



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

AGENDA CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT STREET
THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

THURSDAY, DECEMBER 5, 2019

6:00 P.M.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES – October 3, 2019
- V. PUBLIC COMMENT
- VI. LEGISLATIVE HEARING

Zoning Ordinance Amendment 101-19, City of The Dalles

REQUEST: To expand *The Dalles Municipal Code, Title 10 – Land Use and Development, Section 10.3.030.030 (K) Emergency Management and Response Plans* to provide language that requires development over 20,000 square feet and/or renewable energy projects to verify that the fire department has appropriate equipment, training, and personnel to respond to emergency incidents.

- VII. RESOLUTION

Resolution PC 587-19: Recommendation for City Council approval of an amendment to The Dalles Municipal Code, Title 10 – Land Use and Development

- VIII. STAFF COMMENTS

Next regularly scheduled meeting: December 19, 2019

- IX. COMMISSIONER COMMENTS OR QUESTIONS

- X. ADJOURNMENT

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

MINUTES

CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

THURSDAY, OCTOBER 3, 2019
6:00 P.M.

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett, Sherry DuFault, Bruce Lavier, Mark Poppoff, Steve Ross and Jeff Stiles

Commissioners Absent:

Staff Present: Director Steve Harris, City Attorney Gene Parker, and Planner Joshua Chandler

APPROVAL OF AGENDA

It was moved by DuFault and seconded by Stiles to approve the Agenda of October 3, 2019, as written. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

APPROVAL OF MINUTES

It was moved by Cornett and seconded by Poppoff to approve the Minutes of September 19, 2019, as written. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

It was moved by DuFault and seconded by Ross that each person's testimony be limited to five minutes or less to encourage everyone to speak and eliminate cumulative or repetitive matters. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

PUBLIC COMMENT

Lorene Hunt, PO Box 81, The Dalles, Oregon

Mrs. Hunt read directly from her submission, Exhibit 1. She stated she was unable to stay for the meeting.

QUASI-JUDICIAL HEARING

Conditional Use Permit 192-19, Scott Austin, 412 Washington Street, 1N 13E 3 BD tax lot 9800

Chair Lavier read the rules of a public hearing. He then asked the Commission if they had any ex parte contact, conflict of interest, or bias that would prevent an impartial decision. Hearing none, Chair Lavier opened the public hearing at 6:10 p.m.

Planner Chandler presented the staff report. He then directed attention to an email in objection submitted by David S. Perry, Exhibit 2. Chandler stated representatives from the Civic Auditorium and The Dalles Art Center had no objections to the parking reduction.

Commission discussion included available parking options in the area.

Chair Lavier invited comment from proponents.

Scott Austin, 36234 Richardson Gap Road, Scio, Oregon [Mailing Address: PO Box 196, Jefferson, Oregon 97352]

Mr. Austin said a lot of time and effort have gone into the two buildings. Unfortunately, the back building does not provide enough parking.

In response to Commissioner questions, Austin replied he would be in the building one to two weeks per month. There are currently two parking spots; he was unsure who was designated to park there. The rear building would be available for tenants.

Chair Lavier invited comments from opponents.

Jerry Jeffers, 220 W. Scenic Drive, The Dalles, Oregon

Mr. Jeffers said he was involved in setting up the “parking ordinance” [downtown parking district] 35 years ago. He was concerned designated parking spaces would prevent customers from parking. Jeffers stated the needs of one individual should not be put above the needs of others. Jeffers said he was neither for nor against the application.

Planner Chandler responded to Mr. Jeffers’ comments. Chandler said there is no designated parking and no adjustment to the parking district. There will be no impact on the First Street parking lots. If approved, the permit would provide four parking spaces available on site.

Chair Lavier closed the public hearing at 6:32 p.m.

It was moved by DuFault and seconded by Bybee to approve the parking reduction of CUP 192-19, Scott Austin, 412 Washington Street, based on findings of fact and conditions of approval. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

RESOLUTION

Resolution PC 586-19: Approval of a Reduction in Parking Standard Requirements

It was noted the Agenda contained a scrivener’s error, “Resolution PC 585-19.” The correct number was “Resolution PC 586-19.”

It was moved by Stiles and seconded by Cornett to approve Resolution PC 586-19 recommending City Council approval of various amendments to The Dalles Municipal Code. The motion passed 6/1; Bybee, Cornett, DuFault, Lavier, Poppoff and Ross in favor, Stiles opposed.

ACTION ITEM

Consideration to Adopt Planning Commission By-Laws

Director Harris provided background on the adoption of Planning Commission By-Laws.

Chair Lavier stated the adoption of By-Laws was a big step forward.

Commissioner Stiles asked if a delayed decision would prevent an applicant from moving forward. Director Harris replied a provision allows the applicant to move forward at their own risk before final action has been taken by the Commission. Conditions of approval would be presented at the Commission meeting.

Commissioner Bybee suggested the Commission sign a document acknowledging receipt of the By-Laws.

Commission consensus was to attach a certificate of receipt to the By-Laws.

It was moved by Bybee and seconded by Ross to adopt the Planning Commission By-Laws as presented. The motion passed 6/1; Bybee, Cornett, DuFault, Lavier, Poppoff, Stiles and Ross in favor, none opposed.

STAFF COMMENTS

Director Harris thanked Commissioners Lavier, DuFault and Bybee for their work on the By-Laws.

Harris said there were no hearings scheduled for the October 17, 2019, meeting.

Phase I and II of the Housing Code Amendments will be reviewed at a City Council workshop on October 7, 2019, and return to the City Council on October 28 for a public hearing.

The demolition contractor and crew arrived to work on the Recreation Building. The demolition is expected to take approximately two weeks. The structure will be weatherized. One travel lane will be maintained; there will be no parking on E. Second Street while the crane is in use.

Director Harris extended his appreciation to Commissioners that attended the OAPA training.

COMMISSIONER COMMENTS OR QUESTIONS

Vice Chair DuFault asked for the status on the former J.C. Penney's building. Director Harris replied he was unsure of the opening date.

City Attorney Parker said the recent appeal filed by Mrs. Hunt is temporarily on hold. Parker hoped for a response from LUBA by next week.

ADJOURNMENT

Chair Lavier adjourned the meeting at 6:56 p.m.

Respectfully Submitted
Paula Webb, Secretary
Community Development Department

Bruce Lavier, Chair

To: Members of The Dalles Planning Commission and others who care about our City.

On Sunday, I will be one of 2 adults providing materials and supervision for children in an event in this town, what children are exposed to and learn from the adults in their surroundings of prime concern to me, a life-long teacher of children from ages 2 ½ to 18 years of age. I suggest we consider what we want our children to bring to their future and our future, too, by looking at what is truly important in our daily and collective lives. This is a Voice for Values.

Today is a weighty day in this Chamber, every person in The Dalles impacted by a decision which will be made. The questions persons ask who care about what happens in this chamber, other chambers of the City government, and in day to day contacts anywhere in The Dalles are related to values. Among those questions are:

- what is valued when considering each person in The Dalles?
- does it matter where they live, or are they valued as human beings with intrinsic worth?
- are their voices important: in their families? to those they meet? in City chambers?
- are their experiences living in The Dalles valued?
- what are the values of our City government?
- can we rely on information that describes our Community Planning Department as:
 - Responsive, accurate, consistent, helpful and honest (in) service to our citizens...
 - Aggressively pursuing meaningful citizen involvement in all planning endeavors.
 - Helping to foster a climate of cooperation among City personnel, local citizens...
- (Providing)
 - Active staff support for our citizen volunteers serving on the Planning Commission
- are our sincere and honest efforts welcome when we address matters of values?
- how can we improve the City – its neighborhoods, its businesses, its regard for human beings?
- is our Municipal Code treated with the respect it deserves: by citizens? by persons-in-charge?
- how can we work together to make this City one of welcoming each person? each Voice? each human experience?
- Do we really care about each other? In our families? In our neighborhoods? In our City Chambers?
- How do we show that care?
- Do we support each other in efforts to move this City forward/upward according to values we hold dear?

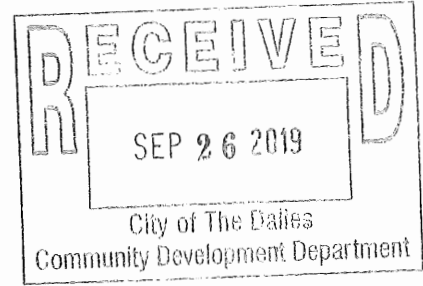
What are those values?

- honesty?
- fairness?
- justice?
- consideration?
- cooperation?
- respect?

Lorene Hunt
PO Box 81, T.D., OR

Joshua Chandler

From: Dave Perry <davidscottperry@gmail.com>
Sent: Thursday, September 26, 2019 8:15 AM
To: Joshua Chandler
Subject: CUP 192-19 / Public Hearing



RE: REDUCTION IN PARKING STANDARD

To Whom It May Concern:

I don't think there should be a reduction in the parking standard, only because an employee from 308 E 3rd (von Borstel) parks across from my office all day on the North side of 308 E 4th Street. That tells me there is a congestion problem currently. Why make it worse?

Sincerely,
David S. Perry
308 E 4th Street
The Dalles, OR 97058
541-298-1911

DRAFT

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT Zoning Ordinance Amendment 101-19

Procedure Type: Legislative

Public Hearing Date: December 5, 2019

Applicant: City of The Dalles

Request: To expand *The Dalles Municipal Code, Title 10 Land Use and Development, Section 10.3.030.020 (K) Emergency Management and Response Plans* to provide language that requires development over 20,000 square feet and/or renewable energy projects to verify that the fire department has appropriate equipment, training, and personnel to respond to emergency incidents.

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

Prepared by: Dawn Marie Hert, Senior Planner

BACKGROUND INFORMATION:

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

In August of 2019, Mid-Columbia Fire and Rescue brought a discussion item to the City of The Dalles Community Development Department suggesting a code language revision to The Dalles Municipal Code, Title 10 Land Use and Development. The objective for this discussion on code amendments was to ensure that adequate and appropriate emergency services were available for larger developments in our community.

The pre-application discussion occurred at a Site Team meeting on August 8, 2019. Site Team includes City staff from the Community Development Department and Public Works as well as representatives from Mid-Columbia Fire and Rescue, Northern Wasco County PUD, and Northwest Natural Gas.

This application is a legislative action under the provisions of Article 10.3.110 Ordinance Amendments, 10.3.110.020 Review Procedure and 10.3.020.060(A)(2) Legislative Actions.

The proposed addition to The Dalles Municipal Code is as follows:

The Dalles Municipal Code, Title 10 Land Use and Development

Article 10.3.030.020 Review Procedures (Site Plan Review)

- K. **Emergency Management and Response Plan.** *For all projects proposed that are equal to or larger than 20,000 square feet; or for High Hazard Group H or Factory Group F occupancies of any size or Assembly Group A occupancies with a capacity of over 299 people, as defined by Chapter 3 of the Oregon Structural Specialty Code at the time of the development, or for any renewable energy development projects, the applicant shall provide an emergency management and response plan for consideration by the fire authority having jurisdiction. For renewable energy development projects, an emergency management plan shall be required for all phases of the life of the facility. The plan shall address the major concerns associated with the terrain, dry conditions, water supply and limited access. The plan shall verify that the fire department or district has appropriate equipment, training and personnel to respond to fires, EMS, Hazmat, Rescue and other associated emergency incidents. If the fire department or district does not have adequate capability to provide for rescue, incident stabilization and/or property conservation, the applicant shall provide a plan for providing such in case of an emergency. Approval by the Fire Authority having jurisdiction of the emergency management and response plan shall be secured prior to a determination of application completeness.*

Staff is recommending that the Planning Commission add the above article to the land use code.

COMMENTS:

As of the date of the staff report, no formal comments have been received by the Community Development Department.

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

Article 10.3.010.040 Applications:

FINDING #1: This application is initiated by the Director pursuant to the provisions of Section 10.3.010.040 F. The application was deemed complete on October 31, 2019. Criterion met.

Article 10.3.020 Review Procedures, Article 10.3.020.060 Legislative Actions,

Section A. Decision types. 2. Ordinance Amendments:

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

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

FINDING #3: The public hearing has been set for December 5, 2019. Criterion met.

Article 10.3.020.060 Legislative Actions:

Section C (incorrectly listed as A in code). Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING #4: A notice of hearing containing the information required was published in The Dalles Chronicle on November 23, 2019. Criterion met.

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

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

FINDING #5: The required notice was sent on October 31, 2019, which is 35 days prior to the first hearing on the text amendment to the code. Criterion met.

Section 10.3.020.070(A)(3) Staff Report.

A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING #6: 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. Criterion met.

Section 10.3.110.030 Review Criteria

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

FINDING #7: 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. Criterion met.

B. COMPREHENSIVE PLAN

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

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 #9: These amendments update the existing zoning ordinance following the directive of the Comprehensive Plan.

Goal #11. Natural Hazards. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Policy 9. *Development and siting in locations without fire protection service shall be contingent upon the developer providing the services or the subsidizing of those services.*

FINDING #10: These proposed amendments are consistent with the Comprehensive Plan Goal #11, Policy 9 by requiring larger development projects to ensure that the local emergency services have the means necessary to adequately serve their needs in the event of an emergency. This proposed amendment allows the fire department to be

involved in the review process and also requires that a developer provide a plan in the event that the fire department or district does not have adequate capacity to serve the new development.

C. DISCUSSION

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as indicated below:

The Dalles Municipal Code, Title 10 - Land Use and Development Article 10.3.030.020 Review Procedures (Site Plan Review)

K. *Emergency Management and Response Plan.* *For all projects proposed that are equal to or larger than 20,000 square feet; or for High Hazard Group H or Factory Group F occupancies of any size or Assembly Group A occupancies with a capacity of over 299 people, as defined by Chapter 3 of the Oregon Structural Specialty Code at the time of the development, or for any renewable energy development projects, the applicant shall provide an emergency management and response plan for consideration by the fire authority having jurisdiction. For renewable energy development projects, an emergency management plan shall be required for all phases of the life of the facility. The plan shall address the major concerns associated with the terrain, dry conditions, water supply and limited access. The plan shall verify that the fire department or district has appropriate equipment, training and personnel to respond to fires, EMS, Hazmat, Rescue and other associated emergency incidents. If the fire department or district does not have adequate capability to provide for rescue, incident stabilization and/or property conservation, the applicant shall provide a plan for providing such in case of an emergency. Approval by the Fire Authority having jurisdiction of the emergency management and response plan shall be secured prior to a determination of application completeness.*

Zoning Ordinance Amendment

City Initiated Application

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490

Date Filed 10-25-19
File# ZOA 101-99
Date Deemed Complete 10-31-19
Hearing Date PC 12/5/19 CC 1/27/19
Approval Date _____
Permit Log # 6
Other Cross Reference# 5

APPLICANT

City of The Dalles
313 Court Street
The Dalles, OR 97058

By: Dawn Marie Hert, Senior Planner

Telephone # 541-296-5481 ext. 1129

Email Address: dhert@ci.the-dalles.or.us

AMENDMENT INFORMATION

Map Change? Yes, No. If yes, attach copy of proposed map changes.

Text Change? Yes, No. If yes, attach copy of proposed text changes.

The Dalles Municipal Code, Title 10 - Land Use and Development

Article 10.3.030.020 Review Procedures (Site Plan Review)

K. **Emergency Management and Response Plan.** *For all projects proposed that are equal to or larger than 20,000 square feet; or for High Hazard Group H or Factory Group F occupancies of any size or Assembly Group A occupancies with a capacity of over 299 people, as defined by Chapter 3 of the Oregon Structural Specialty Code at the time of the development, or for any renewable energy development projects, the applicant shall provide an emergency management and response plan for consideration by the fire authority having jurisdiction. For renewable energy development projects, an emergency management plan shall be required for all phases of the life of the facility. The plan shall address the major concerns associated with the terrain, dry conditions, water supply and limited access. The plan shall verify that the fire department or district has appropriate equipment, training and personnel to respond to fires, EMS, Hazmat, Rescue and other associated emergency incidents. If the fire department or district does not have adequate capability to provide for rescue, incident stabilization and/or property conservation, the applicant shall provide a plan for providing such in case of an emergency. Approval by the Fire Authority having jurisdiction of the emergency management and response plan shall be secured prior to a determination of application completeness.*



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THE DALLES, OREGON 97058

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

RESOLUTION NO. PC 587-19

A RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING CITY COUNCIL APPROVAL OF AN
AMENDMENT TO THE CITY OF THE DALLES MUNICIPAL
CODE, TITLE 10 LAND USE AND DEVELOPMENT.

WHEREAS, an application was submitted for Zoning Ordinance Amendment 101-19 proposing an amendment to the City of The Dalles Municipal Code, Title 10 Land Use and Development; and

WHEREAS, the City Planning Commission conducted a public hearing on December 5, 2019 to take public testimony on proposed Zoning Ordinance Amendment 101-19; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed amendment set forth in Zoning Ordinance Amendment 101-19, and based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the amendment be forwarded to the City Council for their review and adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission recommends that the proposed Zoning Ordinance Amendment 101-19 be approved and forwarded to the City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 5TH DAY OF DECEMBER, 2019

Bruce Lavier, Chair
Planning Commission

I, Steven Harris, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission, held on the 5th day of December, 2019.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____

Steven Harris, AICP
Director, Community Development Department
City of The Dalles