



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

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

Community Development Dept.

**AGENDA**  
**CITY OF THE DALLES PLANNING COMMISSION**

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

**THURSDAY, April 21, 2011**

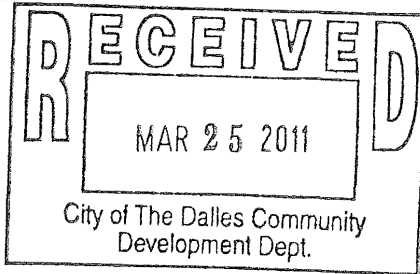
**6:00 P.M.**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Public Comment (Items not on the Agenda)
- V. **Quasi-Judicial Public Hearings**  
**Application Number CUP 164-11** of Fort Dalles Museum to site and construct an antique vehicle storage building. Property is located at 515 West 17<sup>th</sup> Street and is further described as 1N 13E 4DB tax lot 13200. Property is zoned "RL" – Low Density Residential District.
- VI. **Legislative Public Hearing**  
**LUDO amendments**; recommendation to Council
- VII. Resolution  
PC 508-11 Fort Dalles Museum
- VIII. Staff Comments
- IX. Commissioner Comments/Questions
- X. Next scheduled meeting date: May 5, 2011
- XI. Adjournment

# 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 ~~March 23, 2011~~ 3-25-11

File# CUP 164-11

Date Deemed Complete \_\_\_\_\_

Hearing Date \_\_\_\_\_

Approval Date \_\_\_\_\_

Permit Log # CUP 164-11

Other Cross Reference# \_\_\_\_\_

### APPLICANT

Name Randy Kaatz - Fort Dalles Museum Foundation

Address 2724 East 12th Street  
The Dalles, OR 97058

Telephone # 541-296-8213

E-mail address: randykaatz@gmail.com

### LEGAL OWNER (If Different than Applicant)

Name Dennis Davis

Address 422 West 16th Street  
The Dalles, OR 97058

Telephone # 541-296-9580

### PROPERTY INFORMATION

Address 515 West 17th Street

Map and Tax Lot 1N 13E 4DB lot 13200

Size of Development Site 100 feet by 100 feet or 10,000 square feet

Zone District/Overlay RL-Low Density Residential In City Limits: Yes  No

Comprehensive Plan Designation \_\_\_\_\_ Geohazard Zone: A2 & B

### PROJECT INFORMATION

New Construction  Expansion/Alteration  Change of Use  Amend Approved Plan

Current Use of Property Private Residence

Proposed Use of Property Fort Dalles Museum-Anderson Homestead Antique Vehicle Storage/Display Building

Briefly Explain the Project See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet)** 7,326 square feet

**PARKING INFORMATION**

Total Number of Spaces Proposed 6 on-site; 4 adjacent

Square Footage of Parking Lot Landscaping Proposed 1,303 sf

**LANDSCAPING INFORMATION**

Total Square Footage Landscaping Proposed 2,453 sf Percent of Landscaping Irrigated 100%

**ECONOMIC DEVELOPMENT INFORMATION**

Proposed Project is located in the Enterprise Zone

\_\_\_\_\_ Full Time Equivalent (FTE) jobs are currently provided.

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

Signature of Applicant

*Randy A. Hart* 3-23-2011  
Date

Signature of Property Owner\* or Owners Agent

*Devin G. Brown* 3-23-2011  
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

The Fort Dalles Museum/Anderson Homestead Foundation, a 501 (c)(3) not for profit Oregon corporation, was established to assist Wasco County, City of The Dalles, and the Fort Dalles Museum/Anderson Homestead Commission in preserving and advancing this premier historical museum (the oldest continuously operating museum in Oregon) and protecting and conserving its many valuable historic assets. The museum is owned by Wasco County. We have been in direct communication with the City of The Dalles, Planning Department and have gone through the "Preliminary Site Team Application" process. This Conditional Use Permit is being submitted to establish a viable project and allow us to acquire funding.

The foundation's immediate goal is to raise funds to construct and maintain a vehicle storage, public display, and conservation building (see attachment).

### Project Description

The Fort Dalles Museum owns a large and significant collection of historic horse drawn vehicles built between 1870 and 1919. These are currently housed in three old, rough buildings - a barn, metal building and lean-to - all of which are unsealed from the weather. These conditions place the collection at risk from insects, birds, small animals, vandalism and theft and have resulted in the vehicles deteriorating over time. This arrangement also prevents the proper display of the collection for public education and enjoyment.

It is planned to construct a single fully-sealed building to protect, preserve and display the vehicles and other portions of the museum collection. The building has been designed to resemble the historic buildings on the property and will be fully ADA accessible. The attic portion of the building is designed to organize, prepare for display, digitally preserve, and store small historical items that will be available to the public on a rotational basis.

Site development activities include storm sewer extension, on-site parking (including one ADA van accessible space), possible paving of the alley for lower level access, mandatory half street paving along the length of the museum expansion on 17<sup>th</sup> Street, all underground utilities and mandatory landscaping. The property where the building will be constructed is currently owned by Dennis and Mary Davis, who have agreed to hold the property in trust for the purpose of the museum expansion.

### Purpose and Need

Without a fully-enclosed building, the vehicles will continue to degrade and lose historic value. In 2009, the Fort Dalles Museum Board of Directors brought in Gary Manning, an Oregon expert in the restoration of horse drawn vehicles and antique automobiles and equipment, to assess the condition of the vehicles and develop suggestions for their long-term preservation. He observed that many of the surface finishes have deteriorated to the point that accelerated degradation of the structures can be expected. Although the Board was interested in restoration and conservation measures, he recommended that investing time and money in these efforts would not be effective without a more protected housing environment to store the vehicles.

The three buildings currently housing the vehicles have themselves deteriorated enough that restoration of the buildings is not an option. Furthermore, these buildings do not allow for the proper display of the collection and are not characteristic of the historic buildings on the property. The full cost of constructing a new building is beyond the current financial capabilities of Wasco County. The Fort Dalles Museum-Anderson Homestead Foundation has applied for \$1,294,443 ODOT-Transportation Enhancement funds and we are one of 31 finalists vying for a total of \$17,000,000 of available funding. Final project selection and approval by OTC will take place on May 18, 2011.

This project will benefit all of the public through preservation and display of Oregon's transportation history. The new building will enhance tourism opportunities and support economic development efforts to promote The Dalles and Wasco County as an important destination for historical tourism.

#### Parking Exception

Based on the use of the proposed building and the City of The Dalles parking standards, we are required to provide 13 off-street parking spaces and one accessible parking space. We are providing 5 parking spaces and 1 van accessible parking space on the proposed site. The lot adjacent is museum property and has the capacity for 4-5 off-street parking spaces. This totals 10-11 off-street parking spaces. This leaves 3 or 4 parking spaces that we are not able to accommodate on the site.

Since the museum opened in 1905, there has not been off-street parking provided to attendees. Adding this facility to the museum will improve the current parking situation. With the addition of this property there will be 975 feet of museum frontage available for on-street parking. Additionally, the school district and administration of Colonel Wright has allowed us to use their parking lot for overflow during special events that normally take place during the summer or on weekends. This constitutes an additional 11 parking spaces and 1 van accessible parking space.

We respectfully request a parking exception.



**Current Site Condition**



**Proposed Museum Building**



**Current Site Condition**



**Proposed Museum Building**



BANTON ENGINEERING & DESIGN INC.  
 STEVEN G. BANTON, P.E.  
 ENGINEERING LICENSE #11256PE  
 2500 NW PEOPLES COURT  
 BEND, O. N. 97701  
 PHONE: 383-2181  
 FAX: (541) 383-2282

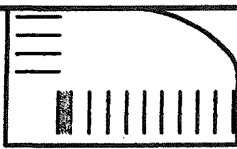
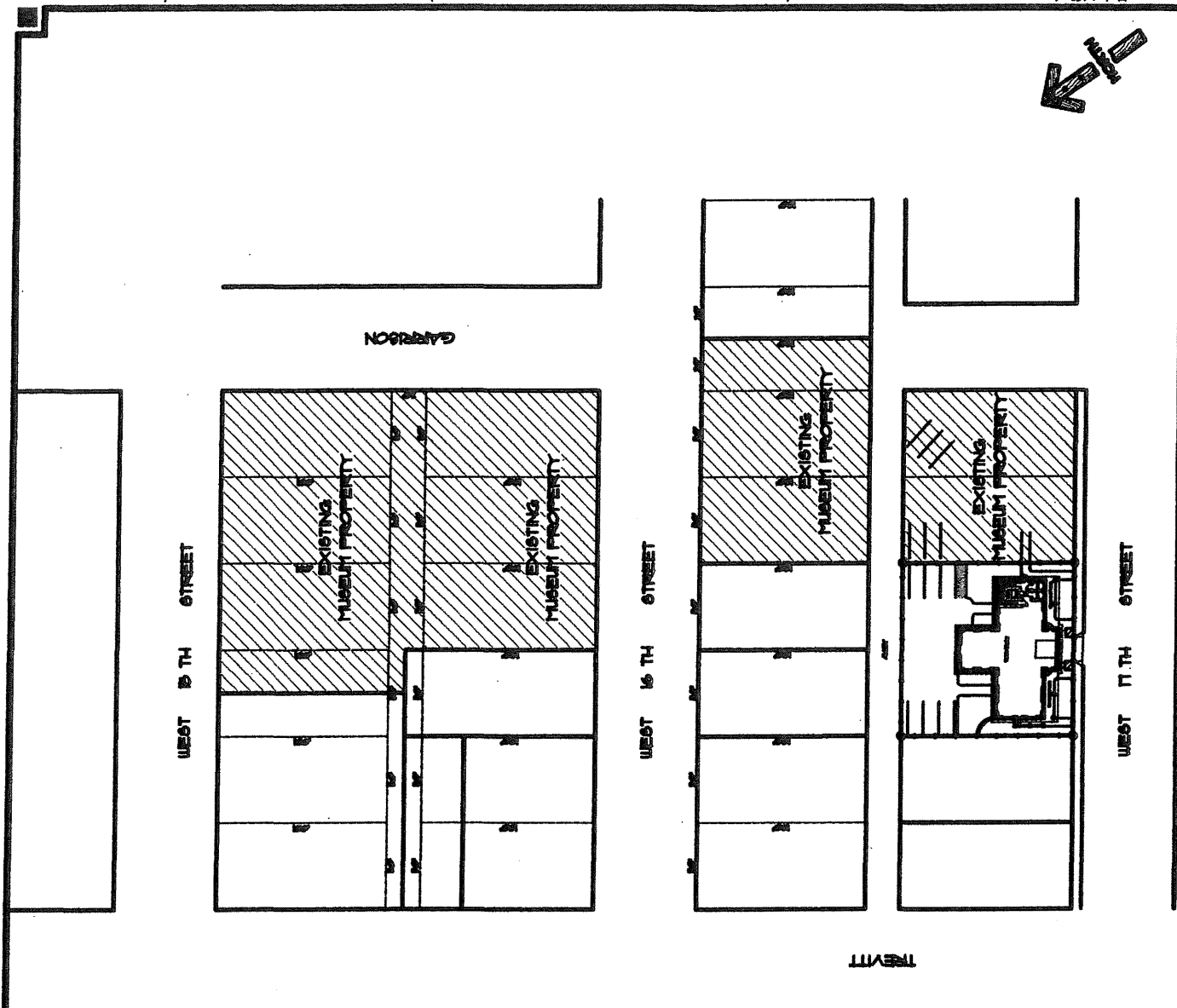
Antique Vehicle Storage Building

Fort Dalles Museum  
 Amerson, Homestead  
 315 West 17th Street  
 The Dalles, Oregon 97058

SHEET DESCRIPTION  
 PLAN: SITE

DATE: March 21, 2011

SCALE: 1"=20'



Colonel Wright School

TREVITT

PLAN: SITE  
 SCALE: 1"=20'

BANTON ENGINEERING & DESIGN INC.  
 STEVEN G. BANTON, LPE  
 ENGINEERING LICENSE #11256R  
 2500 NW PEOPLES COURT  
 BEND, OR 97701  
 PHONE: 883-2181  
 FAX: (541) 383-2282

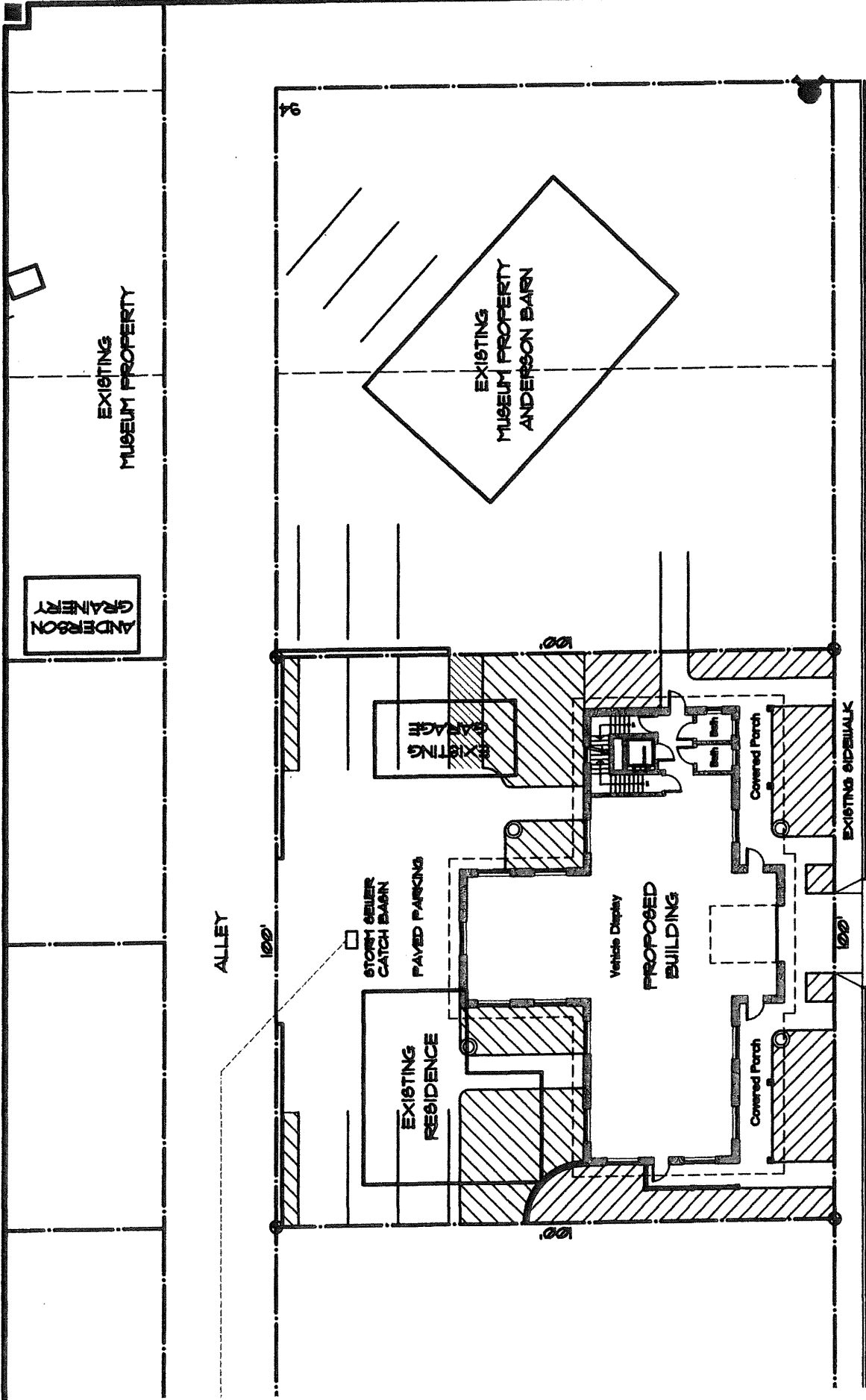
**Antique Vehicle Storage Building**




**Fort Dalles Museum**  
 Anderson Homestead  
 515 West 17th Street  
 The Dalles, Oregon 97088

SHEET DESCRIPTION  
**PLAN: SITE**

DATE: March 23, 2011

**A1.2**



- LEGEND:**
-  PARKING LOT LANDSCAPING
  -  LANDSCAPING
  -  FIRE HYDRANT

EXISTING  
 MUSEUM PROPERTY

ANDERSON  
 GALLERY

EXISTING  
 STORAGE

EXISTING  
 RESIDENCE

PROPOSED  
 BUILDING

EXISTING  
 MUSEUM PROPERTY  
 ANDERSON BARN

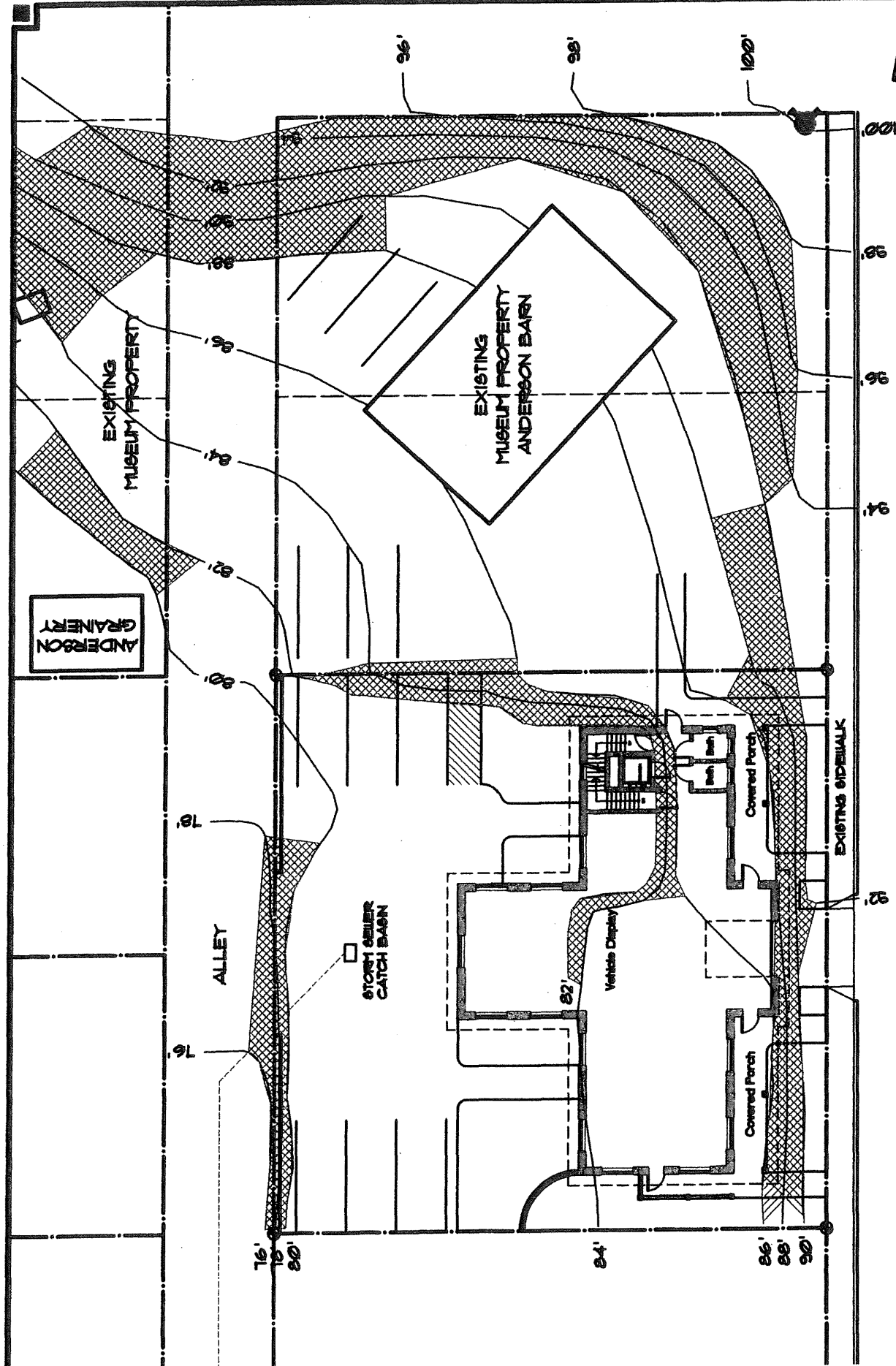
PLAN: SITE  
 SOUS JP-10

SHEET DESCRIPTION:  
 PLAN: SITE DRAINAGE

**Fort Dalles Museum**  
 Anderson Homestead  
 515 West 17th Street  
 The Dalles, Oregon 97058

**Antique Vehicle Storage Building**

BANTON ENGINEERING & DESIGN INC.  
 STEVEN G. BANTON, LPE  
 ENGINEERING LICENSE #12569E  
 2500 NW PEOPLES COURT  
 BEND, OREGON 97701  
 PHONE: 383-2181  
 FAX: (541) 383-2282



**LEGEND:**  
 [Hatched Area] = SLOPE GREATER THAN 20%  
 [Circle with dot] = FIRE HYDRANT

**PLAN: SITE DRAINAGE**  
 SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

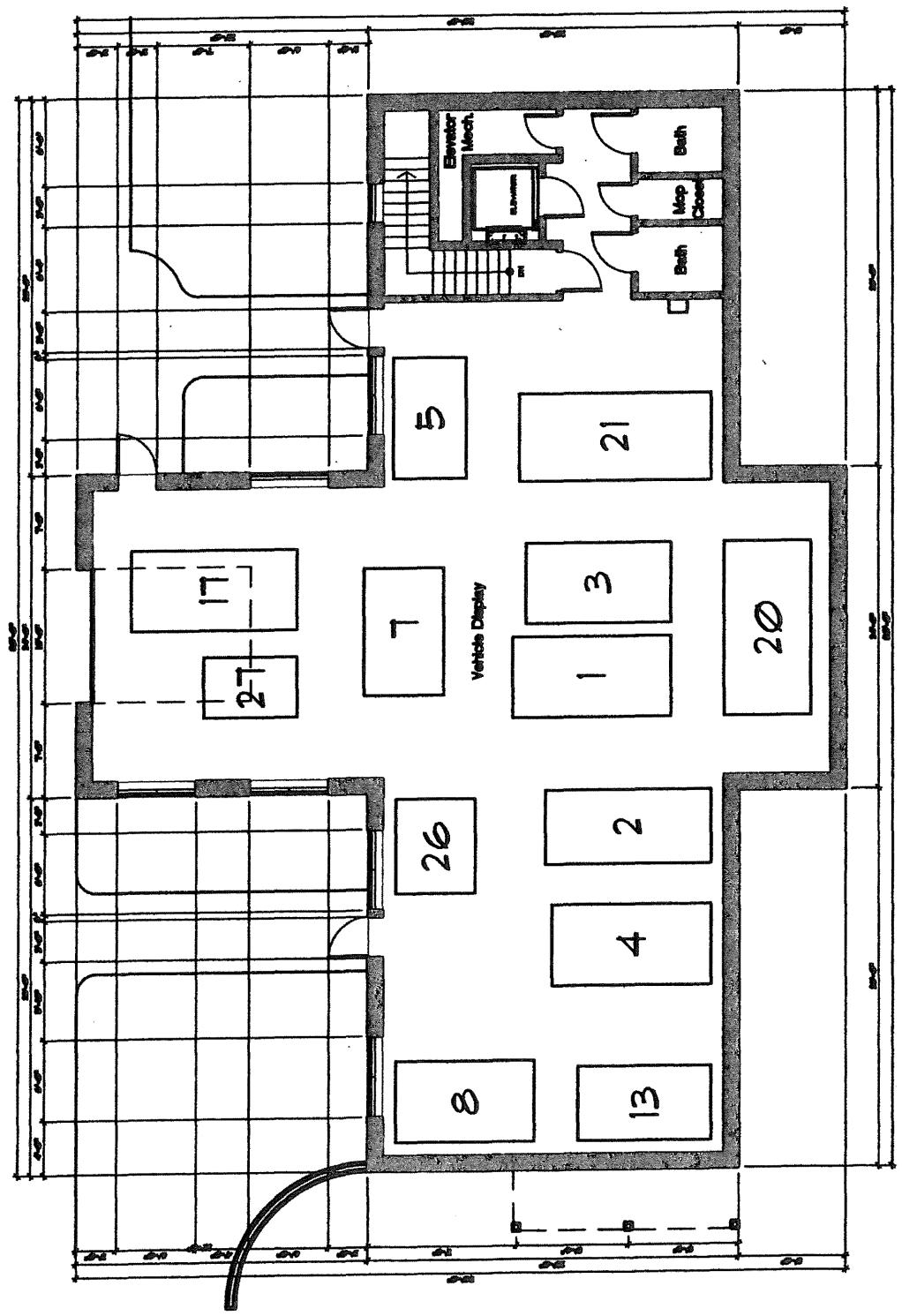


DATE: March 23, 2011  
SHEET DESCRIPTION:  
PLAN-LOWER LEVEL

Fort Dallas Museum  
Amesson Homestead  
515 West 17th Street  
The Dalles, Oregon 97098

Antique Vehicle Storage Building

BANTON ENGINEERING & DESIGN INC.  
STEVEN G. BANTON, P.E.  
ENGINEERING LICENSE #112569E  
2500 NW PEOPLES COURT  
BEND, OR 97701  
PHONE: 483-2181  
FAX: (541) 383-2282



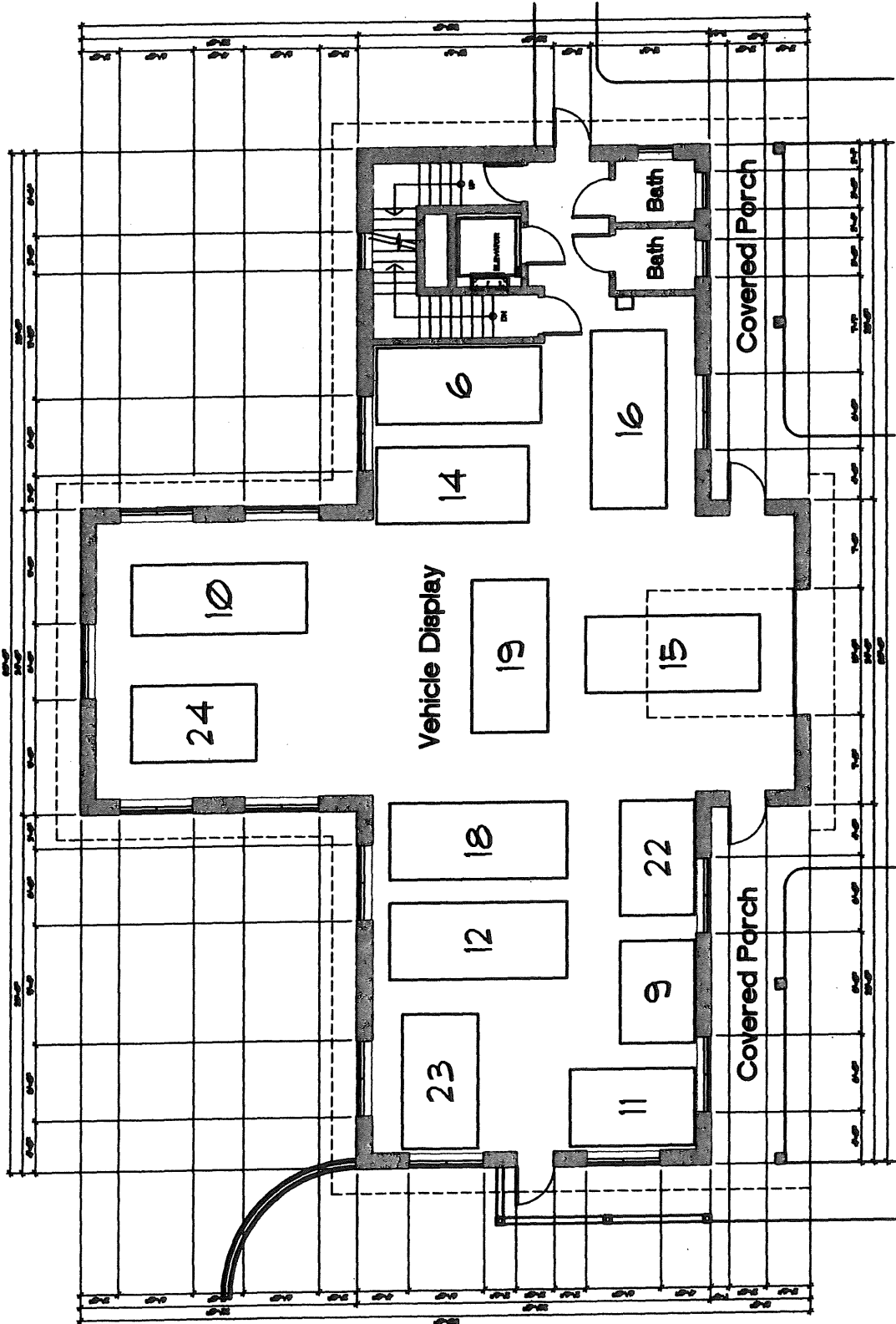
PLAN: LOWER LEVEL  
SHEET 19 OF 19

BANTON ENGINEERING & DESIGN INC.  
 STEVEN G. BANTON, LPE  
 ENGINEERING LICENSE #11258PE  
 2500 NW PEOPLES COURT  
 BEND, OR 97701  
 PHONE: 383-2181  
 FAX: (541) 383-2282

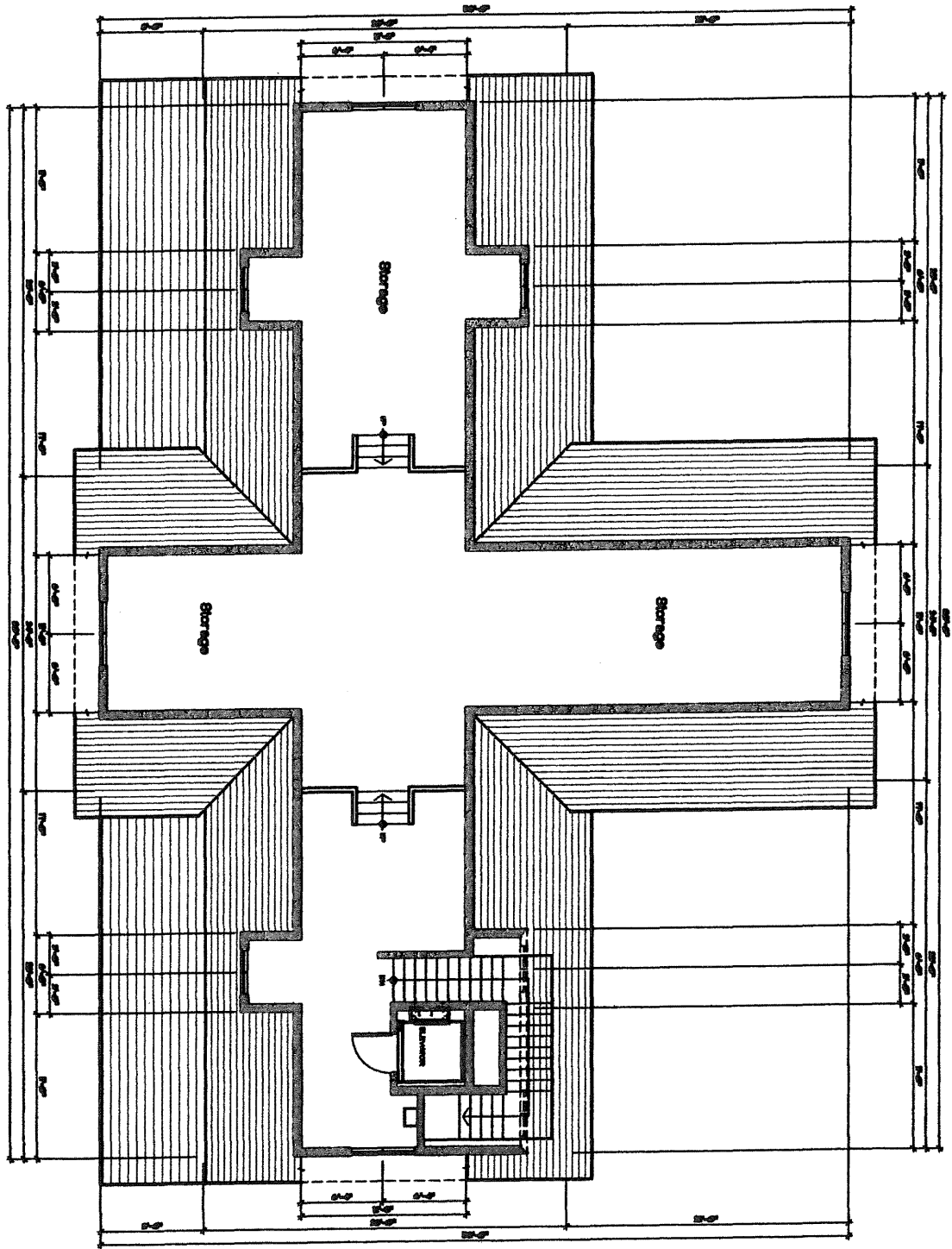
Antique Vehicle Storage Building

Fort Dalles Museum  
 Amerson, Homestead  
 515 West 17th Street  
 The Dalles, Oregon 97138

SHEET DESCRIPTION:  
 PLAN-MAIN LEVEL  
 DATE: March 20, 2011  
 3



PLAN: MAIN LEVEL  
 SCALE: 1/8"=1'-0"



PLAN: STORAGE LT  
SCALE 1/8"=1'-0"



**A4**

DATE: March 23, 2011

SHEET DESCRIPTION:  
PLAN STORAGE LEVEL

**Fort Dalles Museum  
Anderson Homestead**

515 West 17th Street  
The Dalles, Oregon 97058

**Antique Vehicle Storage Building**

BANTON ENGINEERING & DESIGN INC.

STEVEN G. BANTON, LPE  
ENGINEERING LICENSE #11256PE  
2500 NW PEOPLES COURT  
BEND, OR 97701  
PHONE: 503-2181  
FAX: (541) 383-2282

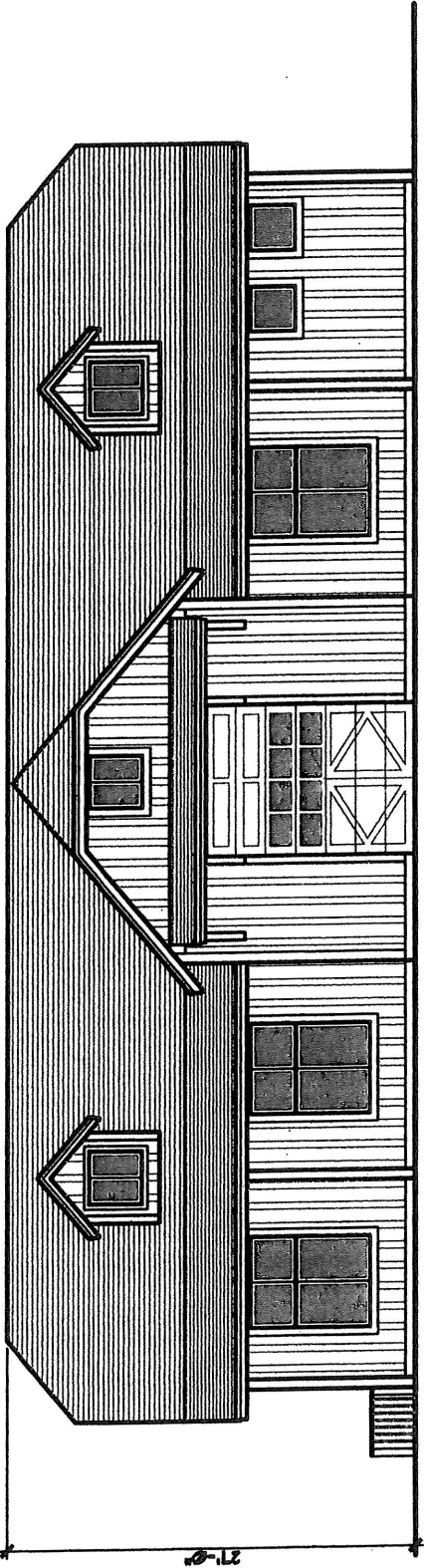
BANTON ENGINEERING & DESIGN INC.  
 STEVEN G. BANTON, LPE  
 ENGINEERING LICENSE #1256PE  
 2500 NW PEOPLES COURT  
 BEND, OR 97701  
 PHONE: 83-2181  
 FAX: (541) 383-2282

**Antique Vehicle Storage Building**

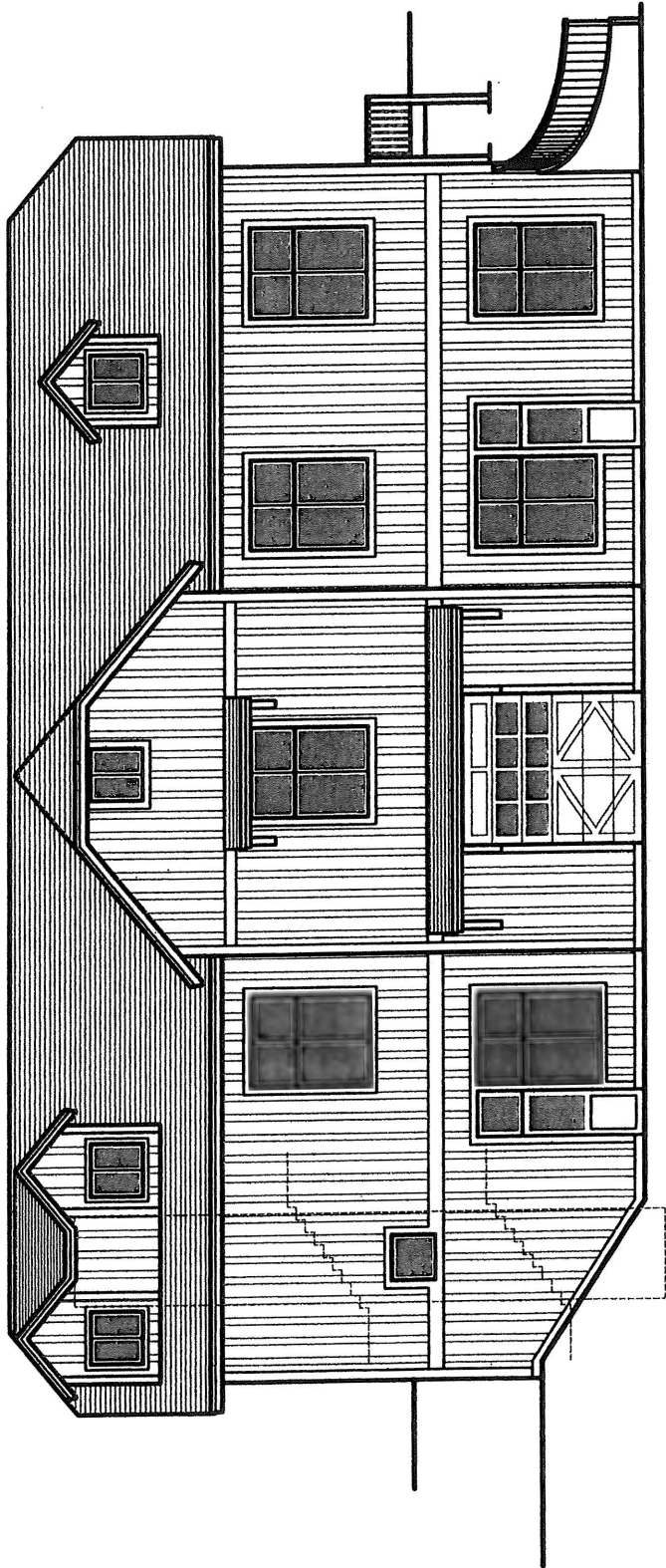
**Fort Dalles Museum**  
 Amerson Homestead  
 515 West 17th Street  
 The Dalles, Oregon 97098

DATE: March 28, 2001  
 SHEET DESCRIPTION:  
 ELEVATION; EXTERIOR

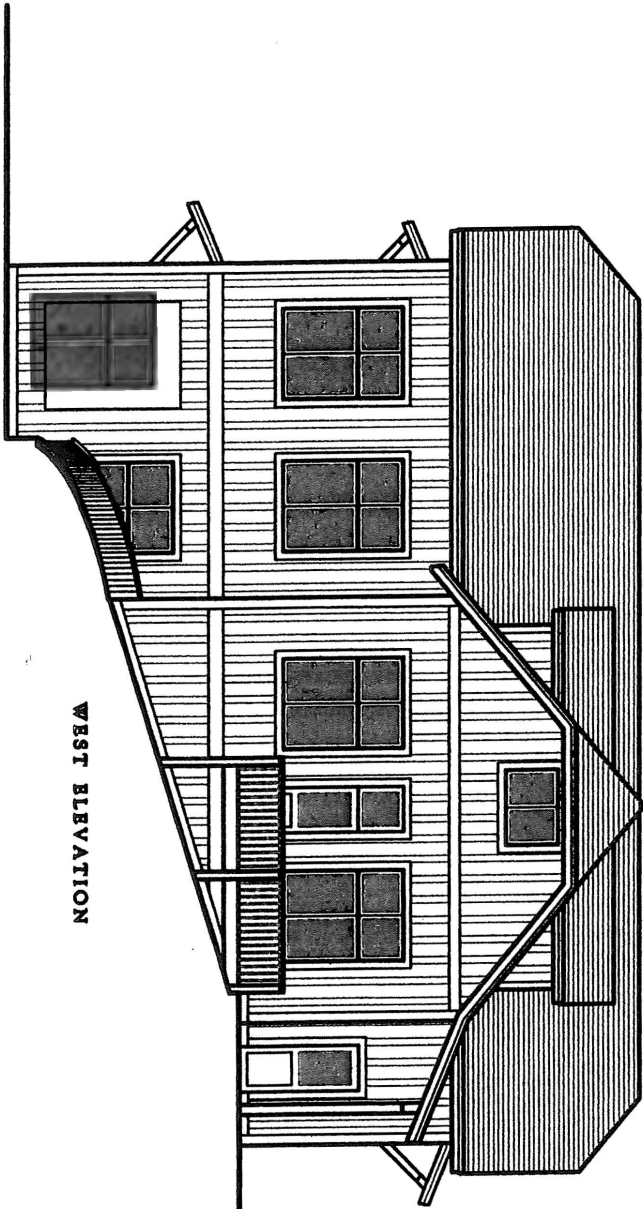
**A5**



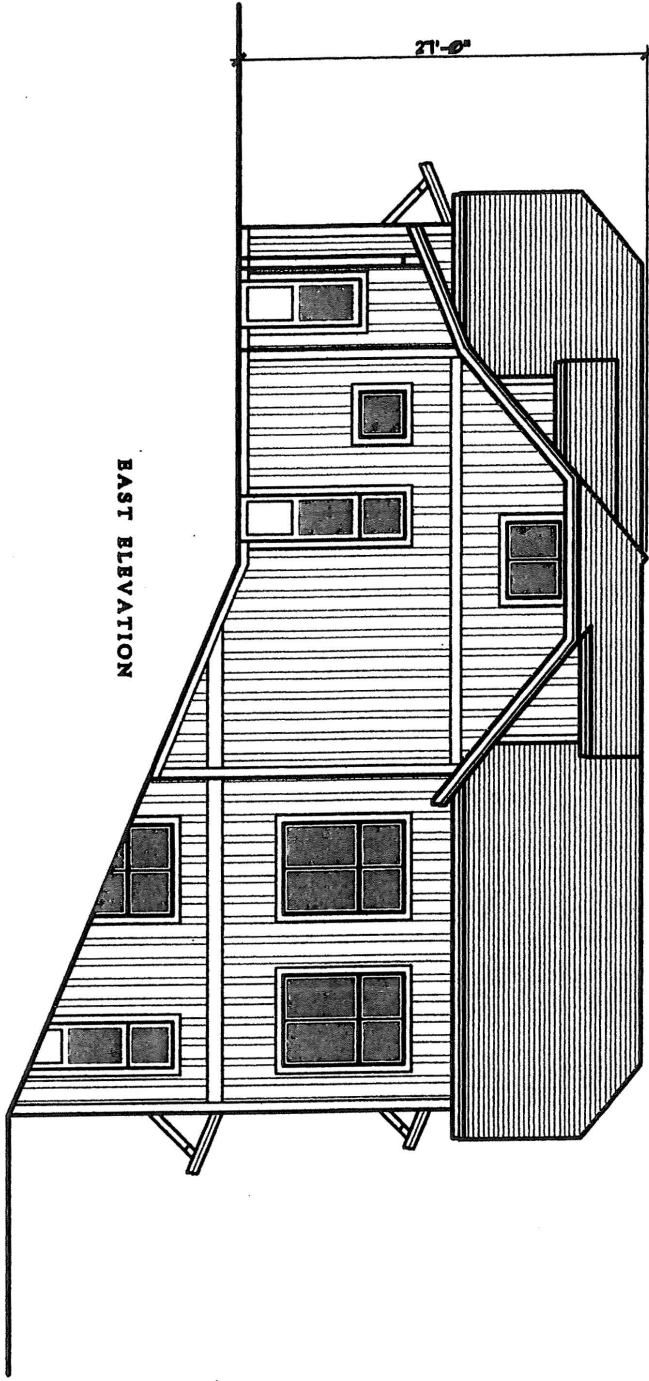
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

21'-0"

6  
 A  
 DATE: 10/13/09  
 SHEET DISPOSITION:  
 REVISION: EXTERIOR  
 MADE BY: JTB

**Fort Dalles Museum**  
**Anderson Homestead**

515 West 17th Street  
 The Dalles, Oregon 97058

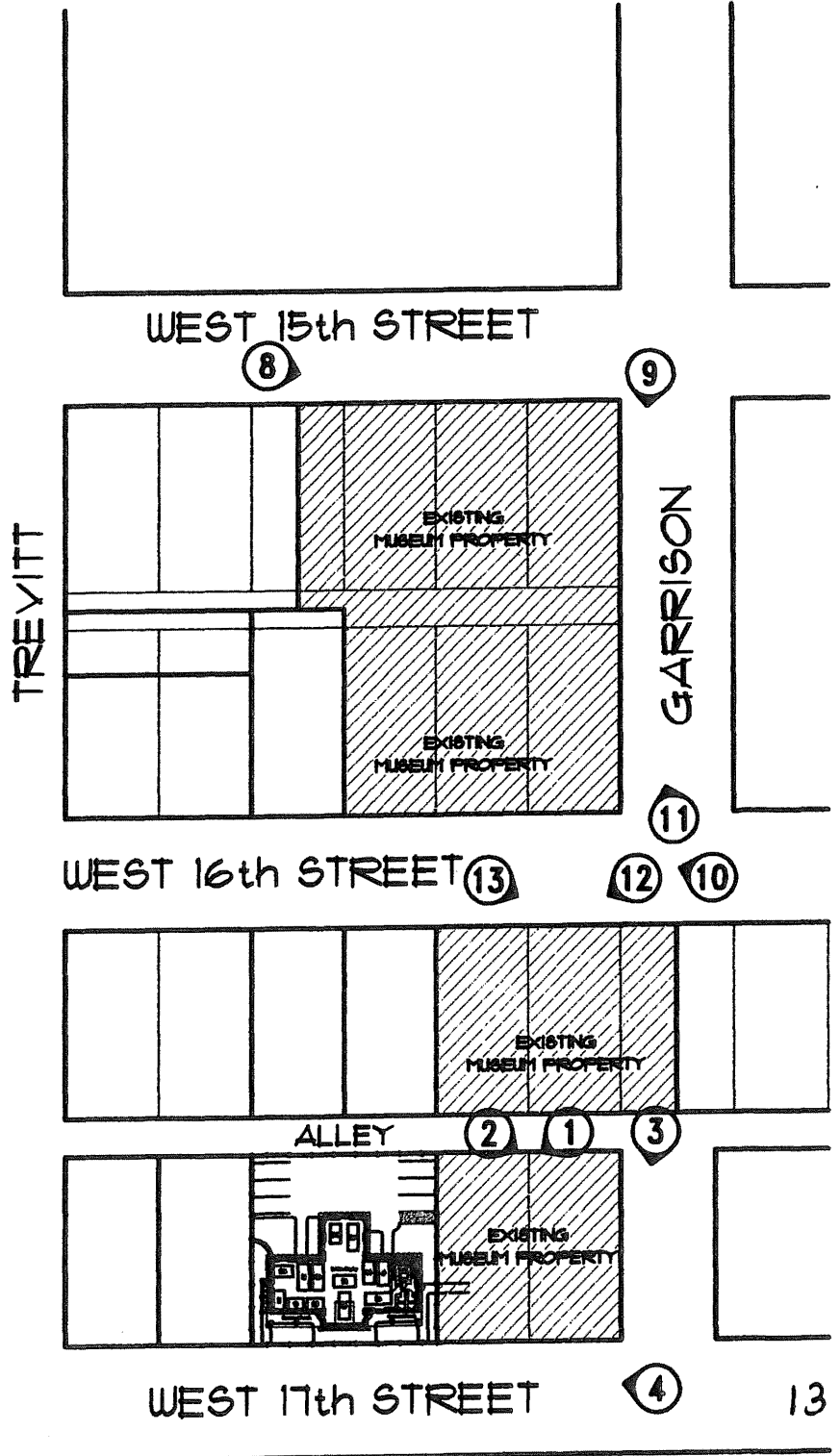
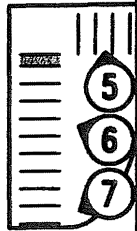
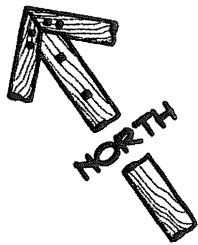
**Antique Vehicle Storage Building**

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 2500 NW PEOPLES COURT  
 BEND, OR 97701  
 PHONE 383-2181  
 FAX: (541) 383-2282

# Photo Legend

Colonel Wright School



## *Parking*

There are 5 parking spaces and 1 van accessible parking space provided on the proposed building site. The following thirteen photos illustrate additional proposed off-street and on-street parking. Refer to the "*Photo Legend*" for photo locations and orientation.



**#1 - 3 parking spaces at Anderson Barn**



**#2 - 2-3 parking spaces at Anderson Barn**



**#3 - Garrison Street (west side-looking south)**



**#4 - West 17th (north side-looking west)**



**#5 - Colonel Wright(north side-looking north)**



**#6 - Colonel Wright(north side-looking west)**



**#7 - Colonel Wright(south side-looking west)**



**#8 - West 15th (south side-looking east)**



**#9 - Garrison (west side-looking south)**



**#10 - West 16th (north side-looking west)**



**#11 - Garrison (west side-looking north)**



**#12 - West 16th (south side-looking west)**




**#13 - West 16th (south side-looking east)**

**City of The Dalles  
Staff Report**

**Conditional Use Permit No. 164-11**

**Fort Dalles Museum**

Prepared by: Dick Gassman, Senior Planner 

Procedure Type: Quasi-Judicial

Hearing Date: April 21, 2011

Assessor's Map: 1N 13E 4DB tax lot 13200

Address: 515 West 17<sup>th</sup> Street

Comprehensive Plan Designation: "RL" Low Density Residential District

Zoning District: "RL" Low Density Residential District

City Limits: Inside

Request: To construct an antique vehicle storage building.

**BACKGROUND INFORMATION**

The subject property is currently occupied with a single family residence. It is adjacent to property owned by the City of The Dalles and commonly referred to as the Anderson Barn property. The applicant is proposing to remove the existing house and garage and construct a building to house a number of antique vehicles owned by the Fort Dalles Museum. The application is processed as a Conditional Use Permit based on the requirements in the Land Use and Development Ordinance (LUDO) for community facilities. Given the amount of detail presented, we are also treating this a site plan review, which otherwise would be a separate process.

## COMMENTS

As of the date of the preparation of this report, no comments have been received from the public. A Site Team meeting was held on January 28, 2010 and comments from that meeting were sent to the applicant.

## RECOMMENDATION

Approval of the Conditional Use Permit application, with conditions, based upon the following findings-of-fact.

## LAND USE AND DEVELOPMENT ORDINANCE 98-1222

### Section 3.010.040 Applications

**B. Completeness.** An application shall be considered complete when it contains the information required by this Ordinance, addresses the appropriate criteria for review and approval of the request, and is accompanied by the required fee, unless waived by the City Council per Section 1.120. Complete applications shall be signed and dated by the Directors.

**FINDING 1:** The application was found to be complete on March 25, 2011, 2010. It has been dated and signed as complete. The 120-day State mandated decision deadline is July 23, 2011. The hearing date is set for April 21, 2011. Criterion met.

### Section 3.020.050 Quasi-Judicial Actions

A. Decision types. Quasi-judicial actions include, but are not limited to, the following: 3. Conditional Use Permits:

**FINDING 2:** This application is for a Conditional Use Permit per Section 5.100.030 A. Conditional Use Permits require a quasi-judicial hearing per Section 3.050.030. The hearing is a quasi-judicial hearing. Criterion met.

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 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.

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

**FINDING 4:** The public hearing is scheduled for April 21, 2011, within 45 days from March 25, 2011, the day the application was deemed complete. Criterion met.

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

**FINDING 5:** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on April 7, 2011. A notice was published in the newspaper on April 10, 2011. Criterion met.

### **Section 3.050.030 Review Procedures**

- 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 the provisions of Section 3.030: Site Plan Review.

**FINDING 6:** The plans that were submitted were adequate for this review. Criterion met.

### **Section 3.050.040 Review Criteria**

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

**FINDING 7:** Museums fall within the definition of a community facility per Section 5.100.020 F. Community facilities are allowed conditionally in the RL zone per Section 5.010.030 B. Criterion met.

- 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 8:** Section 5.100.040 sets out the development standards for the CFO zone. The proposed operation will meet all development standards. Criteria met.

- 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 9:** No noise impacts are anticipated. Criterion met.

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

**FINDING 10:** Lighting will be required to stay within code limitations. Criterion met.

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

property.

**FINDING 11:** No dust or other particulate matter is expected. Criterion met.

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 12:** No odor is expected. Criterion met.

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

**FINDING 13:** No vibrations are anticipated. Criterion met.

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 designation and capacities; and
  - b. On-street parking impacts.

**FINDING 14:** The site is adjacent to West 17<sup>th</sup> Street and has an unimproved alley in the back. West 17<sup>th</sup> is a gravel street with a curb adjacent to this property. The applicant has indicated that using this site and the adjacent Anderson Barn site, 10 to 11 parking spaces can be provided. The LUDO requires a total of 14 spaces. The applicant is requesting a reduction of the onsite parking requirements to 10 spaces. While offsite parking is not counted towards required parking, it can be considered a factor in whether to reduce the required parking. As indicated in the application, the Museum has made arrangements with the School District to use parking at Colonel Wright School when needed. This extra parking, plus the available parking on West 17<sup>th</sup> Street should provide ample parking. If the applicant intends to use a parking area off the alley, the alley should be paved. In addition, West 17<sup>th</sup> needs to be paved. The number of parking spaces proposed appears to be adequate, with the provisions as indicated. Criterion met conditionally.

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 15:** This area is not in a Historic District. Criterion met.

#### **Section 6.010.070 Required Landscaping By Zone.**

CFO - Subject to underlying zone requirements, unless reduced or expanded by the Commission through the Conditional Use review process.

**FINDING 16:** The underlying zone is RL. The RL zone in Section

6.010.020 does not specify landscaping for this type of use. The result is that no landscaping is required unless required by the Commission as part of this process. There is substantial landscaping both on this site and on the adjacent sites occupied by the Museum. Staff recommends that no specific landscaping be required for this development. Criterion met conditionally.

## **SITE PLAN REVIEW**

Normally one of the conditions of approval for a CUP is a site plan review application. See LUDO Section 3.050.030 B 2. However, due to the amount of detail provided and to the nature of this development, it is recommended that this application also be considered approval of a site plan review application. Those details, other than landscaping, that are not included with this application can be reviewed at the time of a building permit application.

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


Staff recommends approval of the Application of Fort Dalles Museum, CUP 164-11, subject to the following conditions:

### Conditional Use Permit Conditions:

1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222, as amended, except as modified in this approval.
2. A total of 10 onsite parking spaces shall be required, one of which must be a handicapped space. The applicant will be required to submit a letter from the School District allowing use of the parking at Colonel Wright School for special events.
3. Whether or not additional parking spaces are required or constructed, all areas that are being used for parking or maneuvering must be developed to code requirements.
4. Alley access to the parking area must be paved.
5. West 17<sup>th</sup> has a curb and sidewalk, but a delayed development agreement is required for future paving of the street.
6. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
7. Landscaping is not specified for the CFO zone. Sufficient landscaping exists on site and on adjacent Museum properties so that no additional landscaping is required.
8. Approval of this CUP is also considered approval of a site plan review application, as required in LUDO Section 3.050.030 B 2.
9. All other details, usually required as part of a site plan review application, including detailed utility plans, parking area dimensions, and lighting plans, will be required with the building permit application.

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

**Amendments to the  
Land Use and Development Ordinance**

Prepared by: Dick Gassman, Senior Planner 

For: City of The Dalles Planning Commission

Procedure Type: Legislative Hearing

Meeting Date: April 21, 2011

Request: Amendments to the Land Use and Development Ordinance

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

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

**BACKGROUND INFORMATION**

The Land Use and Development Ordinance (LUDO) contains over 450 pages of language on procedural and substantive requirements for land division, property development, and zoning. The last major rewrite of the LUDO was in 1998. There were significant amendments that were approved in 2005, and additional amendments have been made more or less annually since 2005. The list of amendments attached to this staff report is part of a group of suggested changes received since the last group of amendments.

This group of amendments was presented to a work session of the Planning Commission on September 16, 2010, and a public hearing was held by the Commission on December 2, 2010. After the hearing on December 2, 2010 the Commission recommended a series of amendments to the Council. Due to a variety of factors, staff is asking the Commission to review these amendments. Most of the amendments are the same, but staff is recommending changes in some.

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2). The role of the Planning Commission is to review the proposed amendments, amend as needed, and forward a recommendation to the City Council. The final decision on the proposed amendments will be made by the City Council.

## **NOTIFICATION**

Notice of this public hearing was published in The Dalles Chronicle on April 10, 2011.

## **COMMENTS**

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

## **REVIEW**

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

#### **1. PROCEDURE**

##### **a. Section 3.010.040 Applications:**

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

##### **b. Section 3.020.060 Legislative Actions:**

###### **Subsection A. Decision types. 2. Ordinance Amendments:**

**FINDING #2:** This application is for a group of Ordinance Amendments per Section 3.110.

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

**FINDING #3:** The public hearing has been set for April 21, 2011.

##### **d. Section 3.020.060 Legislative Actions:**

**Subsection C. Notice of Hearing.** At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

**FINDING #4:** A notice of hearing containing the information required was published in The Dalles Chronicle on April 10, 2011.

##### **e. Notice of Hearing as required by ORS 227.186.**

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days but no more than 40 days prior to the date of the first hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

**FINDING #5:** Staff has determined that none of the proposed amendments comes within the definition of rezone as contained in the statute. Notices to individual property owners were not required.

**f. Section 3.020.070(A)(3) Staff Report.**

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

**FINDING #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.

**2. REVIEW**

**a. Section 3.110.030 Review Criteria**

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

**FINDING #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.

**B. COMPREHENSIVE PLAN**

**1. Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

**Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.**

**FINDING #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 in the proposed amendments based on testimony at this hearing. There will be another public hearing before the City Council and that body will also have the opportunity to consider testimony from citizens and make changes.

**2. Goal #2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**Policy 6. Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.**

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

## **DISCUSSION**

These items have been discussed at previous work sessions and also separately with interested parties. Suggestions from those meetings have been incorporated to the extent possible. Most of the proposed amendments are relatively minor. The more significant ones are listed below:

1. Sections 5 and 6. These changes are an attempt to clarify how a person could appeal a ministerial action. An alternative to these proposals is to make no changes. State law allows for appeals to ministerial decisions if the appellant can show that a land use decision has been made.
2. Section 15. This is a new provision to allow laydown yards in certain zones. This amendment has generated the most interest. We anticipate some testimony and discussion on this item.
3. Section 18. This amendment would modify those areas that require a geologic hazard report for development, based on a new, more refined study. New maps have also been prepared.
4. Section 22. This would require private streets to be identified.
5. Section 25. A new provision to allow Tourist Oriented Destination signs.

Attached is a draft ordinance with the proposed amendments. The bold print indicates new language, the strikethrough indicates text to be removed. The bold faced language in italics is proposed changes to the language adopted previously by the Commission. All of the proposed amendments are subject to revision or elimination.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the Council the approval of the amendments as shown on the attached draft ordinance, with any additional changes from the Commission.

**GENERAL ORDINANCE NO. 11-xxxx**

AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 11-xxxx.

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

WHEREAS, the City Planning Commission conducted a work session on September 16, 2010 and held a public hearing on December 2, 2010 to take public testimony on General Ordinance Amendment No. 11-xxxx, and following the close of the public hearing on December 2, 2010, the Planning Commission moved to recommend the City Council adopt proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, the City Planning Commission held a second public hearing on April 21, 2011 to take additional testimony, and following the close of the public hearing on April 21, 2011 the Planning Commission altered the proposed LUDO amendments, and moved to recommend the City Council adopt the proposed amendments to the City's Land Use and Development Ordinance; and

WHEREAS, on xxx, 2011 the City Council conducted a public hearing to consider General Ordinance Amendment No. 11-xxxx, and

WHEREAS, on xxx, 2011, the City Council adopted a motion approving the proposed amendment,

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

Section 1. Amend Section 1.120 by adding the following language: **The City Council, upon written request, may waive all or part of any filing fee required by this ordinance.**

Section 2. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: **Laydown Yard: A temporary off-site storage area for equipment and useable materials to be used for maintenance or construction.**

Section 3. Amend Section 2.030 Meaning of Specific Words and Terms by adding a new definition: **Tourist Oriented Destination: A business that is a cultural, historical, recreational, educational, or entertaining activity, or unique commercial activity whose major portion of income or visitors is derived from visitors not residing in the county.**

Section 4. Amend Section 3.020.030 B. Decision Types by adding the following new paragraphs: **10. Proposed Change of Use (Section 6.150.020); 11. LUDO Review of Building Permit Application.**

Section 5. Amend Section 3.020.030 D by adding new language as follows: D. Final Decision. ***Unless appealed as provided for in paragraph E. below***, the approval or denial of a ministerial action shall be the City's final decision.

Section 6. Amend Section 3.020.030 by adding a new paragraph E.: **Interpretation**. **If a ministerial decision involves an interpretation where the code is ambiguous or unclear, see Section 1.090 of this code for appeals. It is the appellant's burden of proof to show that the code language is ambiguous or unclear.**

Section 7. Amend Section 3.020.050 C by adding a new paragraph 7 as follows: **Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.**

Section 8. Amend Section 3.050.040 B by deleting the words "applicable policies of the Comprehensive Plan" in line 4.

Section 9. Amend Section 5.030.020 A. 2. By deleting a) ~~Mobile Home~~ and b) ~~Mobile Home (Zero Lot Line.)~~ and renumbering.

Section 10. Amend Section 5.050.030 A 19 a) to read as follows: All dwellings, as defined by this ordinance, ***so long as the ground floor is a*** permitted commercial use.

Section 11. Amend Section 5.060.020 A 20 to read as follows: All dwellings, as defined by this ordinance, ***so long as the ground floor is a*** permitted commercial use.

Section 12. Amend Section 5.080.020 A 6 to read as follows: All dwellings, as defined by this ordinance, ***so long as the ground floor is a*** permitted commercial use.

Section 13. Amend Section 5.090.020 by adding a new provision and renumbering: **A. 1. Auto body shops, auto painting, and machine shops.**

Section 14. Amend Section 6.150.020 Changes In Use to read as follows: **Unless this ordinance provides for an exemption for any specific requirement**, the following shall apply to all proposed changes in use of structures, land, or other development:

A. Use Determination. **The owner or developer shall complete and submit a Proposed Change of Use Application.** The approving authority shall determine intensity, similarity, or difference of a proposed use based on the following criteria:

1. Use type.
2. Size and/or type of products or services.
3. Parking and loading needs.
4. Off-site impacts and nuisance conditions.
5. **Traffic generation**

Section 15. Amend Section 6.160 by adding a new section 6.160.030 as follows: **Laydown Yard.**

1. *Purpose. A laydown yard is intended for construction equipment and material only. It is different from a contractor storage yard in that all items are in active use on off-site projects. An off-site laydown yard, in addition to those on or adjacent to a construction site, is allowed in the I-Industrial and CLI-Commercial/Light Industrial zones without obtaining land use approval, so long as criteria 2 through 7 are continually met.*

2. *A proposed laydown yard shall be associated with one or more specific projects with an approved building permit issued for grading, construction, remodel or demolition, an approved land use decision, or pending application for a building permit or land use decision.*

3. *A laydown yard is not a substitute for a contractor storage yard. At any time the property owner may convert the laydown yard to a contractor storage yard by obtaining a Site Plan Review decision and completing the conditions of approval. If items are kept on site continuously for more than 8 months, the City may determine that a laydown yard no longer exists.*

4. *Laydown yards shall be supervised by the property owner who will be responsible for enforcing compliance with these standards.*

5. *Where curbs exist, the contractor shall be required to provide curb cuts for all egress or ingress areas onto a paved street. To prevent mud or dirt from transferring from vehicles and equipment onto the paved street the contractor shall install pavement or other surface treatment approved by the City Engineer at all egress and ingress points from the yard for a minimum of 50 feet to the street access. Dust and erosion control shall be in place to confine these materials to the subject property. Noise, vibration, dust, and odors cannot exceed local, state, or federal regulations.*

6. *The owner of the property shall complete and file at the Community Development Department Office in City Hall a Laydown Yard Report, on a form provided by the City, at the time of the start of the laydown yard, and on April 30, August 31, and December 31 of each year so long as the laydown yard continues.*

7. *Notwithstanding the provisions of the Ordinance adopting the Transportation System Development Charges (SDC), for this use only, the property owner shall pay annual Transportation SDC fees, at 5% of the full rate.*

Section 16. Amend Section 7.060 by deleting the category designation of ~~Elderly Housing~~ and changing the designation to “**Senior Housing**”, and add new language under the new category of Senior Housing as follows: **Dwelling units designated as Independent Living Units shall have one parking space per dwelling.**

Section 17. Amend Section 7.060 by adding under the category of Residential the following language: **In multifamily units, one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.**

Section 18. Amend Section 8.040 to read as follows:

**8.040.010 Purpose**

**This Section describes the permit requirements for lands proposed to be developed within the areas designated zones 1 to 6 on the maps and in the 2010 Geologic Hazards Study prepared by Mark Yinger, R.G., Hydrogeologist. Land within zones 1 and 4, land**

within zones 2, 3, or 5 that exceed a slope of 30%, or land in zone 3 which is located in areas of groundwater discharge, have been determined to be within a geographic area that has characteristics which make the ground potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this Section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by a ground movement.

#### **8.040.020 Applicability**

The requirements of this Section shall apply to all new development including, but not limited to streets, driveways, parking areas, sidewalks, retaining walls, drainage structures, buildings and other structures, and to additions and modifications to existing development which increase the footprint. Detached buildings of 200 square feet or less are exempt from the requirements of this Section.

#### **8.040.030 Permit Requirements**

A Physical Constraints Permit shall be required for new development and additions as described about in Section 8.040.020 for all proposed development activities located within hazard areas in zones 1 through 6, per the requirements of Section 8.020: Review Procedures. The following shall also be required as part of the Physical Constraints Permit:

A. **Geologic Impact Statement.** A site-specific geologic impact statement prepared by a qualified geotechnical engineer or an engineering geologist. If the size of a proposed development is increased, or the location of a proposed development is changed, a new impact statement is required.

B. **Certification of Plans.** A statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

#### **8.040.040. As-Built Certification.**

Within 30 days after the completion of the project, and before final acceptance of public improvements by the City Engineer, the applicant shall submit to the Director a statement prepared by a qualified geotechnical engineer or an engineering geologist certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.

Section 19. Amend the second sentence of Section 9.020.030 F to read: “~~The access easement,~~ **Land required for future right of way or proposed for a future** public street, ~~or private access drive or access way~~ shall not count toward the minimum lot area”.

Section 20. Amend Section 9.030.040 to read as follows: **C. Period of Approval**. Approval of a partition application shall be valid for a period of one year from the effective approval date. Upon written request, filed with the Director prior to the expiration date, approvals may be extended annually four times provided the relevant provisions of this ordinance have not changed. If extended, any fees or charges, including the pay into the fund option, will be assessed at the rate in existence at the time they are paid, not the rate in existence at the time of the original approval. If no final partition plat is submitted within one year, or within any timely extension, the partition application shall become void and a new application required.

Section 21. Amend Section 9.030.050 C. 1. by adding after the words "agreed to install" in line one the words "**for nonresidential development**".

Section 22. Amend Section 10.060 I. Private Streets by adding a new paragraph 5 as follows: **5. In addition to the name of the street, all private street signs shall also contain the words "Private Street" in letters of the same size as the name of the street.**

Section 23. Amend Section 13.030.020 C. to read as follows: **Commercial and Promotional signs may be used only on private property and subject to the following:**

1. A permit is required for all temporary signs.
2. Temporary signs may be erected for a period not to exceed 30 days.
3. Temporary signs are limited to 32 square feet in area.
4. Temporary signs are limited to one per street frontage.

Section 24. Amend Section 13.030.010 by adding a new category A and renumbering: **A. ATM Sign. Unless otherwise allowed additional signage, each ATM shall be allowed one sign not to exceed four square feet.**

Section 25. Amend Section 13.030.010 Exempt Signs by adding a new paragraph as follows: **V. Tourist Oriented Destination (TOD) Signs. It is the purpose of this Section to allow signs for TODs not readily visible from public roads under the following set of criteria:**

1. Signs generally will be allowed at intersections only.
2. Businesses must have permanent restroom facilities, a business telephone, drinking water, and adequate on-site parking.
3. If the business is not open during normal business hours, the sign must indicate the hours it is open.
4. Except as provided for in #3, only the business name, a directional arrow, and the distance to the site is allowed on the sign.
5. If the business is seasonal, the sign may be covered during the off season.
6. The number of signs is limited to the minimum necessary to adequately direct visitors.
7. An application with fee is required.
8. The business will be responsible for costs of installation, maintenance, and sign replacement, plus an annual fee.
9. If businesses need multi-jurisdictional approvals for adequate signage, City approval is contingent on all approvals being granted.

**10. The sign may be up to 3 feet by 3 feet in size, and the design will be similar to that allowed by Wasco County for similar purposes.**

Section 26. Amend Section 13.030.010 E by adding a new paragraph and renumbering: **Construction Signs of 32 square feet for nonresidential construction, and 16 square feet for residential construction, during construction from the time a building permit is issued to completion.**

Section 27. Amend Section 13.030.010 L by adding a new sentence at the end as follows: **Up to one quarter of the maximum of 8 square feet may be a logo or company name.**

Section 28. Amend 13.030.010 S to read as follows: **Political campaign signs shall be erected only on private property. Signs shall comply with the vision clearance provisions in Section 6.100. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Signs shall be removed not later than the fifth day following the election.**

Section 29. Amend Section 13.050.100 to read: **“Signs in addition to principal and secondary signs for a restaurant with a drive-through window are allowed; no more than two (2) menu boards not to exceed ~~32~~ a total of 64 square feet each, with a maximum height of 8 feet”.**

Section 30. Amend Section 13.050 by adding a new section as follows: **13.050.170 Sandwich Boards and A Frames**

- 1. No more than one “sandwich board” or “A Frame” of a maximum of 5 feet above ground level shall be allowed for each premise.**
- 2. Signs shall be located only on private property.**
- 3. This sign allowance is for areas zoned *Commercial or Industrial* and outside the Central Business Commercial zone. See Section 13.050.160 for Sidewalk Signboards allowed in the Central Business Commercial zone.**
- 4. The permit fee for sandwich boards and A Frames shall be the same as for Sidewalk Signboards.**

Section 31. Amend Section 13.070.040(C) to read as follows:

**C. Any unauthorized sign installed on or placed in the public right-of-way or on City owned real property, except in conformance with the requirements of Chapter 13, shall be subject to the following provisions:**

- 1. Immediate removal. Any staff person authorized to enforce this ordinance has the authority to remove a sign which has not been authorized.**

- 2. Other enforcement provisions of this ordinance. For purposes of enforcing subsection (C) of this ordinance, there is a presumption that an address or telephone number listed on a**

**garage or yard sale sign shall be that of the individual responsible for posting the sign. In addition, signs directing the public by way of arrows or other directional symbols or phrases to a particular residence are presumed to have been erected by the owner or occupant of the residence.**

**3. Any person who is deemed responsible for posting a yard or garage sign in violation of this ordinance can be cited to appear in the Municipal Court. Upon being convicted for a violation, the responsible person shall be fined not less than \$10 nor more than \$50 for the first offense, and for the second and all subsequent offenses, not less than \$25 nor more than \$100.**

Section 32. Amend Section 14.010.030 by adding a new paragraph C as follows: **Notice of Hearing. At least 10 days before a scheduled annexation hearing, notice of the hearing shall be mailed to the owner, as shown on the most recent property tax assessment roll, of each property proposed to be annexed.**

## **RESOLUTION NO. P.C. 508-11**

Adopting Conditional Use Permit Application #164-11 of Fort Dalles Museum Foundation to site and construct an antique vehicle storage building. The property is located at 515 W 17<sup>th</sup> Street and is further described as 1N 13E 4DB, tax lot 13200. The property is zoned "RL" – Low Density Residential District.

### **I. RECITALS:**

- A.** The Planning Commission of the City of The Dalles has on April 21, 2011 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and a staff recommendation.
- B.** Staff's report of Conditional Use Permit 164-11 and the minutes of the April 21, 2011 Planning Commission meeting, upon approval, provide the basis for this resolution and are incorporated herein by reference.

### **II. RESOLUTION:**

Now, therefore, be it FOUND, DETERMINED, and RESOLVED by the Planning Commission of the City of The Dalles as follows:

- A.** Incorporate those items set forth in Recitals, Part "I" of this resolution.
- B.** Conditional Use Permit 164-11 is hereby approved with the following Conditions of Approval:
  - 1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222.
  - 2. A total of 10 onsite parking spaces shall be required, one of which must be a handicapped space. The applicant will be required to submit a letter from the School District allowing use of the parking at Colonel Wright School for special events.
  - 3. Whether or not additional parking spaces are required or constructed, all areas that are being used for parking or maneuvering must be developed to code requirements.
  - 4. Alley access to the parking area must be paved.
  - 5. West 17th has a curb and sidewalk, but a delayed development agreement is required for future paving of the street.
  - 6. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
  - 7. Landscaping is not specified for the CFO zone. Sufficient landscaping exists on site and on adjacent Museum properties so that no additional landscaping is required.
  - 8. Approval of this CUP is also considered approval of a site plan review application, as required in LUDO Section 3.050.030 B 2.
  - 9. All other details, usually required as part of a site plan review application, including detailed utility plans, parking area dimensions, and lighting plans, will be required with the building permit application.

**III. APPEALS, COMPLIANCE, AND PENALTIES**

- a. Any party of record may appeal a decision of the Planning Commission to the City Council for review. Appeals must be made according to Section 3.020.080 of the Land Use and Development Ordinance, and must be filed with the City Clerk within ten (10) days of the date of mailing of this resolution.
- b. Failure to exercise this approval within the time limits set either by resolution or by ordinance will invalidate this permit.
- c. All conditions of approval must be met within the time limits set by this resolution or by ordinance. Failure to meet any condition will prompt enforcement proceedings that can result in: 1) permit revocation; 2) fines of up to \$500.00 per day for the violation period; 3) a civil proceeding seeking injunctive relief.

The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution along with a stamped approved/denied site plan or plat to the applicant.

APPROVED AND ADOPTED THIS 21<sup>st</sup> DAY OF APRIL 2011

\_\_\_\_\_  
Bruce Lavier, Chairman  
Planning Commission

I, Daniel C. Durow, Community Development Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 21<sup>st</sup> of April 2011.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Daniel C. Durow, Community Development Director  
City of The Dalles