



## 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, March 17, 2011**

**6:00 P.M.**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes: February 3, 2011
- V. Public Comment (Items not on the Agenda)
- VI. **Quasi-Judicial Public Hearings**  
**Application Number CUP 163-11** of St. Mary's Academy to construct a new school room in a separate building. Property is located at 1112 Cherry Heights Road and is further described as 1N 13E 4BD tax lot 1800. Property is zoned "RL/CFO" – Low Density Residential District with a Community Facility Overlay.
- VII. Resolutions
  - PC 506-11 Skroch Variance
  - PC 507-11 St. Mary's Academy
- VIII. Sub-Committee Recommendations
- IV. Discussion Item
  - LUDO Amendments Modifications
- X. Staff Comments
- XI. Commissioner Comments/Questions
- XII. Next scheduled meeting date: April 7, 2011
- XIII. Adjournment

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, March 17, 2011**

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

*Conducted in a handicap accessible room*

## **CALL TO ORDER:**

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

## **BOARD**

**MEMBERS PRESENT:** Bruce Lavier, Mark Poppoff, Ted Bryant, John Nelson,  
Dennis Whitehouse (6:07pm)

## **BOARD**

**MEMBERS ABSENT:** Ron Ahlberg, Chris Zukin

## **STAFF PRESENT:**

City Attorney Gene Parker, Community Development Department,  
Director Dan Durow, Senior Planner Richard Gassman, Administrative  
Secretary Brenda Green, Administrative Secretary Carole Trautman

## **APPROVAL OF AGENDA:**

It was moved by Bryant and seconded by Poppoff to approve the agenda as submitted. The motion carried unanimously; Ahlberg, Zukin and Whitehouse absent.

## **APPROVAL OF MINUTES:**

Commissioner Nelson pointed out that in regards to the Skroch hearing, on page four it should read "county" instead of "count". Nelson then questioned if it would be the applicant or the County that would be putting in a solution. Senior Planner Gassman clarified that it would be the applicant. Nelson suggested changing the sentence on page four, paragraph five to read "If the new driveway has created a problem the county could require the owner to implement a solution."

Commissioner Bryant brought attention to page three, paragraph four in regards to his comment about W 13<sup>th</sup> Street. He suggested that it should read "special exception area" rather than "special consideration area".

It was moved by Nelson and seconded by Poppoff to approve the minutes of February 3, 2011 as modified. The motion carried with Poppoff, Bryant, Nelson, and Whitehouse voting in favor, Lavier abstained, Ahlberg and Zukin absent.

**PUBLIC COMMENT:** none

### **QUASI-JUDICIAL PUBLIC HEARING:**

Application Number CUP 163-11 of St. Mary's Academy to construct a new school room in a separate building. Property is located at 1112 Cherry Heights Road and is further described as 1N 13E 4BD tax lot 1800. Property is zoned "RL/CFO" – Low Density Residential District with a Community Facility Overlay.

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

Senior Planner Gassman presented the Staff Report. He summarized the report by stating that it was a non-complicated application and that the applicant had plenty of parking and plenty of land to support their proposal. Gassman declared that staff was recommending approval with five conditions.

### **Public Testimony:**

#### **Proponents:**

Kimberly Koch, Principal St. Mary's Academy; 1832 Montana St, The Dalles. Principal Koch shared that they were working towards growth of the school. She said the proposed structure would house the library and computer lab which would open up a classroom in the main part of the school to allow all of the students to be together.

Commissioner Nelson asked if any of the pine trees would need to be removed from the site. Principal Koch stated that the large pine tree would need to be removed. She also shared that they had considered removing it anyway due to the tree not being healthy, and that when removed, they would be donating the wood.

Commissioner Nelson asked about crosswalks. Principal Koch described where the current crosswalks were and where one would be added.

Commissioner Bryant pointed out that in the application one area described the project as 1900 square feet and another area described it as 2400 square feet. Principal Koch clarified that the correct building size was 1900 square feet.

#### **Opponents:** none

Chair Lavier closed the public testimony portion of the hearing.

### **Deliberation:**

Commissioner Poppoff stated that he would like to see a requirement that the pine tree slated for removal be replaced. He shared that beyond that, he was in favor of the application.

After a general discussion in regards to proposed wording; the Commissioners agreed on an additional condition which would read; Any tree to be removed as part of the construction will be replaced with a tree that will eventually grow to a similar height.

Chair Lavier asked the applicant if they had an issue with that additional condition. Principal Koch stated that they did not.

**Motion:**

Commissioner Bryant moved to approve CUP 163-11 for St. Mary's Academy based on findings of fact, conclusions of law, and a staff recommendation, with 5 conditions as submitted and an additional condition as agreed upon previously. Commissioner Poppoff seconded the motion which carried unanimously; Ahlberg and Zukin absent

**RESOLUTIONS:**

Commissioner Bryant moved to adopt Resolution PC 506-11 of David and Marla Skroch approving VAR 114-10 with three conditions as submitted. Commissioner Poppoff seconded the motion. The motion carried unanimously; Ahlberg and Zukin absent.

Commissioner Bryant moved to adopt resolution PC 507-11 of St. Mary's Academy approving CUP 163-11 with six conditions as modified. Commissioner Poppoff seconded the motion. The motion carried unanimously; Ahlberg and Zukin absent.

**SUBCOMMITTEE RECOMMENDATIONS:**

Senior Planner Gassman drew attention to the summary that the Commissioners had received in regards to the findings of the Industrial and Residential Lands Subcommittee Recommendations. He stated that some of the recommendations would involve changes to the language in the code and that those changes would be a part of the hearing that would be held on April 7, 2011.

Commissioner Poppoff expressed concerns about the City's water and sewer rates rising. City Attorney Parked suggested that his concern should be brought to City Council. Senior Planner Gassman acknowledged that utility rates could affect individual's development plans.

**DISCUSSION ITEM – LUDO AMENDMENTS:**

Senior Planner Gassman distributed a memorandum which listed the LUDO amendments as recommended by the Planning Commission. He went over the memo explaining the primary changes and areas of concern. Gassman informed the Commission that the LUDO public hearing would be on April 7, 2011.

Senior Planner Gassman also explained the requirement of development standards for a stream corridor overlay district which are a requirement of Goal 5 Natural Resources provisions, as well as for pollution control requirements from DEQ. Gassman described a few options that the Commissioners could recommend.

In preparation for the public hearing that will be held on April 7th, Greg Winterowd from Winterbrook Planning addressed the Planning Commission on multiple subjects including;

- Employment Opportunity Analysis (EOA); it's history and its influence on deciding whether to preserve 20 or 50 acre sites
- Goal 9 State requirement of preserving some larger sites
- Wetlands; their identification and mitigation, local and state inventories
- The buildable lands inventory that was completed four years ago
- Stream Corridors; the 50 feet around each stream that is set aside as unbuildable, the potential issues that could arise, the vegetation canopy that is required around streams and a potential option of reducing the set back to 25 feet in developed areas

Mr. Winterowd summarized that he was hearing that the Commission was comfortable with the recommendations for both housing and industrial, and asked how they felt about the Stream Corridors.

Chair Lavier pointed out how high the water rose during the flood of 1996, which he stated would lead him to think that it was in the best interest of the property owners to not build too close to the creek.

Commissioner Nelson brought up his concern regarding the temperature of the creeks going up and felt that there was a possibility that there could be other factors beyond canopy coverage such as the level of the Columbia River, and property owners drawing water from the creek.

Director Durow assured Commissioner Nelson that the County Water Master monitors the creek as well as any water withdrawals. He stated that he has a minimum flow requirement that has to be met.

Commissioner Bryant and Chair Lavier both expressed the opinion that they would like to see flexibility in the Stream Corridor policy. Bryant suggested involving the Soil and Water Conservation District in creating the policy.

Mr. Winterowd acknowledged the Commissioners' comments and stated that he would bring back two options for the Stream Corridor policy to be reviewed and decided upon.

Director Durow stressed the need to have the LUDO changes adopted by May 31, 2011 so as not to lose a DLCD grant valued at \$120,000. He explained the different steps that still needed to be completed.

### **COMMISSIONER/STAFF COMMENTS**

Commissioner Nelson asked for more information in regards to the concerns surrounding lay down yards. Director Durow explained the history that led up to needing a lay down yard policy. He informed the Commission of both the City's concerns and property owner's concerns, including some of the challenges that are currently being dealt with.

Senior Planner Gassman pointed out the new Geologic Hazards Study that had been distributed to each Commissioner. He reminded the Commissioners of what property owners were required to do if they were in the hazard area. Gassman then shared that with the new study and maps; about half of the properties were eliminated from the original hazard area.

Senior Planner Gassman introduced new Administrative Secretary Carole Trautman and described the changes that would be happening in the office including Administrative Secretary Brenda Green's part-time position not being funded for the next fiscal year.

Commissioner Bryant brought up his concern about the bronze statue that is planned for the Festival Area, especially the cost of it considering that the City needs to lay off an employee. Director Durow explained that the statue is fulfilling part of a requirement from when the old grain elevator was demolished. He also explained where the funds were coming from and pointed out that they were a different set of funds than employment funds.

**NEXT MEETING:** The next scheduled meeting is April 7, 2011. It was also decided on by the Commission to tentatively hold April 14, 2011 just in case more time is needed for the legislative hearing scheduled on April 7<sup>th</sup>.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 8:18 p.m.

Submitted by  
Brenda Green, Administrative Secretary

  
\_\_\_\_\_  
Bruce Lavier, Planning Commission Chair




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# Memorandum

**To:** Planning Commission  
**From:** Dick Gassman, Senior Planner   
**Date:** March 17, 2011  
**Re:** Land Use and Development Ordinance (LUDO) Amendments

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On December 2, 2010, at the end of a public hearing, the Planning Commission recommended a series of LUDO amendments to the City Council. For a variety of reasons, those recommendations have not been heard by the Council. Before we forward the recommendations to the Council we would like the Planning Commission to review some of those recommendations, and to consider a series of new proposed amendments. Of course, since we are reviewing all the recommendations, anyone can suggest yet more new ideas or revisions.

The amendments as recommended by the Commission are attached. At our April 7 meeting we will hold a public hearing to review these amendments and any new suggestions. To give the Commissioners a little background for the April 7 meeting, here are some of the topics we will cover.

First, we will make new recommendations on some of the items the Commission has already approved. In looking at the section numbers as they appear in the attachment, here are some we will review.

1. Section 5. Add new language to paragraph 3.020.030 Ministerial Actions. 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.
2. Section 6. Add the words "but not required" in the new language on outreach meetings, to read 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.

3. Sections 10, 11 and 12. Change language to make clear that commercial is required on the main level, and residential is allowed above or below it. Suggested language: All dwellings, as defined by this ordinance, above or below commercial uses, **so long as commercial uses only are on the main level.**

4. Section 13. After further discussion with the Port District, the Port has asked us to delete this section in its entirety.

5. Section 16. Laydown Yard. At a public meeting with a group of interested parties we received a variety of suggestions for deleting some sections, rewording some provisions, and revising the way transportation system development charges would be calculated. This provision will take some time to discuss. We anticipate there will be public testimony on this topic.

6. Section 31. Add the Commercial Light Industrial and Industrial zones to those where sandwich boards and A frame signs are allowed.

In addition to a review of previously recommended amendments, we are adding a series of items that arise from the Periodic Review work. The Commission participated in a joint work session on November 18, 2010. After that meeting we set up two subcommittees to look at issues in the industrial and residential zones. Those subcommittee reports were presented to the Commission earlier in this meeting. For the hearing we will have specific LUDO language implementing the revised plan.

Finally, we also will be including new development standards for a stream corridor overlay district. This is a requirement of Goal 5 Natural Resources provisions and also for pollution control requirements from DEQ. The streams within our jurisdictional boundary are Chenoweth Creek, Mill Creek, and Three Mile Creek. As with the Periodic Review issues, we will have specific language for the hearing.

**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, 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 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 the code language is ambiguous or unclear.**

Section 6. Amend Section 3.020.050 C by adding a new paragraph 7 as follows: **Prior to the public hearing the applicant is recommended to conduct an outreach meeting with nearby residents and others who may be affected by the development.**

Section 7. Amend Section 3.050.040 B by deleting the words “~~applicable policies of the Comprehensive Plan~~” in line 4.

Section 8. Amend Section 5.030 and in all other sections of the LUDO wherever is found the words “~~RMH Residential Mobile Home~~” by deleting those words and adding “**RM-Residential Medium Density**”.

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 by adding after the word “above” the words “**or under**”.

Section 11. Amend Section 5.060.020 A 20 by adding after the word ‘above’ the words “**or under**”.

Section 12. Amend Section 5.080.020 A 6 by adding after the word “above” the words “**or under**”.

Section 13. Amend 5.080.020 A by adding a new paragraph 13 and renumbering: **13. Recreational housing at the Marina, subject to limitations on length of stay as set by the Port of The Dalles.**

Section 14. Amend Section 5.090.020 by adding a new provision and renumbering: **A. 1. Auto body shops, auto painting, and machine shops.**

Section 15. 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 16. Amend Section 6.160.010 by adding a new paragraph E. as follows: **E. Laydown Yard: An off-site laydown yard is allowed in the I-Industrial and CLI-Commercial/Light Industrial zones, subject to the following conditions:**

1. A proposed laydown yards shall be associated with a specific project with an approved building permit issued for grading, construction, remodel or demolition.
2. In addition to City approval, all other required approvals must be obtained prior to establishing yard.
3. Laydown yards shall be supervised by a contractor who will be responsible for enforcing compliance of these standards. The contractor shall be responsible for compliance of the laydown yard for all applicable codes.
4. Laydown yards shall be removed prior to a final inspection of the last building in a non-residential project and for the last structure in a residential project or final approval for the project.
5. 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 trucks, 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.
6. A project site with physical constraints may utilize an alternative off site property for a laydown yard subject to a change of use application approval. The contractor shall be required to return the alternative off site property to its original condition, to the approval of the Director, prior to final inspection or issuance of a certificate of occupancy for the associated project. Site reclamation may include site clean-up and revegetation with temporary irrigation. Bonding may also be required to verify revegetation within three years.
7. The developer shall designate to the Director a project contact person responsible and authorized to correct problems regarding the project on a 24 hour, 7 days a week basis. The developer shall designate the project contact person to the Director prior to using the yard.
8. Laydown yards shall be subject to Transportation SDC fees.

Section 17. 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 18. 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 19. 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 20. 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 21. 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 1 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, if 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 1 year, or within any timely extension, the partition application shall become void and a new application required.

Section 22. Amend Section 9.030.050 C. 1. by adding after the words "agreed to install" in line one the words "for nonresidential development".

Section 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 grand 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 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 32.** Amend Section 13.070.040(C) to read as follows:

C. Any sign installed on or placed in the public right-of-way or on City owned real property, which is not otherwise authorized by any other provision of Chapter 13 of this ordinance, 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 installed on or placed in the public right-of-way or on City owned real property which has not been authorized. For prosecution purposes, either the sign or a photograph of the sign shall be retained for evidentiary purposes
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 33. 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.**

# CITY OF THE DALLES PLANNING COMMISSION MINUTES

**Thursday, February 3, 2011**

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

*Conducted in a handicap accessible room*

## **CALL TO ORDER:**

Vice-Chair Ahlberg called the meeting to order at 6:02pm.

## **BOARD**

**MEMBERS PRESENT:** Ron Ahlberg, Mark Poppoff (arrived at 6:24pm), Chris Zukin, Ted Bryant, John Nelson, Dennis Whitehouse

## **BOARD**

**MEMBERS ABSENT:** Bruce Lavier

## **STAFF PRESENT:**

City Attorney Gene Parker, City Engineer Dale McCabe, Senior Planner Richard Gassman, Administrative Secretary Brenda Green

## **APPROVAL OF AGENDA:**

In consideration of the meeting being advertised as starting at 6:30 rather than 6:00, Senior Planner Gassman suggested moving the public hearing until after the sub-committee discussions. He explained that the main concern was that the hearing could not start until 6:30pm.

It was moved by Bryant and seconded by Whitehouse to approve the agenda as modified. The motion carried unanimously, Lavier and Poppoff absent.

## **APPROVAL OF MINUTES:**

It was moved by Nelson and seconded by Zukin to approve the minutes of the Industrial Sub-Committee on December 8, 2010 as submitted. The motion carried with Ahlberg, Zukin, Bryant, and Nelson in favor, Whitehouse abstained, Lavier and Poppoff absent.

It was moved by Bryant and seconded by Nelson to approve the minutes of the Residential Sub-Committee on December 8, 2010 as submitted. The motion carried with Ahlberg, Zukin, Bryant, and Nelson in favor, Whitehouse abstained, Lavier and Poppoff absent.

It was moved by Bryant and seconded by Zukin to approve the minutes of December 16, 2010 as submitted. The motion carried with Ahlberg, Zukin, Bryant, and Nelson in favor, Whitehouse abstained, Lavier and Poppoff absent.

It was moved by Nelson and seconded by Bryant to approve the minutes of January 20, 2011 as submitted. The motion carried with Ahlberg, Zukin, Bryant, Nelson, and Whitehouse in favor, Lavier and Poppoff absent.

**PUBLIC COMMENT:** none

**Industrial and Residential Sub-Committee Discussion:** Senior Planner Gassman shared that staff has the recommendations from the Industrial and Residential sub-committees but that there had been one more group formed that would be meeting the following week in regards to “lay down yards”. Gassman stated that after that meeting, a hearing would be set, and the recommendations would be presented in a public hearing format.

Commissioner Whitehouse pointed out that the conceptual master plan seemed to be the main issue for the Industrial sub-committee and asked if that had been resolved. Senior Planner Gassman shared that the sub-committee’s recommendation was to change the requirement from a conceptual master plan to a conceptual development plan which would be less formal. Gassman added that it appeared the interested parties approved of the proposed change.

**STAFF COMMENTS:**

Senior Planner Gassman shared that there were items on the agenda for both the February 17, 2010 meeting and the March 3, 2010 meeting.

Vice Chair Ahlberg called for a recess at 6:22pm.

Vice Chair Ahlberg called the meeting back to order at 6:30pm and noted that Commissioner Poppoff had arrived.

**QUASI-JUDICIAL PUBLIC HEARING:**

**Application Number VAR 114-10** of David and Marla Skroch to gain approval for the installation of a driveway in excess of the 24 feet allowed in the Land Use and Development code. Property is located at 2002 West 13<sup>th</sup> and is further described as 2N 13E 32DD tax lot 8000. Property is zoned “RL” – Low Density Residential district. The public hearing was opened on December 2, 2010 and due to time constraints, continued to December 16, 2010. Public Testimony was heard on December 16, 2010. Deliberation was continued to February 3, 2011 with the request that City staff come back with more information as to alternatives.

Vice-Chair Ahlberg introduced the hearing, pointing out that the public testimony portion had been completed at the last meeting and that the hearing would continue with deliberation.

Commissioner Whitehouse shared that although he had not been on the Planning Commission during the previous two portions of the hearing; he had read all of the documents and listened to the audio recording of the hearing on December 16, 2010. He stated that he felt he was able to make an informed decision on the application. There were no challenges.

Senior Planner Gassman distributed a two page memorandum which provided the additional information that the Commission had requested, and included wording for recommended conditions should the Commission decide to grant the variance.

Senior Planner Gassman pointed out that his original staff report was in error when he suggested that a solution might have been to have two driveways. He explained that the issue that was missed was that West 13<sup>th</sup> Street is classified as a collector street and collector streets have a minimum preferred access

separation of 150 feet. With the Skroch's lot having a width of only 80 feet, a second driveway could not be approved.

Senior Planner Gassman shared that staff had met in regards to possible solutions and decided that they were still recommending denial of the variance. However, they recognized that the Commission had shown signs that they would possibly lean towards a variance. Consequently, staff put together the conditions presented in the handout. Gassman explained each of the suggested conditions.

In regards to the concern about drainage, Commissioner Bryant brought up the comment made by Wasco County staff. Senior Planner Gassman clarified that the County had stated that the City would be liable for any drainage issues if they approve the variance, and also pointed out that City Attorney Parker did not agree with that statement.

Commissioner Bryant commented that the area of 13<sup>th</sup> Street in question was most likely built out to where it could be built out to, and asked if there were any plans to create a special consideration area. He also wondered what the chance was that it would ever become a City street.

City Engineer McCabe responded that it would be difficult to say if the street would ever become a City Street, but that staff had to plan that at some point it may. He pointed out that there were always the possibilities that grant money may become available for upgrades. McCabe stated that the best way to plan for that possibility is to look at the entire project not piece by piece. He said that was the reason staff was requesting that if the variance be granted, the condition be included that the property owner could possibly be required to reconstruct the driveway.

Vice-Chair Ahlberg expressed that he was torn on his decision. He stated that he was happy to leave the driveway as is because pavement is better than gravel, but he felt that it would be important to require that when and if the street is upgraded that the property owner be responsible for fixing it at that time.

City Engineer McCabe clarified that driveway width requirements are set based on a stopping site distance table. He stressed that they are regulated because of traffic safety issues.

Commissioner Zukin pointed out that if the applicant had come in originally and asked for a variance rather than asking for one after the fact, that they most likely would have been granted a variance due to their unique situation. He pointed out that 13<sup>th</sup> is not an improved street and that he would lean towards granting a variance. He also felt that when and if the street is improved it should be a custom design.

City Engineer McCabe assured the Commission that when a street design is chosen, staff takes into account the special needs of the area, and that that is why there are multiple design choices such as sidewalks on both sides or only on one side.

Commissioner Zukin did not agree with requiring them to do anything different than the other property owners on the street. He stated that it was a classic variance situation. Zukin also pointed out that the drawing that was originally presented and approved was impossible to build.

Senior Planner Gassman felt that the key difference that would allow different requirements than the

other property owners was that this property needed to come before the City to get permission and that the other properties did not. He pointed out that if the variance was granted without any conditions to possibly correct it in the future, then it would give all the other properties the standing to claim that they also have the right to keep what is there.

Vice-Chair Ahlberg agreed that the rules were laid out in the LUDO when the Skrochs submitted their application and that at the least they need to be responsible for bringing it into compliance if and when a street improvement project is completed on West 13<sup>th</sup>.

Commissioner Zukin's concern was what would happen if when the street design is decided on, it makes their driveway unusable.

Commissioner Bryant shared that he felt the variance should be approved with the suggested conditions regarding the owner obtaining a facility permit and the owner entering into an agreement about when they would be required to possibly modify the driveway, but not including the suggested conditions in reference to reducing the width of the driveway, nor the one about installing a slotted culvert.

Commissioner Poppoff felt that a slotted culvert should be required due to drainage concerns. He pointed out that if the water was to drain across the road especially during freezing weather it would be a safety issue.

Senior Planner Gassman suggested putting it back on the county to decide if any sort of drainage is necessary, that way the county would have the opportunity to look at it for a year or so to see what the effect is. Consequently, if the new driveway has created a problem the county could require the owner to put in a solution.

Commissioners Poppoff and Bryant agreed with Senior Planner Gassman's suggestion. Vice-Chair Ahlberg agreed that the property owners should be responsible for any issues that arise due to runoff.

Senior Planner Gassman and City Attorney Parker suggested wording for a condition to read "The owner will work with Wasco County to resolve any drainage issues due to the increased driveway surface area." The Commissioners showed general agreement with the condition.

**MOTION:**

Commissioner Bryant moved to approve VAR 114-10 of David and Marla Skroch based on findings of fact, conclusions of law, and a staff recommendation, with three conditions to read;

- 1) The owner obtains a facility permit from Wasco county and complies with its requirements.
- 2) The owner enters into an agreement with the City to the effect that when West 13<sup>th</sup> Street is brought up to City standards, the owner agrees that by granting this variance, the property does not receive an exemption or other right for not meeting the design standards for the street. It is anticipated that if and when West 13<sup>th</sup> is improved, the allowance contained in this variance will put the driveway out into what may eventually be part of the street. Granting this variance should not prevent the City from properly designing the street. The agreement will provide that the owner or any successive owner be responsible for any necessary reconstruction of the driveway to accommodate the improvements to West 13<sup>th</sup> Street. This agreement will be recorded in the deed records of the County. The owner is responsible for recording costs.

- 3) The owner will work with Wasco County to resolve any drainage issues due to the increased driveway surface area.

The motion was seconded by Zukin and carried unanimously; Lavier absent

Vice-Chair Ahlberg pointed out that the resolution would be presented at the next Planning Commission Meeting.

### **COMMISSIONER/STAFF COMMENTS**

Commissioner Nelson asked if there had been any further research done in regards to bringing training to the Planning Commissioners. Administrative Secretary Green verified that the Commissioners had all received the information she had sent them in regards to online training opportunities. The Commissioners confirmed that they had received it. Green stated that in person training was still being looked into.

**NEXT MEETING:** The next scheduled meeting is February 17, 2011.

**ADJOURNMENT:** The Planning Commission meeting was adjourned at 7:40 p.m.

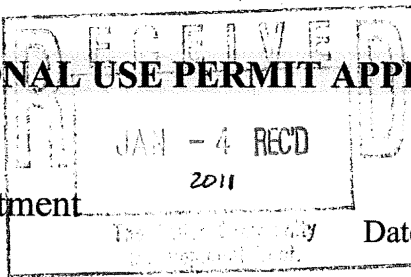
Submitted by  
Brenda Green, Administrative Secretary

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Ronald Ahlberg, Planning Commission Vice-Chair

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



SITE TEAM APPLICATION ONLY

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

APPLICANT

LEGAL OWNER (If Different than Applicant)

Name ST. MARY'S ACADEMY

Name

Address 1112 CHERRY HEIGHTS RD THE DALLES, OR 97058

Address

Telephone # 541-296-6004

Telephone #

E-mail address: OFFICE.SMA@STPETERSTD.ORG

PROPERTY INFORMATION

Address 1112 CHERRY HEIGHTS RD, THE DALLES, OR 97058

Map and Tax Lot IN 13E4 T.L. 300 (school) IN 13E4BD 1800 (proposed bldg)

Size of Development Site 35 x 70 4.58 acres 7.5 acres

Zone District/Overlay RH / CFO In City Limits: Yes x No

Comprehensive Plan Designation RH Geohazard Zone: C

PROJECT INFORMATION

[X] New Construction [ ] Expansion/Alteration [ ] Change of Use [ ] Amend Approved Plan

Current Use of Property SCHOOL

Proposed Use of Property SCHOOL

Briefly Explain the Project ADD NEW DETACHED CLASSROOM - STICK BUILT

**PROPOSED BUILDING(S) FOOTPRINT SIZE (in square feet)** 1,950.00

**PARKING INFORMATION**

Total Number of Spaces Proposed USE EXISTING

Square Footage of Parking Lot Landscaping Proposed USE EXISTING

**LANDSCAPING INFORMATION**

Total Square Footage Landscaping Proposed 0 Percent of Landscaping Irrigated 0

**ECONOMIC DEVELOPMENT INFORMATION**

Proposed Project is located in the Enterprise Zone

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

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

Signature of Applicant

Signature of Property Owner\* or Owners Agent

Kimberly A. Appl 1.4.11  
Date

\_\_\_\_\_  
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.

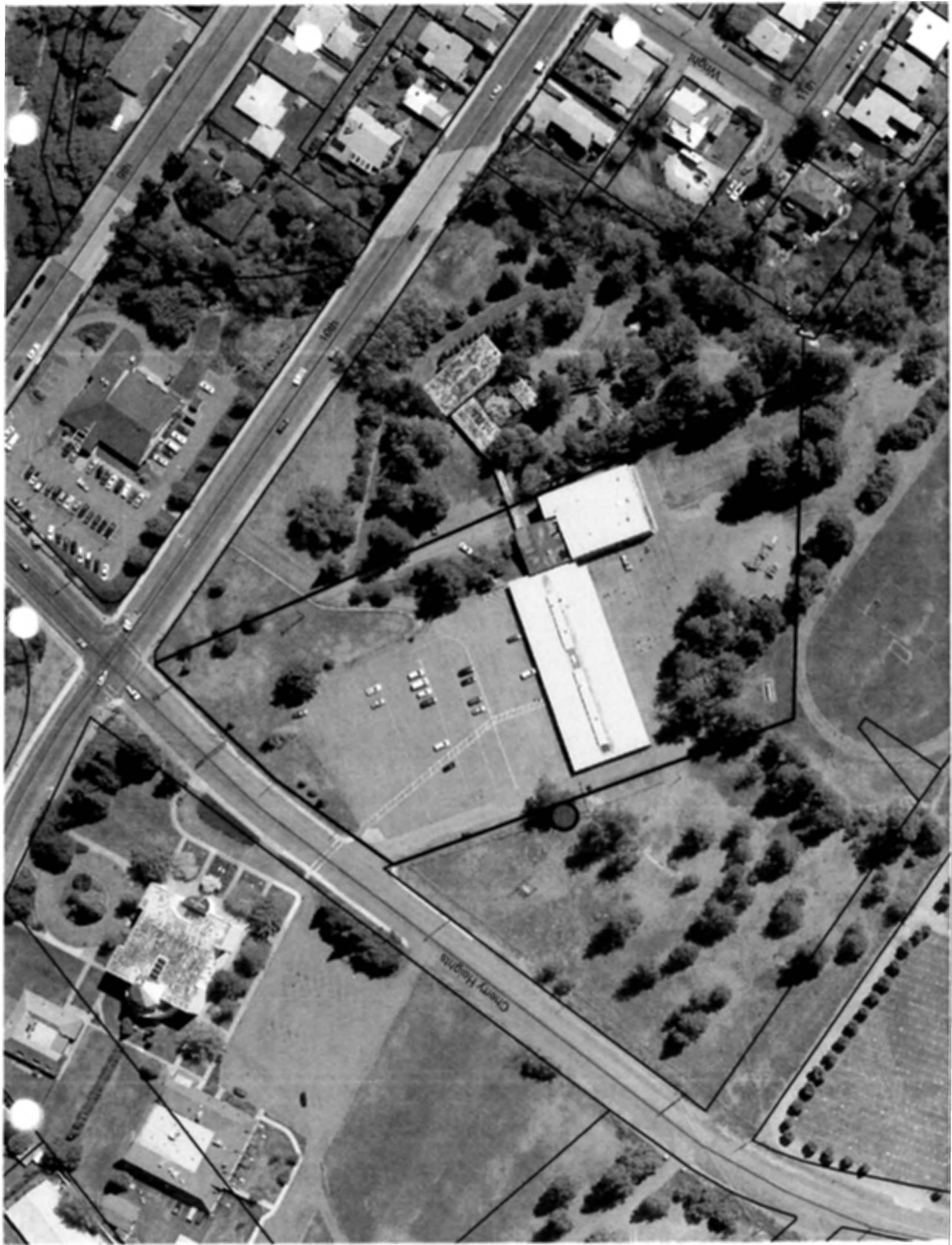
**PLANS REQUIRED:**

At least 12 copies of concept site plan.

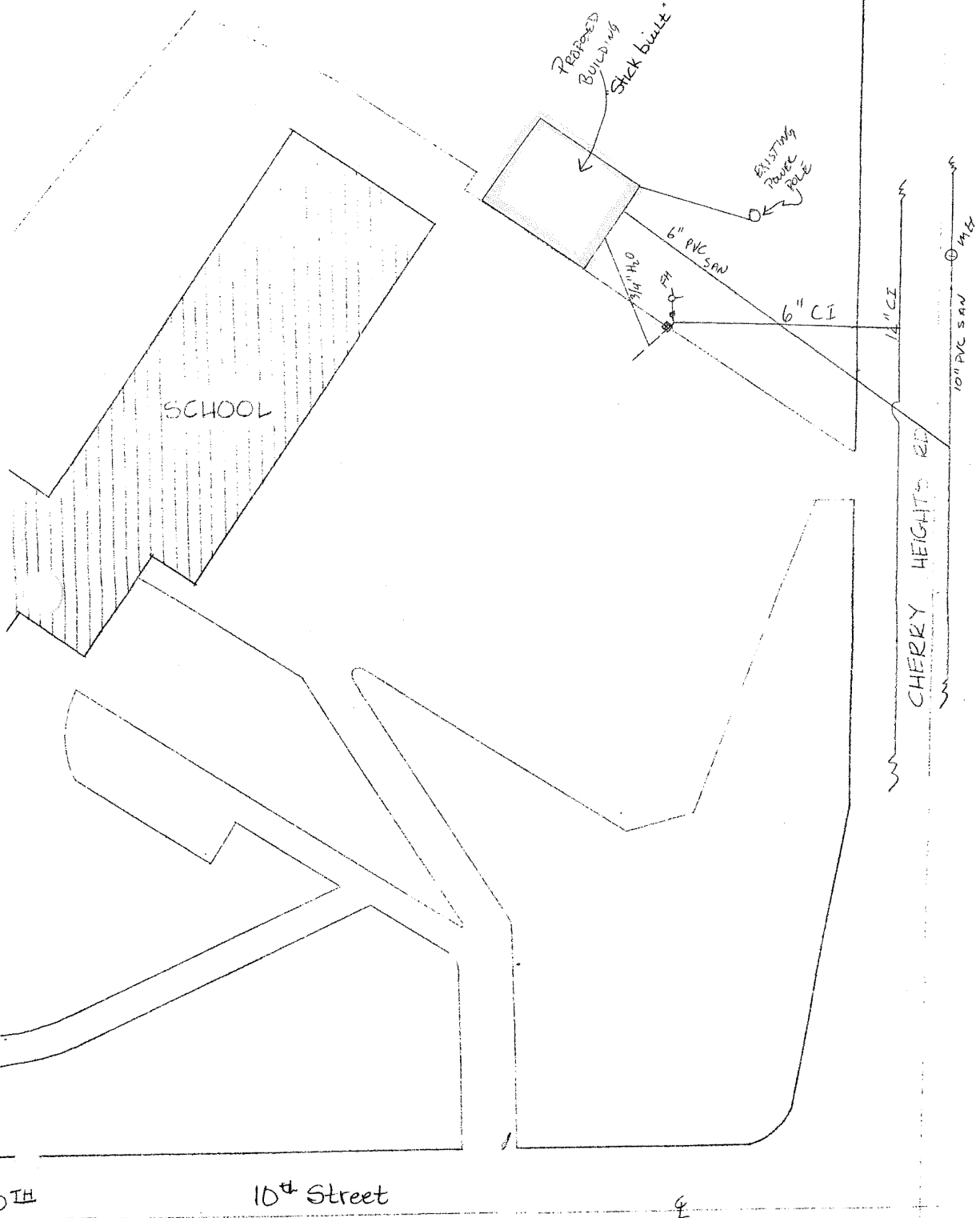
At least one 11 x 17 concept site plan.

2 copies detailed landscape plans

2 full size copies construction detail plans




10



SCALE 1" = 98 FT

TED WALKER FIELD		
PLOT PLAN		
St. Mary Schools		
1 OF 6	12-27-38	LMC

**City of The Dalles  
Staff Report  
Conditional Use Permit No. 163-11  
St. Mary's Academy**

**Prepared by:** Dick Gassman, Senior Planner 

**Procedure Type:** Quasi-Judicial

**Hearing Date:** March 17, 2011

**Assessor's Map:** 1N 13E 4BD, tax lot 1800

**Address:** 1112 Cherry Heights Road

**Comprehensive Plan Designation:** "RL" Low Density Residential District with a "CFO" Community Facility Overlay.

**Zoning District:** "RL" Low Density Residential District with a "CFO" Community Facility Overlay.

**City Limits:** Inside

**Request:** To construct a new school room in a separate building.

**BACKGROUND INFORMATION**

The subject property is located at 1112 Cherry Heights. It is a typical elementary school with large open areas to the side and rear. The applicant is proposing to add a new separate building to the south of the existing school. The work will also include connection to utilities. Schools are by definition community facilities. Such a change to the site requires a conditional use permit.

## **NOTIFICATION**

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on February 23, 2011. A notice of hearing was published in The Chronicle on March 6, 2011.

## **COMMENTS**

As of the date of the preparation of this report, no comments have been received

## **RECOMMENDATION**

Approval of the Conditional Use Permit application, with conditions, based upon 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 February 16, 2011. The 120-day State mandated decision deadline is June 16, 2011. The hearing date is set for March 17, 2011. Criterion met.

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

##### **A. Decision types. 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 March 17, 2011 within 45 days from February 16, 2011. Criterion met.

D. Notice of Hearing.

**FINDING #5.** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on February 23, 2011. A notice was published in the newspaper on March 6, 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:** Schools are conditionally allowed in the RL zone. Criterion met.

B. Standards. The proposed use conforms to all applicable standards of the zone district where the use is proposed to be located.

**FINDING #8:** Section 5.100.040 sets out the development standards for the CRO zone. The proposed buildings will meet all development standards. Criteria met.

C. Impact. The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the legal development of abutting properties and the surrounding neighborhood, with consideration given to:

1. Harmony of scale, bulk, building coverage, and density.

**FINDING #9:** The proposed structure is compatible with the existing school building. Given the scale of the existing school building and the large open areas, this building will have no adverse impact on abutting properties. Criterion met.

2. The availability of public facilities.

**FINDING #10:** This is an existing site with all public facilities including sewer, water, public access, and other private utilities – power, telephone, etc. Utilities will have to be extended to the new building site. Criterion met.

3. Any harmful effects on desirable neighborhood characteristics and livability.

**FINDING #11:** This use will be in a building and there is nothing about the building or the use that will have any harmful effects on the neighborhood. It is simply an expansion of an existing use. Criterion met.

4. Traffic generation, the capacity and safety of surrounding streets and alleys.

**FINDING #12:** The property is located on Cherry Heights and West 10<sup>th</sup>. West 10<sup>th</sup> is a fully developed street. Cherry Heights is a fully developed

street through and past the entrance to the school parking lot, but not all the way to the end of this property. Given the limited scope of the expansion, the lack of significant urban density development past this property, the proximity to the urban growth boundary, and the potential cost for installing a sidewalk on the remaining stretch of Cherry Heights, staff is not recommending a sidewalk installation with this approval. There is a supply of off street parking in front of the school and the available parking meets the minimum requirements of 1.5 spaces per classroom, even after this addition. Criterion met.

5. Bicycle and pedestrian circulation, access and safety.  
**FINDING #13:** The facility is existing and similar to other school uses. The proposed new use will not cause any unusual safety issues. Criterion met.
6. Any other impacts of the development deemed relevant to the Commission.  
**FINDING #14:** No other impacts are deemed relevant. Criterion met.

**RECOMMENDATION:** Staff recommends approval subject to the conditions listed below.

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

1. Any improvements must be completed in accordance with Land Use and Development Ordinance 98-1222.
2. No additional parking spaces are required. If additional parking spaces are provided, the construction must meet LUDO requirements for surface parking lots.
3. Applicant will meet Fire Marshal requirements for a Knox box placed in a location acceptable to the Fire Marshal.
4. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
5. A building permit will be required. System Development Charges, if any, will be assessed at that time.

## RESOLUTION NO. P.C. 506-11

Adopting Variance Application #114-10 of David and Marla Skroch to gain approval for the installation of a driveway in excess of the 24 feet allowed in the Land Use and Development code. Property is located at 2002 W 13<sup>th</sup> Street, and further described as 2N 13E 32 DD tax lot 8000. Property is zoned "RL" – Low Density Residential.

### I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on December 2, 2010, December 16, 2010 and on February 3, 2011 conducted public hearings 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 VAR 114-10 and the minutes of the December 2, 2010, December 16, 2010, February 3, 2011 and March 17, 2011 Planning Commission meetings, upon approval, provides 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. In all respects as set forth in Recitals, Part "I" of this resolution.
- B. Variance 114-10 is hereby approved with the following Conditions of Approval:
  1. The owner obtains a facility permit from Wasco County and complies with its requirements.
  2. The owner enters into an agreement with the City to the effect that when West 13<sup>th</sup> Street is brought up to City standards, the owner agrees that by granting this variance, the property does not receive an exemption or other right for not meeting the design standards for the street. It is anticipated that if and when West 13<sup>th</sup> is improved, the allowance contained in this variance will put the driveway out into what may eventually be part of the street. Granting this variance should not prevent the City from properly designing the street. The agreement will provide that the owner or any successive owner be responsible for any necessary reconstruction of the driveway to accommodate the improvements to West 13<sup>th</sup> Street. This agreement will be recorded in the deed records of the County. The owner is responsible for recording costs.
  3. The owner will work with Wasco County to resolve any drainage issues due to the increased driveway surface area.

### 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 17<sup>th</sup> DAY OF MARCH 2011

\_\_\_\_\_  
Bruce Lavier, Chair  
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 17<sup>th</sup> of March 2011.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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

## **RESOLUTION NO. P.C. 507-11**

Adopting Conditional Use Permit Application #163-11 of St. Mary's Academy to construct a new school room in a separate building. Property is located at 1112 Cherry Heights Road and is further described as 1N 13E 4BD, tax lot 1800. Property is zoned "RL/CFO" – Low Density Residential District, with a Community Facilities Overlay.

### **I. RECITALS:**

- A.** The Planning Commission of the City of The Dalles has on March 17, 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 163-11 and the minutes of the March 17, 2011 Planning Commission meeting, upon approval, provides 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.** In all respects as set forth in Recitals, Part "I" of this resolution.
- B.** Conditional Use Permit 163-11 are 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. No additional parking spaces are required. If additional parking spaces are provided, the construction must meet LUDO requirements for surface parking lots.
  - 3. Applicant will meet Fire Marshal requirements for a Knox box placed in a location acceptable to the Fire Marshal.
  - 4. A cut and fill permit is required for all cuts/fills that exceed 50 cubic yards. Those over 250 cubic yards require engineered plans.
  - 5. A building permit will be required. System Development Charges, if any, will be assessed at that time.

### **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 17<sup>th</sup> DAY OF MARCH 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 17<sup>th</sup> of March 2011.

AYES:

NAYS:

ABSENT:

ABSTAIN:

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



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

# Memorandum

**To:** Planning Commission  
**From:** Dick Gassman, Senior Planner  
**Date:** March 17, 2011  
**Re:** Industrial and Residential Lands Subcommittee Recommendations

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### **INDUSTRIAL LANDS SUBCOMMITTEE:**

The Industrial Land Subcommittee met on Wednesday, December 8, 2010 to consider recommending changes to the draft documents included in the City's Periodic Review update. The subcommittee reviewed the Economic Opportunities Analysis prepared for The Dalles by ECONorthwest, dated April 2007, the adopted population projections from 2006, and the Memorandum on buildable lands from Winterbrook Planning dated March 22, 2006. These documents were reviewed to help the subcommittee make recommendations to the full Planning Commission on the draft amendments to the industrial chapter of the City's Land Use and Development Ordinance (LUDO), as contained in the November 8, 2010 document from Winterbrook Planning.

The subcommittee heard testimony and discussion from interested parties particularly in regard to the Draft zoning amendments, focusing mainly on the provisions for the Conceptual Master Plan in the proposed section 5.090.040. Two issues discussed were the level of review for a master plan, and the need, or lack thereof, for larger industrial sites. The testimony was in favor of making the conceptual plan process less formal and less costly. The testimony was also in favor of not requiring the retention of larger sites, and retaining flexibility.

After reviewing the listed documents, listening to the testimony offered, and discussing the proposed changes, it is the subcommittee's recommendation that the draft LUDO amendments be modified as follows:

1. In Section 5.090.040 and wherever else the phrase is found, the terminology be changed from a Conceptual Master Plan to a Conceptual Development Plan.
2. In section 5.090.040 A. 1. The Conceptual Development Plan be subject to ministerial (staff) review, rather than a quasi-judicial review.
3. Section 5.090.040 A. 4 be deleted, subject to additional information identified in #4.
4. The subcommittee has been made aware that State law may require the City to retain some larger industrial sites. The subcommittee has asked staff to further research this issue and have information available at the time of the meeting of the full Planning Commission.

**RESIDENTIAL LANDS SUBCOMMITTEE:**

The Residential Lands Subcommittee also met on Wednesday, December 8, 2010 to consider recommending changes to the draft documents on residential lands included in the City's Periodic Review update.

No public testimony was presented at the meeting. After reviewing the documents, discussing the proposed language amendments with staff and with the City's consultant, Greg Winterowd, the subcommittee recommended that the Planning Commission support the amendments as originally presented in the "City of The Dalles Draft Recommended Residential Zoning District Amendments" by Winterbrook Planning, dated October 25, 2010.