



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

MINUTES
CITY OF THE DALLES PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

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

I. CALL TO ORDER

The chair called the meeting to order at 6:00pm.

II. ROLL CALL

In attendance:

Commission: Chair Bruce Lavier, Chris Zukin, Sherry DuFault, and John Nelson

Staff: Steve Harris, Director of Planning and Nick Kraemer, Associate Planner

Absent:

Commissioners: Jeff Stiles, Mark Poppoff, and there is currently a vacancy on the board.

Staff: Gene Parker, City Attorney and Dawn Hert, Senior Planner.

III. APPROVAL OF AGENDA

Chair Lavier noted that the October, 6th minutes were not included in the packet and were not available for review. Commissioner Zukin motioned to approve the agenda minus the minutes, seconded by DuFault and carried unanimously by the commission.

IV. APPROVAL OF MINUTES:

N/A

V. PUBLIC COMMENT

There were no public comments.

VI. QUASI-JUDICIAL PUBLIC HEARINGS

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

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

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

District.

The Chair Lavier read the rules of Quasi-Judicial Hearings and read the set forth continued review of SPR 43-83. He asked if the commission had bias towards the SPR, and the commission did not have any. Chair Lavier then asked the public if they had knowledge of a commissioner bias and there were no comments.

Chair Lavier asked Associate Planner Kraemer to review the details of continued SPR 43-83.

Kraemer stated that after several attempts at code enforcement and no response from the property owner, the department had taken the step to review the CUP for the property, resulting in the previous public hearing. During that hearing the Planning Commission had asked the property owner to submit a plan for clean-up or screening of the property, to place the property into compliance with the conditions of approval. The commission decided to give Lipinski ninety days to set forth a plan, and six additional months to implement said plan if approved by the commission.

Commissioner DuFault asked if the commission had set forth any requirements for the plan. Associate Planner Kramer indicated that the commission had been open-ended about the structure of the plan.

Director of Planning Harris further described the property as he had recently observed it, and noted the presence of a large number of stacked bales, that seemed to him a pressing issue, and noted that the current plan set-forth by Lipinski did not entirely cover those bales.

Commissioner DuFault noted that her main goal was to screen 2nd and Webber streets, and felt the plan adequately did that. Commissioner Nelson disagreed and felt it was important for the screening cover all loose materials, and stated the unorganized, loose materials was the most unsightly part of the property.

Commissioner Zukin added that he did not mind organized stacked items, and felt that if organized materials extended above the screening it would still accomplish the goals of the commission.

The commission began to discuss the possibility of implementation with milestones, and also discussed their ability to change the plan if it was not adequate upon completion. Associate Planner Kraemer reminded the commission that they had two options. They could accept the plan as is and implement a timeframe and/or milestones or they could reject the proposal and extend the time for submission of a new plan.

Chair Lavier asked if the applicant had worked with staff on the plan. The applicant and Associate Planner Kraemer indicated that they had been in contact.

Chair Lavier asked if there were any more questions for staff. There was not.

Proponents:

Paul Lepinski: 280 Webber Street, The Dalles, Oregon 97058

Mr. Lepinski indicated that he had drafted the plan to primarily address the front of the property. He said he purposefully addressed Webber and 2nd issues by angling the fence at the entrance. He cited the negative price of plastic and shortage of workers as the reason for continuing issues on the property. He said that he had already bought the materials for the proposed plan and was ready for implementation. Lipinski noted that the plan did not provide a fully enclosed fence because of the need to get large semis in and out of the property.

Commissioner Zukin added it was not the wish of the commission to hinder business and understood the issue with the trucks.

After asking for any other proponents or opponents, Chair Lavier closed the meeting to public comment.

Commissioner Nelson said that he was in favor of a phased project. Zukin added that in order to protect Lepinski's investment, the commission needed to present clear guidelines. DuFault added that the plan seemed reasonable considering the constraints involved.

After discussion Commissioner Zukin motioned to approve the plan as proposed citing these guidelines:

- i. The organized and stacked materials would be allowed to be higher than the screening, but in the future could not be stacked any higher than they were currently.
- ii. The presented plan needed to be completed within six months of the hearing date (December 1, 2016), and the commission had room to "tweak" implementation after a three month review.
- iii. The commission would only make recommendations that could be accommodated using materials already purchased by Lipinski.

Commissioner Nelson seconded the motion and it was carried unanimously by the commission.

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

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

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

Chair Lavier reminded the room that the rules read aloud applied to the current application. He asked the Commissioners if they had bias in the matter and asked the public if they had

any knowledge of commissioner bias. There were no comments made.

Associate Planner Kraemer read from the Staff Report concerning the application and recited the conditions for approval. He also noted, while the plan was different than the majority of the neighborhood, there was already non-conformity in the neighborhood in a four-plex on the adjoining lot. He added that staff had not made a recommendation for either approval or denial citing a similar case from 2010 in which the Planning Commission had denied a similar partition request. The denial had been on the basis of the first MIP criteria and at the time the commission felt the partition impacted the "livability and/or appearance" of the neighborhood.

Commissioner Zukin noted that he remembered the application, but felt there were some other factors that influenced the decision that were not noted in the public record.

Chair Lavier stated that he thought that the partition accomplished two goals. It would add to the neighborhood by filling a vacant lot, and also accomplished the city's goals by adding housing and utilizing land appropriately. Commissioner Nelson agreed citing the need to be economical with the land currently in the The Dalles, in order to justify expansion at a later date. Commissioner DuFault felt that the partition would add to the neighborhood and felt it was a good example of how to solve the current housing shortage. Chair Lavier agreed with all the comments and noted that similar partitions might be added to the LUDO ordinances during the next modification.

Proponents

Jonathan Blum: 1023 Columbia Ave, Hood River, Oregon 97031

Jaqueline Bishop: 1023 Columbia Ave, Hood River, Oregon 97031

Blum addressed the commission noting that he and Bishop owned a rental management company in The Dalles. The current property was to be an addition of two homes, Bishop and Blum currently own the adjacent four-plex. They specialized in single-family homes, and pride themselves on high-quality rentals and working with single-income families.

Bishop noted that the current lot was oversized for the neighborhood. They were looking to partition and build two identical structures in the next 18 months, ideally breaking ground in the next few weeks.

Blum said that the partition made not only spatial sense, but financial sense. It would lower the cost of the project substantially if the partition was approved. Bishop and Blum had purposefully had kept the footprint of the houses small to fit in with the neighboring house, and were conscience to keep established trees on the lots.

Commissioner Nelson said that he would like two changes to the conditions of approval:

- 1) Condition II should be changed in order to note that the owners *will* meet landscaping standards.

- 2) Condition III changed to note that vehicles will not be allowed to block the alley.

Associate Planner Kraemer noted that the second change would already be enforced under city code. Blum said he had no objection to changing the conditions of approval and added providing good landscaping and adhering to codes was in their best interests as business owners.

Chair Lavier asked if there were any more proponents, asked for opponents, then opened the floor to questions. There were no comments.

Commissioner Nelson motioned to approve the application based on the above noted changes. DuFault seconded the motion, and it was carried unanimously by the commission.

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

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

LOCATION The property is located at 3226 W 2nd Street and is further described as 2N 13E 29DD t.l. 500.; Property is zoned "CLP" –Commercial Light Industrial District.

Chair Lavier reminded the room that the rules read aloud applied to the current application. He asked the Commissioners if they had bias, and asked the public if they knew of any commissioner bias. There were no comments made.

Planning Director Harris introduced the Change of Use Application, and noted that the absence of City Attorney Parker and Senior Planner Hert might make it difficult to answer any complex questions. He noted that the only exception to the conditions for approval was the landscaping. The applicant was citing security issues for not adhering to the standards. Planning Director Harris added that he felt there could be landscaping implemented that would actually discourage entry onto the property.

Commissioner Nelson inquired about the level of landscaping required by the code versus the level being proposed by the applicant. Planning Director Harris noted that the code required a percentage of the total square footage of the building, and the proposed landscaping was significantly less than code.

After some discussion among the commission about retail versus processing criteria for approval, Commissioner DuFault clarified that the only issue with the permit was the landscaping.

The hearing was opened for public comment.

Proponents:

Getting Pollard: 69602 Warnock Road, Lostline, Oregon 97857

Pollard addressed the commission citing security reason for the lack of compliance with the landscaping code. He noted that per the OEC, marijuana businesses were not allowed to have firearms onsite, and that he relied on technology and awareness for the security of the business. He said that he feared that landscaping would set off motion detectors and block the view of both employees and patrons entering and leaving the business.

Chair Lavier asked if Pollard was willing to work with the Planning Department to come into compliance with the landscaping code, Pollard with amenable to working with the department.

Commissioner Zukin inquired how Pollard was certain he would be in compliance with odor control. Pollard cited \$6,000 in carbon filters and a completely sealed building.

Opponents:

Shirley Hovda: PO Box 394, The Dalles, Oregon.

Mrs. Hovda addressed the commission as a concerned citizen wanting to know more about the impacts of the customers and traffic to the surrounding properties. Hovda informed the commission that her and her late husband had worked very hard to build up the area and she was concerned that the neighborhood may not be kept up, but also noted that currently the property in question was very clean. Mrs. Hovda also expressed concern that because of the need for high-security and her property was at risk of being a potential access point to the business. She asked if the retail portion of the business had already been approved. The council informed her that it had.

Mr. Pollard addressed the commission and said that the business was entirely professional and offered to provide references to address any concerns about his business ventures.

Chair Lavier suggested that Mrs. Hovda and Mr. Pollard exchange numbers to arrange a tour of the facility to ease concerns and build a relationship, noting they may common business interests.

Chair Lavier asked if there were other questions.

Commission DuFault expressed concern that without City Attorney Parker or Senior Planner Hert that the commission could be making a decision without understanding the full ramifications. Chair Lavier proposed that they leave the hearing open pending the attendance of the missing staff members.

Mr. Pollard asked for clarification for the basis of the continuance.

Commissioner DuFault expressed concern they were making a decision in a vacuum of information.

The commission did note that the continuance did not have to do with the spatial proximity of the business to other marijuana retailers.

Commissioner DuFault motioned to leave the public hearing open until it could be continued on December 15, 2016. Commissioner Zukin seconded the motion and it was carried unanimously by the commission.

VII. Resolutions:

The resolutions were held until they could be drafted and/or changed to specification of the commission.

VIII. Staff Comments

Planning Director Harris introduced himself formally to the commission and expressed appreciation to the commission and community for their welcome. He gave a brief history of his thirty-five plus years within planning, much of which was spent at the director-level with extensive work in planning and community development in California and New Mexico. He has specialized in smaller communities, both rural and urban, and expressed an enjoyment for the unique ability to grow relationships and rapidly complete projects within these communities.

He noted that the Planning Department will be undergoing organizational changes, including onboarding additional responsibilities and working to optimize interactions with all stakeholders including commissioners, staff, contractors and the general public. In addition, he specifically wished to engage the Planning Commission in the department's goal setting and would be keeping them apprised as the budgetary process moves forward in the next few months.

Planning Director Harris noted that also moving forward during the *Staff Comments* portion of the Planning Commission meetings he would be introducing upcoming issues to the commission and indicating any items of note that may come before the commission or influence planning decisions in the future. As an example, he noted the City Council had indicated that they would like the Planning Commission to revisit the ordinance for distance between marijuana facilities, and noted it might require significant changes to the code.

He also stated that in the next Planning Commission meeting there would be three presentations brought before the commission:

i. Scoping for Gorge 2020 Management Plan Update and Review:

A Presentation of the Process

Presented by Krystyna U. Wolniakowski, *Executive Director*

ii. **Housing and Residential Land Needs Assessment: Status Update**

Presented by Brendan Buckley, *Senior Project Manager*

Johnson Economics

iii. **Buildable Lands Inventory: Status Update**

Presented by Matt Hastie, *Project Manager*

Angelo Planning Group

The council decided that the public hearing portion of the next meeting would precede the presentations. This brought up discussion between the council member on the start time of the next meeting, and subsequently the start time of Planning Commission meetings in general. It was agreed by the commission to start the December 15th at 5:30, and barring any objections from staff continue that time thereafter.

The meeting was adjourned at 8:25 by Chair Lavier.

IV. **Commissioner Comments or Questions**

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

XI. **Adjournment**