



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490

Community Development Dept.

AGENDA CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, MAY 1, 2008

6:30 P.M.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: April 3, 2008
- V. Public Comment – Items not on the Agenda
- VI. Quasi Judicial Public Hearing
APPLICATION NUMBER: CUP 145-08 of Father Luke Hartung for Dormition of the Theotokos Orthodox Church. REQUEST: This application is for a Conditional Use Permit and Community Facility Overlay to convert an existing building into a church, fellowship hall, and office. **LOCATION:** Property is located at 1520 Webber Rd. and is further described as 1N 13E 4BB tax lot 5700. Property is zoned “RL” – Residential Low Density.
- VII. LUDO Discussion
 - a. Proposed LUDO changes as contained in Draft ordinance
 - b. Discussion of additional items contained in Memorandum
- VIII. Commissioner Comments/Questions
- XI. Staff Comments
- XII. Next scheduled meeting date: May 15, 2008
- XIII. Adjournment

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, April 3, 2008
City Hall Council Chambers
313 Court Streets
The Dalles, OR 97058
Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting to order at 6:31 p.m.

BOARD

MEMBERS PRESENT: Bruce Lavier
Dean Wilcox
Mark Poppoff
Ron Ahlberg
Chris Zukin

BOARD

MEMBERS ABSENT: Ted Bryant
Derek Hiser

STAFF PRESENT:

Community Development Department Director Dan Durow
Senior Planner Dick Gassman
Administrative Secretary Brenda Green

APPROVAL OF AGENDA

It was moved by Zukin and seconded by Wilcox to approve the agenda as submitted. The motion carried unanimously, Bryant and Hiser absent.

APPROVAL OF MINUTES

Chair Lavier pointed out that he is not employed with BPA as stated on page 2.

It was moved by Ahlberg and seconded by Wilcox to approve the minutes of March 20, 2008 as amended. The motion carried unanimously, Bryant and Hiser absent.

PUBLIC COMMENT: None

QUASI-JUDICIAL PUBLIC HEARING:

Conditional Use Permit 145-08 of Father Luke Hartung for Dormition of the Theotokos

Orthodox Church: This application was for a Conditional Use Permit and Community Facility Overlay to convert an existing building into a church, fellowship hall, and office. **Property Owner:**

Dormition of the Theotokos Orthodox Church. **Location:** Property is located at 1520 Webber Rd. and is further described as 1N 13E 4BB tax lot 5700. Property is zoned "RL" – Residential Low Density.

Chair Lavier read the rules for conducting a public hearing. He asked the Commissioners if they had any bias, conflict of interest, or ex-parte contact. None were declared. There were no challenges from the audience. Lavier declared the public hearing open and asked for the Staff Report.

Senior Planner Gassman presented the Staff Report. He explained that the church is already operating and that the Planning department has been working with the applicant to get all the necessary permits in place. The church is located in an area that the streets and parking lots are not paved. There is an existing building that the applicant has turned into a church and meeting hall. Gassman highlighted a few of the criteria stated in the staff report. He explained that churches are permitted in all zones and explained that the existing church meets all the standards required by the Community Facility Overlay.

Another criterion that Senior Planner Gassman explained more fully was the 7 different impact items that are described in Section 3.050.40 #C. He brought specific attention to two of those items; dust and transportation. He stated that dust is an issue because of the parking lot and street not being paved. As part of the conditions staff would normally ask for the parking lot and street to be paved. However, Gassman received a request from the County Roadmaster to not require Webber Street to be paved due to the fact that 13th street, where Webber drops down into, does not have an existing storm water system that can handle the runoff. Consequently, according to The City's policy; when installation is not feasible, the property owner shall pay into the development fund. Gassman distributed a memo in regards to that information. The Memo was admitted as Exhibit #1. Gassman stated that the new information changes condition #7 to require that drainage would need to be handled on site. Gassman stated that staff is recommending approval of the application with appropriate changes being made to conditions 7, 8 & 9.

Senior Planner Gassman stated that according to the LUDO, the number of parking spaces required for a church is figured based on the number of seats or pews. However, the Orthodox congregation does not sit during their services. The applicant suggested having 24 parking spaces and staff felt that was an appropriate number based on their current congregation size.

Commissioner Poppoff asked about the money the applicant would pay into the fund, specifically how much of it would be towards the sidewalks. Senior Planner Gassman showed the chart that was used to calculate the amount and explained that it doesn't divide the sidewalk and street costs out separately. Poppoff explained that he was wondering if it would be cheaper for the applicant to put their own sidewalks in. Gassman responded that the street and sidewalk need to be installed at the same time.

Commissioner Bryant asked if the applicant has been advised of the costs that are now being discussed, and asked if the dust could be kept down by the use of gravel. Senior Planner Gassman said yes, the applicant had been notified of the new information. Regarding the gravel, Gassman stated yes, gravel would help keep some of the dust down. Webber Street is not a county road, so there isn't anyone that maintains the gravel.

Commissioner Poppoff asked how many other residences use that road. Senior Planner Gassman responded approximately a half dozen. The neighbor that seems to use it the most is Paul Wolf with construction vehicles.

Commissioner Ahlberg asked if an oil/water separator would still be required. Senior Planner Gassman stated that it will not be required unless the parking area increases to 10,000 square feet or if it drains into the city storm water system. Ahlberg pointed out that the annual cost for that will now not be necessary. Ahlberg also shared his concern regarding chemicals from vehicles going directly into the ground.

Senior Planner Gassman pointed out that the physical road is not placed where the dedicated right of way for Webber is. Part of the road is actually on the applicant's property. Staff is recommending that the applicant dedicate to The City that portion of the road that is on their property. Gassman explained that since the curb and gutter are not installed the exact location will need be negotiated.

Commissioner Ahlberg asked if there are any assurances that the applicant's money will be used for this purpose only and if they will see the work completed. Senior Planner Gassman assured the commission that the money can only be used for street and sidewalk construction. He added that there is however, no guarantee of when the work will be completed. Ahlberg pointed out that when the work is actually completed the costs will be higher. He asked if there was any chance for the applicant to be charged an additional amount at that later time. Gassman explained that they can not be charged more.

Public Testimony

Proponents: Mark Sigfrinius, 708 E Collins Drive, Goldendale WA 98620. Mr. Sigfrinius brought six pictures of the property. They were admitted as Exhibit #2. After the commissioners had a chance to look at the pictures, Mr. Sigfrinius explained that they have a small parish with a non-wealthy congregation and that these requirements will be a burden on them. Mr. Sigfrinius pointed out in the pictures that the road is really not much more than a driveway. He stated that they are in favor of a boundary line adjustment rather than moving the road. He also stated that they are fine with paving the parking lot and handling any runoff on site. Their biggest concern is coming up with \$30,000 within six months that will just go into a fund with no guarantee of when the road will be improved. He shared that they would be willing to gravel the road to help with the dust, but pointed out that their congregation only uses the road once a week. He also pointed out that the vehicles that use the road the most are Mr. Wolf's construction vehicles. Consequently the road would need to be built to a standard to accommodate those heavier vehicles. Mr. Sigfrinius stated that they would be more willing to participate in paying for the improvements when the city actually makes the improvements with the hope that their congregation will have increased in size by that time.

Chair Lavier asked staff what options the applicant has for completing the improvements. Senior Planner Gassman responded that the directions given to staff are to first try to get the improvements installed. If that is not feasible the next option is to require the applicant to pay into the fund. He shared that another option that has been used is a delayed development agreement, in which the property owner signs an agreement that they will install the items at the time The City requires it. That option doesn't usually work because the applicant is then in a situation where they have to put in improvements with little or no notice. Gassman explained that staff uses the standard conditions that were set out by council.

Commissioner Poppoff asked if there is a way for the applicant to pay this requirement in installments. Senior Planner Gassman responded that whatever conditions the Planning Commission sets, the applicant will be required to follow. However, staff does request that a final due date be set.

Director Durow pointed out that staff is sympathetic to the situation. Similar situations have come up before and several ordinances were changed by council to deal with these issues. Staff's job is to follow those guidelines that are set by council. For this application the decision of which conditions to require boiled down to the fact that the storm drain system is not in place in that area yet.

Commissioner Zukin added that a fourth option is that the Planning Commission and the City Council could waive the fee. Zukin then questioned where the actual five foot right of way is on the pictures. Senior Planner Gassman showed him approximately where the line is, but added that the official line would need to be determined by a survey.

Patrick Barnes, 770 Henderson Road, Hood River. Mr. Barnes stated that rather than making a statement he would like to ask a series of questions. He asked if the crux of the issue is the dust mitigation. Director Durow responded that dust is an issue, but the more important issue is to get the street improved. Durow went on to explain the system of non-remonstrance and how the council went through an 18 month process to decide the best way to provide for street development. The final decision by council was that the improvements either needed to be made at the time of property development or the applicant would need to pay into the fund. Mr. Barnes explained that if it was just about dust, the neighbor has not complained about the dust from their small handful of cars.

Mr. Barnes next asked who would be paying for the other half of the street improvement. Director Durow explained that ideally the other property owner would pay for their half. However, that property owner would not be required to pay unless he made improvements to his property. Mr. Barnes shared his opinion that it would be a safety issue and would look funny if only one half was improved. He specifically pointed out the number of trucks that come down off of the hill.

Commissioner Ahlberg pointed out that there are multiple lots on the road with an unknown potential for future development. The way the system works is that as each parcel is developed they will also be required to make improvements. He explained that the commission's job is to look at the long range plan.

There was a discussion between the applicant, the proponents and the commission clarifying that the only part of the street improvements that is being required to be paid for is the portion directly in front of 1520 Webber Road. Chair Lavier and Senior Planner Gassman also clarified that when the street gets paved, the entire street will be paved not only one half of it.

Commissioner Wilcox asked what the status is regarding churches paying taxes. Senior Planner Gassman replied he does not believe they pay taxes. Director Durow interjected that the money for streets does not come from property taxes. Wilcox explained that he was asking because of Commissioner Zukin's comment that the fee could be completely waived.

Opponents: None

Questions to Staff: Commissioner Poppoff asked how many parcels are on Webber and how many houses could be built there. Senior Planner Gassman explained that it depends on how the owners develop each parcel. Director Durow added that there is a potential for many homes if owners apply for partitions.

Commissioner Ahlberg asked why this application is finally coming to the commission if the church is already in operation. Senior Planner Gassman explained that the Planning Department has been working with Father Luke to get the appropriate permits in place for several years on a low key basis realizing that they had a small congregation. He further explained that Father Luke has been working on getting the property cleaned up in anticipation of applying for this permit.

Commissioner Ahlberg questioned if the conditions recommended are the same no matter which property the applicant would have chosen to develop within the UGB. Senior Planner Gassman stated yes, the thing that makes this application difficult is the current condition of Webber and the lack of a storm water system. Gassman agrees with the proponent that it might not make sense at all levels. However, Gassman pointed out that this is one of the reasons the council decided that they would allow a chance to pay into the fund so that everyone is treated the same without having piece-meal development.

Chair Lavier asked how flexible the commission could be on the requirement of six months to pay, and asked if 2-3 years would be reasonable. Senior Planner Gassman responded that considering the size of the congregation that would not be unreasonable.

Chair Lavier asked the applicant if they would be willing to take a break and talk to staff with the idea of coming up with a workable solution that will allow the applicant to proceed. The applicant agreed to talk with staff.

Chair Lavier called for a break at 7:38pm. The meeting was re-opened at 7:48 pm.

Senior Planner Gassman reported that staff and the applicant have a couple ideas they would like to pursue but will need more time. Gassman stated he will check with City Attorney Gene Parker regarding Commissioner Zukin's statement on waiving fees. Gassman made a request to hold the hearing over for a month.

Chair Lavier asked if there were any objections. There were none.

Commissioner Zukin shared that the City Council is currently working on this entire street improvement issue. He stated that even though there is an ordinance in place, the issue has not been resolved. There is still discussion going on about the amount of money being charged, specifically if the amount is excessive. Zukin stated that the council has waived the requirement for street improvements in the past. Council is also aware that with the new properties being brought into the city with the new annexations there are going to be a lot of these types of issues going on. Zukin stressed that staff is bound by the ordinance, and required to enforce the ordinance and explain it to the public. Zukin explained that the city is working through this ordinance and that it is not black and white. He stated that in his opinion; regarding the current application, it would be ludicrous to require either the street to be developed or the fees to be paid at this time.

Resolution PC 472-08 The decision on this resolution was postponed for one month.

Reconsideration of conditions of approval for CUP 143-08 of Loranda Springs Senior Planner Gassman distributed a memo which was admitted as Exhibit #3. Gassman summarized the memo by explaining that after the commission approved CUP 143-08, it was discovered that under the

circumstances the City of The Dalles could not legally require the applicant to make the building accessible. Gassman reported that he referred the Building Official's comments to City Attorney Gene Parker, who recommend that the Commission delete the condition. Staff agrees with that recommendation.

Commissioner Ahlberg questioned that if it's not required under building codes, why are so many other communities forcing residences that are being converted to businesses to bring the buildings to code? Ahlberg pointed out that he has learned in workshops that under a Conditional Use Permit the Commission is able to put more restrictive uses than what is required; he stated that is what conditional use is all about.

Senior Planner Gassman responded that his understanding is that the Commission can not enforce conditions that are controlled by Building Codes. Gassman explained that the local building official pointed out that ORS 455.040 prevents the City from imposing a requirement that would not be imposed by the State. In this situation the State would not require making the building accessible; therefore the City could not either. After further discussion it was generally agreed that these issues need to be looked at on a case by case basis. If this location had been a home without previously having had a business in it; then the accessibility requirement would have been enforceable by Building Codes. Essentially this particular property is grand fathered in.

Commissioner Ahlberg shared his frustration and disappointment with being unable to enforce an item that the commission chose to include as a required condition with this conditional use application.

RESOLUTION: Wilcox moved to reconsider the conditions of CUP 143-08 and to adopt Resolution PC 473-08 approving the modified CUP 143-08 with six conditions as amended. Zukin seconded the motion. The motion carried with Wilcox, Zukin, Lavier and Poppoff voting yes, Ahlberg voting no, Bryant absent.

Commissioner Ahlberg stated that he is concerned about precedence setting and consistency. Ahlberg shared his concern that if we don't require one applicant to do something, the next applicant that comes along is going to use that as an example of why they don't have to either.

Commissioner Zukin responded by expressing his view that one of the beauties of living in a small town is that there is time to look at applications on a case by case basis and to realize that sometimes when applying the law as it was written doesn't make sense.

Commissioner Ahlberg summarized his disappointment by stating that he hopes none of the other commissioners ever have to live in a chair and experience how tough it is.

COMMISSIONER/STAFF COMMENTS

Senior Planner Gassman reported back on the comments made by Commissioners at the last meeting. Regarding keeping the agenda and minutes up to date on the website; Administrative Secretary Brenda Green is taking care of it. Gassman reported that Chair Lavier has been reappointed to another four year term and that Commissioner Wilcox will be reappointed at the next City Council Meeting.

Another issue that has been brought up several times is the piles at the aluminum plant. Senior Planner Gassman stated he had done quite a bit of research and distributed a packet. The packet included

information about what is specifically in the piles, who is responsible for the site (Lockheed/Martin-Marietta), and the review process. Gassman also learned that the DEQ will be holding a public hearing about a request to remove two of the small piles.

Commissioner Wilcox shared that he also did a lot of research about the piles. His search took him up to the DEQ office at the college where he met with Robert Schwarz. Mr. Schwarz gave Commissioner Wilcox a map that showed what is in the piles down to the foot. Wilcox shared that the DEQ is also monitoring the removal of the NW Aluminum Plant which is not connected to the Martin-Marietta site. Wilcox stressed the point that Martin-Marietta was purchased by Lockheed and that Lockheed had recently signed a contract with the Air Force for \$34 billion dollars to build tankers. His point was that they have a lot of money and that they are worried enough about the pile to have someone out here monitoring it.

Commissioner Wilcox also shared that he took a trip out to the Columbia Ridge Landfill in Arlington. Wilcox observed that they have a railway station and about 100 acres that they use as a holding yard. The area had a lot of box cars filled with junk just waiting to be taken away. Wilcox learned that the dump can handle 7 carloads a day and that there are about 70 tons to a carload. He also learned that the Commissioners could all go out and take a tour. Commissioner Wilcox pointed out that we have a place in our own backyard to take care of this problem and that Martin-Marietta/Lockheed will be paying for it. He suggested that the commission push for something to be started.

Periodic Review – Public Meeting

Director Durow opened his statement by explaining that he expected a large group of general public to be in attendance because of the extensive noticing that was done. No public was present.

Director Durow explained what the Periodic Review evaluation is and the proposed work plan that is included with it. Durow stated that this review is required to be completed every ten years. One of the requirements of the review in the process must be completed through the City's Citizen Involvement Program, of which the Planning Commission has been designated the Citizen Involvement Committee. Durow went over the requirements of the Committee and described all the notifications that were completed in regards to this meeting. Written comments are accepted for 21 days after this meeting, staff will be required to address each comment received. Next the City Council will have a meeting on May 12, 2008 to discuss and review agency and public comment and to approve the periodic review evaluation and the work program.

Commissioner Ahlberg moved that the proposed Citizen Involvement Committee Program and proposed periodic review process and schedule is adequate in providing opportunities for citizen involvement. Wilcox seconded the motion. The motion carried with Wilcox, Zukin, Lavier Ahlberg and Poppoff voting yes, Bryant absent.

Director Durow walked the Commissioners through the Periodic Review Evaluation and the Proposed Work Program. Durow described some of the steps he took and the groups he talked to in order to complete the evaluation. He explained the four factors that were used during the evaluation.

Commissioner Ahlberg asked for clarification regarding the special districts that were listed. He asked if other districts should also be listed such as fire district or parks district. Director Durow said yes, perhaps, mostly he was thinking about the utilities when he answered that question. Durow added that

in that case, water conservation and library and several others could be added too.

Director Durow then went over the draft Work Program. He pointed out the different areas that need to have more work done, and the estimated costs. Durow also went over some grants that are available and the plan to send in a draft grant application next week.

Director Durow shared that the bottom line is that there are still some things that need to be done to update the comprehensive plan. Staff's suggestion to the commission is that based on the draft evaluation there needs to be a work program developed to bring our plan into compliance.


Commissioner Zukin moved to recommend to the City Council that the draft Work Program be approved based on the Periodic Review evaluation. Poppoff seconded the motion. The motion carried with Wilcox, Zukin, Lavier Ahlberg and Poppoff voting yes, Bryant absent.

The Commissioners and staff had a discussion about the quarterly and annual reports that they are now being required to fill out. Commissioner Zukin stated he was considering not even filling it out. Commissioner Ahlberg advised against it because of the late fees.

NEXT MEETING: The next scheduled meeting is March 17, 2008

ADJOURNMENT: The Planning Commission meeting was adjourned at 8:48 p.m.

Submitted by
Brenda Green, Administrative Secretary



Bruce Lavier, Planning Commission Chair




CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

Memorandum

To: Planning Commission
CC: Dan Durow, Gene Parker
From: Dick Gassman, Senior Planner 
Date: April 3, 2008
Re: CUP 145-08 Modified Conditions

For the past several years the City has been working on setting public improvement guidelines as part of the development process. The City is trying to balance the needs of the City with the rights of the property owners and at the same time trying to require only those improvements that are feasible under the differing circumstances of each property.

As we proceed with our discussions, there have been occasions when the City has modified its guidelines as more information becomes available. Recently we have made one of those modifications and this one involves this application. Between the time of the writing of the staff report and the Planning Commission hearing, the City has decided not to require the installation of improvements when the specific property is not able to access a public storm water drainage system. There is no viable storm water system on West 13th. The City's policy is that when installation is not feasible, the property owner shall pay into the development fund those amounts adopted by the City by resolution. The adopted resolution provides for a storm water fee of \$59.15 per foot of frontage and a street and sidewalk fee of \$175.85 per foot of frontage.

The change in policy causes me to recommend a change in the recommended conditions of approval for this application. Specifically, the language in conditions 7, 8, and 9 should be deleted and the following language substituted:

- 7. Provide on site storm water drainage and retention for the parking area.
- 8. In lieu of improvements for Webber Street, pay into the City improvement fund a total of \$29,320 to be split \$7,380 for storm water and \$21,940 for street and sidewalk improvements.
- 9. Payment of improvement funds due within six months of CUP approval.

The rest of the recommended conditions of approval remain unchanged.







EXHIBIT #









Memorandum

To: Planning Commission
CC: Gene Parker, City Attorney
From: Dick Gassman, Senior Planner *DS*
Date: April 3, 2008
Re: CUP 143-08 (Loranda Springs) Conditions of Approval

On March 20, 2008 the Planning Commission heard and approved the application of Loranda Springs for a Conditional Use Permit at 513 West 10th. CUP 143-08. When the Commission approved the application it placed several conditions on the property. One of the conditions of approval was to make the building accessible.

After you approved the application, Ms Springs contacted our office to inquire about the conditions. For the accessibility requirements, I referred her to the State building codes staff. Shortly after that I got a phone call from Bob Futter, Building Official for Mid-Columbia Building Codes Services. He stated that under the circumstances the City of The Dalles could not legally require the applicant to make the building accessible. Under ORS 455.040 the State has preempted local jurisdictions from requiring more building improvements than the State would require. Since the State would not require the building to be made accessible under these circumstances, neither can the City.

I referred Mr. Futter's comments to City Attorney Gene Parker who reviewed the citation to ORS 455.040. His conclusion was in line with Mr. Futter's. I discussed with Mr. Parker how to proceed and he recommended that we put this item on the agenda for the April 3 hearing and recommend to the Commission that this particular condition be deleted. Ms Springs has been notified that this issue is on the agenda for the mee

At this point, staff is recommending that condition of approval #7 for CUP 143-08 be deleted, based on the language contained in ORS 455.040 and the concurrence of the City Attorney.

If the Commission is inclined to delete the condition, it may be done by motion of the Commission, without the need for notices or other procedural requirements

Richard Gassman

From: Richard Gassman
Sent: Tuesday, March 25, 2008 11:52 AM
To: 'deanmwilcox@gmail.com'
Cc: Daniel Durow; Dawn Hert; Brenda Green; Richard Gassman
Subject: Aluminum Plant Piles

Dean, I talked with Galen May of Northwest Aluminum about the piles of contaminants at the site. He said that DEQ would hold a public hearing soon (4 to 8 weeks) about a request to remove two smaller piles to Arlington. He said this would be a good chance for interested persons to ask questions. There will be a notice in the paper which we will monitor and get more specific information to you.

Galen said his guess of the cost of removing the large piles was in the area of \$20,000,000, but Martin Marietta might have a more educated estimate. I think this is something that could be raised at the public hearing.

I also found some material on the EPA website about what is actually in those piles. I will bring that to our next Commission meeting.

Richard Gassman
Senior Planner
City of The Dalles
rgassman@ci.the-dalles.or.us
541-296-5481x1151

MARTIN MARIETTA ALUMINUM CO. OREGON

EPA ID# ORD052221025

Last Update: September, 2007

EPA Region 10
Wasco County
The Dalles

2nd Congressional District
Other Names:

▼ Site Description

The Martin-Marietta Aluminum Co. site is located in Wasco County, city of The Dalles, Oregon. The 350-acre site is located within an 800-acre area used primarily for heavy industry, manufacturing and agricultural purposes. Martin-Marietta acquired the facility in 1970, from Harvey Aluminum, Inc. and continued aluminum processing operations until 1984, when the plant was shut down. In 1986, Martin-Marietta leased the plant to Northwest Aluminum Company, which operated until 1987. Twenty-eight areas were contaminated as a result: from treatment, storage, and disposal of waste at the site. A 15-acre landfill, now capped, contains approximately 200,000 cubic yards of waste and construction debris, including asbestos, metallic wastes, and 5,000 tons of spent potliner materials (cathode waste) containing cyanide, polycyclic aromatic hydrocarbons (PAHs), and arsenic. Leachate (contaminated liquids) moved through landfill masses contaminating groundwater until a collection system was installed. The system collects and transports the liquids outside the landfill for treatment. Also, approximately 64,670 cubic yards of cathode waste material were deposited in the unloading area and the cathode waste management areas, which cover 15 acres and contain contaminated sludge and subsoil. Fewer than 20 homes and businesses are located in the vicinity of the site. The nearest residence is located approximately ¼ mile from the site. Groundwater provides drinking water to 14,000 people in The Dalles and Chenoweth. The wells in the immediate areas are also used for industrial purposes. Because the site is located within the Columbia River flood plain, flooding could have potentially affected groundwater flow patterns and contaminant distribution.

Site Responsibility: This site has been addressed through federal and potentially responsible parties' actions.

NPL Listing History	Dates
Proposed Date:	10/15/1984
Removed Date:	
Withdrawal Date:	
Final Date:	06/10/1986
Deleted Date:	07/05/1996

▼ Threats and Contaminants

Media Affected: Groundwater, Soil & Sludges

Because the site is located within the Columbia River flood plain, flooding potentially affected

groundwater. Groundwater on site is contaminated with cyanide and fluoride. Sediments and soil contain cyanide, fluoride, asbestos, PAHs, and arsenic. People who accidentally ingested or came into direct contact with groundwater, soil, and sediments may have been at risk. Exposure to high levels of cyanide harms the brain and heart. Low levels of cyanide may result in breathing difficulties. Exposure to fluoride is usually low and not harmful. High exposures can cause lung, skin and bone damage.

▼Cleanup Progress

In 1988, EPA selected a two-part cleanup. The potentially responsible parties (PRPs) completed the first and second parts in 1990 and 1991 respectively, under Consent Decrees with EPA. The first part included: excavating the cathode waste material and placing it into a landfill at the site covering (capping) two ponds where sludge from the facility air pollution control system was collected; and monitoring groundwater. The second part included: capping the landfill; collecting and treating leachate from the landfill and groundwater at the site; abandoning the use of nearby water wells; connecting groundwater users to the city of The Dalles water supply system; establishing a contingency plan to recover groundwater in the event further contamination is detected; and limiting access to the property after cleanup was complete.

In early 1992, an excessive amount of water collected in the leachate collection system around the landfill. The PRPs conducted several studies and construction activities around the landfill in 1992 and 1993, which determined that 1) the cap was operating as designed, and was not allowing surface water into the landfill; and 2) the water in the leachate collection system was infiltrating in from the fractured bedrock beneath the landfill. As a result, in early 1995, Martin Marietta upgraded the leachate treatment system to accommodate additional volume. The PRPs continue to operate and maintain the leachate collection and treatment system, conduct monitoring pursuant to an approved monitoring program and submit periodic monitoring report to EPA and Oregon DEQ.

The site was deleted from the National Priorities List (NPL) on July 5, 1996.

Every five years, EPA studies whether the remedy continues to protect human health and the environment. Five-Year Reviews have been completed in December 1994, December 1999 and June 2005. The next Five-Year Review is scheduled to be completed in 2010.

▼Regional Contacts

SITE MANAGER(S):

Harry Craig

E-MAIL ADDRESS:

craig.harry@epa.gov

PHONE NUMBER:

503-326-3689

COMMUNITY INVOLVEMENT

COORDINATOR:

E-MAIL ADDRESS

PHONE NUMBER:

Information pertaining to this site is housed at the following location(s):

Oregon Department of Environmental Quality
400 East Scenic Drive, Building 2
The Dalles, OR 97058

EPA Region 10 Superfund Records Center (Administrative Records)
1200 Sixth Avenue, ECL-076
Seattle, WA 98101



Oregon Department of Environmental Quality

Martin Marietta Reductio Fac. RCRA/CERCLA LANDFILL

General Site Information

Site:	Martin Marietta Reductio Fac. RCRA/CERCLA LANDFILL (ECSI Site ID: 72)	CERCLIS (EPA) Id	052221025
Project Manager:	<u>Bob Schwarz</u>	Investigative Status:	Listed on the Confirmed Release List or Inventory
PM Phone:	(541) 298-7255 x30	NPL(National Priority Listing):	No
Address:	3313 W 2nd ST The Dalles, 97058	Is this site an Orphan?	No
County:	WASCO	Is this site a brownfield?	No
Region:	Eastern Region	Action Underway or Needed:	OPERATION & MAINTENANCE
<u>Click on the Photograph to see a larger version.</u>		<u>Click for more details ...</u>	



ECSI#72

8/14/1998



ECSI#72

9/10/2002



ECSI#72

9/10/2002



ECSI#72

9/10/2002



ECSI#72

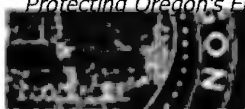
9/10/2002

Oregon Department of Environmental Quality
 Headquarters: 811 Sixth Ave., Portland, OR 97204-1390
 phone: 503-229-5696 or toll free in Oregon 800-425-4011
 TTY: 503-229-6993 FAX: 503-229-6124

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Site Summary Report - Details for Site ID 72, Martin Marietta Reductio Fac.
RCRA/CERCLA LANDFILL**

This report shows data entered as of March 24, 2008 at 10:03:05 AM

This report contains site details, organized into the following sections: 1) Site Photos (appears only if the site has photos); 2) General Site Information; 3) Site Characteristics; 4) Substance Contamination Information; 5) Investigative, Remedial and Administrative Actions; and 6) Site Environmental Controls (i.e., institutional or engineering controls; appears only if DEQ has applied one or more such controls to the site). A key to certain acronyms and terms used in the report appears at the bottom of the page.

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Site Photos

Click to View Photo	Picture Date	Caption	Size
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View Photo	09/10/2002	ECSI#72	484 Kb
View Photo	09/10/2002	ECSI#72	405 Kb
View Photo	09/10/2002	ECSI#72	342 Kb
View Photo	09/10/2002	ECSI#72	395 Kb

General Site Information

Site ID: 72	Site Name: Martin Marietta Reductio Fac. RCRA/CERCLA LANDFILL	CERCLIS No: 052221025
Address:	3313 W 2nd ST The Dalles 97058 County: Wasco	Region: Eastern
Other location information:		
Investigation Status:	Listed on CRL or Inventory Brownfield Site: No NPL Site: No	Orphan Site: Study No Area: No
Property:	Twnshp/Range/Sect: 2N , 13E , 28 Latitude: 45.6283 deg. Longitude: -121.205 deg.	Tax Lots: 500 Site Size: 350 acres

Other Site Names: Northwest Aluminum Co.
Martin Marietta Reduction Facility (MMRF)

Site Characteristics

General Site

Description:

Site History:

Contamination

Information:

(7/5/1996 BPM/SRS) The facility produces aluminum via electrolytic reduction of alumina. Harvey Aluminum began operating at the site in 1958. Martin Marietta Corporation purchased Harvey Aluminum in 1970 and operated until 1984, when the plant was shut down. Before 1984, 5,000 tons of waste cathodic materials containing arsenic, cyanide, and polynuclear aromatic hydrocarbons (PAHs) were disposed of in an on-site landfill. An additional 64,670 cubic yards of cathode waste material were deposited on other portions of the site. Scrubber sludges containing fluorides and PAHs were disposed of in four scrubber sludge ponds. Cyanide was detected in groundwater beneath the site and in leachate from the landfill. In October 1984, EPA proposed the site for the National Priorities List (NPL). Martin Marietta hired a contractor, and reached an agreement with EPA in August 1985 to conduct a Remedial Investigation and Feasibility Study (RI/FS). EPA added the site to the NPL in June 1986.

Manner and Time of Release: On-site disposal; time of release 1958 - 1984.

Hazardous Substances/Waste Types:

Pathways: Direct exposure to workers from wastes disposed of on-site; exposure due to use of contaminated wells. Potential for present or future groundwater use as a drinking water supply.

Environmental/Health Threats:

Status of Investigative or Remedial Action: (7/5/1996 BPM/SRS) Northwest Aluminum Company leased the plant from Martin Marietta in 1986, and purchased the site in 1992. (Plant operations resumed in 1987.) EPA signed the Record of Decision in September 1988. The cleanup was conducted from September 1989 to August 1992. Cathode waste material from around the site was placed into the on-site landfill. The landfill was then closed and capped. The two open scrubber sludge ponds were covered over with soil. (Two of the ponds had been covered with soil and vegetation prior to 1984.) Groundwater wells in the area were abandoned, and users were connected to the City of The Dalles municipal water supply. Finally, a treatment system was set up to treat contaminated groundwater and landfill leachate. From October 1992 to June 1993, the landfill cap was modified and the leachate collection system was expanded to handle excess water seeping into the landfill. (The water was infiltrating in from the groundwater beneath the landfill.) EPA issued an Explanation of Significant Differences in September 1994 to address the modifications to the cleanup plan. EPA issued a Certificate of Completion for the cleanup in February 1995. Operation and maintenance activities continue and include long-term operation of the leachate collection and treatment system and groundwater monitoring. The site was delisted from the NPL in July 1996.

(April 26, 2005 Bob Schwarz) Arcadis is conducting pilot studies at the CERCLA and RCRA landfills to evaluate the effects of enhanced bioremediation to reduce concentrations of free cyanide in landfill leachate. These studies are

being conducted under DEQ review.

At the CERCLA landfill, they have applied molasses and similar carbon sources both to the ground upgradient of the landfill and to the perimeter leachate collection system. The purpose is to stimulate biological activity and thereby increase the rate of cometabolism of the free cyanide. At the RCRA landfill, they have been experimenting with injection of carbon dioxide into the landfill. The CO₂ is piped to three existing gas vents on top of the landfill. The intent is for the CO₂ to lower the pH (the pH of the leachate is about 10) to a more neutral level. This is intended to make conditions more favorable for microbes that would then degrade the free cyanide.

Data Sources:

Project manager files. Key reports have been prepared by Geraghy & Miller (now Arcadis) from 1980s - present.

Substance Contamination Information

Substance	Media Contaminated	Concentration Level	Date Recorded
ARSENIC	Other	77 ppm	
CYANIDE (AS ION)	Leachate	1280 ppm	
CYANIDE (AS ION)	Soil	70 ppm	
FLUORIDE (AS ION)	Groundwater	3000 ppm	
FLUORIDE (AS ION)	Leachate	613 ppm	
FLUORIDE (AS ION)	Other	8000 ppm	
FLUORIDE (AS ION)	Soil	2880 ppm	
POLYAROMATIC HYDROCARBONS (PAH)	Leachate	0.206 ppm	
POLYAROMATIC HYDROCARBONS (PAH)	Other	8570 ppm	
POLYAROMATIC HYDROCARBONS (PAH)	Soil	2406 ppm	

Investigative, Remedial and Administrative Actions

Action	Start Date	Compl. Date	Resp. Staff	Lead Pgm
OPERATION & MAINTENANCE (Primary Action)	02/23/1995		Bob Schwarz	SRS

View Full Report Showing Action History

Site Environmental Controls

Control Description	Begin Date	End Date	Last Reviewed By	Last Review Date
Periodic monitoring & reporting, groundwater quality	02/01/1995		Brian McClure	

Comments: O&M to include operation of landfill leachate collection/treatment system, as well as groundwater monitoring.

Key to Certain Acronyms and Terms in this Report:

CERCLIS No.: The U.S. EPA's Hazardous Waste Site identification number, shown only if EPA has been involved at the site.

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contamination are absent, or are unable or unwilling to use their own resources for cleanup.

Study Area: Is this site a Study Area? (Y/N). Study Areas are groupings of individual ECSI sites that may be contributing to a larger, area-wide problem. ECSI assigns unique Site ID numbers to both individual sites and to Study Areas.

Pathways: A description of human or environmental resources that site contamination could affect.

Lead Pgm: This column refers to the Cleanup Program affiliation of the DEQ employee responsible for the action shown. SAS or SAP = Site Assessment; VCS or VCP = Voluntary Cleanup; ICP = Independent Cleanup; SRS or SRP = Site Response (enforcement cleanup); ORP = Orphan Program.

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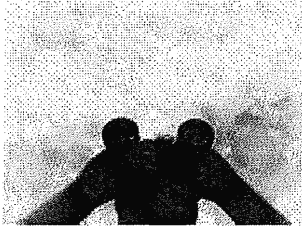
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Site Summary Full Report - Details for Site ID 72, Martin Marietta Reductio Fac.
RCRA/CERCLA LANDFILL**

This report shows data entered as of March 24, 2008 at 10:08:36 AM

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Site ID: 72	Site Name: Martin Marietta Reductio Fac. RCRA/CERCLA LANDFILL	CERCLIS No: 052221025
Address:	3313 W 2nd ST The Dalles 97058	Region: Eastern
County: Wasco		
Other location information:		
Investigation Status:	Listed on CRL or Inventory	
	Brownfield Site: No NPL Site: No	Orphan Site: Study No Area: No
Property:	Twnshp/Range/Sect: 2N , 13E , 28	Tax Lots: 500
	Latitude: 45.6283 deg. Longitude: -121.205 deg.	Site Size: 350 acres
Other Site Names:		

Northwest Aluminum Co.
Martin Marietta Reduction Facility (MMRF)

Site Characteristics

General Site

Description:

Site History:

Contamination
Information:

(7/5/1996 BPM/SRS) The facility produces aluminum via electrolytic reduction of alumina. Harvey Aluminum began operating at the site in 1958. Martin Marietta Corporation purchased Harvey Aluminum in 1970 and operated until 1984, when the plant was shut down. Before 1984, 5,000 tons of waste cathodic materials containing arsenic, cyanide, and polynuclear aromatic hydrocarbons (PAHs) were disposed of in an on-site landfill. An additional 64,670 cubic yards of cathode waste material were deposited on other portions of the site. Scrubber sludges containing fluorides and PAHs were disposed of in four scrubber sludge ponds. Cyanide was detected in groundwater beneath the site and in leachate from the landfill. In October 1984, EPA proposed the site for the National Priorities List (NPL). Martin Marietta hired a contractor, and reached an agreement with EPA in August 1985 to conduct a Remedial Investigation and Feasibility Study (RI/FS). EPA added the site to the NPL in June 1986.

Manner and Time of
Release:

On-site disposal; time of release 1958 - 1984.

Hazardous
Substances/Waste
Types:

Pathways:

Direct exposure to workers from wastes disposed of on-site; exposure due to use of contaminated wells. Potential for present or future groundwater use as a drinking water supply.

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Threats:

Status of Investigative
or Remedial Action:

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POLYAROMATIC HYDROCARBONS (PAH)	Soil	2406 ppm	

Investigative, Remedial and Administrative Actions

Action	Start Date	Compl. Date	Resp. Staff	Lead Pgm
Site added to CERCLIS	06/01/1981			FED
EPA Basic Preliminary Assessment	09/01/1981	09/01/1981		FED
EPA Screening Site Inspection 1	09/04/1984	09/04/1984		FED
Proposed for the NPL	10/15/1984	06/10/1986		FED
REMEDIAL INVESTIGATION	08/15/1985	09/29/1988	Bill Dana	SRS
FEASIBILITY STUDY	08/15/1985	09/29/1988	Bill Dana	SRS
National Priorities List Site	06/10/1986	07/05/1996	Brian McClure	SRS
Beneficial Water Use Assessment	03/01/1988	03/01/1988	Bob Schwarz	
Land-Use Assessment	03/01/1988	03/01/1988	Bob Schwarz	
Site added to database	05/02/1988		Bill Dana	SRS
RECORD OF DECISION	09/29/1988	09/29/1988	Bill Dana	SRS
Responsible party notified re 11/88 Inventory listing	11/30/1988		Sara Laumann	SAS
REMEDIAL DESIGN	04/06/1989	05/11/1990	Jill Kiernan	SRS
REMEDIAL ACTION	09/01/1989	02/22/1995	Jill Kiernan	SRS
SITE EVALUATION	06/12/1991	06/12/1991	Bill Dana	SRS

PRELIMINARY ASSESSMENT EQUIVALENT	06/13/1991	06/13/1991	Bill Dana	SRS
Listing Review completed	06/14/1991	06/17/1991	Bill Dana	SRS
Proposal for Confirmed Release List recommended	06/17/1991	06/17/1991	Bill Dana	SRS
Proposal for Inventory recommended	06/17/1991	06/17/1991	Bill Dana	SRS
Facility proposed for Confirmed Release List	06/24/1991	06/24/1991	Bill Dana	SRS
Facility proposed for Inventory	06/24/1991	06/24/1991	Bill Dana	SRS
Review for final listing	09/19/1991	09/19/1991	Jill Kiernan	SRS
Listing on Inventory recommended	09/20/1991	09/20/1991	Jill Kiernan	SRS
Listing on Confirmed Release List recommended	09/20/1991	09/20/1991	Jill Kiernan	SRS
Facility placed on Confirmed Release List	09/24/1991	09/24/1991	Loretta Pickerell	SAS
Facility placed on Inventory	09/24/1991	09/24/1991	Loretta Pickerell	SAS
OPERATION & MAINTENANCE (Primary Action)	02/23/1995		Bob Schwarz	SRS
Periodic Review	04/30/2004		Bob Schwarz	SAS

Site Environmental Controls

Control Description	Begin Date	End Date	Last Reviewed By	Last Review Date
Periodic monitoring & reporting, groundwater quality	02/01/1995		Brian McClure	

Comments: O&M to include operation of landfill leachate collection/treatment system, as well as groundwater monitoring.

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Ground water within 3 miles of the site provides drinking water to over 2,000 people. The City of Enterprise gets its drinking water from springs 4,000 feet from the site. Ground water is also used for irrigation. The site lies within the City of Enterprise Watershed Protection Area.

The Wallowa River is 400 feet east of the site.

Status (March 31, 1989): The Oregon Department of Environmental Quality is sampling several monitoring wells and springs around the site on a quarterly basis.

MARTIN-MARIETTA ALUMINUM CO.

The Dalles, Oregon

Federal Register Notice: June 10, 1986

Conditions at proposal (October 15, 1984): Martin-Marietta Aluminum Co. produces aluminum on a site covering less than 350 acres in The Dalles, Wasco County, Oregon. Cyanide is present in both the shallow and deep aquifers underlying the site, according to tests conducted by the State and Martin-Marietta. Cyanide appeared in one production well and several monitoring wells, and also in surface run-off and in leachate from a cathode waste pile. Cyanide is known to be present in spent cathode potliners.

Under State order, the company removed an old waste pile of 75,000 tons of spent cathode potliners to a new approved area on the site. An on-site landfill contains approximately 4,600 tons of spent cathodes.

Ground water provides drinking water to 14,000 people in The Dalles and Chenoweth. The wells are also used in the immediate vicinity for industrial purposes. The nearest well is approximately 2,000 feet from the waste pile. The company has constructed several monitoring wells around the site to detect and document the contamination.

Status (June 10, 1986): Martin-Marietta hired a contractor to conduct a remedial investigation/feasibility study (RI/FS) to determine the type and extent of contamination at the site and identify alternatives for remedial action. The company has submitted a workplan for the RI/FS to EPA for review and comment. On September 12, 1985, EPA and the company signed a Consent Order covering the RI/FS.

UNION PACIFIC RAILROAD CO. TIE-TREATING PLANT

The Dalles, Oregon

Federal Register Notice: August 30, 1990

Conditions at proposal (October 26, 1989): The Union Pacific Railroad Co. Tie-Treating Plant covers 83 acres in a mixed commercial and residential area just south of the Columbia River in the City of The Dalles, Wasco County, Oregon. Union Pacific owned the wood treatment facility from 1926 to late 1987, when equipment and structures were purchased by Kerr-McGee Chemical Corp.; however, Union Pacific retained ownership of the land and responsibility for all pre-1987 contamination of facility soil and ground water. The plant primarily treated railroad ties

for Union Pacific, but also treated wood for other commercial users across the United States. From 1959 to November 1987, J. H. Baxter Co. operated the plant for Union Pacific.

The facility treated wood with ammoniacal copper arsenate, creosote, a creosote/fuel oil mixture, and pentachlorophenol. Spills of treatment solutions on-site and waste water ponds no longer in use are thought to be the main source of contamination of soil and ground water. Improvements in the waste water treatment system allow the site to operate as a zero discharge facility.

In 1984, Union Pacific began a comprehensive investigation of soil and ground water at the site. Creosote components, pentachlorophenol, fuel oil, ammonia, volatile organic compounds (VOCs), and arsenic are the major contaminants found in soil and ground water at the site. Contamination by arsenic and VOCs is greatest in the shallow and intermediate aquifers beneath the site. Organic contaminants, including phenanthrene and naphthalene, have been detected in the two deep confined aquifers beneath the site. Ground water is used by over 11,000 people within 3 miles of the site. The Dalles has increased its monitoring of the municipal supply wells.

In May 1989, Union Pacific signed a Consent Order with the Oregon Department of Environmental Quality (DEQ) and agreed to undertake a remedial investigation/feasibility study (RI/FS) to determine the type and extent of contamination at the site and identify alternatives for remedial action. The RI/FS is scheduled to be completed by mid-1991.

Status (August 30, 1990): DEQ approved Union Pacific's workplan for the RI/FS in January 1990. The investigation is now underway.

TAYLOR LUMBER AND TREATING

Sheridan, Oregon

Federal Register Notice: June 14, 2001

Conditions at Proposal (December 1, 2000): In order to address the long-term threat to surface water, sediments, residential soils, and air, the EPA is placing this site on the NPL. The Taylor Lumber and Treating site is an active wood processing and treating business located approximately 1 mile west of Sheridan, Oregon. The wood treating facility began operating in autumn 1966. The wood treating facility's primary functions are to condition and pressure-treat wood products with preservatives in order to prolong the useful life of the products. Wood products treated at the facility include lumber, poles, pilings, posts, railroad ties, and plywood. Wood preserving chemicals, which historically have been used at this facility and are still in use, include petroleum-based creosote and pentachlorophenol (PCP) solutions. The wood treating chemicals are stored in aboveground storage tanks (ASTs) located in two separate tank farms.

Numerous RCRA and NPDES violations have occurred at this site over the past decade. In June and August 1999, EPA conducted an Integrated Assessment (IA) of the Taylor Lumber and Treating facility. The IA was conducted in two phases. Phase I of the IA field sampling event was conducted from May 16 through June 11, 1999, and included surface and subsurface soil sampling, ground water sampling, surface water, and sediment sampling. Phase II of the IA consisted of an air-sampling event which was conducted from August 18 through August 30, 1999. Results of the IA documented the presence of several on-site sources of Comprehensive

Spent
potliner

DECOMMISSIONING SUMMARY NORTHWEST ALUMINUM CO.
TO DATE 3/21/08

SPL SHIPPED (CWM): *Arlington* 5,807.2 TONS

FUME DUST (CWM): 2,045,880 LBS.

RECYCLED METALS:

STEEL: 8,459.4 MT

ALUMINUM: 4,775.4 TONS

STAINLESS STEEL: 80,344 LBS

COPPER: 352,780 LBS

ALUMINUM METAL PADS: 1,777,580 LBS

RECYCLED MATERIALS:

ANODE CARBON (Steel Industry) 6,395.6 Tons

SODIUM HYDROXIDE (Weyerhaeuser) 416,200 LBS

BATH (Sodium Fluoride-Al industry) 3,659.4 MT

STRUCTURES REMOVED:

1. ORE SILO'S 7 & 8
2. FLUORIDE SILO AND UNLOADING STRUCTURE
3. COKE UNLOADING
4. PASTE PLANT
5. 2 COKE SILOS
6. CAUSTIC AND CALCIUM CHLORIDE TANKS
7. LIME SILO
8. RECTIFIER YARD-26 TRANSFORMERS AND 2 SUBSTATIONS
9. OLD HARDPITCH BUILDING

300 pots
about 200
removed

operate and maintain the leachate collection and treatment system, conduct monitoring pursuant to an approved monitoring program and submit periodic monitoring reports to EPA and Oregon DEQ.

The site was deleted from the National Priorities List (NPL) on July 5, 1996.

Every five years, EPA studies whether the remedy continues to protect human health and the environment. Five-Year Reviews have been completed in December 1994, December 1999 and June 2005. The next Five-Year Review is scheduled to be completed in 2010.

Regional Contacts

SITE MANAGER(S):	Harry Craig
E-MAIL ADDRESS:	craig.harry@epa.gov
PHONE NUMBER:	503-326-3689

COMMUNITY INVOLVEMENT
 COORDINATOR:
 E-MAIL ADDRESS
 PHONE NUMBER:

Information pertaining to this site is housed at the following location(s):

Oregon Department of Environmental Quality
400 East Scenic Drive, Building 2
The Dalles, OR 97058

EPA Region 10 Superfund Records Center (Administrative Records)
1200 Sixth Avenue, ECL-076
Seattle, WA 98101

Bill Baska Lockheed - Matthew Marotto

303-977-3997 -

Meeting Dec 07 - with W.M. -



Home Hazard

COLUMBIA RIDGE LANDFILL

18177 Cedar Springs Lane Arlington, OR 97812
(541) 454-2030 (541) 454-3312 Fax



Oregon

DEPARTMENT OF

ENVIRONMENTAL

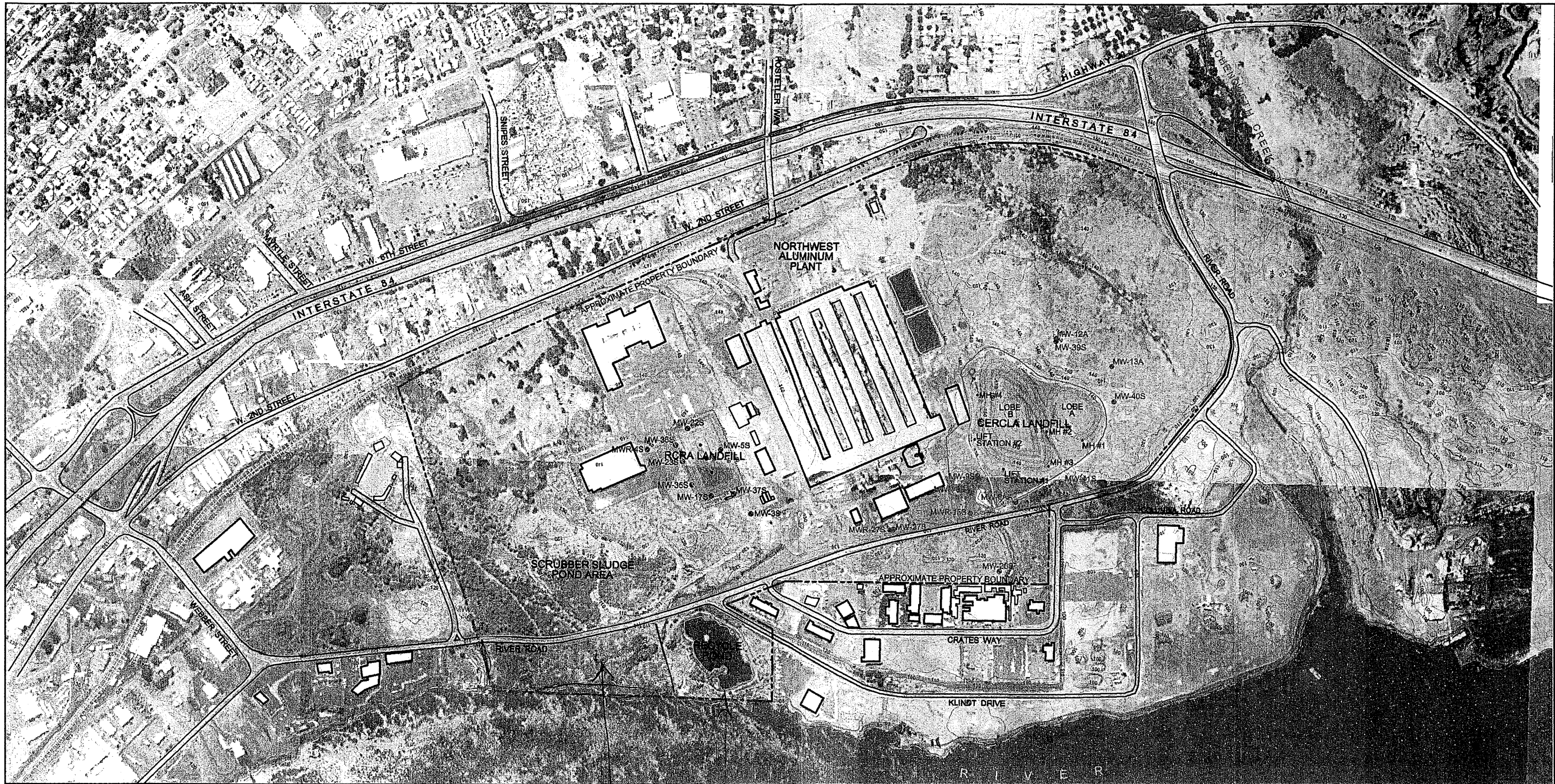
QUALITY

Eastern Region - The Dalles
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Robert P. Schwarz, P.E.
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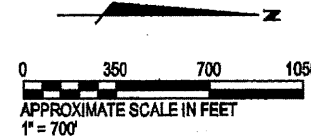




LEGEND

- MW-41S ⊕ CERCAL LANDFILL MONITORING WELL LOCATION
- MW-37S ⊕ RCRA LANDFILL MONITORING WELL LOCATION
- ⊙ PIEZOMETER LOCATION
- MH # 1 ⊙ MANHOLE

cleaning done there 3-5 yrs ago
Damage Done



Drafter
A. QUINONES/D. KUDLICKI
Project Manager
M. RISHER
Task Manager
M. RISHER
Technical Review
M. RISHER

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**LOCKHEED MARTIN CORPORATION
SITE LOCATION MAP**

THE DALLES, OREGON

Project Number	GP000677.0012
Drawing Date	7/8/05
Figure	1

**City of The Dalles
Planning Commission Staff Report**

**Amendments to the
Land Use and Development Ordinance
General Ordinance No. 08-1294**

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Legislative

Decision Date: May 1, 2008

Request: Amendments to the Land Use and Development Ordinance

Properties: All properties within the City of The Dalles land use jurisdiction

Applicant: City of The Dalles
Community Development Department
313 Court Street
The Dalles, OR 97058

BACKGROUND INFORMATION

The Land Use and Development Ordinance (LUDO) contains over 450 pages of language on procedural and substantive requirements for land division, property development, and zoning. The last major rewrite of the LUDO was in 1998. There were significant amendments that were approved in 2005 and more minor amendments in 2007. The list of amendments in this staff report are part of a group of suggestions received within the last year.

This group of amendments was presented to a joint work session of the City Council and Planning Commission on March 6, 2008. Comments from that session have been reviewed and incorporated in the amendments where appropriate.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2).

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on April 20, 2008

COMMENTS

As of the date of the preparation of this staff report, no comments were received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

1. PROCEDURE

a. Section 3.010.040 Applications:

FINDING A-1: This application is initiated by the Director pursuant to the provisions of Section 3.010.040 F.

b. Section 3.020.060 Legislative Actions:

Subsection A. Decision types. 2. Ordinance Amendments:

FINDING A-2: This application is for Ordinance Amendments per Section 3.110.

Subsection 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 A-3: The public hearing has been set for May 1, 2008.

d. Section 3.020.060 Legislative Actions:

Subsection 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 A-3: A notice of hearing containing the information required was published in The Dalles Chronicle on April 20, 2008.

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 A-4: 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. Section 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 A-5: 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.

2. REVIEW

a. Section 3.110.030 Review Criteria

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

FINDING A-6: 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 B-1: 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 in 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 B-2: These amendments update the existing zoning ordinance, following the directive of the Comprehensive Plan.

C. DISCUSSION

At the March 6, 2008 joint work session, there was interest in discussing changes in the street standards contained in Section 10.060 J. 6. There is no proposed amendment in the

attached draft ordinance on this issue since it has not yet been determined whether any changes should be made and if so, what those changes should be. The ideas that were brought up at the work session, or have been mentioned at other times, include sidewalks on only one side of the street, no sidewalks on either side of the street, different paving widths for different types of streets, and elimination of the parking strip. Staff is seeking guidance from the Commission on changes to this section. This item will be discussed at the May 1 hearing.

Here are some of the more significant proposed changes.

1. New language to require the portion of the building facing the street to at least have the appearance of a traditional front. See Section 6 of the draft ordinance.
2. Refund of Appeal Fee. New. Provide a method whereby an applicant can request a refund of the appeal fee. Final decision to be made by City Council upon recommendation from City Manager. See Section 7 of the draft ordinance.
3. Airport Approach Zones. New. Adds a new section dealing with restrictions in approach zones. See Section 8 of the draft ordinance.
4. Stop Use Order. New. Provides another option of enforcement when use is not allowed in a zone. See Section 28.

I have prepared a draft ordinance so the Commissioners can read the actual proposed language. All of the proposed amendments are subject to revision or elimination. 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 draft ordinance, with any additional changes from the Commission.

DRAFT LANGUAGE FOR GENERAL ORDINANCE NO. 08-1294

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 08-1294.

WHEREAS, the City of The Dalles adopted a Land Use and Development Ordinance known as General Ordinance No. 98-1222 on May 11, 1998; and

WHEREAS, the City Planning Commission conducted a public hearing on May 1, 2008 to take public testimony on General Ordinance Amendment No. 08-1294, and following the close of the public hearing, the Planning Commission moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on June 9, 2008 the City Council conducted a public hearing to consider General Ordinance Amendment No. 08-1294, and

WHEREAS, on June 23, 2008, the City Council adopted a motion approving the proposed amendment, as modified,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. All references to sections in the ordinance refer to sections of General Ordinance No. 98-1222, as amended.

Section 2. Amend Section 2.010 Definitions, as follows:

- a. Add new definition. "Airport - The Columbia Gorge Regional Airport, located in Klickitat County, Washington."
- b. Add new definition. "BCA – Building Codes Agency or other agency charged with administering the State Building Codes in The Dalles."
- c. Add new definition. "Conceptual Plan – a general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan."
- d. Add new definition. "Master Plan – an overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed which is final for such issues as uses and densities. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed

application is based on regulations in effect at time of submittal of original plan application.”

Section 3. Amend Section 3.020.010 by adding a new paragraph as follows: “A City supplemental building permit is valid for a period of six months, or so long as there is a valid and active State (BCA) building permit issued for the same work. If the State (BCA) building permit expires, so does the City supplemental permit. Once expired the City supplemental permit cannot be renewed. A new permit must be obtained, under the development rules at the time of the submittal of the new application.”

Section 4. Amend Section 3.020.020 by adding a new paragraph D entitled Expiration and Extension as follows:

“D. Expiration and Extension

1. Expiration. Except for City building permits, which are discussed in Section 3.020.010, development must begin within one year of the Notice of Decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required.

2. Extension. The Director may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development one (1) week Department prior to the expiration date. The provisions of LUDO Section 3.030.070 B. shall apply to all requests for extensions.”

Section 5. Amend Section 3.020.080 Appeal Procedures by adding new paragraph “I” entitled: “Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager’s recommendation shall be submitted for action on the City Council’s consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council.”

Section 6. Delete Section 5.010.060 A. 10.

Section 7. Amend Section 5.010.060 A by changing the “7” to “6”.

Section 8. Amend Section 5.010.060 by adding a new paragraph to read as follows: “All one and two family dwelling units located on a single tax lot shall have a traditional front entry included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way.”

Section 9. Delete Section 5.020.060 A. 10.

Section 10. Amend Section 5.020.060 A by changing the “7” to “6”.

Section 11. Amend Section 5.020.060 by adding a new paragraph to read as follows:
“All one and two family dwelling units located on a single tax lot shall have a traditional front entry included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front of the residence.”

Section 12. Amend Section 5.030.050 by adding a new paragraph F to read as follows:
“Front Entry. All one and two family dwelling units located on a single tax lot shall have a traditional front entry included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all one and two family dwellings located on a single tax lot shall utilize 6 or more of the 10 other design features located in Section 5.010.060 A. to provide visual relief along the front of the residence.”

Section 13. Amend Section 5.040.050 by adding a new paragraph E. to read as follows:
“All one and two family dwelling units located on a single tax lot shall have a traditional front entry included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the other 10 design features located in Section 5.010.060 A. to provide visual relief along the front of the residence.”

Section 14. Amend Section 5.020.050 to add the following new language to Building Orientation: “Orientation on private accessway is allowed only if there is no street frontage.”

Section 15. Amend Section 5.030.040 to add a new standard of Building Orientation as follows: “The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. The front building line shall include the front door.”

Section 16. Amend Building Orientation portion of Section 5.040.040 by adding the following language: “Orientation on private accessway is allowed only if there is no street frontage.”

Section 17. Amend Section 5.100.030 C to read: “Map Overlay. Approved Community Facilities sites shall be shown on the official zoning map with the CFO-Community Facilities Overlay designation so long as the use continues. When the approved use ends, the CFO designation shall no longer apply and the zoning map shall revert to the underlying zone.”

Section 18. Adopt new Section 5.120 to read as follows:

“Section 5.120: Airport Approach Zones

5.120.010 PURPOSE.

The City of The Dalles is a part owner of The Columbia Gorge Regional Airport, located in Klickitat County, Washington. The airport is a valuable asset to the City and the citizens and businesses of Wasco and Klickitat Counties. The topography of the region restricts approaches to the airport and the City desires to protect those approaches as much as possible. When the approaches use airspace over areas within the zoning jurisdiction of the City of The Dalles, the City will protect that airspace. No development or operational characteristic will be allowed that would hinder the use of the airspace. The City will develop regulations that will delineate the approaches and what will be allowed to develop under those approaches. Until those detailed regulations are in effect, the City has adopted a general regulation set out in Section 5.120.020.

5.120.020 Protection of Approach Zones. No development or operation shall in any way negatively affect the approach zones to the airport or the safe use of the approach zones by aircraft landing or taking off from the airport.”

Section 19. Amend Section 6.010.070 by changing the language in the NC zone for commercial only from “None” to “Equal 10% of the first floor area of all structures minimum.”

Section 20. Amend Section 6.010.050 E. 1. A. by adding the words “or a required exterior side yard” at the end of the sentence.

Section 21. Amend Section 6.030.020. C. 1. by adding the word “setback” after the words “rear yard.”

Section 22. Amend Section 6.060.020 A. 1. to read as follows: “Width and Number. The number of driveways and other access points shall be determined by the City Engineer based on the needs of the property owner, the size, location, and configuration of the property, the adjacent streets and driveways, and other factors as determined by the City Engineer.”

Section 23. Amend Section 6.060.040. A. by adding the following language: “Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right of way.”

Section 24. Amend the last sentence of Section 6.060.050 to read: “Shared driveways of up to 30 feet in width may be allowed in residential zones with the approval of the City Engineer.”

Section 25. Amend Section 6.110 by deleting the first sentence and adding language to read as follows: “Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit or single family accessory structure will not be

required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for planning actions and for other building permit applications if the proposed development would increase traffic flow on any street not fully improved to City standards.”

Section 26. Amend Section 7.020.020 J. to read “Location and details of signs, pavement markings, and bumper guards which protect sidewalks, walkways, and property lines”.

Section 27. Amend Section 8.050.040. B. To read as follows: “Permits. Any cuts and/or fills outside of geohazard zones A1 or A2 greater than 50 cubic yards but less than 250 cubic yards shall require a Physical Constraints Permit with an application with a drawing having a primary focus on erosion control. Any cuts and/or fills in geohazard zones A1 or A2 greater than 50 cubic yards shall require a Physical Constraints Permit, per the provisions of Section 8.020: Review Procedures.”

Section 28. Amend Section 8.050.040 C.1. to read as follows: 250+ Cubic Yards. Any cuts and/or fills outside of geohazard zone A1 or A2 greater than 250 cubic yards but less than 500 cubic yards require a drawing and either engineered plans or a letter from a licensed professional engineer stating that no engineered plans are required in the engineer’s professional opinion as the activity presents no danger to surrounding properties. Any cuts and/or fills in the A1 or A2 geohazard zones over 250 cubic yards, or over 500 cubic yards outside the A1 or A2 geohazard zones, must be designed by a licensed professional engineer.

Section 29. Amend LUDO Section 9.030.050 C 4 by deleting the words “Wasco County Clerk.”

Section 30. Amend Section 10.030 by adding a new paragraph to read as follows: “The construction, installation, placement, or addition of a dwelling unit on a lot, including one that replaces another dwelling or other structure for any reason, shall initiate the requirement of full public improvements, including street, curb, sidewalk, and storm sewer.”

Section 31. Add new paragraph E. to Section 10.030 to read as follows:

“E. Waivers of Remonstrance. Developments of other than single family dwellings may be able to use the provisions of Section 6.110. Waivers of Remonstrance, in lieu of immediate installation of public improvements.”

Section 32. Amend Section 10.060 A. Traffic Studies, to read as follows: “Traffic studies shall be required of all development proposals of 16 or more dwelling units, and any other development proposal that is likely to generate more than 400 average daily motor trips. In addition, a traffic study may be required if the development proposal is near an intersection that is already at or below level of service D. Notwithstanding the previous language, the City may require an initial, limited traffic study to determine the

level of service at nearby intersections. If the limited traffic study finds the level of service to be at or below "D", the City may require a full traffic study. The traffic study shall be conducted in accordance with the following:"

Section 33. Amend Section 10.070. A. by adding the following language after the first sentence. "Unless specifically waived by the Director and City Engineer, any occupancy which uses water or sewer shall be required to hook up to a public facility for that service."

Section 34. Amend Section 13.030.020 B. to read as follows: Commercial signboards may be used under the following conditions: 1. A permit is required. 2. Signs are limited to the premises of the business location. 3. Signs must be on private property. 4. Size, Number, Hours of Display, Attachments, Fees, and Enforcement as provided for in the relevant provisions of Section 13.050.160.

Section 35. Change the number of existing Section 13.030.020 B. 4. to 13.030.020 C. and add title of Promotional Signs.

Section 36. Add new section 15.055 to read as follows:

15.055 Stop Use Order

Whenever any land or structure is being used contrary to the provisions of this Ordinance, or contrary to the provisions of an application approved under this ordinance, the Director may order the use stopped by notice in writing served on the property owner or on any person or persons engaged in the use of the property. After service the use shall immediately be stopped until the use is authorized by the Director. Both the property owner and the user of the property are subject to the provisions of such notice.

Section 37. Modify Section 10.060 J. 6. as determined by the Planning Commission and City Council. Discussion Item.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

Memorandum

To: Planning Commission
cc: Dan Durow
From: Dick Gassman, Senior Planner
Date: May 1, 2008
Re: LUDO Discussion Items

At the March 6, 2008 joint work session with the City Council, several potential LUDO changes were discussed, but no specific proposals were made. At the end of the meeting, staff agreed to bring back two general items for discussion during the LUDO Amendment Process.

In addition to the proposed items in your packet, these two general issues will also be raised at the City Council level. If the Planning Commission has a specific recommendation, we will include that in the City Council packet. If not, we will raise these general issues in much the same fashion as we are doing here.

1. Street Standards. The most significant street requirements are in LUDO Section 10.060, especially paragraph J. In 2005 we reviewed this area and determined that the then existing regulations were not sufficiently flexible to handle all the different situations encountered. The result was that the City added subsection J. 6. to 10.060. The present review is to decide if additional flexibility is warranted. Here are suggestions for discussion:
 - a. Discussion is for local and residential streets only.
 - b. Require sidewalks on one side only.
 - c. No sidewalks.
 - d. Reduce minimum width of ROW, including paving width.
 - e. Require sidewalks but not full paving - W 13th Street drainage example.
 - f. Sidewalks only, oil shot for dust control.
 - g. No parking strip, put sidewalks at curbside.
 - h. Review LUDO 10.060 J 6. to determine if staff has authority now to okay a – g, if appropriate. See LUDO Section 10.060.J.6.b.iii.

2. Industrial zone development. Most of the development regulations for the Industrial zone are located in LUDO Section 5.090. The parking lot regulations are located in LUDO Section 7.020. Cargo container regulations are located in LUDO Section 6.160. Landscaping regulations are located in LUDO Section 6.010. The City has a variety of development requirements that apply to all zones, although not all to the same degree, such as the landscaping requirements. Some of the ideas for altering regulations in the Industrial zone include the following:
 - a. Changes would be for industrial zone development regulations only.
 - b. Reduce or eliminate parking lot landscaping. Currently we have the same parking lot landscaping requirements for lots in industrial zones as we do for a parking lot in any other zone.
 - c. Change standards to handle larger size vehicles. In the last LUDO amendment process we modified LUDO Section 6.060.020.A.2. to allow wider driveways in industrial areas in limited situations. There are no limitations on size of parking areas or size of parking spaces.
 - d. Have different requirements for cargo containers in Industrial zones. Current LUDO regulations are located in Section 6.160.010. B. and Section 6.160.020. A. The changes would be to Section 6.160.010. B.
 - i. Grant a grace period of xxx days or months before the regulations took effect.
 - ii. Modify or eliminate screening, maintenance, painting requirements.