



CITY OF THE DALLES PLANNING COMMISSION MINUTES

THURSDAY, APRIL 20, 2000

CITY HALL COUNCIL CHAMBERS

313 COURT STREET

THE DALLES, OREGON 97058

Conducted in a handicap accessible room

CALL TO ORDER

The meeting was called to order at 6:32 p.m. by Vice Chair Bruce Lavier.

ROLL CALL

Vice Chair Lavier conducted the roll call, citing the following:

Members present: Jerry Wilson, Bruce Lavier, Anita Payne, Jim Coggins, Dave Peters

Members absent: Marta Moser, Walt Hoffman

Staff members present: Bob Paul, Senior Planner; Gene Parker, City Attorney; Pat Carter, Administrative Secretary

APPROVAL OF AGENDA

Wilson moved to approve the agenda as presented. Peters seconded. The motion passed unanimously; Moser and Hoffman absent.

APPROVAL OF MINUTES

March 9, 2000 minutes City Attorney Parker requested the following corrections:

Page 2, paragraph 1, sentence 5 - the word "restricted" be changed to *restrictive*

Page 2, paragraph 2, sentence 2 - a semi-colon be added after the word "identify"

Page 2, paragraph 3, sentence 3 - a semi-colon be added after the word "argument"

Page 3, paragraph 1, sentence 4 - the word "plots" be changed to *lots*. He believed Commissioner Moser may have been talking about lots. He said she may have said plots but he felt she may have meant lots.

Page 3, paragraph 4, sentence 6 - the word *error* be deleted. He believed what he meant was that grounds for an appeal may occur; that the word *error* was redundant.

Page 4, paragraph 7, sentence 1 - Conditional Use Permit 3.05.04 should be changed to 3.05.040.

Page 6, paragraph 6 - the word *criteria* be added after the word "ordinance". He felt this was the intent of the Commissioners.

Page 7, paragraph 3, sentence 2 - change the word "impact" to *development*. Parker said this was what he intended to say.

Page 7, paragraph 3, sentence 4 - add the words *majority of the* before the word "Commission". He felt the majority of the Commission felt that, not the entire Commission.

Administrative Secretary Pat Carter stated that the minutes were typed from tapes of the meeting and were correct. The Planning Commission agreed to make the corrections anyway.

Peters moved to approve the minutes of March 9, 2000, as corrected. Wilson seconded. The motion carried with Wilson, Lavier, Payne and Peters voting yes; Coggins abstaining; Hoffman and Moser absent.

March 14, 2000 minutes City Attorney Parker requested the following corrections:

Page 1, paragraph 5 under "Discussion" - He did not feel Moser's intent was expressed in the last sentence. He felt she was referring to the resolution as weak, not the staff. Correction to be the insertion: *(This statement refers to the resolution prepared by staff.)*

Page 2, paragraph 1, sentence 2 - the word "evidences" be changed to *evidence*

Page 2, paragraph 4, sentence 1 - add semi-colon behind the word "resolution"

Page 2, paragraph 4, sentence 3 - behind the word "man", the following be added *(applicant)*

Administrative Secretary Pat Carter stated that she was not present at this meeting, the minutes were totally typed from tapes, and were accurate. The Planning Commission agreed to make the corrections anyway.

Wilson moved to approve the minutes of March 14, 2000, as amended. Peters seconded. The motion carried with Wilson, Lavier, Payne and Peters voting yes; Coggins abstaining; Hoffman and Moser absent.

Payne left the meeting at 6:49 p.m.

DISCUSSION ITEMS

Review last year's approval for Center For Living at 223 East 10th Street:

Senior Planner Bob Paul explained that this was a review of a Conditional Use Permit that had been approved over a year ago for the dwelling at 223 East 10th Street. The substance of the permit was for a community facility overlay and approval for the use of a single family home as an outpatient treatment care center. The permit had been approved by the Planning Commission, subsequently appealed to City Council where it was also approved. The only additional condition added to the original approval was that staff review the permit in a year to see if there were any negative impacts to the neighborhood that needed to be re-addressed.

Paul continued that there had not been any complaints from any neighborhood group or adjacent land owners. He felt the Conditional Use Permit should continue, with no further review. There were no objections from the Commission.

Denial of CUP 114-99 at City Council:

City Attorney Parker did not have many comments because of the strong chance of an appeal by the homeowner's association. He did explain that Attorney Andrew Clark had raised issues at the last Planning Commission meeting and that he (Parker) had requested additional time to respond. In his research, Parker had received information which caused him to change his position. Based upon review of the statutes and some case law in further detail, he felt the criteria being used would not be basically approved by LUBA. He felt the possibility of reversal was very high so he had recommended that the decision be reversed and the Council agreed. Therefore, the application was granted approval.

Upcoming shift to review for LUDO changes which include several amendments to the sign ordinance (Measure 56):

Senior Planner Bob Paul told the Commission that, according to Measure 56, all property owners need to be advised of any LUDO changes. That procedure would have a substantial affect on the budget; so only two mailings have been scheduled per year. One more budgeted mailing needed to be done before June. He said the present LUDO needed minor basic corrections in grammar and clerical areas. No substance errors had been noted. Inconsistencies and lack of clarity existed and needed to be changed. The State has also made changes in the State Statute which would cause changes locally.

At the same time as the LUDO changes, Paul said that some changes will be made to the sign ordinance.

Street Network Master Plan completion:

The Street Network Master Plan completion will also be included in the LUDO corrections. The study has been completed and a report written which includes changes to the LUDO.

COMMISSION COMMENTS AND CONCERNS

This was the final meeting for Commissioner Jerry Wilson as his term on the Commission expired on April 30, 2000.

Wilson said that he had one concern for the Commission. In the Planning Commission Training Manual, there is a section entitled *Ethical Issues and The Law*. He read the section regarding bias on the part of commissions which results in a commissioner being incapable of making an objective decision on the merits of an application. He felt the East Knoll Estate hearings had been very close to evidence of actual bias by one of the Planning Commissioners. He felt that bias toward profit-making businesses and out-of-towners had been indicated. He didn't know if the bias was strong enough to lead to prejudice, but wondered if that type of belief system shouldn't be noticed at the time of the hearing when the evidence is being presented. Then, the applicants have the opportunity to ask for the removal of that particular commissioner. He emphasized that judgments should be made on the law and fact developed at hearings, with all bias set aside. He did not know what to do about the situation, but wished to voice his concern.

Parker said it could be a problem if it became apparent that a commissioner was biased. This could be grounds to have that commissioner removed and, if it is not addressed, could be grounds to have a decision remanded or reversed. He felt that all commissioners should be aware that, if they had biased feelings, it was best to disclose their feelings and have them addressed.

Peters asked if there was any training available for the commissioners and Parker said that something could be arranged.

Paul added that the intention was to train the commissioners more thoroughly. Time would also be devoted to explaining how the Planning Department works and what the limitations are.

Wilson pointed out that most of this was covered in the Training Manual.

Coggins said that the commissioners get a Staff Report and he felt that it was sometimes not being read ahead of time. The information is all there and questions are being asked that don't need to be asked at the meeting. He agreed with Mr. Wilson's concerns and said he felt there was a crusade happening that sometimes had nothing to do with the information they had received. He said that the commissioners could read the staff report and then figure out what the questions really are, what fits criteria and what doesn't. He felt a lot of discussion in recent months had been about items that are not part of the criteria. He said coming to the meetings prepared was important.

Peters also reminded the commission that staff could be contacted before the meeting with questions they may have.

Parker said that this action should be encouraged.

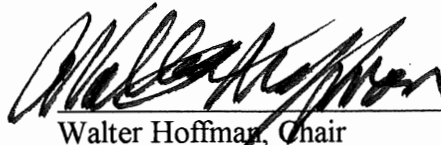
NEXT MEETING DATE

The next meeting will be held on May 4, 2000.

ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Submitted by Pat Carter, Administrative Secretary



Walter Hoffman, Chair



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

To: Planning Commissioners
From: Bob Paul, Senior Planner
RE: LUDO Draft Amendments
Date: April 26, 2000

First, we must follow a very specific timeline in keeping with State Statute. There is a 45 day notification requirement from the **first day** we conduct an evidentiary hearing. I propose to have initial Planning Commission Workshops that pre-date formal evidentiary hearings. The purpose is to provide for opportunity to discuss and direct our efforts toward a tangible product. Additionally, I wish to make the official measure 56 notification during June for budget reasons. The evidentiary hearings should hit upon my return from the Army Annual Training that I expect to go to during the middle of June.

The following pages encompass the information from George Samaan and myself. I have organized this information into two parts. The first part is editorial changes or other clarification language to existing text. The second part focuses on changes to the actual ordinance resulting from experience utilizing the current ordinance. This latter element will require direction from City Staff and the Planning Commissioners. As we intend to undergo formal amendments to this ordinance twice per year, we need not try to tackle all possible amendments during this go-round.

EDITORIAL AND CLARIFICATION CHANGES

- The following is a redraft of the Purpose Statement of 6.160.010 Street Trees (p.5 of LUDO DRAFT AMENDMENTS):

Trees are important to The Dalles landscape and are an essential component of community aesthetics. They contribute to the visual quality and character of the community and provide climate control through shading during the summer months and wind screening during winter. They also provide vital screening and buffering between land uses. The purpose is to set standards for and require planting of trees along streets for streetscape shading, comfort, and aesthetic purposes. Street trees are to be planted within existing and proposed planting strips for all developments subject to land division and site plan review.

- P. 3-27, 3.030.050 Change "Contract" to Guarantee. Change

page numbers as follows:

"3-32" to 3.31, "3-35" to 3-34, "3-36" to 3-35, and "3-37" to 3-36.

- P. 3-31 Subsection 3.030.030 A.12. Amend as follows:
"...from street to property)," distance to curb openings on adjacent property, relationship to and alignment with access to property across the street.

- P. 3-34 Subsection 3.030.040 letters B & E
B. Amend as follows: "...subject property" in order to meet connectivity standards (per TSP) and provide for future development of surrounding property.

E. Amend as follows: "...by the City Engineer" prior to granting a building permit "as a condition..."

- P. 3-49 Subsection 3.050.050 E. Amend as follows:
"...present" or "future..." in order to meet connectivity standards (per TSP) and provide for future development of surrounding property.

- P. 3-63 Subsection 3.080.030. Amend as follows:
"Review" shall be processed administratively by the Director as specified in Subsection 3.070.020.

- P. 5-91 B. Rewrite 4th line as follows:
"Walkways shall be the shortest practical distance between the main...."

Do the same on pp. 5-21, 5-32, 5-45, 5-57, 5-68, and 5-84.

- P. 5-15 Subsection 5.020.010. Amend as follows:

This district implements Plan Policy #14 and Plan Map RH - High/Medium Density designation providing for 7-25 dwelling units per gross acre....

In connection with this subsection, amend Table of Contents page ii, 5.020, as follows: "RH - High/Medium" Density Residential.

- P. 5-23 Change "5.030.080" to 5.020.080.

- P. 5-102 Subsection 5.110.040 B.1
Amend as follows: "...conditional use permit" or approval by the Director where permitted outright.

- P. 6-5 Subsection 6.010.020 Definition
Line 4: Change "2.5 inches" to 2.0 inches.

- P. 6-8 E.1.a. Add: and exterior side yards.
- P. 6-9 Subsection 6.010.060 Street Trees (Moved to 6.160).
Add the following: Proper irrigation and other maintenance requirements are the responsibility of the property owner or occupant. An irrigation and maintenance plan shall be prepared by a licensed landscape architect and approved by the Director. Trees certified by a licensed landscape architect to be capable of surviving without irrigation may be exempt. 75% of the required tree coverage shall be achieved within 5 years from the date of final inspection by the Director.
- P. 6-11 CFO
Add the following: CG landscaping requirements shall apply to community facilities in 1- and 2-family zones.
- P. 6-23 D.
Amend as follows: "...of the primary structure." In cases where the primary structure is higher than 18 feet, the height of the accessory structure may be up to 80% of the primary structure's height.
- P. 6-31 Subsection 6.040.050 B.
Amend as follows: Where Bed and Breakfast/Vacation Rental facilities are permitted outright, they shall be processed administratively as provided for in Subsection 3.020.040 (i.e., approved, approved with conditions or denied by the Director).
- P. 6-39 Subsection 6.050.040 Awaiting Dale's comments.
- P. 6-40 A.
Amend as follows: "...professional" traffic engineer certifies "that a ..." (staff note: we should define professional traffic engineer and add to the definitions section.)
- P. 6-45 A. "...City Engineer" if the alley is gravel. Also, add all drive pads must be constructed of concrete, pavers, or turf block. C.1. "...or less for drives connecting to local streets." (Clarify that concrete runways are allowable, but turf block is not. Gravel surfacing may be allowable if the right if way is gravel.) C.2. Drives connecting to arterial and collector streets shall not exceed 6% grade. This eliminates number 3 and 4.
- P 6-70 Subsection 6.120.040 B.2. "...on a basement," or a traditional concrete perimeter foundation or equivalent, "the 12...."

- P. 6-89 Subsection 6.150.020

Add B.2. Different uses

Different uses may be permitted subject to this and other City ordinances.

- P 6-90 Move Street Trees to 6.160 (6.160.010-6.160.080)
6.160.010 Purpose

Trees are important to The Dalles landscape and are considered as an essential component of community aesthetics. Street trees are to be planted within existing and proposed planting strips for all developments subject to land division and site plan review (We should discuss any requirements for residential development.).

6.160.020 General (as amended - see p.4 above)

6.160.030 Spacing

6.160.040 Planting Requirements

6.160.050 Fire Hydrants

6.160.060 Location

- A.
- B.
- C.
- D.
- E.

6.160.070 Public Safety (This appears to be an unexplained/detailed section of the George Samaan changes.)

6.160.080 Clearance (This appears to be an unexplained/detailed section of the George Samaan changes. I believe we should specify a clearance height minimum for passage.)

- P. 7-7 The end of the first paragraph should add ...or changes of use to existing structures where the required parking changes by 20%. Add paragraph to 7.020.010 Applicability as follows:

Parking facility development, additions or modifications shall be subject to Site Plan Review as follows:

1. 21 spaces or more
2. Parking structures
3. Stand-alone parking lots
4. Expansion or downsizing of existing parking

- P. 7-11 F.

Add the following: "...engineer" registered architect, or qualified

land use planner.

F.2: Change "off-street" to on-street.

- P. 7-20 C.1. Rewrite as follows:

1. A planting bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 6 feet wide and 17 feet long. Each bay shall be curbed and planted with approved landscaping. Such landscaping shall consist of a uniformly distributed mix of shrubs and trees having a clear trunk height of at least 9 feet when mature. Height of all plantings, other than trees, in planting bays is limited to 24 inches.

- P. 7-21 D. Change 16 to 20.

- P. 7-37 Add the following under "RESIDENTIAL":

Senior housing (retirement complexes for seniors 55 years and over) - 4 units or more. 1 space/DU (minimum) Max=none 1/2DU Bicycle.

- P. 7-38 7th classification "Open Air..."
Add the following to the "Minimum": "...site area" used for building materials and displays. Add same to the "Maximum".

- P. 8-9 A.13 Change "12" to 14.

- P. 8-18 Subsection 8.030.070. Add the following to line 5:

"...professional engineer"/hydrologist "certifies..."

- P. 8-21 Geological hazards. Awaiting Dale's comments.

- P. 8-27 F. Change "Building Envelope" to Buildable Lot Area and move to P. 9-9 C.8.

- P. 9-7 Subsection 9.020.020 B.2. Change 200 to 150.

B.2.a. Amend as follows:

LOCAL STREETS: Minimum block standard is 150 x 300 feet; maximum is 600 x 600 feet. Width-to-length ratio must be between 1:2 and 1:4. "To provide a connection...450 feet in length" and/or "width."

- P. 9-9 Delete old C.8, 8.a and 8.b. Add as "8 Buildable Lot area from p. 8-27 F.

- P. 9-13 Change 2nd "9-19" to 9-20.
- P. 9-17 Subsection 9.030.040 C. Amend as follows:
"If no final partition plat is submitted" and recorded "within 1 year,...."
- P. 9-20 D.1. Delete "meets and bounds".
- PP. 10-11, 12, 13, 16 & 18 Awaiting Dale's comments.
- P. 11-3 Subsection 11.030 Amend "Area Requirements" to read as follows: Area and Density Requirements. Add the following:
D. Density. The density range shall be 6-12 units per acre in conformance with ORS 197.307.
- P. 15-3. Change "Stop Work Order" to Stop Work/Cease and Desist Order. Amend line 1 as follows:
"Whenever any work" or activity "is being..."
- P 6-7: Slats for chain link fencing should be "may" be required. This will prevent 1000 feet of slatted fence line. The average height of the landscape buffer should be 50% at time of planting rather than within one year. This is an enforcement issue.
- Neighborhood Center overlay district. There are no review procedures such as with Community facilities to create the overlay. The purpose section should state that this is accomplished through a comprehensive plan and zone change application.
- Buffer distances for quasi-judicial conditional use 100 feet? This is a very small buffer. Considering the nature of this jurisdiction, we may wish to make this buffer 300 feet to include more interested parties.
- Fee waiver language. Specifically 3.010040B allows but points to 1.120 which in turn, says nothing. Gene Parker may wish to provide the appropriate language for this section of the ordinance.
- P. 5-10, 5-23 and 5-35 under "exceptions to standards", add for "garage...setbacks" a letter "c" stating the following:
Attached garages on twenty foot usable alleys can have zero setback if it does not contain residential space within the ten foot setback area.

The following are items to discuss and determine how to proceed. Input is encouraged.

- Front door facing front should only be applicable on lots of certain sizes or as part of neighborhood compatibility. View lots do not necessarily need to face the street (especially oversized lots). Also, manufactured homes avoid this regulation by adding a deck and enclosing it. Should there be a stipulation on where the door must sit? midway back? less? more?
- Clarify need for a building permit and also review for structures that have been vacant for a considerable amount of time. Currently, we have non-conforming buildings need to be brought into compliance. What about buildings that do not meet any development criteria, have been empty for years, and want to open up?
- We should address the fact that nothing in the ordinance requires a building permit to be applied for.
- Parking waiver for historic districts/or structures that have already been built without parking. They should get a credit for the number of spaces they would have been required at construction time and if they need more for a new use they need to get it. Sort of a credit banking system for parking spaces.
- Road system should allow for city engineer to determine road width if neighborhood exists or some other language to avoid requiring the city to have to hire a traffic engineer.
- Accessory structures. Height requirement is confusing. Is the issue height or appearance? Restricting the number is appropriate, but the height may be contrary to an aesthetic goal. What about covering campers, boats and RVs and all the other toys that are common to this area? I would recommend allowing the 80% restriction, but allowing greater height with the inclusion of architectural features such as windows, offsets, gables, sills, and horizontal siding.
- Endangered Species Act. Any need for a buffer from creeks, rivers, for habitat concerns.
- Should consider specifying that one single family home will be granted only one access point.
- Section 7.020.040(A). Parking reduction of 10% as a right of

development. What is this exactly? There appears to be no discretion in application. Should this be granted provided pedestrian friendly and/or landscaping features/standards are added beyond LUDO minimums?

- Neighborhood Compatibility is actually architectural compatibility. Should there be a greater focus on period design or window/wall ratios? Our current regulations usually result in a "lack of applicability" result.
- Architectural features for single family homes are basically extremely minor. Should there be a greater focus on more quality design or should this be left to the builder/owner?

SUBSTANTIVE CHANGES

- P. 5-1 Applicability of SPR to Chapter 5. Usually, this is best addressed in an APPLICABILITY subsection in 3.030. Since no such section exists, an additional subsection is proposed for each zoning district except the CFO and P/OS:

5.010.080 Site Plan Review (SPR)

At the discretion of the Director, permitted and accessory uses are subject to SPR based on the size of proposal, percentage of building or property modification or impact on other properties or the environment.

P. 5-24	5.020.090	Same as above
P. 5-36	.030.080	Same as above
P. 5-48	.040.080	Same as above
P. 5-59	.050.090	Same as above
P. 5-69	.060.070	Same as above
P. 5-78	.070.070	Same as above
P. 5-84	.080.070	Same as above
P. 5-92	.090.080	Same as above

- P. 5-82 If float homes are to be provided for, I (George Samaan) recommend doing so under 5.080.020 B.3 as follows:
Float homes at port facilities for security and/or caretaker and maintenance personnel subject to Site Plan Review, provision of approved sewer and water systems, meeting float home construction standards and other requirements as deemed necessary for approval by the Director.

It appears George Samaan does not encourage float homes. However, if done properly, these can provide for residential development while boosting aquatic recreation. I have seen float home "subdivisions" in and around the Portland metropolitan area. These are primarily upscale structures for persons with sound finances. Financial institutions require a considerable

percentage of the purchase price as a down payment for obvious reasons associated with risk. Essentially, these subdivisions take full advantage of available water resources. Their presence indicates a certain income level, which tends to spin-off businesses to cater to these specialized needs. I would recommend this be discussed with the option of considering this as a conditional use within the Commercial Recreation zoning district.

- P. 5-27 Subsection 5.030.020.

From George Samaan, like case law, zoning legislation is precedent sensitive. Little, if any, evidence exists that other jurisdictions have provided for the construction of two or more single family structures on one urban-type tax lot in the recent past (accessory dwelling units/"granny flats" are commonly provided for). For this reason and for concerns related to potential future ownership complications, caution is advised in approaching this issue. However, if City staff feels that such a provision is necessary, the following amendment should address this expressed need:

Amend Subsection 5.030.020 A.2 as follows:

Add: 2.f) One additional detached single-family dwelling on one tax lot provided density, setback, access, orientation, addressing and potential partitioning requirements are met.

P. 5-27 Subsection 5.030.020 A.2.g), Amend as follows:

Also permitted in separate buildings provided density, setback, access, fire protection and utility easement requirements are met.

George Samaan does not appear to favor two single-family structures on one lot; I agree. If a second structure is desired in the RMH or RH zone, the regulations governing accessory structures/granny flats should be applicable. There are definite aesthetic and public utility issues involved with placing two distinct single family homes on one lot.

Staff is researching section 3.050.040 Review Criteria (for conditional use permits). Staff will provide alternate review criteria more applicable to The Dalles.

Sign Ordinance 92-1153 Adjustments

4.050 SIGNS IN CENTRAL BUSINESS ZONES.

- (1) One principle sign projecting, freestanding or flush mounted. Projecting or freestanding signage is limited to one square foot for each linear front foot of street frontage addressed by the sign. Flush signage can be multiple signs distributed at the property owner's discretion on any building face in accordance with section 5.040(A).

5.040(2/3/4/5/6/7) net square footage of the building front. (net = gross minus doors and windows. Building front does not include any roof areas.