



**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, DECEMBER 1, 2016**  
**6:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES: October 6, 2016
- V. PUBLIC COMMENT
- VI. QUASI-JUDICIAL PUBLIC HEARINGS

**i. APPLICATION NUMBER: SPR 42-83 A&P Recycling;**

**REQUEST: Continued:** Revocation Review for Failure to Meet Conditions of Approval- Review of outside storage screening plan.

**LOCATION:** Property is located at 280 Webber Street, The Dalles, Oregon, and is further described as 2N 13E 33C t.l. 900. Property is zoned "CLI"- Commercial/Light Industrial District.

**ii. APPLICATION NUMBER: MIP 330-16 & ADJ 16-024 Bishop & Blum;**

**REQUEST:** Partition one lot into two smaller lots and reduce the minimum lot size, depth and front yard setback.

**LOCATION** The property is located at 307 W 11<sup>th</sup> Street and is further described as 1N 13E 4DA t.l. 3600; Property is zoned "RH" - Residential High Density District.

**iii. APPLICATION NUMBER: CUP 183-16 Getty Pollard;**

**REQUEST:** To change the use of an existing building to allow for use as a Recreational Marijuana Producer, Processor and Wholesaler. The use as Recreational Marijuana sales was approved previously.

**LOCATION** The property is located at 3226 W 2<sup>nd</sup> Street and is further described as 2N 13E 29DD t.l. 500.; Property is zoned “CLI” –Commercial Light Industrial District.

**VII. Resolutions:**

553-16: SPR 42-83 A&P Recycling  
558-16: MIP 330-16 & ADJ 16-024 Bishop & Blum  
559:16: CUP 183-16 Getty Pollard

**VIII. Staff Comments**

**IV. Commissioner Comments or Questions**

**X. Next scheduled meeting:** December 15, 2016

**XI. Adjournment**

**NOTICE:**

Minutes from the October 6<sup>th</sup> meeting will be made available via a separate mailing. They will be sent out November 28, 2016.

---Thank you

The City of The Dalles: Planning Department

# City of The Dalles

## STAFF REPORT

### Adjustment 16-024 & Minor Partition 327-16

**Jonathan Blum and Jaqui Bishop**

Prepared by: Nick Kraemer, Associate Planner 

Procedure Type: Quasi-Judicial

Decision Date: December 1<sup>st</sup> 2016

Assessor's Map: 1 North, 13 East, Map 4DA

Tax Lot: 3600

Addresses: 307 W 11<sup>th</sup> Street

Comprehensive Plan Designation: RH Residential High Density

Zoning District: RH Residential High Density

**REQUEST:** Applicant is requesting a reduction of the minimum lot size, depth, and front yard setback for a proposed minor partition of one lot into two lots.

**NOTIFICATION:** Property owners within 300 feet, City Departments and Franchise Utilities.

**COMMENTS RECEIVED:** No comments were received.

**RECOMMENDATION:** No recommendation. If approval is granted, Staff has recommended conditions based on the following findings of fact.

**A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:**

**Section 3.010.040 Applications**

**B. Completeness.**

**FINDING #1:** The application was found to be complete on November 10th, 2016.

**Criterion met.**

**Section 3.020.050 Quasi-Judicial Actions**

**A. Decision Types - Adjustments.**

**FINDING #2:** This application is for an adjustment per Section 3.080. The specific request is for: a reduction in the minimum lot depth from 65' to 50', a reduction to the minimum lot size from 3,500 square feet to 3,097 square feet (12% adjustment), and a reduction of the front yard setback from 15' to 13.5'. The size of the adjustment request triggers the Quasi-judicial adjustment procedure – as per Section 3.080.020 (D).

**Criterion met.**

**B. Staff Report.** Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.

**FINDING #3:** This document serves as the staff report. **Criterion met.**

**C. Public Hearings.** Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete..

**FINDING #4:** The 45 day deadline from the November 10, 2016 mail out is December 25, 2016. This public hearing is scheduled for December 1, 2016. **Criterion met.**

**D. Notice of Hearing.**

**FINDING #5:** Appropriate mailings were sent to property owners within 300 feet and notice to affected departments and agencies were made on November 15, 2016.

**Criterion met.**

**Section 3.080.030 Review Procedures**

**Review Procedures.** Quasi-judicial adjustment review procedures shall be the same as those specified for Quasi-Judicial actions in Subsection 3.020.020B2.

**FINDING #6:** The application has been reviewed as required in Subsection 3.020.020B2, as show below. **Criterion met.**

## Section 3.080.040 Applications

### A. Review Criteria.

An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*

**FINDING #7:** The proposed adjustments may not significantly detract from livability or appearance of the residential area: The current lot meets the minimum lot size for two dwelling units per lot. If approved, the proposed adjustment and partition will create two lots that meet the minimum requirements for only one dwelling unit per lot. So, the impact on the neighborhood in regards to number of units is essentially the same – as only 2 dwelling units would be allowed either way. The subject site is slightly larger than most of the existing lots in this area and adjacent to an existing, nonconforming 4-plex – so there is some level of non-conformity already existing in this Residential High Density neighborhood.

The reduction in the front yard setback from 15' to 13.5' on the proposed rear lot development will not significantly detract from livability or appearance of the area. The reduction is relatively minor and off-street parking can still be accommodated on the lot without parked cars hanging into the right of way of the alley.

**As this criterion is rather subjective – in what constitutes as significant impact - Staff is requesting that the Planning Commission use their discretion to determine if the criterion is met.**

2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone;*

**FINDING #8:** Three adjustments are requested with this application. As mentioned in Finding #7 – the number of dwelling units allowed on this parcel is two units – so the request is consistent with the overall purpose of the zone in that regards. The minimum lot size and depth adjustments are less than the minimums established in the RH Residential High Density Zone – and the Quasi-Judicial Adjustment process provides the opportunity for the Planning Commission to use their discretion to determine if the overall purpose of the zone is still met by this requested adjustment **Staff is requesting that the Planning Commission use their discretion to determine if the criterion is met.**

3. *City designated scenic resources and historic resources are preserved;*

**FINDING #9:** There are no known scenic or historic resources in this area. **Criterion not applicable.**

4. *Any impacts resulting from the adjustment are mitigated to the extent practical;*  
**FINDING #10:** The applicant has indicated that they are developing the parcel in a manner that keeps existing trees on the site. In addition, landscaping and driveway improvements will mitigate any impacts resulting from the adjustment. **Criterion met with conditions.**

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable,*  
**FINDING #11:** There are no known environmentally sensitive areas at this site. **Criterion not applicable.**

6. *Application of the regulation in question would preclude all reasonable economic use of the site*  
**FINDING #12:** The subject parcel is still buildable for two dwelling units without granting the adjustments. However, the applicant has indicated that the financing for two dwelling units on this parcel is difficult and granting the adjustments will allow them to maximize the economic use of the site. The “reasonable economic use of the site” is a subjective criterion and **Staff is requesting that the Planning Commission use their discretion to determine if the criterion is met.**

7. *Granting the adjustment is the minimum necessary to allow the use of the site*  
**FINDING #13:** The setback reduction is the minimum necessary to accommodate the proposed minor partition and preliminary house plans for the subject site. **Criterion met.**

#### **B. Additional Criteria.**

If the applicant meets the approval criteria above, then the Approving Authority may also take into consideration, when applicable, whether the proposal will:

1. *Result in a more efficient use of the site;*  
**FINDING #14:** The applicant has indicated that it is not financially feasible to develop two dwelling units on one lot at this site. Financial feasibility is not a criteria – however the Planning Commission can grant adjustments to encourage efficient use of sites – if all relevant criteria is met. **Staff is requesting that the Planning Commission use their discretion to determine if the criterion is met.**

2. *Provide adequate provisions of light, air, and privacy to adjoining property;*  
**FINDING #15:** The applicant submitted a site plan for two dwelling units that meet all setback requirements – aside from the front yard setback on the house with frontage on the alley. **Criterion is met.**

3. *Provide for accessibility, including emergency vehicles, per City standards;*  
**FINDING #16:** As the proposed lots will both have frontage on public right of way – there are not accessibility issues. At the time of development of the dwelling units, the

applicant will need to meet all City standards for driveways and access. **Criterion is met.**

4. *Result in a structure that conforms to the general character of the neighborhood or zone district;*

**FINDING #17:** The applicant has submitted plans for two dwelling units that are cottage style homes that will fit with the character of the neighborhood. In addition, the new dwelling units will need to meet Design Standards for the Residential High Density Zone. **Criterion is met.**

5. *If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.*

**FINDING #18:** No reduction in parking is requested with this adjustment. **Criterion is not applicable.**

#### **Section 9.020.020 Land Division Standards**

**Subsection A. Applicability.** *All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of Section 9.050: Planned Developments.*

**FINDING #19:** This partition application would divide one lot into two lots. The proposed minor partition requires approval of ADJ 16-024 – which would allow for a reduction in the minimum lot depth from 65’ to 50’, a reduction to the minimum lot size from 3,500 square feet to 3,097 square feet (12% adjustment).

**Criterion met with condition of approval.**

**Subsection B. Annexation.** *Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.*

**FINDING #20:** This property is inside the City limits. **Criteria not applicable.**

**Subsection C. Blocks.** *There are a series of code provisions indicating the size of blocks.*

**FINDING #21:** The property is located in an area of town that has consistent length width, and shape for the blocks in this area. The proposed partition meets the standard block dimensions and supports infill development goals in the comprehensive plan. However, the Minor Partition is contingent upon the approval of ADJ 16-024. **Criteria met with conditions.**

#### **Subsection D. General Lot Requirements:**

1. *Size and Shape. Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to*

*contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed.” The “RH” Residential District requires a lot area of at least 3,500 square feet and lot dimensions of at least 35 feet wide by 65 feet deep for one dwelling lots.*

**FINDING #22:** This partition application would divide one lot into two lots. The proposed minor partition requires approval of ADJ 16-024 – which would allow for a reduction in the minimum lot depth from 65’ to 50’, a reduction to the minimum lot size from 3,500 square feet to 3,097 square feet (12% adjustment). Criterion met with conditions.

2. *Access: Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located.*

**FINDING #23:** This property has frontage along W 11th Street and an alley that spans between Lincoln and Pentland Streets. The proposed lot width for each proposed lot is 61.95’ and meets the minimum for this zone of at least 35’ wide. **Criterion met.**

3. *Access Points. Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of the final plat.”*

**FINDING #24:** West 11<sup>th</sup> Street is a local street and the alley is not an arterial and collector streets. **Criteria not applicable.**

4. *Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot.”*

**FINDING #25:** This partition does not create a through lot. **Criterion not applicable.**

5. *Lot Side Lines. Sidelines of lots, as far as practicable, shall be at right angles to the street the lots face.”*

**FINDING #26:** The proposed lot configuration meets West 11th Street and the alley at right angles. **Criterion met.**

6. *Lot Grading. Lot grading shall conform to the provisions of Section 8.050: Erosion, Slope Failure, and Cuts and Fill.”*

**FINDING #27:** No development is proposed with this partition – the applicant will need to submit for a building permit to get proposed development approved. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer. **This criterion does not apply.**

7. *Building Lines. Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat.”*

**FINDING #28:** Setback lines are shown on the submitted partition application. These lines may be included on the final plat or included in covenants recorded as part of the plat. **Criterion met.**

8. **Redevelopment Plans.** *A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:*

a) *Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.*

b) *Demonstrate that the proposal will not inhibit development of adjacent lands.*

**FINDING #29:** The proposed partition does not require a redevelopment plan.

**Criterion met.**

#### **9.020.030 Residential Rear Lot Development**

*Where, in the Director's opinion, existing topography, lack of public right of way, or existing development precludes an opportunity to create a through connection to a public street, rear lot development may connect to a dedicated right-of-way via an access way (narrow strip of land). At the Fire Marshall's discretion, an adequate turn around area (such as a hammer head) shall be provided for fire and life safety vehicles.*

**FINDING #30:** No residential rear lot development is proposed with this partition.

**Criterion not applicable.**

#### **Section 9.030.040 Partition Application Review, Subsection B. Review Criteria:**

1. *The tentative plat meets the Wasco County recording requirements.*

**FINDING #31:** The requirements can be met with the required survey. This will be confirmed by receipt of two copies of the recorded plat from Wasco County. **Criteria met with conditions.**

2. *The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works Standards and policies, and any other applicable policies and standards adopted by the City Council.*

**FINDING #32:** As demonstrated in findings above, the proposed minor partition requires approval of ADJ 16-024 – which would allow for a reduction in the minimum lot depth from 65' to 50', a reduction to the minimum lot size from 3,500 square feet to 3,097 square feet (12% adjustment). If ADJ 16-024 is approved - this proposal meets or will meet with conditions, all applicable policies and standards. **Criterion met with conditions.**

3. *Approval does not impede future development of property under the same ownership or on adjacent land planned for urban densities, including provision of City services and access from Public Street.*

**FINDING #33:** This proposal to partition does not impede future development.  
**Criterion met.**

*4. The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.*

**FINDING #34:** This proposal to partition does not trigger any requirements for public improvements. **Criterion met.**

**B. Comprehensive Plan (May, 2011)**

Goal #10 Housing

*"To provide for the housing needs of citizens of the state."*

**FINDING #35:** If ADJ 16-024 is approved - this application is in accordance with the Comprehensive Plan by providing an additional lot for future housing development.  
**Criterion met.**

**Section 3.080.050 Conditions of Approval:**

*If granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.*

**SEE FINDING #14: Staff is requesting that the Planning Commission use their discretion to determine if the criteria is met and the adjustment is granted.**

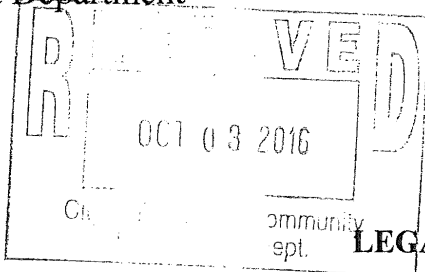
**Conditions of Approval**

1. The front yard setback reduction from 15 feet to 13.5' for the construction for a new single family dwelling will be allowed. All other setbacks will be required to be met.
2. The applicant should make efforts to landscape the area in a manner to reduce any visual impacts of the reduced setback.
3. The applicant should not park vehicles that would block the right of way of the alley and keep all building materials on private property.
4. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.
5. Approval of MIP 327-16 is contingent upon the approval of ADJ 16-024
6. Final plat submission must meet all the requirements of LUDO Section 9.030 and the other provisions of the LUDO.
7. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.

MINOR PARTITION APPLICATION

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

Date Filed 10/3/14
File# MIP 330-14
Date Deemed Complete 11/15/16
Hearing Date 12/1/16
Approval Date
Permit Log #
Other Cross Reference#



APPLICANT

LEGAL OWNER (If Different than Applicant)

Name Jacqueline Bishop and Jonathan B

Name Jacqueline Bishop and Jonathan Bl

Address 1767 12th St. #168
Hood River, OR 97031

Address 1767 12th St. #168
Hood River, OR 97031

Telephone # 503-939-5487

Telephone # 503-939-5487

Email Address bishopjacqui@gmail.com

PROPERTY INFORMATION

Address 307 11th Street, The Dalles, OR 97058

Map and Tax Lot 1N 13E 4 DA 3600

Size of Development Site 6,194.38 square feet.

Zone District/Overlay High Density Residential In City Limits: Yes Yes No

Comprehensive Plan Designation Geohazard Zone: None

PROJECT INFORMATION

Current Use of Property Vacant Lot

Proposed Use of Property Two small houses (one per lot after vacant lot is divided into two lots)

Signature of Applicant

Signature of Property Owner\* or Owners Agent

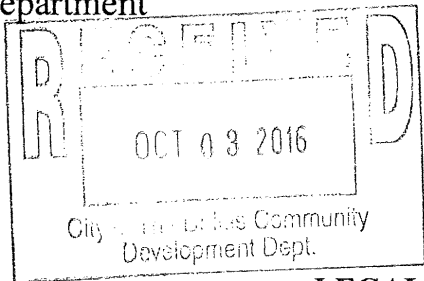
10/3/16
Date

10/3/16
Date

\* Notarized Owner Consent Letter may substitute for signature of property Owner

**ADJUSTMENT APPLICATION**

**CITY OF THE DALLES**  
**Community Development Department**  
313 Court Street  
The Dalles, OR 97058  
(541) 296-5481, ext. 1125  
Fax (541) 298-5490  
[www.ci.the-dalles.or.us](http://www.ci.the-dalles.or.us)



Date Filed \_\_\_\_\_  
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Date Deemed Complete \_\_\_\_\_  
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**APPLICANT**

Name Jacqueline Bishop and Jonathan B

Address 1767 12th St. #168  
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Telephone # 503-939-5487  
E-Mail bishopjacqui@gmail.com

**LEGAL OWNER (If Different than Applicant)**

Name Jacqueline Bishop and Jonathan B

Address 1767 12th St. #168  
Hood River, OR 97031

Telephone # 503-939-5487  
E-Mail bishopjacqui@gmail.com

\*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

**PROPERTY INFORMATION**

Address 307 11th Street, The Dalles, OR 97058

Map and Tax Lot 1N 13E 4 DA 3600

Size of Development Site 6,194.38 square feet.

Zone District/Overlay High Density Residential

Comprehensive Plan Designation \_\_\_\_\_

**REQUEST**

- New Construction     Expansion/Alteration     Change of Use     Amend Approved Plan

Brief Explanation: Applicant is seeking a decrease in minimum lot size and depth in order to split an oversized High Density Residential zoned lot into two lots for the purpose of constructing a single family dwelling on each lot.

# JUSTIFICATION OF REQUEST

Review Criteria for Adjustments are found in LUDO Section 3.080.040

For approval the applicant must satisfy the criteria in EITHER Section A or Section B. On a separate piece of paper provide sufficient information for the review body to determine each of the issues listed in the section chosen. The information may be written, photographic, or any other method which will provide useful information to the review body. Except for the application, information may be sent by fax or E-mail.

- A.
  - 1. If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.
  - 2. If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone.
  - 3. City designated scenic resources and historic resources are preserved.
  - 4. Any impacts resulting from the adjustment are mitigated to the extent practical.
  - 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.
  
- B.
  - 1. Application of the regulation in question would preclude all reasonable economic use of the site.
  - 2. Granting the adjustment is the minimum necessary to allow the use of the site.
  - 3. Any impacts resulting from the adjustment are mitigated to the extent practical.
  
- C. If the applicant meets the approval criteria under either Section A or Section B, the review body may also take into consideration, when applicable, whether the proposal will:
  - 1. Result in a more efficient use of the site.
  - 2. Provide adequate provisions of light, air, and privacy to adjoining property.
  - 3. Provide for accessibility, including emergency vehicles, per City standards.
  - 4. Result in a structure that conforms to the general character of the neighborhood or zone district.
  - 5. If a reduced number of parking is requested, provide adequate parking based on low demand users, or supplement on-site parking with joint use agreements.(The applicant may also provide comments on any of the issues in part C. )

There are no mandatory plans or other types of information required with this application. It is the applicant's responsibility to provide sufficient information and documentation on each of the issues for the review body to make a decision. Insufficient justification will result in a denial.

Signature of Applicant \_\_\_\_\_ 10/3/16  
Date

Signature of Property Owner\* \_\_\_\_\_ 10/3/16  
Date

\* Notarized Owner Consent Letter may substitute for signature of property Owner

## JUSTIFICATION OF REQUEST (307 11th St.)

A.1. If in a residential zone, show that the proposal will not significantly detract from the livability or appearance of the residential area.

Splitting the oversized lot into two smaller lots will not significantly detract from the livability or appearance of the residential area because two smaller sized lots will blend in well to a neighborhood that already consists of a mix of small foot print cottage style homes, homes with a variety of orientations towards street fronts and alleyways, and a neighboring craftsman style townhouse four-plex already situated on an undersized lot. The lot in question is currently the largest sized lot in its area, so splitting it into two will not change the nature or appearance of the neighborhood because it is not in a neighborhood of oversized lots. The lot is currently vacant but will contribute to the appearance of the neighborhood when split into two and developed with two small houses for residential use. The existing lot is zoned for two homes so the proposed project of having two homes, each on their own lot, instead of two homes on one lot, will not look different than what is currently allowed. However, since two homes on one lot appraise less than two homes each on their own lot, it will not be possible to finance the construction of two homes unless the lot is split.

A.2. If more than one adjustment is being requested, the cumulative affect of the adjustments results in a project which is still consistent with the overall purpose of the zone.

Since the lots are extra wide (61.95 feet) the resulting lots will still have the appearance from the street, and alley, of being large lots, They will just be shorter and slightly smaller in square footage than the neighboring lots.

A.3. City designated scenic resources and historic resources are preserved.  
None present on lot.

A.4. Any impacts resulting from the adjustment are mitigated to the extent practical.

Any impacts resulting from splitting the lot into two will be mitigated to the extent practical by developing single family residences for the neighborhood. The two homes would also include tidy landscaping so that the area will no longer appear dry, overgrown, or under-utilized. The two lots would also have off street, developed parking so that cars no longer need to park on the street or on bare ground when visiting the property. Also the lot has over one hundred and twenty feet of street and alley frontage that will be improved. There are two main trees on the lot and the two homes will be situated so that both trees will remain in setback areas.

A.5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.

Does not apply.

C.1. Result in a more efficient use of the site.

Splitting this oversized parcel into two lots and allowing those two lots to have a reduced minimum size, will result in a more efficient use of the site because the split will result in two single family homes instead of just one home. This helps to achieve the City's goals of urban infill in higher density residential areas while also increasing the number of single family housing units available for City residents.

C.2. Provide adequate provisions of light, air, and privacy to adjoining property.

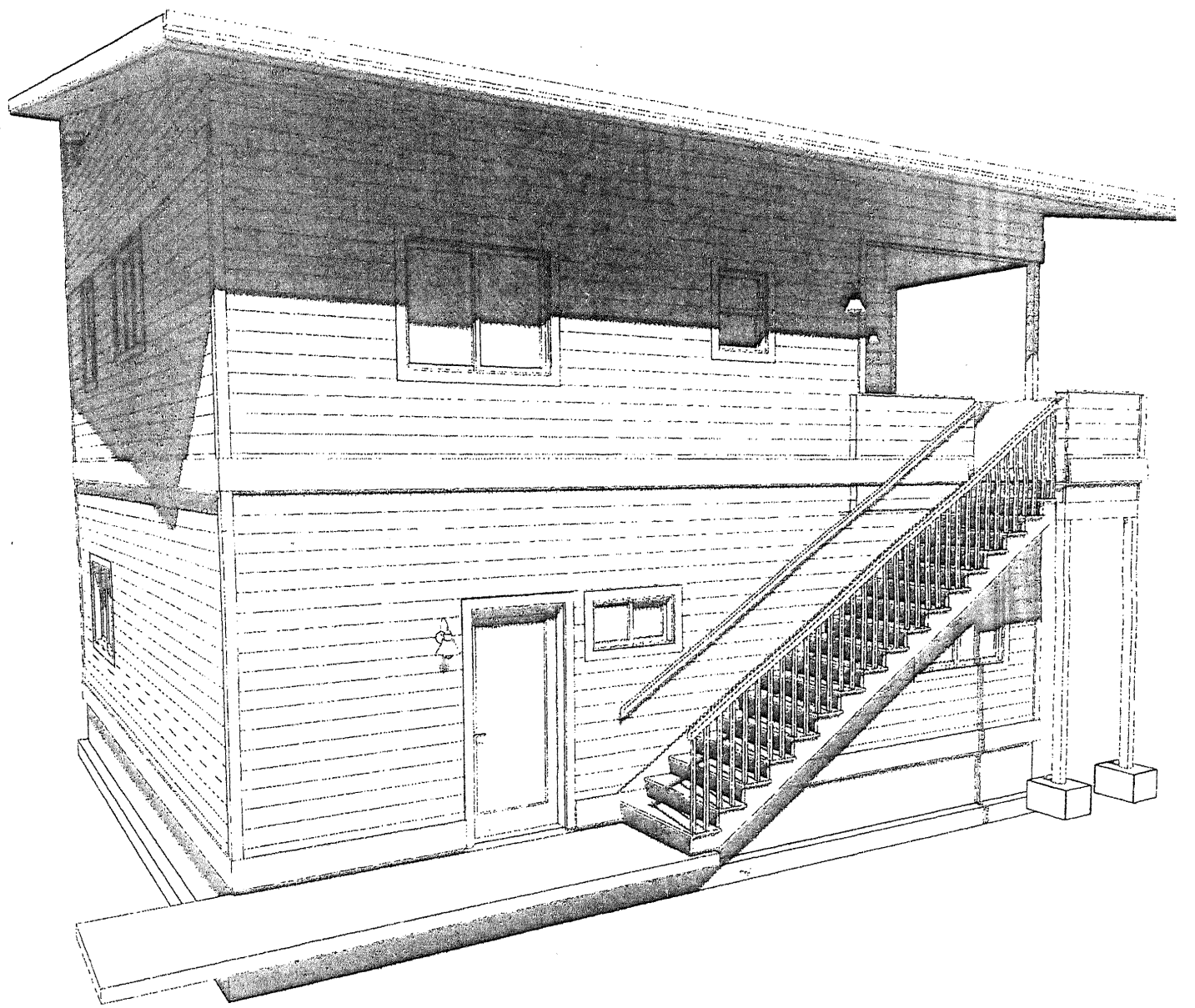
Splitting the lot does not effect light, air, or privacy of adjoining properties, however, once the resulting lots are developed the adjoining properties will still have adequate light and air because the two homes will each have their own yard and the homes will conform to all setbacks that help to provide light and air between homes. Existing trees will be retained where possible and new trees will be planted to provide strategic privacy for neighbors.

C.3. Provide for accessibility, including emergency vehicles, per City standards.

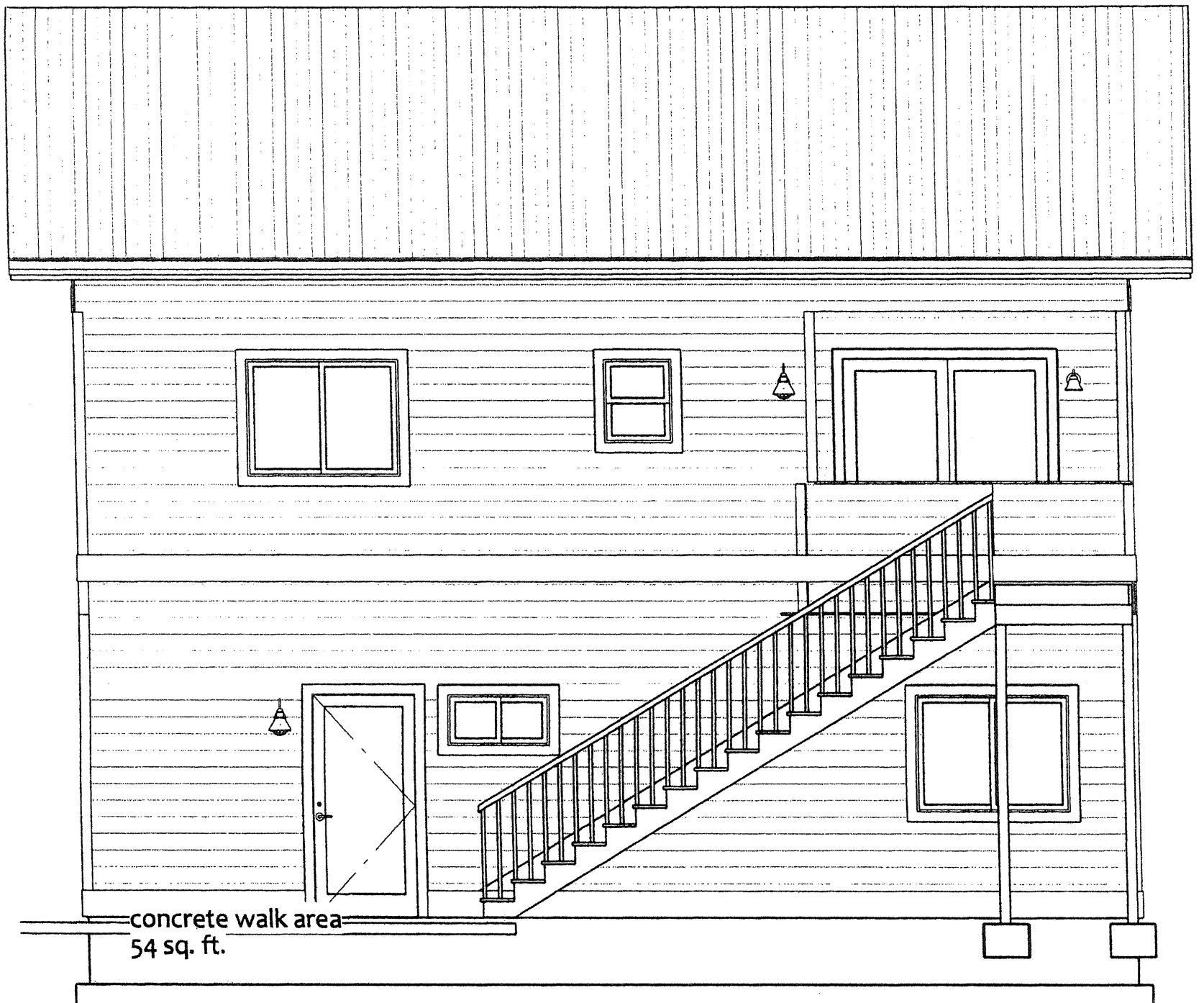
The proposed lots, and any future development, will meet and or exceed all accessibility, emergency vehicle, and safety standards set by the City. The lot currently has over one hundred and twenty feet of street and alleyway frontage that will be distributed so that both resulting lots have plenty of emergency access.

C.4. Result in a structure that conforms to the general character of the neighborhood or zone district.

The proposed lots, once developed, will result in two cottage style homes that conform to the general character of the high density residential neighborhood that consists mostly of smaller older homes. The house on the front lot will be lined up with the same setbacks as the other homes on 11th street and the house on the back lot will replace the alley-front home that burned down many years ago.

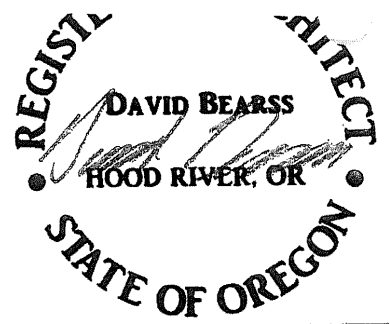
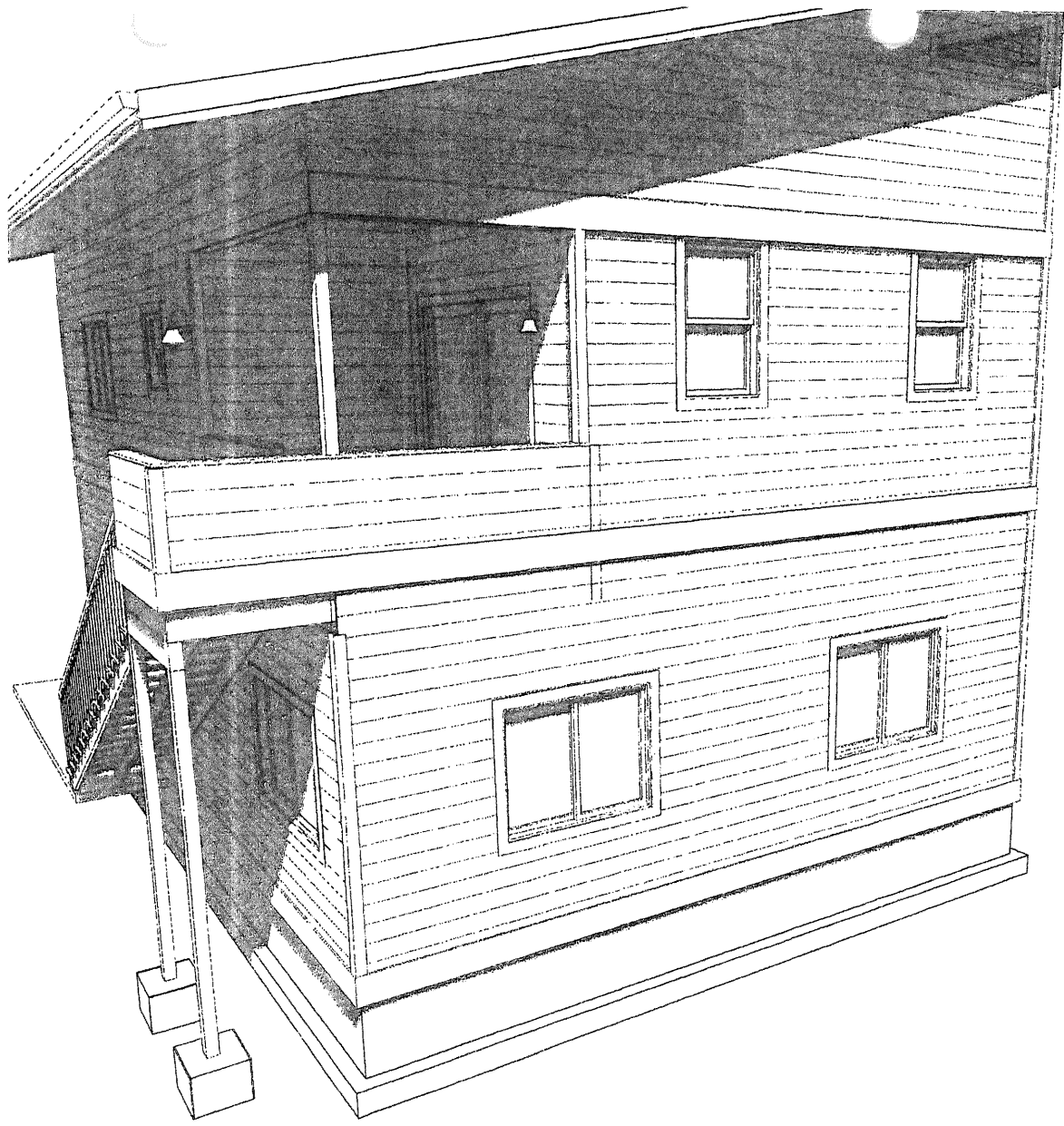


Camera 14



concrete walk area  
54 sq. ft.

Elevation 10



11/11/2016

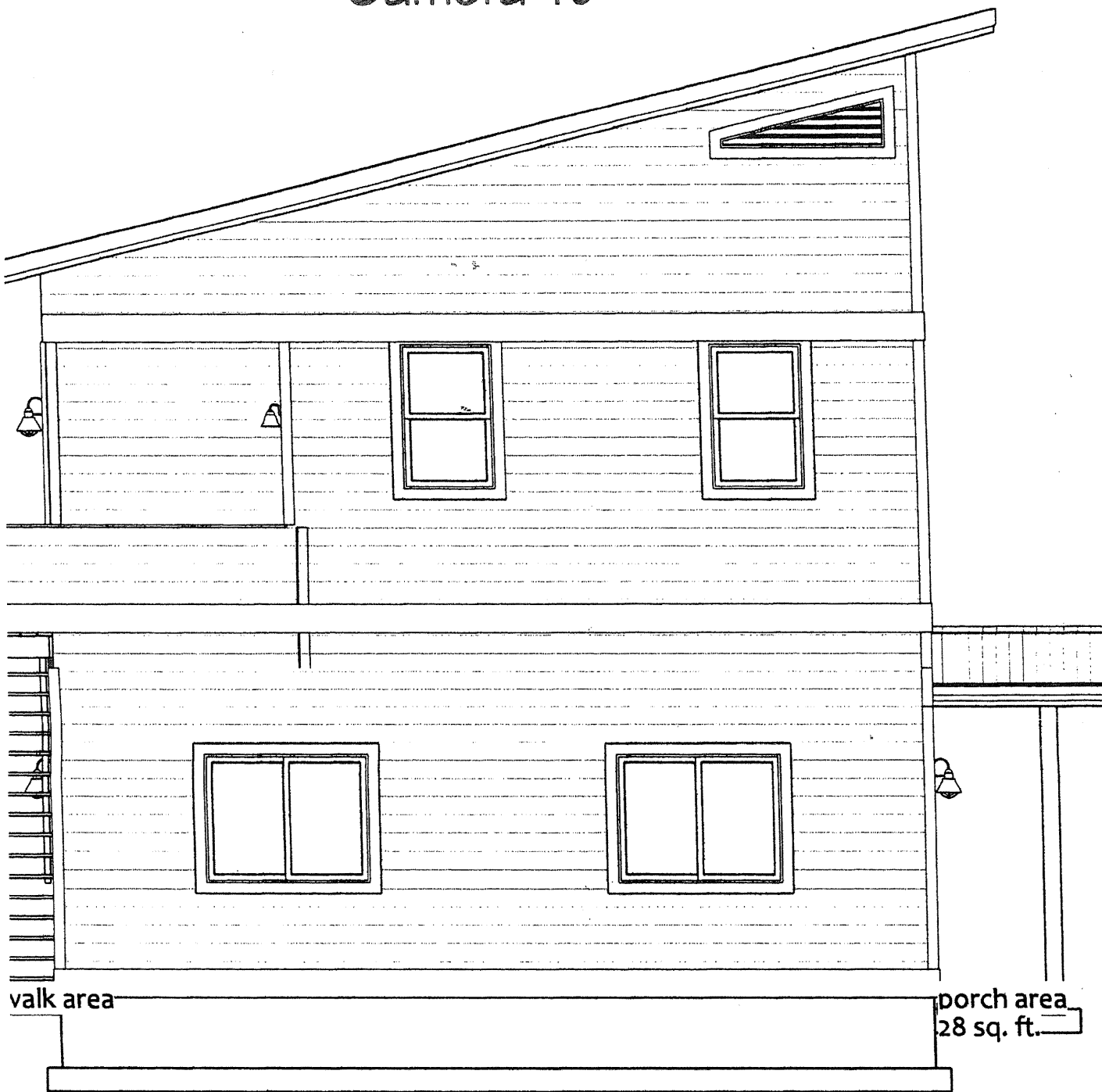
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Camera 10

David Bearss  
 Architect

606 State Street - B3 -  
 Hood River, OR 97031

+  
 541.308.0655



Bishop Blum

307 West 11th  
 Street  
 The Dalles,  
 Oregon

Elevation 12

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

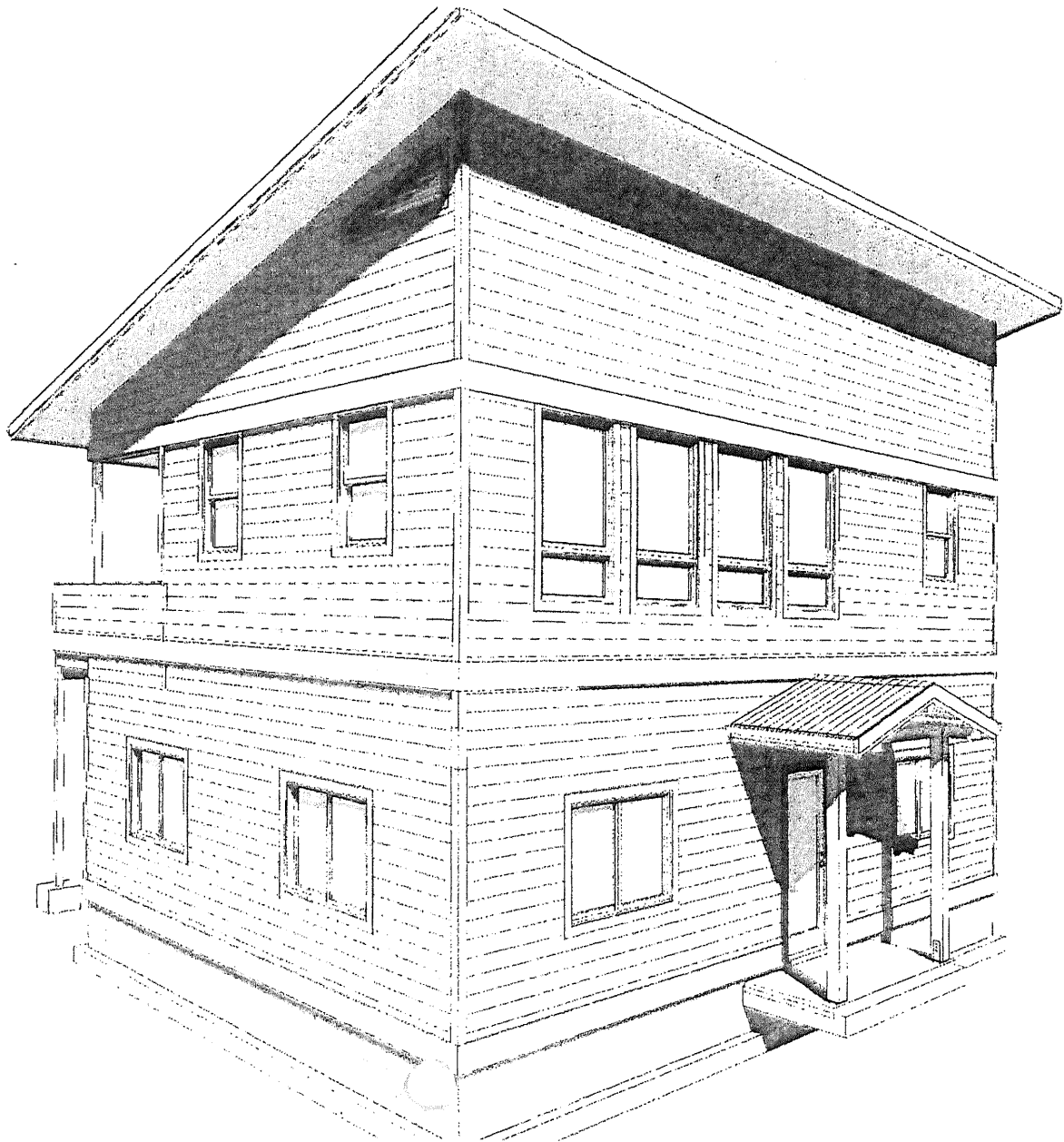
# NE1/4 SE1/4 SEC. 4 T.1N. R.13E. WASCO COUNTY

1" = 100'

SEE MAP IN 13 4AD



## LOCATION MAP



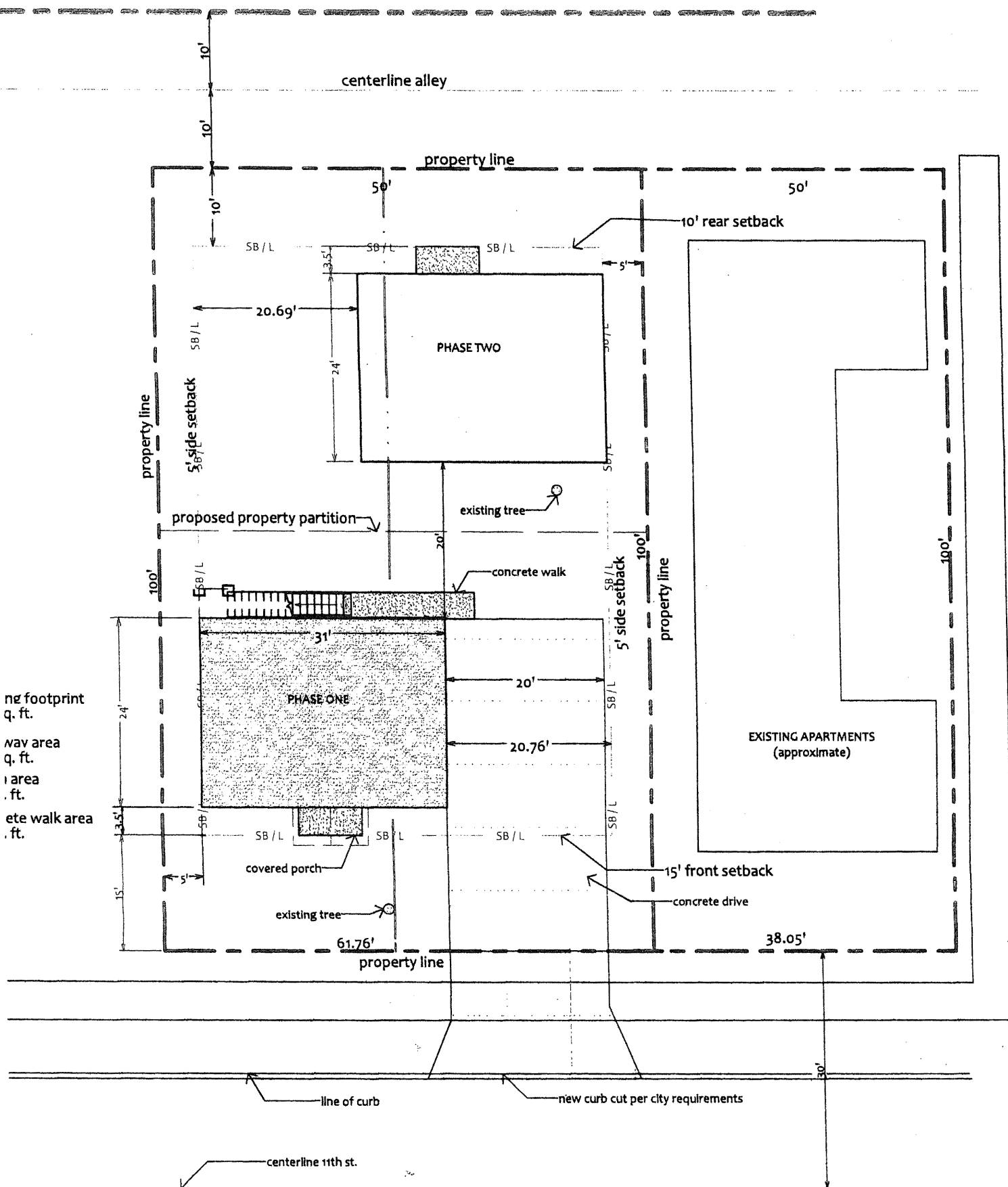
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11/11/2016

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total footprint  
 sq. ft.  
 driveway area  
 sq. ft.  
 parking area  
 sq. ft.  
 concrete walk area  
 sq. ft.

David Bearss  
 Architect

606 State Street - B3 -  
 Hood River, OR 97031  
 +  
 541.308.0655



SITE PLAN  
 1/16 in = 1 ft

Bishop Blum  
 307 West 11th  
 Street  
 The Dalles,  
 Oregon


final  
 final  
 te  
 ate  
 russ /

DRAWING LIST			
Label	Title	Description	Comments
A1	SITE		
A2	FLOOR PLANS		
A3	EXTERIOR VIEWS		
A4	ELEVATIONS		
A5	FOUNDATION PLAN		
A6	DETAILS		
A7	1st FLOOR FRAMING		
A8	2nd FLOOR FRAMING		
A9	ELECTRICAL		

# City of The Dalles STAFF REPORT

Conditional Use Permit No. 183-16

**Getty Pollard**  
M Thrive Organics

Prepared by: Dawn Marie Hert, Senior Planner 

Procedure Type: Quasi-Judicial

Hearing Date: December 1, 2016

Assessor's Map: Township 2 North, Range 13 East, Map 29 DD

Tax Lot: 500

Address: 3226 West 2<sup>nd</sup> Street

Comprehensive Plan Designation: "CLI" Commercial Light Industrial

Zoning District: "CLI" Commercial Light Industrial

Request: The applicant is requesting to change the use of an existing building to allow for use as a Recreational Marijuana Producer, Processor and Wholesaler.

## **BACKGROUND INFORMATION**

Getty Pollard is applying to change the use of the former K&H Auto Specialties to a recreational marijuana grow and processing site. On September 26, 2016, a portion of the existing building was approved for recreational retail sales, which is a permitted outright use when located over 1,000 feet from another state licensed facility. At this time there are no other locations within that distance and the applicant is working with the Oregon Liquor Control Commission to complete the permitting requirements. Recently adopted changes to the Land Use and Development Ordinance require marijuana producing, processing and wholesaling to be reviewed as a Conditional Use Permit.

The applicant has submitted a site plan showing parking and loading/unloading areas to be located in the existing asphalt area. Due to security concerns, the applicant is requesting that an alternative landscaping plan be approved. The request will be detailed in the findings.

## **NOTIFICATION**

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes.

## **COMMENTS RECEIVED**

No comments were received as of the date this report was written.

**RECOMMENDATION:** Approval, with conditions, based upon the following findings-of-fact.

### **A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222:**

#### **Section 3.010.040 Applications:**

##### *Subsection B. Completeness.*

**FINDING A-1:** This application was found to be complete on November 17, 2016. The 120-day State mandated decision deadline is March 17, 2017.

#### **Section 3.020.050 Quasi-Judicial Actions:**

##### *Subsection A. Decision Types, (1)Site Plan Review (3) Conditional Use Permits:*

**FINDING A-2:** This application is for a Conditional Use Permit and Site Plan Review per Section 5.070.030 B. The decision criteria listed in this ordinance section is addressed in the body of this staff report. The hearing is a quasi-judicial hearing. Criterion met.

*Subsection B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, 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 with conditions, or denial.*

**FINDING A-3:** The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

*Subsection C. Public Hearings. Applications for quasi-judicial planning actions shall be heard within 45 days from the date the application is deemed complete.*

**FINDING A-4:** The public hearing is scheduled for December 1, 2016, which is within 45 days from the date the application was deemed complete. Criterion met.

*Subsection D. Notice of Hearing. At least 10 days before a scheduled quasi-judicial public hearing, notices shall be mailed to property owners within 300 feet of the property.*

**FINDING A-5:** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on November 17, 2016. Criterion met.

**Section 3.050.030 Review Procedures:**

*Subsection A. Applications. Conditional Use Permit applications shall be accompanied by at least 15 copies of the concept site plan, and when required, two copies of the detailed landscape and construction/design plans, per Section 3.030: Site Plan Review.*

**FINDING A-6:** The required plans have been submitted. Criterion met.

**Section 3.050.040 Review Criteria**

*Subsection A. Permitted Conditional Uses. The proposed use is conditionally permitted in the zone district where it is proposed to be located.*

**FINDING A-7:** The proposed use is permitted conditionally in the Commercial Light Industrial zoning district.

*Subsection B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located. The proposed use will also be consistent with the purposes of this ordinance, applicable policies of the Comprehensive Plan, and any other statutes, ordinances, or policies that may be applicable.*

**FINDING A-8:** Section 5.070.040 sets out the development standards for the Commercial Light Industrial zoning district. The applicant's plans show that all development standards will be met except for the landscaping. Criterion will be addressed as a condition of approval.

*Subsection C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this section. Impacts caused by the construction of the conditional use shall not be considered regarding a decision on the validation of the application.*

*1. Noise impacts across the property line shall not exceed 60 decibels. Noise related to traffic impacts shall not be included in this determination. Nothing in this section shall modify other noise ordinance standards as adopted by the City.*

**FINDING A-9:** The proposed use will be inside the existing building. The applicant will be advised of the allowable levels. Criterion can be addressed as a condition of approval.

*2. Lighting impacts across the property line shall not exceed 0.5 foot-candles (a foot-candle is the amount of light falling upon a 1-square-foot surface which is 1 foot away from a 1-candlepower light source.)*

**FINDING A-10:** The applicant has provided the lighting plan for the site, but did not provide a photometric plan indicating lighting levels at the property line. Criterion can be met as a condition of approval.

*3. Dust and other particulate matter shall be confined to the subject property.*

**FINDING A-11:** The applicant will be required to confine dust and particulate matter to the subject property. All areas of maneuvering for vehicles and parking areas will be required to be a hard surface. Criterion can be addressed as a condition of approval.

4. *The following odors shall be completely confined to subject property:*
- a. *industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
  - b. *fuels, and*
  - c. *fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*

**FINDING A-12:** The proposed use will be using some of the listed items that cause odors. However, with the additional filtration as required for the marijuana use, the applicant is confident that the odors will be confined to the subject property. Trash receptacles should be sized to fully accommodate the needs of the business. Appropriate screening from the public right-of-way and adjacent neighbors and containment of trash receptacles should be required as a condition of approval. No outdoor storage of materials or supplies related to this proposed use will be allowed. Criterion will be addressed as a condition of approval.

5. *Vibrations shall not be felt across the property line.*

**FINDING A-13:** Staff is unaware if the equipment for the proposed processing, producing and wholesaling operation could cause a vibration. The applicant will be made aware of the requirement. The criterion can be addressed as a condition of approval.

6. *The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are not limited to:*

- a. *Street designations and capacities; and*
- b. *On-street parking impacts.*

**FINDING A-14:** The new business will be accessed from 2<sup>nd</sup> Street which is classified as a collector street. The street capacity is capable of supporting the transportation impacts generated by the use change. Staff has determined that the proposed use is actually less intense than the previous use as an automotive repair business.

The applicant has provided parking that will be slightly more than the minimum requirement. The applicant does not anticipate parking to be an issue due to the minimal traffic generated with the grow operation. The provided parking will adequately serve as employee parking for the proposed grow and processing site as well as the existing small retail operation. There is no on-street parking available in the area.

7. *In areas designated as Historic Districts, proposed development and redevelopment shall first require review and approval of the Historic Landmarks Commission in accordance with the procedures of the Historic Resources Ordinance (General Ordinance No. 94-1194.)*

**FINDING A-15:** The proposed use is not located in a historic district or structure. Criterion does not apply.

**Section 3.030.040 Review Criteria.**

- A. **City Ordinance Provisions.** *All the provisions from the applicable City ordinances have been met or will be met by the proposed development.*

**FINDING A-16:** All provisions are met by this proposal or will be met as a condition of approval. This will be detailed in the staff report through a series of findings.

- B. **Public Facilities Capacity.** *Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and were applicable, through, the subject property.*

**FINDING A-17:** Adequate capacity exists for facilities including sanitary sewer, storm sewer, and streets. Water is provided by Chenoweth Water PUD. The Dalles Public Works Department and Chenoweth Water PUD have verified this information.

- C. Arrangement of Site Elements.

1. *Promote pedestrian, bicycle, and vehicular safety and welfare.*

**FINDING A-18:** This portion of 2<sup>nd</sup> street does not currently have a public sidewalk. Pedestrian, bicycle and vehicular safety and welfare are promoted by the on-site parking and access meeting the requirements as set forth in the ordinance. A condition of approval will be added that requires a pedestrian access to be completed at the time of the future street and sidewalk improvements.

2. Preserve and maintain public amenities and significant natural features.

**FINDING A-19:** There are no known amenities or significant natural features that exist on this property. Criterion does not apply.

3. Avoid traffic congestion.

**FINDING A-20:** The applicant is proposing adequate parking for the uses. The anticipated traffic to the site is minimal for deliveries, customers and employees. Criterion met.

4. Minimize potential adverse impacts on surrounding properties.

**FINDING A-21:** Nuisance conditions that may develop are addressed on a complaint basis; this includes noise, dust, vibration, and odor. Criterion will be addressed as a condition of approval.

- D. *Lighting. Proposed lighting shall not directly illuminate adjoining properties.*

**FINDING A-22:** General lighting of the parking areas and the buildings is shown on the site plan. Lighting is not allowed to illuminate adjoining properties. A detailed site lighting/photometric plan shall be submitted and approved prior to the issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights. These items will be addressed as a condition of approval.

E. *City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights of way affected by or located within a proposed development site shall be approved by the City Engineer as a condition of Site Plan Review approval.*

**FINDING A-23:** The detailed construction/design plans for all improvements located within the proposed development site shall be approved by the City Engineer prior to construction. Criterion will be addressed as a condition of approval.

F. *Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future improvements, per the provision of Section 6.110: Waiver of Right to Remonstrate of this ordinance.*

**FINDING A-24:** A waiver of remonstrance will be required to be signed, along with a delayed development agreement for the required public improvements. Criterion will be addressed as a condition of approval.

### **Section 5.070.030 Conditional Uses**

*Section B. The production, processing, storage, and wholesaling of recreational marijuana, subject to the following additional provisions:*

1. *Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.*
2. *A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.*
  - a. *The system shall consist of one or more fans and filters.*
  - b. *At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).*
  - c. *The filter(s) shall be rated for the required CFM.*
  - d. *The filtration system shall be maintained in working order and shall be in use.*
  - e. *An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*
3. *The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.*
4. *The recreational marijuana production, processing, storage, or wholesaling business must be located more than 1,000 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(l)(a).*

**FINDING A-25:** As indicated on the application submitted by the applicant, the proposed use is for marijuana production, processing and wholesaling. The building is not a greenhouse; fans and a filtration system will be installed to meet city regulations; once approved, the city will sign off on the state's licensing; and the location of this site is more than 1,000 feet from a school. Criterion met for building type, and distance from a school. Criterion can be met for the filtration and licensing and will be addressed as a condition of approval.

### **Section 5.070.040 Development Standards:**

The following table specifies Commercial Light Industrial development standards applicable to this application.

<b>Commercial Light Industrial</b>	<b>Standard</b>	<b>Proposal</b>	<b>Meets Requirements</b>
Lot Size	<i>10,000 sq. ft. minimum</i>	Existing lot	Yes, existing lot.
Setbacks	<i>Front and Side Yard: None, except 10 ft. on corner lots and 15 ft. where bordering a residential district. Rear Yard: 5 ft. minimum, 15 ft. min. where bordering a residential district..</i>	Front: 36 feet Side: 73 feet and 4 feet  Rear: 128 feet	Yes.
Building Height	<i>55 ft. maximum</i>	Existing structure is 27 feet in height.	Yes
Building Orientation	<i>New buildings shall be oriented primarily toward a street or designated accessway. Building orientation shall include an entrance.</i>	The existing building is oriented towards the street.	Yes
Pedestrian Access	<i>All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with sub-section 5.050.060{C}: Pedestrian Walkways</i>	Detailed below.	Detailed below.
Off-Street Parking	<i>Processing/Manufacturing – 7.5 spaces per each employee on largest shift(min) to 2.5 spaces (max)per 1,000 sf &amp; .1/1,000 sf Bicycle spaces. Existing Retail use – 3.5 spaces/1,000 sf to 5 spaces/1,000sf. Bicycle parking at .3 spaces/1,000sf.  New use allows a range of 5 to 90 spaces for the auto &amp; 4 bicycle spaces based on 6 employees and a 35,702 sf building. Existing Retail for 453 sf requires 2 auto spaces and 1 bicycle space.  Total site requirement is 8 auto spaces and 5 bicycle spaces.</i>	7 Full sized spaces, and 2 handicap-accessible spaces are provided, one being van accessible.  The bicycle parking spaces are not shown on the site plan.	Automotive criterion met.  Bicycle parking can be met with a condition of approval.
Landscaping	<i>Detailed Below</i>	Detailed Below	Detailed Below

**FINDING A-26:** This proposal meets the development standards. Criterion met.

**Section 5.070.050 Design Standards:**

**Subsection A. Exterior Elevations.** *Exterior elevations of buildings (except allowed 1 and 2 family dwellings) shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries,*

bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.

1. **Horizontal.** At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
2. **Vertical.** At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.

**FINDING A-27:** The existing structure has some architectural design features. The applicant will need to provide staff with additional information to ensure that the exterior elevations meet the design standards. Criterion will be addressed as a condition of approval.

**Subsection C. Entries.**

1. **Commercial and Residential.** Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of Subsection (C) below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.

**FINDING A-28:** The primary entrance faces West 2<sup>nd</sup> Street. The pedestrian access is from the parking lot which is located in front of the existing building. Criterion met.

**Section 6.010 Landscaping Standards:**

**6.010.030 General Provisions, Subsection B. Landscape Plans;** where landscaping is required by this Ordinance, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the Site Plan Review process.

**FINDING A-29:** The “CLI” Commercial Light Industrial zone requires that landscaping be 15% of the total footprint of all buildings. The total square footage of the existing building is 36,155 square feet. Therefore, the minimum general landscaping requirement is 5,424 square feet. The applicant submitted basic plans for parking lot landscaping only and is requesting that the Planning Commission allow the application to be approved with the stipulation that the landscaping requirements be re-visited within 2 years. The applicant provided a document with reasoning for the request which is very specific to the proposed use. Due to the nature of the business, it is vital that the area around the site remain as clear as possible and that landscaping be kept at a very minimum to allow the area to be open and visible to the eye and video surveillance. Staff is recommending that the Planning Commission consider the applicant’s request for minimal landscaping and that the Planning Commission require that the landscaping be reviewed/re-visited within 2 years to determine if additional landscaping can be added to the site.

Criterion not met. The Planning Commission may choose to require the general landscaping, reduce the amount of landscaping required, delay the landscaping for up to 2 years, or not require the landscaping.

**Section 7.030 General Design Standards for Surface Parking Lots:**

7.030.040 Subsection C. Interior parking Lot Landscaping. In addition to buffer landscaping along public right-of-way (excluding alleys and accessways) and along interior lot lines where required, all surface parking lots greater than 6 spaces shall include landscaping to cover not less than 10% of the interior of the parking area in accordance with the following:

1. A planting strip bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 9' wide; to allow doors to open without damage, and a minimum of 180 square feet. Each bay shall be curbed, and planted with 1 approved tree 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.
2. All trees shall be selected from a list of acceptable parking lot trees provided by the Director.
3. Trees shall not be placed within 10 feet of a public utility easement without prior approval of the City Engineer.
4. Parking area shall be separated by a 5 foot landscaped planting bed from all exterior walls that include no pedestrian entranceways or loading areas.
5. Driveways, accessways, and access drives into vehicle parking lots from public and private streets shall be bordered (both sides) by a minimum 5 foot wide landscape planter strip with approved trees planted 20-30 feet on center and low shrubs.
6. Trees shall be evenly distributed throughout the parking area according to the applicable requirements of this section and the following table .... Zone District "CLI"- Commercial Light Industrial – Parking Lot Tree Requirement Ratio – 1 tree per 10 parking spaces.

**FINDING A-30:** The applicant has provided details on the improvements to the existing parking area, which will bring the parking up to current standards. The revisions include the addition of space markings, curb stops and parking lot landscaping with planting bays located at the end of the parking row. One van-accessible parking space is shown and will be required to be properly signed. Criterion will be addressed as a condition of approval.

**Section 7.030.110 Refuse Collection** Where refuse collection is provided in, or adjacent to a parking area the following shall be required:

- A. **Screening.** Refuse storage facilities shall be screened by a solid wall, fence, evergreen hedge, or a combination of these methods. Screening shall be designed to screen the refuse storage area from streets, accessways, and adjacent properties.

**FINDING A-31:** The proposed refuse collection area is shown on the plan. This will need to be adequately screened. Criterion will be addressed as a condition of approval.

## **Section 6.050 Access Management**

### **Subsection 6.050.030 General Requirements**

- A. **Unified Access and Circulation** In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not

*be considered separate properties in relation to the access standards of this Ordinance. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required by this Section shall be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this Ordinance and both shall be cited for any violation.*

**FINDING A-32:** Currently the site has no controlled access due to the lack of public improvements along West 2<sup>nd</sup> Street. Staff discussed this concern with the applicant and explained that once the public improvements are installed at a later date, the owner would be required to define the access point(s) to the subject parcel. Criterion will be addressed as a condition of approval.

**E. Emergency Access** *All development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.*

**FINDING A-33:** The existing access to the rear of the property meets the minimum width necessary for maneuvering by emergency vehicles.

Furthermore, the plan is being reviewed by the Fire Marshal, to ensure that it meets the necessary standards. Criterion met.

**B. Conclusion:** The above findings demonstrate substantial compliance with the Land Use and Development Ordinance 98-1222. Recommended conditions are added at the end of this document to provide compliance with City Ordinances.

**IF APPROVED, RECOMMENDED CONDITIONS OF APPROVAL:**

1. Proposed development and final detailed construction plans will be required to be reviewed and approved by the City Engineer per established standards.
2. All onsite and offsite improvements must be installed by the applicant in accordance with the Land Use Development Ordinance and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City.
3. Signs will be applied for under a separate permit.
4. A Physical Constraints Permit will be required for any excavation that exceeds 50 cubic yards. Erosion and dust control plans will need to be submitted for construction and be included in the detailed drawings.
5. Prior to the issuance of building permits, the applicant shall submit a completed Wastewater Survey Questionnaire to the City Planning Department.
6. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site, or beyond allowable levels as determined by local, state, and federal standards shall not be allowed.
7. The refuse collection areas will need to be screened or located inside the building. Details of the screening materials will need to be provided to the Planning Department.
8. A detail of the bicycle parking will need to be submitted showing five (5) spaces.
9. A detailed site lighting/photometric plan shall be submitted and approved prior to the

issuance of building permits. The plan shall demonstrate that the maximum illumination at the property line will not exceed an average horizontal foot candle of 0.3 for non-cut-off lights and 1.0 for cut-off lights. The plan shall also demonstrate that the bicycle parking has a minimum lighting level of 3.0 foot candles.

10. A detailed landscaping plan for the parking lot landscaping, will be required prior to final sign off on improvements.
11. Details of the irrigation system, with a backflow prevention device will need to be provided.
12. The van-accessible handi-cap parking space(s) will be required to be properly signed.
13. The property owner will be required to sign a waiver of remonstrance with a delayed development agreement for future street and utility improvements. Required improvements will include street, sidewalk, curb, and storm improvements for West 2nd Street.
14. Concurrent with the future sidewalk improvements along West 2<sup>nd</sup> Street, the applicant will be required to install a clear pedestrian access from the sidewalk to the main building entrance.
15. The building is required to meet the architectural design features as detailed in this staff report. The applicant will need to provide staff with exterior elevation drawings or photos to ensure that the building meets the designs standard requirements.
16. The building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control. Marijuana production, processing and wholesaling shall occur only in a completely enclosed building.
17. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.

# CONDITIONAL USE PERMIT APPLICATION

**CITY OF THE DALLES**  
Community Development Department  
313 Court Street  
The Dalles, OR 97058  
(541) 296-5481, ext. 1125  
Fax (541) 298-5490  
www.ci.the-dalles.or.us

Date Filed \_\_\_\_\_  
File# \_\_\_\_\_  
Date Deemed Complete \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Approval Date \_\_\_\_\_  
Permit Log # \_\_\_\_\_  
Other Cross Reference# \_\_\_\_\_

## APPLICANT

Name Getty Pollard  
Address 69602 Warnock Road  
Lostine, OR 97857  
Telephone # 541 263 1545  
E-mail address: gettypollard@gmail.com

## LEGAL OWNER (If Different than Applicant)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone # \_\_\_\_\_

## PROPERTY INFORMATION

Address 3226 West 2nd Street, The Dalles, OR 97058  
Map and Tax Lot 2N 13E 29 DD 500  
Size of Development Site .83 acres  
Zone District/Overlay CU In City Limits: Yes  No   
Comprehensive Plan Designation \_\_\_\_\_ Geohazard Zone: \_\_\_\_\_

## PROJECT INFORMATION

New Construction  Expansion/Alteration  Change of Use  Amend Approved Plan

Current Use of Property Unknown

Proposed Use of Property Recreational Marijuana: Producer, Processor, Wholesaler, Retailer

Briefly Explain the Project We are seeking licenses from the OLCC for marijuana:

Recreational Marijuana: Producer, Processor, Wholesaler, Retailer

We are utilizing the existing floor plan of the building to suit our needs.

**PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet)** 4800 sq sf

**PARKING INFORMATION**

Total Number of Spaces Proposed 5 require, 6-7

Square Footage of Parking Lot Landscaping Proposed 720 sq ft

**LANDSCAPING INFORMATION**

Total Square Footage Landscaping Proposed 720 sq ft Percent of Landscaping Irrigated 40%

**ECONOMIC DEVELOPMENT INFORMATION**

Proposed Project is located in the Enterprise Zone

1 Full Time Equivalent (FTE) jobs are currently provided.

4 FTE jobs are expected to be created by the proposed project.

Signature of Applicant

Beth Pate

9/21/16  
Date

Signature of Property Owner\* or Owners Agent

Bob Pate

9-21-16  
Date

\* Notarized Owner Consent Letter may substitute for signature of property Owner

**NOTE:**

**This application must be accompanied by the information required in Section 3.050: Conditional Use Permits, contained in Ordinance No. 98-1222, The City of The Dalles Land Use and Development Ordinance.**

**PLANS REQUIRED:**

At least 12 copies of concept site plan.

At least one 11 x 17 concept site plan.

2 copies detailed landscape plans

2 full size copies construction detail plans

Narrative for Landscaping:

I am asking for ~~an exception~~<sup>an exception</sup> for a conditional permit in regards to Landscaping requirement. I would like to have NO landscaping on the property for security reasons.

Here is my justification:

1. Landscaping usually involves plants and trees that move or shift slightly in the wind which when combined with Motion Sensors as part of our security system does not allow us to create a "motionless" state for our exterior monitoring.
2. Also being that our location is at the end of street with little activity in the night-time our ability to see all activity unobstructed allows us to provide notification to the Police Department quicker and thus allows the Police depart to have adequate "police response time". Since our security system like all security systems relies heavily upon the local police department responding quickly we feel that landscaping hinders our ability.
3. Also when you have landscaping you also have "habitat" for birds, mammals which again provides "motion", which again gives false alarms for our motion detectors.
4. Visual obstructions for Police officers and employees. Being a marijuana business and operating only in cash and having a product that is easily converted to cash on the black market we need to take all precautions for our employees both while on duty but more importantly as they leave their work shift and drive home. I want my employees to be able to access their vehicle and also have a clear line of sight of anyone approaching them. Since landscaping will be in/around the parking area this is not conducive to their safety.
5. Also when a police officer is responding to our location from a possible break in....I want them to be able to approach our building with an unobstructed view to all entrances both employee and retail. Again landscaping hinders this ability especially as the landscaping matures.
6. My goal is to have a clear an unobstructed view of our entire property boundary and building since the entire property/building is considered "licensed premise" and no unauthorized personnel may be on the property at anytime specified by the OLCC.
7. After a year or two in business I would be willing to revisit the "landscaping" requirement after we get a feel for security and have some more experience, so would be open to a temporary (1-2 year etc.) exception for landscaping if that was an option.

Thank you for taking the time to hear my concerns.

Sincerely,

Getty Pollard



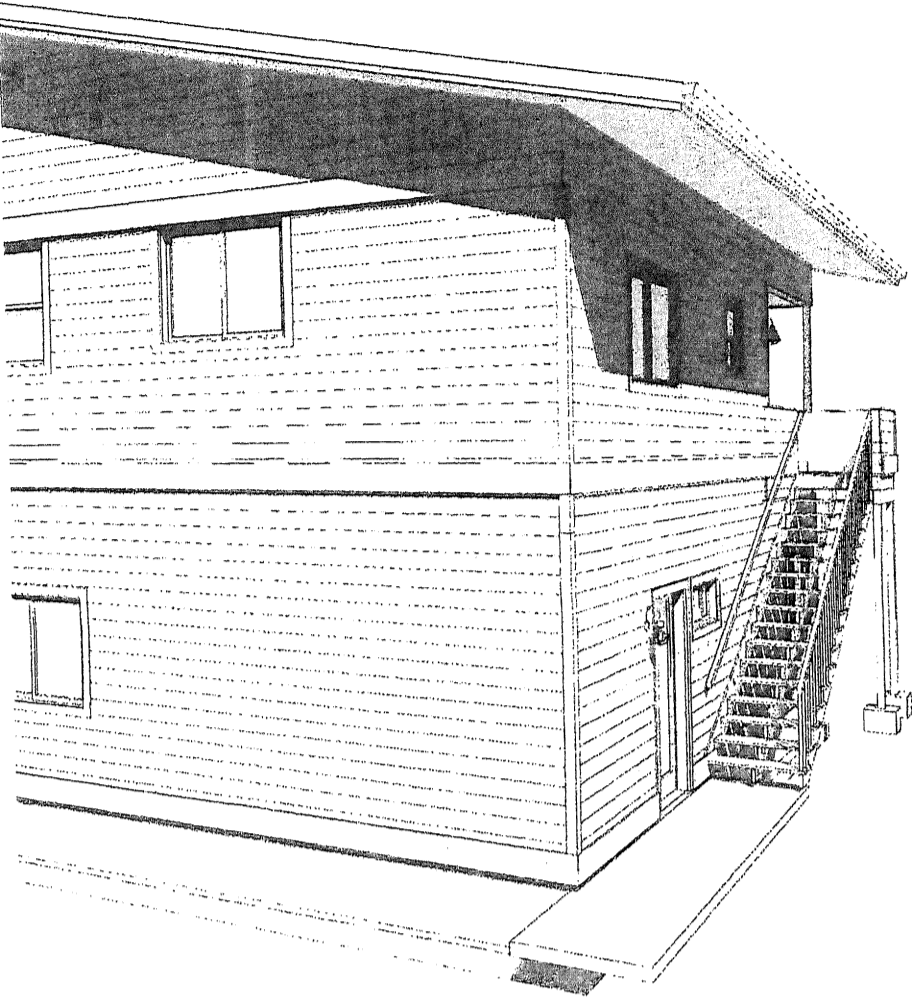






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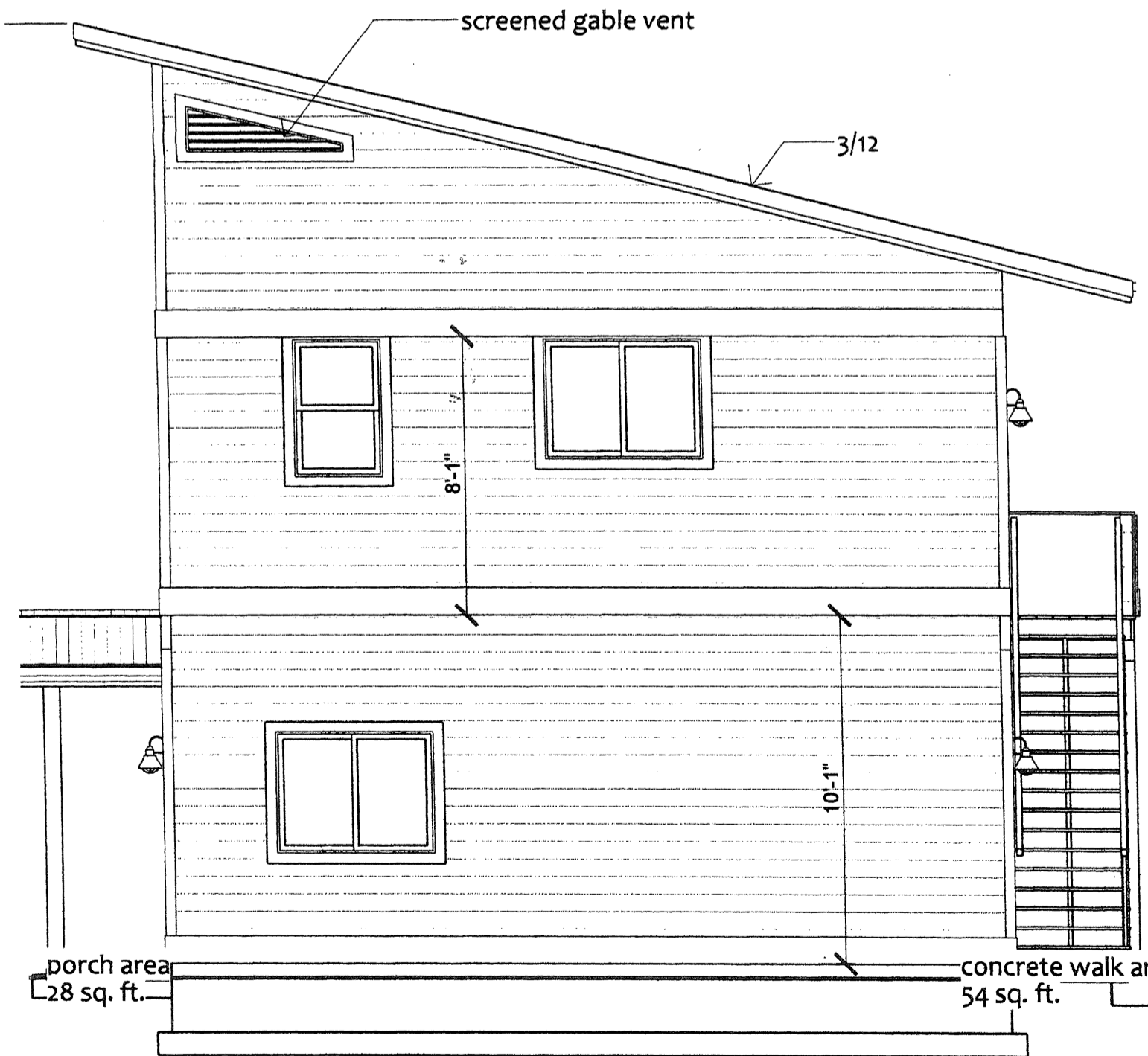
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NORTH EAST VIEW

David Bearss  
 Architect

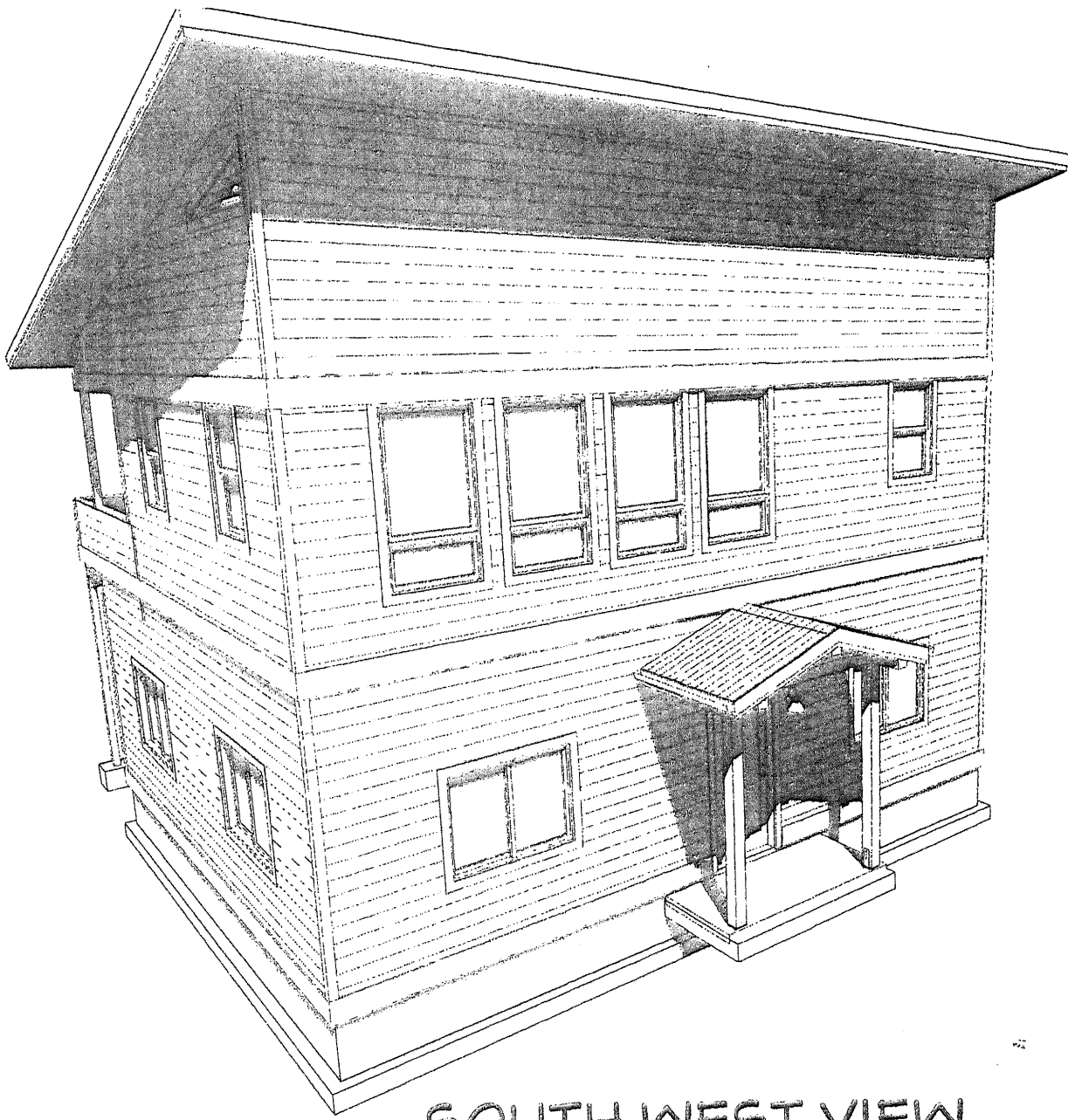
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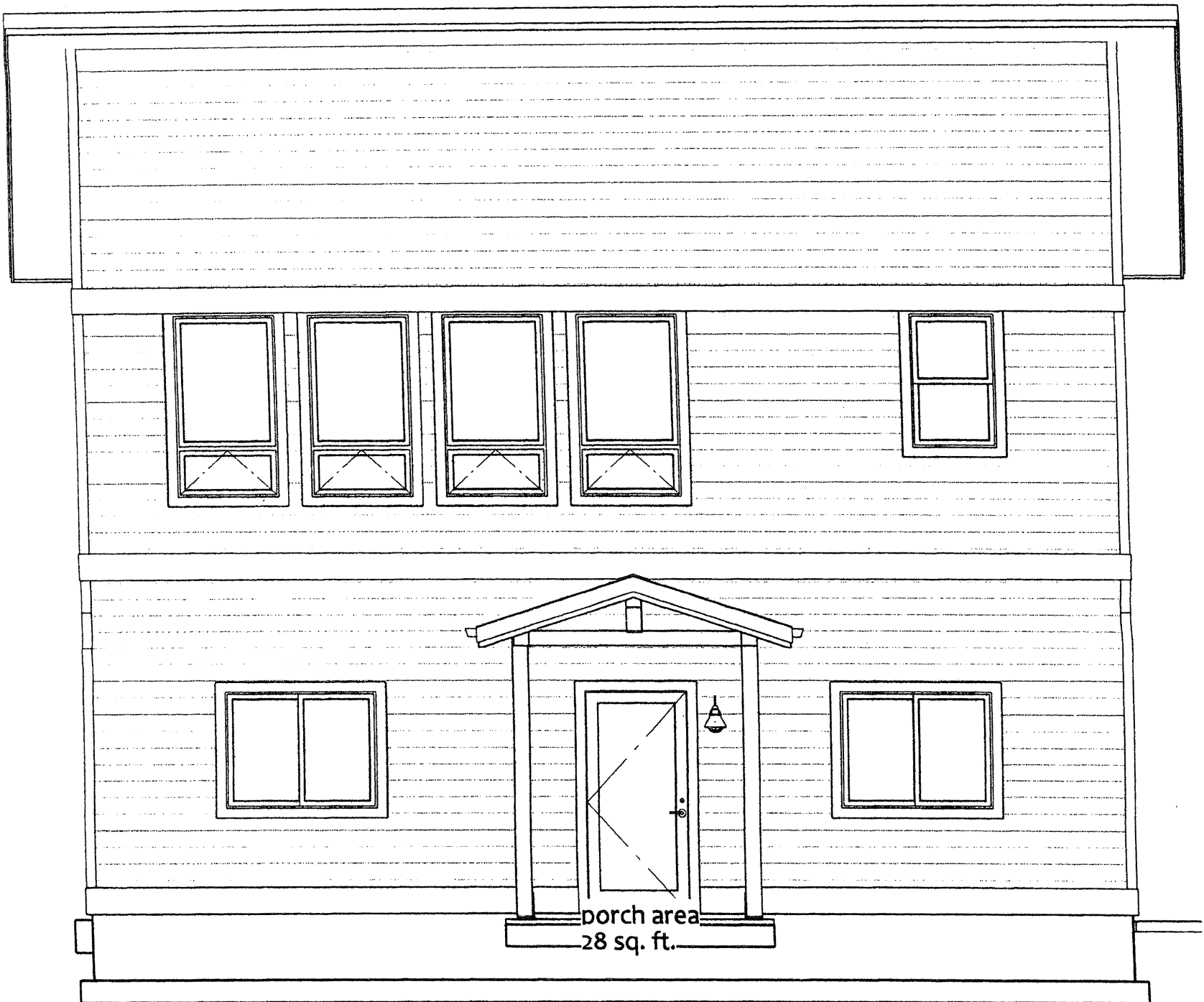
Bishop Blum

307 West 11th  
 Street  
 The Dalles,  
 Oregon

Elevation 11



SOUTH WEST VIEW



Elevation 9