee stated he was in favor of allowing vendors in parking areas and public spaces, but excluding them from public right-of-way. Commission consensus was in agreement.

Director Harris referred the Commission to the last page of the staff report, detailing subsequent steps prior to drafting the ordinance.

### **STAFF COMMENTS**

Director Harris stated there were no public hearings scheduled for the November 15, 2018, meeting; that meeting would be cancelled.

Two public hearings are scheduled for the December 6, 2018, meeting.

Director Harris stated in the future meeting attendance by the Commission will be assumed unless staff is notified otherwise.

Kathy Fitzpatrick, Transportation Coordinator, MCEDD, will give a presentation.

Election of new officers will be held in January.

City Attorney Parker stated the LUBA Hearing for the E 19<sup>th</sup> Street property scheduled for October 26, 2018, was rescheduled for November 15, 2018. Some objections remain unresolved.

Director Harris said the City received a Business Oregon grant for a Brownfields Study in the downtown area. An Advisory Committee was being formed and Director Harris requested a representative from the Planning Commission. Commissioner DuFault volunteered.

Senior Planner Hert stated the Housing Codes Amendments would go before City Council on November 26, 2018.

### **COMMISSIONER COMMENTS OR QUESTIONS**

Commissioner Stiles recently sat on the County Commissioner Board. Two positions were open, three individuals applied.

In response to Commissioner Nelson's inquiry, Hert stated the permit was ready to issue for and 93-unit hotel on W. Sixth Street. A possible spring opening is anticipated. Existing structures would be removed.

### **ADJOURNMENT**

Chair Lavier adjourned the meeting at 7:35 p.m.

Respectfully Submitted  
Paula Webb, Planning Secretary

  
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Bruce Lavier, Chair

**AMENDED STAFF REPORT****RECOMMENDATION:**

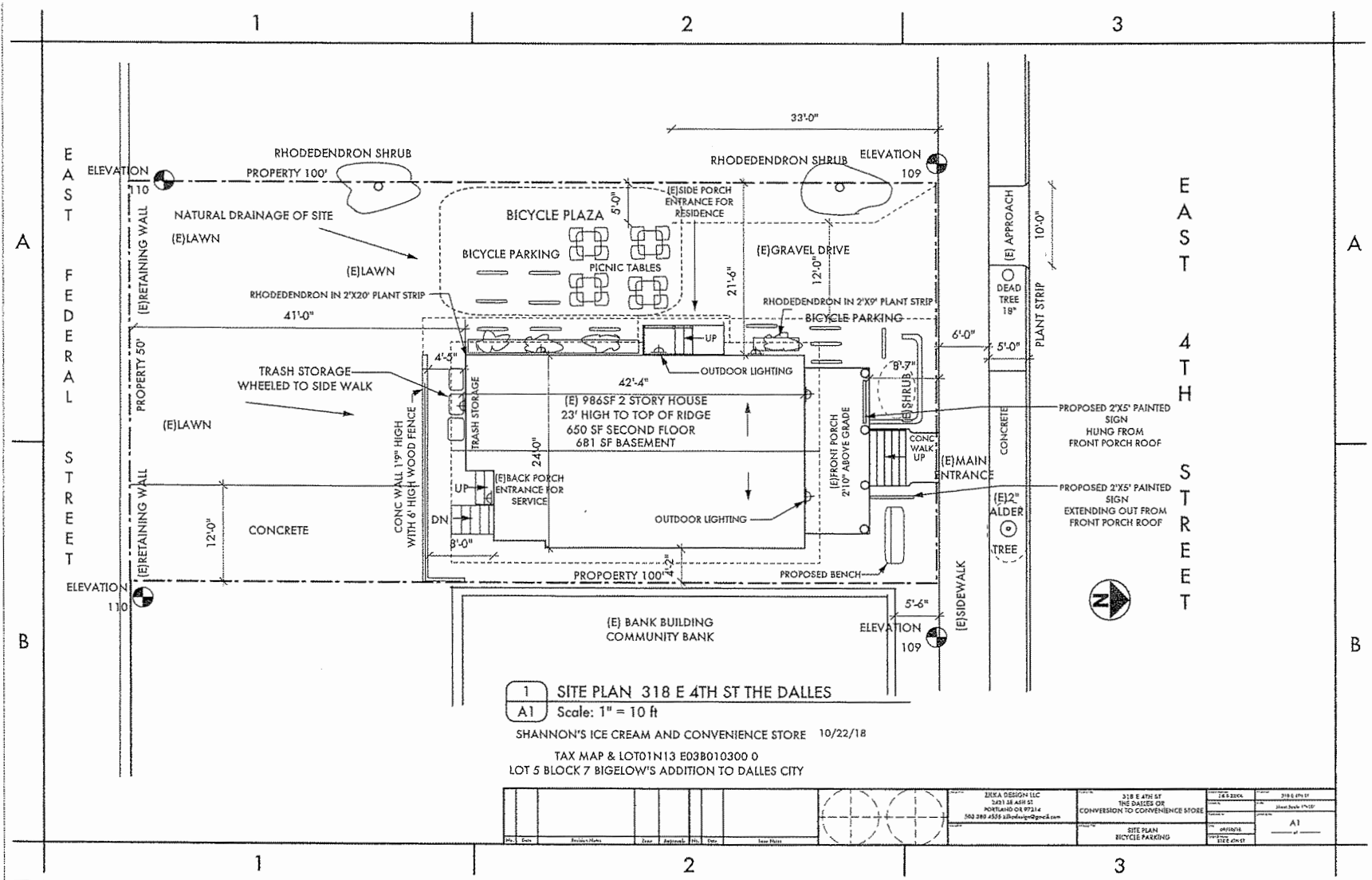
The applicant has indicated that they would like to utilize the existing unpaved driveway area for outdoor seating and bike parking. Staff is supportive of these ultimate plans for the property; however there are concerns regarding the request to waive all required off-street parking for the uses. If the Planning Commission supports the request to waive the four required parking spaces then staff suggests that a condition be applied that allows for the temporary waiver of the four parking spaces and direct staff to monitor the parking situation and to return to the Commission within 1 year to formalize or modify the request.

**PLANNING COMMISSION ALTERNATIVES:**

1. Staff recommends that the Planning Commission approve CUP #189-18 to convert an existing art gallery to a convenience market located at 318 E. 4<sup>th</sup> St; approve a reduction of four required off-street parking spaces to two off-street parking spaces for the existing residential use; and to direct staff to prepare the resolution with conditions of approval.
2. Approval of CUP #189-18 for the conversion of the existing art gallery to a convenience store and the waiver of the required 4 off-street parking spaces.
3. Other action as deemed appropriate by the Planning Commission
4. Decline approval of CUP #189-18.

**PROPOSED CONDITIONS OF APPROVAL:**

1. Any proposed lighting shall not directly illuminate any adjoining properties.
2. Lighting that crosses the property line not be able to exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source).
3. Noise impacts across the property line shall not exceed 60 decibels.
4. One bicycle parking space is required for the proposed use.
5. Dust and other particulate matter shall be confined to the subject property.
6. All odors relating to industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances, fuels, and fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance be confined to the subject property.
7. Vibrations from the proposed use shall not be felt across the property line.
8. If the current walkway does not meet the requirements of the Oregon Americans with Disabilities Act, the State of Oregon Structural Specialties Code, and the Oregon Revised Statutes, the applicant will be required to bring the walkway into compliance.
9. Any signs for the new use shall be applied for under a separate permit.
10. Monitor the parking area and the impacts of any on-street parking to right-of-way traffic, and return to the Planning Commission within one year to review and modify as necessary the off-street parking requirements.





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