

AGENDA

PLANNING COMMISSION

January 20, 2022

5:30 p.m.

VIA ZOOM

<https://us06web.zoom.us/j/82327794645?pwd=c1d2UGhUb1BoVithR0tFUzZzcWtXQT09>

Meeting ID: **823 2779 4645** Passcode: **001537**

Dial: 1-669-900-6833 or 1-253-215-8782

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. ELECTION OF OFFICERS
6. APPROVAL OF MINUTES – December 16, 2021
7. PUBLIC COMMENT
8. STAFF COMMENTS / PROJECT UPDATES
9. COMMISSIONER COMMENTS / QUESTIONS
10. QUASI-JUDICIAL PUBLIC HEARING
CUP 200-21, Tony Cheng, 2610 W. Second Street
Request: Approval to construct and operate a 10,400 SF indoor recreational marijuana farm.
11. RESOLUTION
Resolution PC 599-22: Approval of CUP 200-21, Tony Cheng
12. ADJOURNMENT

This meeting conducted via Zoom.

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

December 16, 2021
5:30 p.m.

VIA ZOOM

PRESIDING: Cody Cornett, Chair

COMMISSIONERS PRESENT: Karly Aparicio, Alan Easling, Linda Miller, Mark Poppoff,
one position vacant

COMMISSIONERS ABSENT: Philip Mascher

STAFF PRESENT: Director Alice Cannon, Senior Planner Dawn Hert, City
Engineer Dale McCabe, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Miller and seconded by Easling to approve the agenda as presented. The motion carried 5/0; Aparicio, Cornett, Easling, Miller, and Poppoff voting in favor, none opposed, Mascher absent, one position vacant.

APPROVAL OF MINUTES

It was moved by Easling and seconded by Poppoff to approve the minutes as submitted. The motion carried 5/0; Aparicio, Cornett, Easling, Miller, and Poppoff voting in favor, none opposed, Mascher absent, one position vacant.

PUBLIC COMMENT

Brian Lauterbach, 1900 E. 23rd Street, The Dalles

Mr. Lauterbach commented on the future presentation referring to the potential use of buildings in the Central Business Commercial (CBC) District. Lauterbach preferred Option 2, if it was

modified to place a 60% cap on Third Street for commercial development, with 40% limited to residential use.

STAFF COMMENTS / PROJECT UPDATES

Director Cannon stated Staff will be working on minor housekeeping amendments to the Code for presentation to the Commission in January.

Todd Carpenter applied to the Historic Landmarks Commission and received approval for modifications to the rear of his building. Carpenter is on track to meet the deadline established with the Urban Renewal Agency. The final portion of work may require an extension for completion.

Environmental clean-up continues on the Tony's Building. The next step is removal of an underground storage tank, followed by soil testing. Staff will pursue funding assistance for asbestos removal.

The First Street project is on time and on budget. It will be under construction in 2023. Work continues on determining the structural integrity of the basalt walls and checking for archeological artifacts.

Mary Hanlon, 315 E. Tenth Street, The Dalles

Ms. Hanlon thanked the Commission for their consideration of changes to the CBC District. Hanlon has been looking at redevelopment of the site at 523 E. Third Street to create a mixed-use building with the primary objective of multi-family housing with ground floor commercial use. Hanlon felt both Option 1 and Option 2 are helpful; with 100% ground floor retail, problems arise with lenders. Option 2 is great due to recognition of the historic downtown. Hanlon stated she was very happy to work with the Planning Department on this project. Hanlon stated downtown housing would breathe life into downtown.

COMMISSIONER COMMENTS / QUESTIONS

None.

DISCUSSION ITEM

Potential Changes to the Land Use and Development Code (LUDO) for the Central Business Commercial (CB-C) Zoning District

Director Cannon provided a presentation on promoting neighborhood development in downtown The Dalles through flexible land uses, Exhibit 1.

Downtown is broken into three Sub-Districts. This presentation focused on Sub-District 3, as a response to interest in increased development flexibility.

Discussion:

Commissioner Miller stated Second and Third streets should be commercial on the ground floor, with residential use on the upper floors; Fourth Street should be flexible.

Senior Planner Hert noted the Code specifically states structures originally constructed as residential units could remain residential and/or be returned to residential uses.

Chair Cornett if there was benefit to creating this Code to provide clarity for future development. Director Cannon replied there is a benefit.

Commissioner Miller does not consider First Street to be part of the core, it's almost an alley. It should have flexibility similar to Fourth Street.

Commissioner Poppoff preferred Option 1, although Option 2 would be okay if commercial spaces could remain occupied on Second Street. Fourth Street is predominantly residential with a smattering of commercial. Residential uses should be allowed since Fourth Street is not really in the core.

Commissioner Aparicio was in favor of a combination of Option 2 or 3. We need to increase options for housing throughout the City; the downtown core is an underutilized resource for housing. Aparicio agreed that First Street seems to be an alley; the most underutilized of the core area. Second Street should definitely be reserved for commercial.

Chair Cornett asked if our focus is on Second and Third streets, with mixed feelings about First and Fourth streets, should the boundary [red line on Option 1 map] be changed? Director Cannon replied yes; Aparicio stated it made sense.

Chair Cornett thought the northern line should go down the alley between Second and First streets. Director Cannon noted prior to changes, we should ensure there would be no loss of design standards applicable to First Street.

Commissioner Easling agreed with suggestions for Second and Third streets. He would like to encourage development and see buildings used to their full potential. He asked if other groups were involved in this discussion. Director Cannon replied The Dalles Main Street may be involved. Cannon has been speaking individually with property owners. Commissioner Easling suggested contacting the Chamber of Commerce.

Chair Cornett stated Commission consensus was open to Second and Third streets requiring commercial uses on the ground floor.

Commissioner Poppoff noted Option 2 covered just Second Street in the historic district; that would be his preferred option. He did not feel it should extend to Third Street.

In summary, Cannon stated First Street should have flexibility. Second Street should be ground floor commercial. Third Street remains a question, but she referred to an earlier suggestion for a 60/40 split between commercial and residential.

Commissioner Poppoff noted the allowance of residential on Third Street would provide a better chance to put the buildings to use.

Commissioner Miller stated Second and Third streets are our main streets for traffic entering and exiting the City. She felt commercial use was more appropriate.

Commissioner Easling stated the retention of commercial use would maintain the spirit of downtown.

Chair Cornett asked Staff if it was appropriate to allow residential as a conditional use on Third Street. Director Cannon replied that was a good option which allows the Commission to place appropriate conditions to mitigate for any potential impacts. Senior Planner Hert agreed. She noted Codes are written to allow for development; it does not guarantee people will come just because it is allowed. Any opportunity to open something up for development and/or redevelopment to keep our downtown vibrant is a great idea. Hert noted a Conditional Use Permit would come before the Commission for review.

Commissioner Easling added he was not opposed to the Conditional Use Permit for both Second and Third streets. Director Cannon stated she had concerns about allowing too much flexibility on Second Street; it should be preserved due to its history. Senior Planner Hert also had concerns about changes in the Historic District.

Chair Cornett stated to keep the downtown vibrant, he felt Second and Third streets should be 100% ground floor commercial with no conditional uses for residential. First and Fourth streets will have flexibility for ground floor residential.

Commissioner Miller agreed. Commissioner Poppoff stated he felt the same, but addition of a conditional use for residential would add some flexibility. Commissioner Aparicio felt strongly that Second Street should be preserved but could go either way on Third Street. First and Fourth streets should have flexibility. Commissioner Easling agreed with Commissioner Aparicio.

Director Cannon summarized a mixed set of opinions: flexibility for First and Fourth streets, Second Street should be maintained, and a Conditional Use Permit available for Third Street. Cannon referred to Mr. Lauterbach's idea of a percentage allowing flexibility on Third Street. Decisions would be made at the Staff level through Site Review.

Commissioner Aparicio asked how much red tape would be added by requiring a conditional use for everything. When talking about encouraging development, but also maintaining, how do we think about the process in all this? Do all of these need to come to the Planning Commission?

Director Cannon replied in order to keep the door open to development, we need much of the work done at the staff level.

Update Summary of new legislation from the 2021 Session of the Oregon State Legislature

Senior Planner Hert provided the presentation, Exhibit 2.

Discussion:

HB 2008 – Religious-Owned Affordable Housing Siting and Property Tax Exemption

Commissioner Miller asked if we had religious-owned housing in The Dalles. Senior Planner Hert replied she thought we did not. There has been interest in building residential units in addition to a church or sanctuary. Some religious organizations have made changes to allow for shelter housing or residential care homes. There are churches that own properties, but Hert is unaware of any religious organization that owns affordable housing.

Senior Planner Hert noted this House Bill will allow any religious entity to site affordable housing. HB 2008 does not directly detail density, etc.

HB 2583 – Occupancy Limitations

Chair Cornett asked if HB 2583 states a local government cannot set a maximum standard for the number of people living in a dwelling. Senior Planner Hert clarified this bill addresses multi-generational families or people choosing to live communally due to affordability. This bill does not prevent landlords or other private entities from setting occupancy limits for their own units.

HB 3040 – SDC Study and Reporting Requirements

Commissioner Easling asked if the Study would look at only the City's SDCs, or would it include Parks and Recreation? Senior Planner Hert assumed the Study would look at all System Development Charges collected at a local level with a building permit. Senior Planner Hert will follow up on this question.

SB 8 – Affordable Housing Land Use Requirements

Senior Planner Hert will return to the Planning Commission with further details. Director Cannon noted SB 8 is more complex than this brief description.

SB 458 – Middle Housing Land Division

Senior Planner Hert noted this may lead to extensive Code revisions. Additional details will be provided.

ADJOURNMENT

Chair Cornett adjourned the meeting at 7:22 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

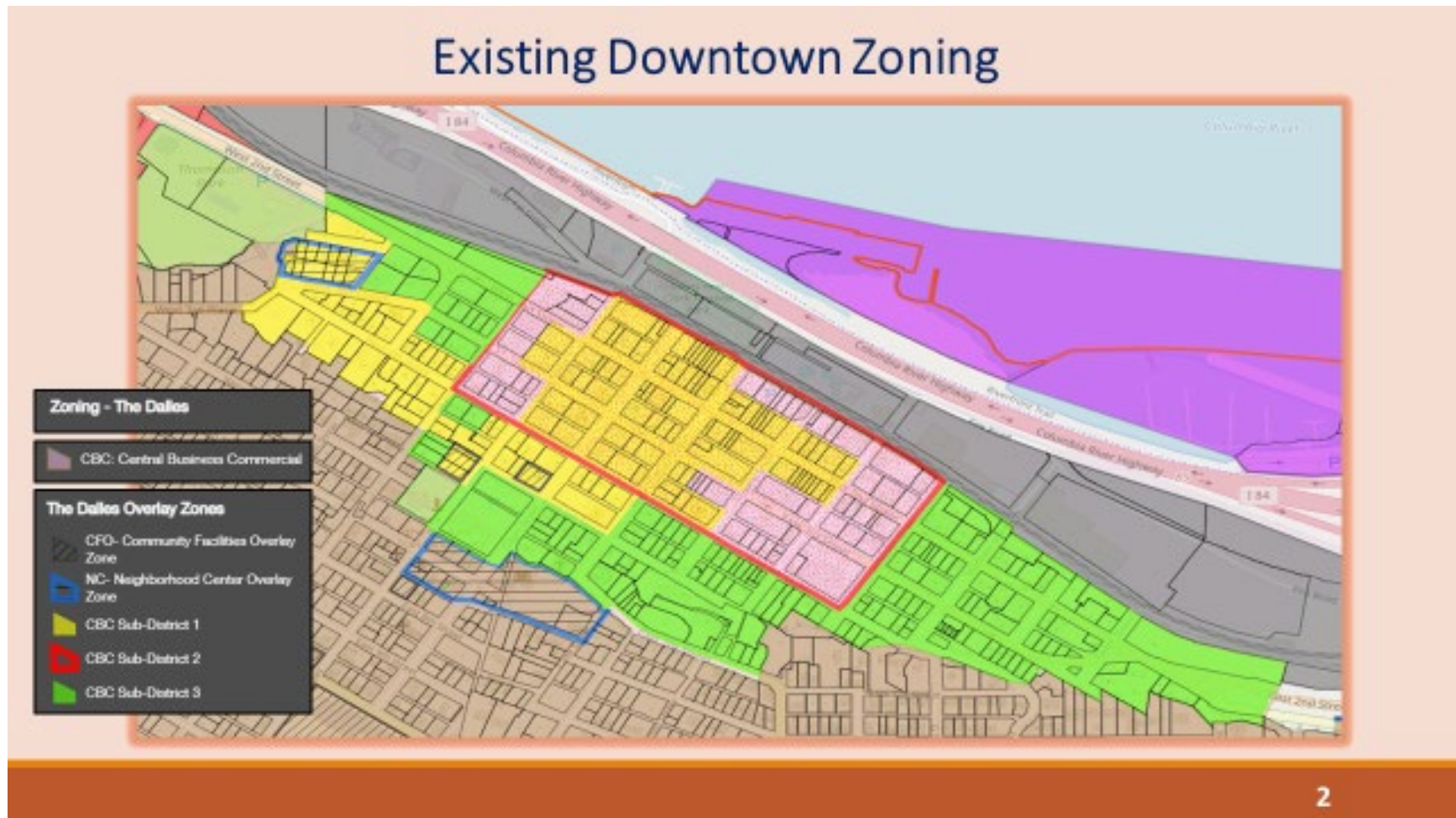
SIGNED: _____

Cody Cornett, Chair

ATTEST: _____

Paula Webb, Secretary
Community Development Department





Where is Ground-Floor Commercial currently required in downtown?

Answer: The area surrounded by the red border, defined as CBC-Subdistrict 2. Residential is allowed only on upper levels of buildings within the red outlined area.



Some questions to consider during the discussion:

- What is a healthy mix of commercial and residential land uses in the downtown area, **considering the rise of online shopping and remote work?**
- How can the land use regulations **promote more residential development within ¼ mile of the historic downtown shopping district to:**
 - Support and sustain the historic downtown?
 - Address the regional housing shortage?

Code Amendment Option 1: Allow maximum land use flexibility in the CBC-2 zone

Suggestion:
Remove the
commercial
ground floor
requirement
in the red
area.



Note:
This option
was originally
recommended
by Planning
Commission
on 4/22/2021.

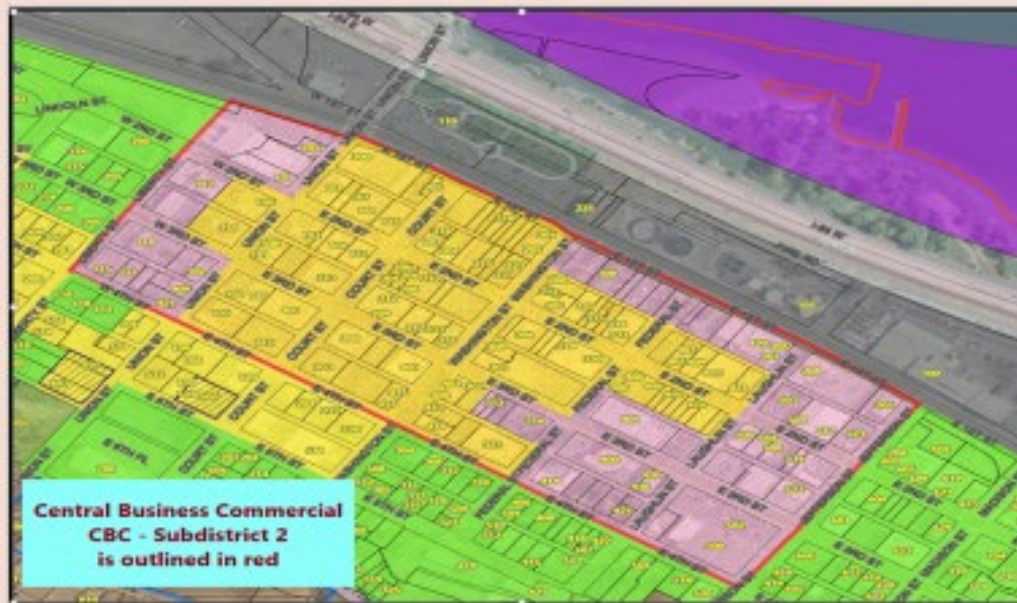
Code Amendment Option #2 – Protect historic Main Street/Second Street shopping district

require ground-floor commercial on these properties



6

Code Amendment Option #3 – Ground-floor residential uses in the red area would require Conditional Permit approval from Planning Commission



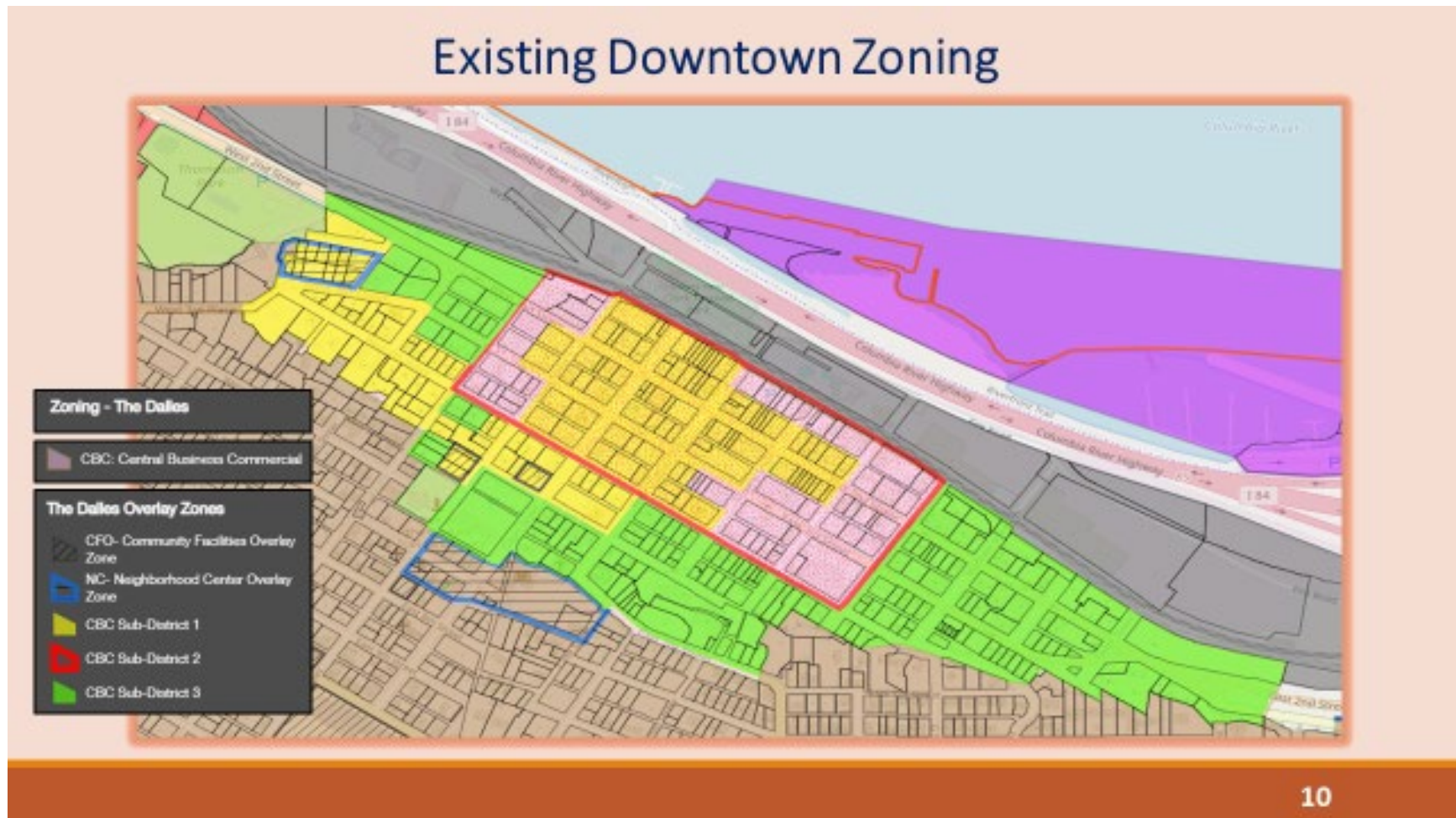
Note:
This
requirement
would only
apply to CBC
Sub-District 2
(the red area)

Discussion

- Staff prefers Option #2 and welcomes Commission feedback at tonight's meeting.
- Following the discussion, staff will take the results of this discussion to stakeholders for comment and to City Council for discussion prior to a hearing.

This Raises Another Code Issue:

- If ground-floor residential is permitted in CBC-Subdistrict 2, then we should review development standards to ensure residential compatibility on the ground floor.



CBC-Subdistrict 2 currently requires a maximum zero foot setback for all development, subject to footnote #2, allowing 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission

CBC Central Business Commercial	Standard		
	Sub-district 1 Historic Districts	Sub-district 2 Downtown Core	Sub-district 3 Downtown Fringe
Setbacks			
Front Yard and Corner Side Yard	0 ft. maximum, 10 ft. maximum where overlaps Sub-district 1 ¹	0 ft. maximum ²	10 ft. maximum ³
Side and Rear Yards	No minimum maximum, except 15 ft. where shares lot line with residentially zoned property, unless there is a vertical grade change between adjacent zone districts greater than 20 feet		
Lot Size, Width, Depth	No minimum one full City Block maximum provided any public rights-of-way are maintained		
Building Height	35 ft. maximum, except 75 ft. maximum with a conditional use permit		
Building Orientation	New buildings and major remodels of existing buildings increasing floor area by more than 20% shall be oriented primarily toward a street or designated accessory rather than a parking area		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.030.070(C): Pedestrian Walkways		
Off-Street Parking (Bicycles and Vehicles)	See Chapter 10.7 - Parking Standards		
Landscaping	See Article 6.010: Landscaping Standards		
Accessory Uses, Buildings and Structures	See Article 6.020: Accessory Development		
Access Management	See Article 6.050: Access Management		
¹ Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of both the Historic Landmarks Commission and the Planning Commission.			
² Applicant may request up to 15-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.			
³ Applicant may request up to 5-foot exception where outdoor seating for food service is proposed, subject to quasi-judicial approval of the Planning Commission.			

Staff would like to discuss possible modifications to this requirement at the meeting.



City of The Dalles Planning Commission

THURSDAY, DECEMBER 16, 2021 | 5:30 PM

Legislative Update – Housing & Land Use

- **HB 2003**: Regional Housing Needs Analysis, *Effective Date: June 26, 2019 (Previous Session status update)*
- **HB 2006**: Emergency Shelter Siting, *Effective May 12, 2021*
- **HB 2008**: Religious-Owned Affordable Housing Siting and Property Tax Exemption, *Effective Sept. 25, 2022*
- **HB 2583**: Occupancy Limitations, *Effective January 1, 2022*
- **HB 2918**: Surplus Land Reporting for Affordable Housing, *Effective January 1, 2022*
- **HB 3040**: SDC Study and Reporting Requirements, *Effective July 19, 2021*
- **HB 3109**: Childcare Facility Siting, *Effective January 1, 2022*
- **HB 3261**: Motel Conversion Siting, *Effective May 1, 2021*
- **SB 8**: Affordable Housing Land Use Requirements, *Effective January 1, 2022*
- **SB 458**: Middle Housing Land Division, *Effective January 1, 2022*

Legislative Update – Housing & Land Use

- **HB 2003: Regional Housing Needs Analysis, Effective Date: June 26, 2019**
 - HB 2003 – Passed in 2019 by the Oregon Legislature, HB 2003 is a law to make sure communities meet the diverse housing needs of Oregonians. The law requires Oregon's medium and large cities to study the future housing needs of their residents and to develop strategies to make sure the housing needed is produced.
 - This Bill requires cities over 10,000 people to analyze what housing is needed for current and future residents every six to eight years. The bill then requires each city to adopt a housing production strategy within a year of completing the analysis. The strategy must list specific actions the city will take to promote the development of all identified housing needs – such as revising regulations or providing financial incentives. The bill also directs the Oregon Housing and Community Services Department to conduct a pilot project to calculate housing needs for the next 20 years in each region, for all income levels. The Department of Land Conservation and Development must then report to the legislature on the method's effectiveness.
 - The bill also authorizes cities to allow affordable housing to be built on public land inside urban growth boundaries, and allows multiple buildings for affordable housing to be built next to places of worship.
 - Based on the Housing Needs Assessment Update Schedule, the City of The Dalles is required to complete and adopt a Housing Needs Analysis and Housing Strategies Report by December 31, 2025.

Legislative Update – Housing & Land Use

- **HB 2006: Emergency Shelter Siting, Effective May 12, 2021**
 - HB 2006 requires local governments to approve an application for an emergency shelter regardless of state or local land use laws, if the application meets specific approval criteria outlined in the bill. HB 2006 removes state requirements for mailed notice, public hearing, or solicitation of public comment on an application, and there is no requirement for a city to make a decision within a particular period of time. Decisions made under HB 2006 may not be appealed to the Oregon Land Use Board of Appeals but may be appealed using the writ of review process provided under ORS 34.010 – 34.100. The bill does not specify a process for local jurisdictions to review and approve shelters. Jurisdictions may require applicants to demonstrate they meet the requirements of HB 2006 through a letter and other formal documentation or they may choose to require applicants to submit an application. Cities should fully document their findings and justification for either approving or denying a shelter under HB 2006 and consult with legal counsel to ensure they are documenting findings appropriately to respond to potential appeal under ORS 34.010 – 34.100. The siting authority in HB 2006 sunsets on July 1, 2022, but shelters approved under the bill may remain in operation after the sunset. Should a shelter cease to operate, the standard land use regulations would apply again. HB 2006 went into effect upon signing on May 12, 2021. Shelter applicants must submit applications between May 12, 2021 and June 30, 2022 to qualify under HB 2006. The Legislature enacted an earlier, pilot version of the bill during the first special session of 2020 through [HB 4212](#), which was in place for 90 days, during which time several cities approved multiple emergency shelters under the expedited siting provisions. The LOC advocated for and gained technical improvements to HB 2006 in 2021 to improve local implementation and testified in support for the bill, which passed with strong bipartisan support.

Legislative Update – Housing & Land Use

- **HB 2008: Religious-Owned Affordable Housing Siting and Property Tax Exemption, *Effective Sept. 25, 2022***
 - HB 2008 requires local governments to approve the development of affordable housing on property not zoned for housing, without requiring a zoning change, on property owned by a religious organization if that property is located within an urban growth boundary, is not zoned for industrial use and is contiguous to property zoned for residential use. For a property contiguous to more than one residential property, the zoning of the property with the greatest density is applied to the new development. The bill allows local governments to apply certain restrictions or conditions of approval, provided that the conditions are clear, objective, and related to health, safety, habitability, or infrastructure. Governor Brown signed HB 2008 into law on July 14, 2021 and the bill goes into effect on September 25, 2021.
 - HB 2008 also provides a property tax exemption for property owned or purchased by a religious organization that is used solely to provide affordable housing to individuals with a combined household income at or below 60% of an area's median income. The development must also be subject to an affordable housing covenant guaranteeing affordability for at least 60 years. The bill applies to property tax years beginning on or after July 1, 2021.

Legislative Update – Housing & Land Use

- **HB 2583: Occupancy Limitations, *Effective January 1, 2022***
 - HB 2583 prohibits local governments from imposing occupancy limits based on familial or non-familial relationships. The bill does not prevent landlords and other private entities from setting occupancy limits for their own units (within existing law; ORS 90.262). Because it only applies to limits based on relationships, the bill also does not prevent local governments from addressing overcrowding, enforcing fire and building codes, or imposing limits on short-term rental occupancy. HB 2583 goes into effect on January 1, 2022.
- **HB 2918: Surplus Land Reporting for Affordable Housing, *Effective January 1, 2022***
 - HB 2918 requires local governments to submit an inventory of their surplus real property owned by the agency or district to the Oregon Department of Land Conservation and Development (DLCD) on January 1 of each even-numbered year. The DLCD is charged with developing and maintaining an online database but is not responsible for verifying the accuracy of inventory uploaded by local governments. The bill includes a new, optional process that a city may use to sell property for the purpose of developing affordable housing as an alternative to ORS 221.725 or 2241.727. If a city chooses to use the alternative process, it is required to satisfy certain requirements established in the bill. HB2918 took effect immediately upon signing and cities are required to submit a list of surplus real property to DLCD by January 1, 2022.

Legislative Update – Housing & Land Use

HB 3040: SDC Study and Reporting Requirements, Effective July 19, 2021

- HB 3040 directs and funds Oregon Housing and Community Services (OHCS) to conduct a comprehensive study of system development charges (SDCs) in consultation with the Oregon Department of Land Conservation and Development, the Department of Environmental Quality, the Department of Revenue, and the Oregon Business Development Department. The scope of the study must include the role of SDCs and their fee rates, the history and methodologies of SDCs, the impact of SDCs on overall housing costs, the costs and benefits of payment deferrals, and aspects of transparency related to fee rates. Local governments are required to comply with reasonable requests from OHCS, or from a third party conducting the study or any portion of the study, for information in furtherance of the study. OHCS is required to provide a preliminary report by December 31, 2021 and a final report by June 1, 2022.
- The bill also requires any local jurisdiction that charges SDCs and maintains a website to include the current SDC fee rates for each type of development, the SDC methodology used to determine fee rates, the list of capital improvement projects that will receive funding from SDC fee revenue, and contact information for a local official responsible for answering questions about system development charges. Jurisdictions without a public website must provide that information to the public free of charge upon request. The bill went into effect upon signing on July 19, 2021 and jurisdictions must meet the reporting requirements by January 1, 2022.

Legislative Update – Housing & Land Use

HB 3109: Childcare Facility Siting, *Effective January 1, 2022*

- HB 3109 establishes childcare facilities as a permitted use in all commercial or industrial zoned areas, except in areas zoned for heavy industrial use. The bill prohibits local governments from enacting, enforcing, or imposing any land use regulations or fees that prohibit or place conditions on childcare facilities that are more restrictive than those imposed for other uses in the same zone. A local government may impose reasonable conditions upon the establishment or maintenance of a childcare facility in an area zoned for industrial uses, including but not limited to, siting restrictions for properties designated on the Oregon Department of Environmental Quality's statewide list of contaminated properties as having known or suspected releases of hazardous substances. The LOC worked with the bill sponsors on technical amendments to clarify local government implementation. Governor Brown signed HB 3109 into law on July 7, 2021 and the bill goes into effect on January 1, 2022.

Legislative Update – Housing & Land Use

HB 3261: Motel Conversion Siting, *Effective May 1, 2021*

- HB 3261 requires local governments to allow the conversion of hotels and motels into emergency shelters or affordable housing, regardless of state or local land use laws, if the application meets specific approval criteria in the bill. Cities may still require the converted use to comply with building codes, occupancy limits, and reasonable siting and design standards if the standards do not, individually or cumulatively, prohibit the conversion through unreasonable costs or delay. HB 3126 went into effect on May 6, 2021 and applies to hotel and motel conversions or applications for conversions submitted on or after January 1, 2021. The LOC worked with the bill sponsor on amendments to narrow the scope of the original bill and clarify local implementation.

Legislative Update – Housing & Land Use

SB 8: Affordable Housing Land Use Requirements, Effective January 1, 2022

- SB 8 requires local governments to approve the development of certain affordable housing, and not require a zone change or conditional use permit, on land zoned to allow commercial uses, to allow religious assembly, or as public lands. Qualifying land may be owned by a public body or a religious nonprofit. The bill applies to property zoned to allow for industrial uses only if the property is publicly owned, adjacent to lands zoned for residential uses or schools, and not specifically designated for heavy industrial uses. These requirements do not apply to land that a local government determines lacks adequate infrastructure, or on property that: contains a slope of 25% or greater; is within a 100-year floodplain; or is constrained by state land use regulations based on natural disasters and hazards or natural resources. Local governments may still impose development requirements based on siting and design standards and building permits. SB 8 also includes a statewide density bonus for affordable housing in areas zoned for residential use. A local government may reduce the density or height of a development as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Finally, the bill broadens the ability of applicants developing affordable housing to obtain attorney fees in prevailing appeals before LUBA. SB 8 was signed into law on June 23, 2021 and the bill goes into effect on January 1, 2022.

Legislative Update – Housing & Land Use

- **SB 458: Middle Housing Land Division, *Effective January 1, 2022***
 - SB 458 requires local governments to approve divisions of real property for new middle housing development on lots and parcels subject to the middle housing regulations established under HB 2001 (2019). SB 458 establishes utilities and land use conditions under which local governments must approve divisions of real property for new middle housing development and provides an expedited approval timeline for qualifying applications. The bill also establishes additional conditions cities and counties may impose during review and approval of middle housing land division plans. Signed into law on May 26, 2021, SB 458 goes into effect on January 1, 2022. The LOC worked closely with the bill's proponents to negotiate technical improvements to the bill.

Legislative Update – Property Tax

- **HB 2456**: Tax Reviser's Bill, *Effective September 25, 2021*
- **SB 141**: Vertical Housing Exemption Changes, *Effective September 25, 2021*

Legislative Update – Property Tax

- **HB 2456: Tax Reviser's Bill, Effective September 25, 2021**
 - This annual bill makes corrections to and updates tax statutes. It allows the governing body of a local government to select the definition of "low income" from an expanded definition for purposes of certain rental property tax exemptions. HB 2456 also allows cities to extend the deadline for completion of construction for homes under the single unit affordable housing exemption. Cities may need to update ordinances or resolutions, depending on their specific language. Cities will need to review and update any program materials available on the internet or published by their offices.

Legislative Update – Property Tax

- **SB 141: Vertical Housing Exemption Changes, Effective September 25, 2021**
 - Makes a percentage of partial property tax exemption for property of vertical housing development projects proportional to allocation of floor area to residential housing or low income residential housing, without rounding up or down. The bill is unclear on whether cities would be required to recalculate the exemption percentage for existing projects. The exemption percentage is calculated at the time of application, and the bill does not require reapplication for existing projects, but the calculation changes are applicable to the 2021-22 tax year. Cities may need to update ordinances or resolutions, depending on their specific language. Cities will need to review and update any program materials available on the internet or published by their offices.

Legislative Update – Wildfire

- **SB 762: Wildfire Policy, Effective July 1, 2021**
 - This bill provides the administrative structure and policy guidance for state agencies to follow-up with additional resources, oversight, and regulations to reduce the risk of wildfire in the Wildland Urban Interface (WUI). The WUI is effectively the area/band of forestland that is on the edge of an urban setting. There are multiple advisory groups that will be established by this legislation to take a deeper dive into future land use decisions, emergency response coordination, landowner responsibilities, and the mapping process that the Oregon Department of Forestry and Oregon State University will be responsible for.
- **SB 405: Nonconforming Use, Effective May 15, 2021**
 - SB 405 allows a nonconforming use to not be considered interrupted or abandoned by a city or county while a federal, state, or local emergency order issued on or after January 1, 2020 temporarily limits or prohibits the use, or the restoration or replacement of the use. The bill also, until September 30, 2025, requires cities and counties to allow commencement of restoration or replacement of nonconforming uses that were damaged or destroyed by the September 2020 wildfires. SB 405 was signed into law and became effective on May 15, 2021.

Legislative Update – General Government

- **HB 2560: Electronic Participation in Public Meetings, Effective January 1, 2022**

Requires, to the extent reasonable, the governing body of a public body to allow for virtual or electronic participation in public meetings. Technical failures, disruptive participants and added cost beyond the de minimis render the requirement unreasonable. Cities should also evaluate their obligations under the Americans with Disabilities Act when electing not allow for virtual or electronic participation in public meetings.

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

CUP 200-21

Tony Cheng

Applicant:	Tony Cheng
Procedure Type:	Quasi-Judicial
Hearing Date:	January 20, 2022
Land Owner:	Columbia Gorge Enterprises, LLC
Assessor's Map:	Township 2 North, 13 East, Section 33 BB
Tax Lot:	1500
Address:	2610 W. Second Street
Zoning District:	"CLI" Commercial Light Industrial
Comprehensive Plan Designation:	"CLI" Commercial Light Industrial
Prepared By:	Kaitlyn Cook, Assistant Planner

REQUEST: The applicant is requesting approval to construct and operate a 10,400 sq. ft. indoor recreational marijuana farm, located at 2610 W. Second Street. This site was formally a retail business known as Red's Trading Post.

BACKGROUND INFORMATION: Tony Cheng is applying to change the use of a former retail business and storage building to a recreational marijuana grow and processing site. The Land Use and Development Ordinance requires marijuana production, processing and wholesaling applications be reviewed as a Conditional Use Permit.

The applicant has submitted site plans illustrating the current building, building elevations including architectural features, floor plan, and landscaping plan. This development will occur entirely inside the existing building. The applicant is not increasing the footprint of the existing building. The site plan includes details about the parking and proposed landscaping. The subject property abuts an unimproved street that does not have a curb, gutter, or sidewalk installed. The site improvements will be discussed in the subsequent findings.

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

COMMENTS RECEIVED: One comment was received during the 14-day comment period. Staff has provided a brief description of the comment below:

- *January 11, 2022: Norm Brock, 2630 W. 6th Street.* This individual had no objection to the subject application. They were questioning why the subject facility required a Conditional Use permit with the City of The Dalles. They also wanted clarification from the Application that no retail operation would be approved as they are within 300 feet from another marijuana retailer.

RESPONSE #1: Staff provided this individual with The Dalles Municipal Code Section 10.5.070.030 Conditional Uses which outlines the proposed use as conditional. The applicant has indicated that this proposal is an indoor marijuana farm, retail was not included as part of this application. A retail marijuana facility would not be permitted as it is not included in the subject application and within 1,000 feet of other marijuana dispensary facilities.

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

REVIEW CRITERIA:

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

Section 10.3.010.040 Applications

Subsection B. Completeness

FINDING A-1: The subject application was deemed complete on December 6, 2021. **Criteria met.**

Section 10.3.020.050 Quasi-Judicial Actions

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

FINDING A-2: This application is for a Conditional Use Permit per Section 10.5.070.030 H. The decision criteria listed in this ordinance section is addressed in the body of the staff report. The hearing is a quasi-judicial hearing. **Criteria met.**

Subsection B. Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

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

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

FINDING A-4: The public hearing is scheduled for January 20, 2022, which is within 45 days from the date the application was deemed complete (December 6, 2021). **Criterion met.**

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

FINDING A-5: Subject mailings to property owners within 300 feet and notice to affected department and agencies were made on January 7, 2022. **Criterion met.**

Section 10.3.050.030 Review Procedures

Subsection A. Applications. In addition to the requirements of Article 3.010: Application Procedures, conditional use permit applications shall be accompanied by at least 15 copies of a concept site plan, and, when required, 2 copies of the detailed landscape and construction/design plans, per the provisions of Article 3.030: Site Plan Review

FINDING A-6: Digital copies of all required plans have been submitted. Staff determined no paper copies are required at this point. **Criterion met.**

Section 10.3.050.040 Review Criteria

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

FINDING A-7: The proposed use is permitted conditionally in the Commercial Light-Industrial zoning district. **Criterion can be met with conditions of approval.**

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

FINDING A-8: Section 10.5.070.040 sets development standards for the Commercial Light Industrial zoning district. The applicant's plans show that all development standards will be met except landscaping standards and parking plan. **Criterion will be addressed as a condition of approval.**

Subsection C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this Article. 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 Article shall modify other noise ordinance standards as adopted by the City.

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

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

FINDING A-10: The applicant has illustrated the location of the proposed lighting on the site plan. The applicant will be advised of the allowable foot-candle levels. **Criterion can be addressed as a condition of approval.**

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

FINDING A-11: The applicant will be required to confine dust and particulate matter to the subject property. All areas of maneuvering for vehicles and parking are currently paved with hard surface which will help ensure this criterion is met. **Criterion can be addressed as a condition of approval.**

4. *The following odors shall be completely confined to subject property:*

- a. Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
- b. Fuels; and*
- c. Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*

FINDING A-12: The proposed use will utilize some of the listed items that cause odors. However, with the additional filtration and fan use as required in Section 10.5.070.030 H., for marijuana production, processing and storage, the odors from the subject facility will be confined to the subject property. Trash receptacles should be sized to fully accommodate the needs of the business. The supplied site plan demonstrates appropriate screening of trash receptacles from the public right-of-way and adjacent neighbors, this shall be maintained as a condition of approval. No outdoor storage of materials or supplies including marijuana byproducts related to this proposed use is requested and will not be allowed. The loading and unloading of marijuana products shall not occur outdoors. An indoor loading area shall be demonstrated on the site plan.

Criterion will be addressed as a condition of approval.

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

FINDING A-13: Staff does not foresee this facility to cause vibration. **The criterion can be addressed as a condition of approval.**

6. *The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:*

- a. Street designation and capacities;*
- b. On-street parking impacts;*
- c. Bicycle safety and connectivity;*

d. *Pedestrian safety and connectivity; and*

FINDING A-14: The subject business will be accessed from two drive approaches from West Second Street. The Dalles Transportation System Plan classifies this section of West Second Street as a Minor Collector. The street capacity is capable of supporting the transportation impacts generated by this use change. Staff has determined the proposed use will generate low traffic volume as it will be closed to the public with three (3) employees at this subject location.

The applicant has illustrated proposed parking location on the site plan. Staff determined this use is most similar to the *Manufacturing, processing, packing, assembly and fabrication parking requirement*. The minimum parking requirement for this use is 0.75 parking spaces provided per employee on the largest shift (3) and a maximum of 2.5 parking spaces per 1,000 sq. ft. floor area. The applicant has demonstrated 10 parking spaces on their site plan, therefore meeting this requirement. One of the proposed parking spaces will be required to be van accessible. **Criterion will be addressed as a condition of approval.**

The applicant has demonstrated there will be a bicycle parking area at the subject location. With this development, 0.1 spaces are required per 1,000 sq. ft. of floor area. The applicant will need to demonstrate a minimum of 1 bicycle parking space. **This criterion can be met as a condition of approval.**

The applicant will be required to half street improvements that shall meet the pedestrian safety and connectivity requirement. See FINDING A-33 for more detail. **Criterion will be addressed as a condition of approval.**

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 Chapter 11.12 - Historic Resources.*

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

Section 3.030.040 Review Criteria

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

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

Subsection B. Public Facilities Capacity. Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through the subject property in order to: (1) meet connectivity standards per the Transportation System Plan and other adopted plans and engineering standards of the City of The Dalles; and (2) provide for future development of surrounding property.

FINDING A-17: Adequate capacity exists for facilities including water, sanitary sewer, storm sewer and streets. This site is currently served by city water and

sanitary sewer. Staff has determined half street improvements will be required with this subject development along West Second Street see FINDING A-33 for more information. **Criterion will be addressed as a condition of approval.**

Subsection C. Arrangement of Site Elements.

1. *Promote pedestrian, bicycle, and vehicular safety and welfare. For housing developments this standard is met through compliance with the applicable zone standards and the requirements of this Article, as applicable.*

FINDING A-18: Since this proposed development will be closed to the public, the applicant may elect to be exempt from the pedestrian pathway requirements per section 10.5.070.060 Exemption to Standards. **Criterion will be addressed as a condition of approval.**

2. *Preserve and maintain public amenities and significant natural features. For housing developments this standard is met through compliance with the applicable zone standards and the requirements of this Article, as applicable.*

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

3. *Avoid traffic congestion. For housing developments this standard is met through compliance with subsection B, above.*

FINDING A-20: The application is proposing adequate parking for the subject use. The anticipated traffic is minimal considering the deliveries and employees. **Criterion met.**

4. *Minimize potential adverse impacts on surrounding properties.*

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

Subsection F. Lighting. Proposed lighting shall not directly illuminate adjoining properties.

FINDING A-22: See finding #10.

Subsection G. City Engineer Approval. Detailed construction/design plans for public infrastructure, improvements, or rights-of-way affected by or located within a proposed development site shall be approved by the City Engineer prior to granting a building permit as a condition of site plan review approval.

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

Subsection H. Waiver of Remonstrance. Where applicable, the applicant shall agree to waive any future rights to remonstrate against future public improvements, per the provision of Article 6.110: Waiver of Right to Remonstrate.

FINDING A-24: Applicant is required to improve this site with this subject development. No waiver of remonstrance is required. **Criterion not applicable.**

Section 5.070.030 Conditional Uses

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

- 1. Activity shall occur only in a completely enclosed building. Greenhouses are not allowed.*
- 2. A building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control.*
 - a. The system shall consist of one or more fans and filters.*
 - b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square feet of building floor space).*
 - c. The filter(s) shall be rated for the required CFM.*
 - d. The filtration system shall be maintained in working order and shall be in use.*
 - e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*
- 3. The marijuana production, processing, storage, or wholesaling business's state licensing or authority must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agency, including, without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.*
- 4. The recreational marijuana production, processing, storage, or wholesaling business must be located more than 500 feet from a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).*

FINDING A-25: As indicated on the application submitted by the applicant, the proposed use is for marijuana production, processing and wholesaling. The building will be used as a grow facility; fans and a filtration system will be installed to meet City regulations. The location of the site is over 500 feet from any school facility. **Criterion can be met for the filtration and licensing and will be addressed as a condition of approval.**

Section 5.070.040 Development Standards

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

Commercial/ Light Industrial	Standard	Proposal	Meets requirements
Lot size	10,000 sq. ft. minimum	Existing lot	Yes, existing lot

Commercial/ Light Industrial	Standard	Proposal	Meets requirements
Setbacks	<i>Front and Side Yard: None, except 10 feet Rear Yard: 5 ft. min.</i>	Existing structures meet the minimum setback requirements	Yes
Building Height	<i>55 ft. max</i>	Existing building is 20'-2"	Yes
Building Orientation	<i>New buildings shall be oriented primarily toward a street or designated access way. Building orientation shall include an entrance.</i>	Existing building	Yes
Pedestrian Access	<i>All building entrances shall provide for a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.070.050(B): Pedestrian Walkways.</i>	Detailed below.	Detailed in FINDING A-14
Off-Street Parking	<i>Manufacturing, processing, packing, assembly, and fabrication: 0.75 spaces/each employee on largest shift Bicycle Parking: 0.1 spaces/1,000 sq. ft. floor area</i>	10 parking stalls.	Detailed in FINDING A-14
Landscaping	Detailed below	Detailed below	Detailed below

FINDING: A-26: This proposal can meet the development standards with conditions of approval.

Section 6.010 Landscaping Standards

Subsection B. Landscaping Plans. Where landscaping is required by this Title, detailed landscape plans may be submitted with the development application. If not submitted for approval with the application, approval of detailed landscape plans shall always be a condition of the concept plan approval of the site plan review process. Requirements for detailed landscape plans are listed in Section 10.3.030.030(B): Detailed Landscape Plans. Building permits shall not be issued until the approving authority has determined the landscape plans comply with both the purpose and specific requirements of this Article.

FINDING A-27: The Commercial Light-Industrial zone requires *equal 15% of the first floor area of all structures minimum* to be landscaped. The total first floor area of the existing buildings is 8,000 sq. ft. Therefore, the minimum general landscaping requirement is 1,200 sq. ft. of landscaping. The applicant has submitted a landscaping plan for the site, however, the bare soil shall be maintained and not be added to the total landscaped area. **This proposal can meet the development standards with conditions of approval.**

Section 5.070.050 Design Standards

Subsection A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, base/wall/cornice design, windows, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.

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

FINDING A-28: The applicant has submitted elevations of the existing building. These elevations indicate design features such as windows, projections, and entries that preclude large expanses of uninterrupted building surfaces. **Criterion met.**

Section 7.030.020 Location, Surfacing, Striping and Curb Cuts

Subsection A. Location No vehicle parking spaces shall occupy any of the required setbacks unless the parking area is the only developed use of a legal lot of record and provided that all the other screening and landscaping requirements of this Title have been met. This requirement may be waived for the rear setback where alley access serves the subject property, provided the entire block length of the alley right-of-way is free and clear of any obstructions and adequately surfaced with an all-weather material such as gravel, concrete, or asphalt. Parked vehicles shall not overhang property lines or walkways unless otherwise approved by the Director.

Subsection B. Surfacing. On site areas used for the parking and maneuvering of vehicles shall be surfaced with material approved by the City Engineer.

Subsection C. Striping. All parking spaces shall be striped.

Subsection D. Curb Cuts. Curb cuts shall meet the design requirements specified by the Americans with Disabilities Act, the City Engineer, and the placement requirements specified in Article 6.050: Access Management and design requirements specified in Article 6.060: Driveway and Entrance Standards.

FINDING A-29: There is no required front yard area in the Commercial Light Industrial zone therefore, the parking location shown on the site plan is not located within any required setback areas. Surfacing materials for the parking and maneuvering areas are paved and the subject parking spaces shall be striped as demonstrated on the site plan. All hard surfaced areas shall meet the City Engineer's approval. The subject drive approaches and curb cuts to be installed with development shall meet the design requirements specified above. See FINDING A-33 for additional detail. **Criterion will be addressed as a condition of approval.**

Section 7.030.040 Landscaping Requirements

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

1. A planting bay shall be located at the end of each parking row and at intervals between parking rows. Planting bays shall be a minimum of 9 feet wide, to allow doors to open without damage, and a minimum of 180 square feet. Each bay shall be curbed, and planted with 1 approved tree having a clear trunk height of at least 9 feet when mature. Height of all plantings, other than trees, in planting bays is limited to 24 inches.
2. All trees shall be selected from the recommended tree list provided by the Director.

3. *Trees shall not be placed within 10 feet of a public utility easement without prior approval of the City Engineer.*
4. *Parking areas shall be separated by a 5-foot landscaped planting bed from all exterior walls that include no pedestrian entranceways or loading areas.*
5. *Driveways, access ways, and access drives into vehicle parking lots from public and private streets shall be bordered (both sides) by a minimum 5-foot wide landscape planter strip with approved trees planted 20 to 30 feet on center and low shrubs.*
6. *Trees shall be evenly distributed throughout the parking area according to the applicable requirements of this Article and the following table:*

FINDING A-30: The proposed development demonstrates 10 parking stalls on the site plan. The Applicant has demonstrated a 5 foot-wide screen buffer between the public right-of-way and the parking and vehicle maneuvering area. The applicant has noted that this boundary screening area will be a planting strip featuring annual plants and mulch. There are no trees demonstrated in the planter strip. The applicant has provided details on the improvements to the existing parking area which will bring the parking up to current standards. The revisions include one tree to be provided in the parking lot landscaping and one van accessible parking space. **These criteria will be added as a condition of approval.**

Section 7.030.110 Refuse Collection

Where refuse collection is provided in, or adjacent to a parking area the following shall be required.

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

Subsection B. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

FINDING A-31: The proposed refuse collection area is shown on the site plan. The proposed refuse location is screened therefore meeting the requirements above. As mentioned above, no cannabis byproducts should be stored outdoors. **Criterion will be addressed as a condition of approval.**

Subsection 6.050.030 General Requirements *All development shall be arranged on site so as to provide safe and convenient access for emergency vehicles.*

FINDING A-32: The Fire Marshal will review the final engineered plans to ensure the new drive approaches will meet the necessary standards for emergency vehicles. **Criterion will be addressed as a condition of approval.**

Section 10.10.040 Pedestrian Requirements

Subsection A. Sidewalks. Sidewalks shall typically be required along both sides of all arterial, collector, and local streets as follows. The approving authority may reduce the sidewalk requirement to one side of the street where significant topographic barriers exist (such as west Scenic Drive), or in other nonresidential areas where the developer can demonstrate that sidewalks are not necessary on both sides of the street.

2. Collectors. Sidewalks along collector streets shall be a minimum of 5 feet wide and may be required to be separated from curbs by a planting area a minimum of 5 feet wide between the sidewalk and curb.

FINDING A-33: This subject development abuts W. 2nd Street. Per The Dalles Transportation System Plan, this street is classified as a minor collector. Currently, this street does not have curb, gutter, or sidewalk installed. Staff has determined that this development will be required to install half street improvements which include city standard drive approaches, curb, gutter, and sidewalk to be installed. Staff determined that half street improvements would be required to be installed rather than full street improvements since this development is within a nonresidential area. Engineered plans illustrating the subject half-street improvements consistent with The Dalles Municipal Code will be required to be approved by the City Engineer. **Criterion shall be addressed as a condition of approval.**

B. CONCLUSION

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

CONDITIONS OF APPROVAL

Conditions Requiring Resolution Prior to Building Permit Approval

1. The Applicant shall submit for the review and approval of City Staff:
 - a. Professionally engineered plans for the half street improvements including the sidewalk, curb, gutter, and drive approach installation. All onsite and offsite improvements must be installed by the applicant in accordance with Land Use Development Ordinance and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City. New drive approaches shall be constructed to ensure safe and convenient access for emergency vehicles. The Fire Marshal shall review the final engineered plans to ensure this criterion is met.
 - b. A plan for the building addition. All dimensions and specifications shall be consistent with the preliminary plans included in this staff report.
 - c. A site plan, drawn to scale, showing the entire site layout and showing the required parking spaces, including a one van-accessible space. One bicycle parking space shall be shown on this site plan.
 - d. A detailed landscaping plan of the site and parking lot will be required to be submitted to the Community Development Department prior to final sign off on improvements. The landscaping plan shall not include the bare soil added to the total landscaped area. The landscaping area shall include a 5 foot buffer and tree as outlined in the findings above. All proposed tree species must be selected from the

recommended tree list approved by the Director. Details of the irrigation system, with a backflow prevention device, shall be provided.

- e. Building construction plans demonstrating compliance with the City's air circulation filtration/odor control standards for marijuana processing facilities, including fans and air filters. The plans must show the proposed location and specifications for all proposed filtration units and fans, demonstrating compliance with The Dalles Municipal Code Section 10.5.070.030.B.2.
- f. A lighting plan demonstrating compliance with lighting maximum illumination levels at the property line of an average of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way, neighboring properties, or otherwise constitute a nuisance per Section 10.7.030.120 Outdoor Lighting.
- g. All parking and maneuvering areas will be required to be hard surface and marked per the City's standards.
- h. All parking spaces shall be striped.
- i. All circulation arrows shall be painted on the parking lot to facilitate the movement of vehicles and pedestrians in a safe and efficient manner.
- j. The building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control

Conditions Required Prior to Construction

1. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, training, air quality, and storm water standards.
2. The Applicant must schedule a pre-construction meeting with the City's Public Works Department for all work conducted within the City's right-of-way or utility work.

Ongoing Conditions

1. All development must adhere to the approved site plan for this development.
2. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling and training, air quality, and storm water standards.
3. All landscaping must be maintained and irrigated to ensure survival of plant materials.

4. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site or beyond allowable levels as determined by local state and federal standards shall not be allowed. If activities are deemed to exceed the local and federal standards the subject application may be revoked per Section 10.3.030.100 Revocation.
5. Lighting levels maximum illumination at the property line shall not exceed an average horizontal foot candle of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way, neighboring properties, or otherwise constitute a nuisance per Section 10.7.030.120 Outdoor Lighting.
6. The refuse collection site shall remain screened from public right-of-way or neighboring properties. Trash receptacles should be sized to fully accommodate the needs of the business.
7. No retail use shall be permitted with this development.
8. No outdoor storage of materials or supplies related to this proposed use is requested and will not be allowed including marijuana byproducts including marijuana being loaded and unloaded at the subject facility.
9. Marijuana production, processing and wholesaling shall occur only in a completely enclosed building.
10. The following application may be revoked if the applicant fails to meet the conditions of approval outlined in the Staff Report. If the applicant fails to the project according to the approved plans, or if the applicant gave misleading information per Section 10.3.030.100 Revocation.



City of The Dalles
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
www.thedalles.org

Office Hours -

Monday through Friday: 8:00 am - 5:00 pm

Received: 10/12/2021

Application #: CUP 200-21
Filing Fee: \$275.00
Receipt #: 245333
Deemed Complete: 12/6/2021
Ready to Issue: _____
Date Issued: _____

Conditional Use Permit Application

Applicant

Name: Tony Cheng

Address: 2610 W 2nd St

Phone #: (971) 701-7305

Email: 2610w2nd@gmail.com

Legal Owner (if different than Applicant)

Name: Columbia Gorge Enterprises, LLC

Address: 2610 W 2nd St

Phone #: (541) 913-7347

Email: 2610w2nd@gmail.com

Property Information

Address: 2610 W 2nd St

Zone: CLI

City Limits: ☒ Yes ☐ No

Geohazard Zone: n/a

Map and Tax Lot: 02N13E33BB1500

Overlay: N/A

Size of Development: 2.08 acres (90,605 sq ft)

Flood Designation: _____

Project Information

☐ New Construction ☐ Expansion/Alteration ☒ Change of Use ☐ Amend Approved Plan

Current Use of Property: Hardware Stores, Retail.

Proposed Use of Property: Production of recreational marijuana.

Briefly Explain the Project: Use the building for indoor marijuana farm.

Proposed Building(s) Footprint Size (ft²): 10,400

Total Number of Parking Spaces Proposed: _____ Parking Lot Landscaping Proposed (ft²): _____

Total Landscaping Proposed (ft²): 19,027 sq ft Percentage of Irrigated Landscaping: 3%

See Reverse Side >>>

PC Agenda Packet

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Project Information (continued)

Economic Development Information

☐ Proposed Project is in the Enterprise Zone

(for questions regarding Enterprise Zones, please contact the Assistant to the City Manager's Office at (541) 296-5481, ext. 1150)

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

FTE jobs are expected to be created by the proposed project: 3

In addition to the requirements of Article 3.010: Application Procedures, this application must be accompanied by the information required in Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits, contained in Title 10 Land Use and Development of the City of The Dalles Municipal Code.

Upon submission of this application, please provide the following number of copies for their associated plan review:

Site Team / Pre-Application:

☐ 6 - copies of concept site plan

☐ 1 - 11" x 17" concept site plan

☐ 1 - PDF of concept site plan

Official Site Plan Review Application:

☐ 4 - full size copies of construction detail plans

☐ 1 - 11" x 17" concept site plan

Signature of Applicant

Signature of Property Owner

Tony Ray 1/10/22
Date

Columbia Lange 1/10/22
Date

Department Use Only

☐ Administrative ☒ Quasi-Judicial: (PC) / URA / HLC / CC | Hearing Date: 1/20/2022

PC Agenda Packet

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Columbia Gorge Enterprises, LLC

Indoor Cannabis Cultivation

2610 W 2nd Street, The Dalles, Oregon 97058

November 30, 2021

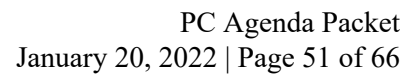
Narrative: This is an application for Conditional Use Permit for a building in Commercial/Light Industrial zone.

The application seeks approval for the building, 7,860 ft² footprint, to product, process, and store a recreational marijuana grow operation with maximum 3 workers on one day. The business is not open to the public.

The site for the Conditional Use Permit is 2.08 acres on 2610 W 2nd Street with drive access on W 2nd Street. The tax lot for the property is 02N13E33BB1500.

The building uses as an indoor cannabis cultivation which equips with horticultural lighting, oscillating fans to recreate a gentle breeze, dehumidifiers to maintain the proper humidity, HVAC, and all the basic supplies that a plant needs to survive in a proper indoor growing environment. Each room furnishes a “drain to waste” system on drip line giving fresh nutrient solutions to the plants that grow in soil. This ensures that plants get fed with fresh non-recirculated nutrient every time and little or no waste water.

Each room also has an Activated charcoal filter in the HVAC system and carbon filtration system to control, absorb, and reduce plant odor. And with windowless room, the conditons and security inside the room is easy to maintain.



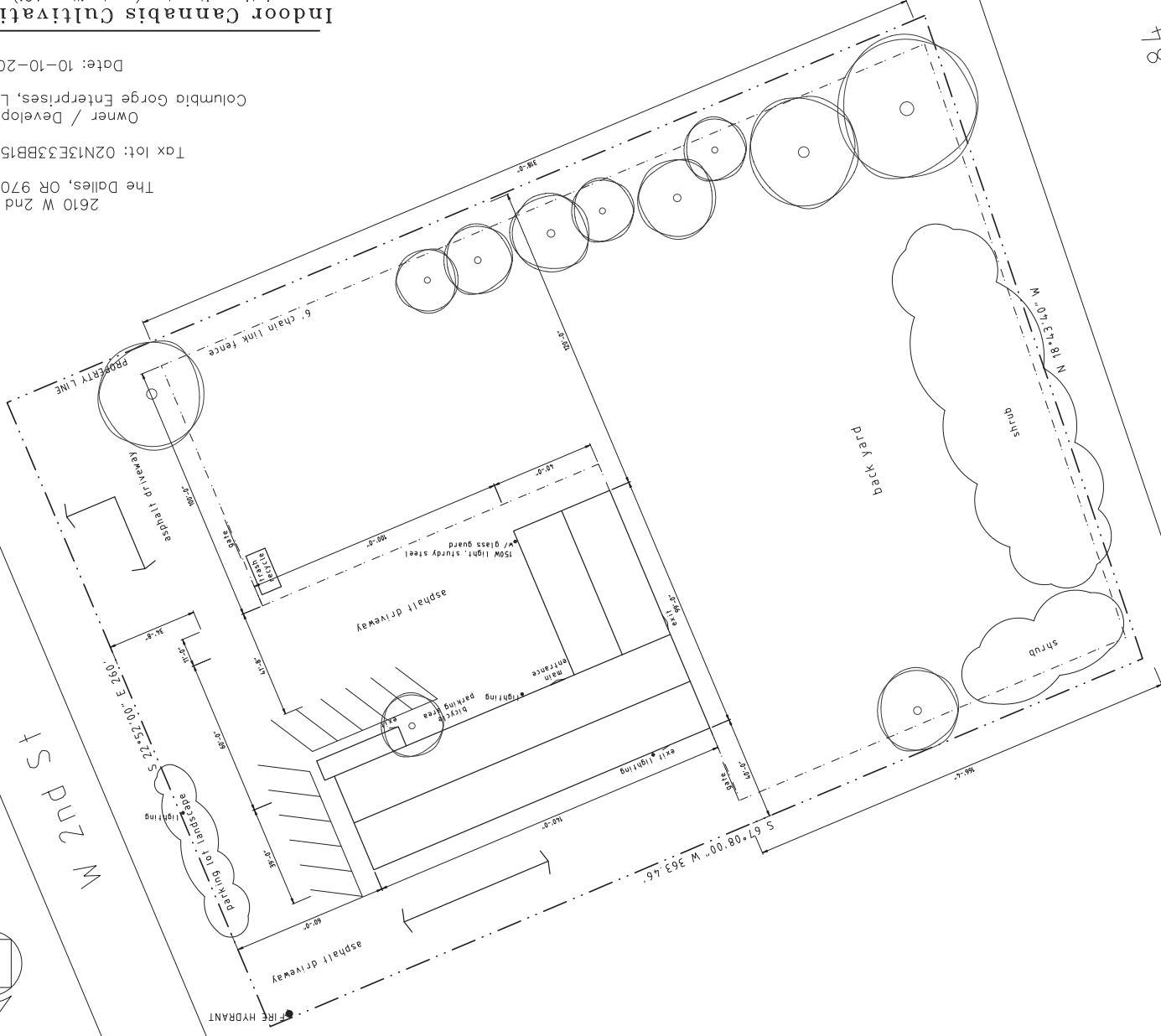
SITE INFO:
SITE TOTAL AREA (100%): 2.08 AC (90,605 SQ FT)
- BUILDING (11%): 10,400 SQ FT
- HEIGHT: 20 FT; GABLE ROOF
- PARKING: 10 STALLS
- LANDSCAPE (21%): 19,027 SQ FT

PROJECT INFO:
- PRODUCTION, PROCESSING, STORAGE, AND WHOLESALE OF RECREATIONAL MARIJUANA;
THE DALLAS MUNICIPAL CODE 10.5.070.030 CONDITIONAL USES SECTION B;
- NO CHANGES TO BUILDING, FENCES, PARKING STALLS, AND LANDSCAPE;
- NO SIGNAGE REQUIRED;



VICINITY MAP

Interstate 84



Indoor Cannabis Cultivation

2610 W 2nd St
The Dalles, OR 97058
Tax lot: 02N13E33BB1500
Owner / Developer:
Columbia Gorge Enterprises, LLC
Date: 10-10-2021

W 2nd St



PROPERTY LINE

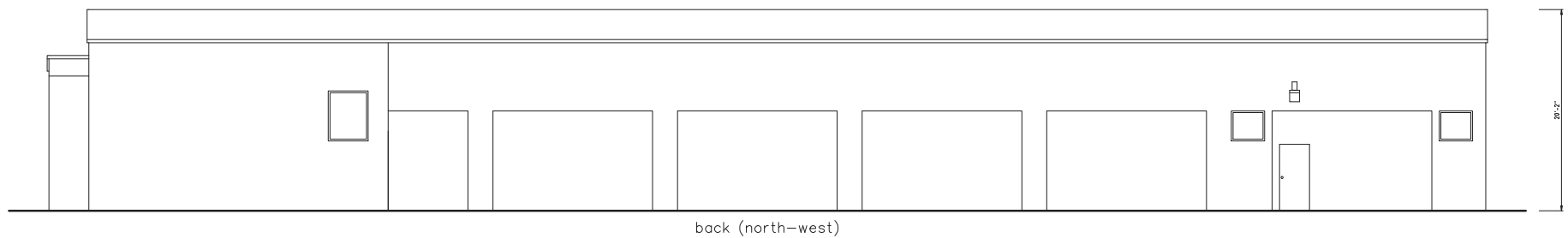
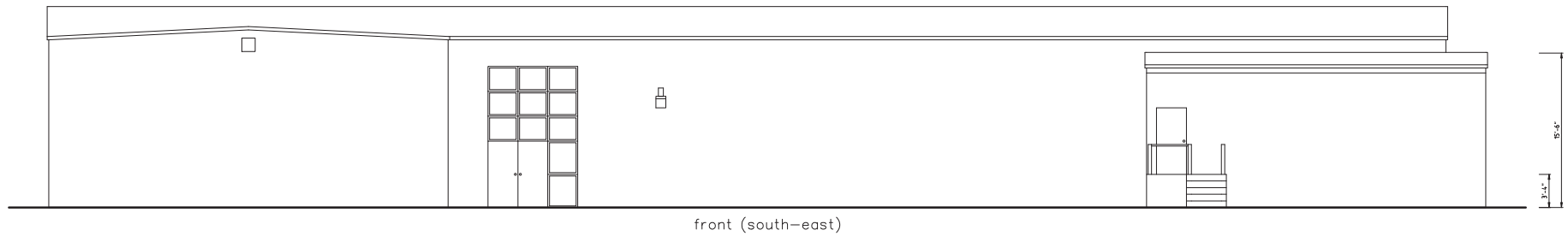
asphalt driveway

asphalt driveway

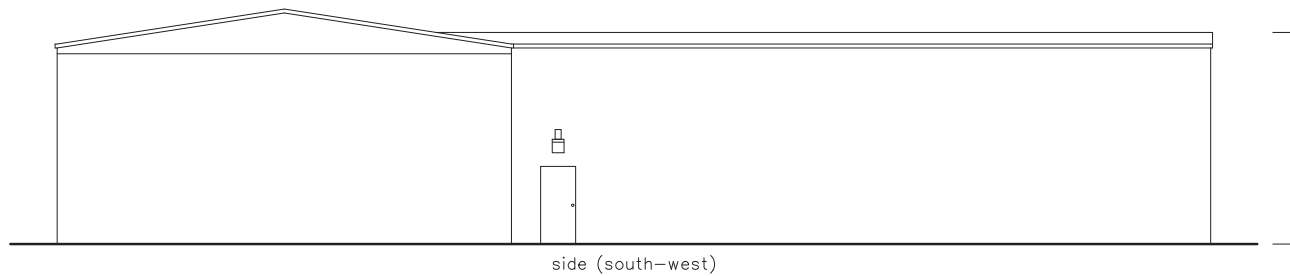
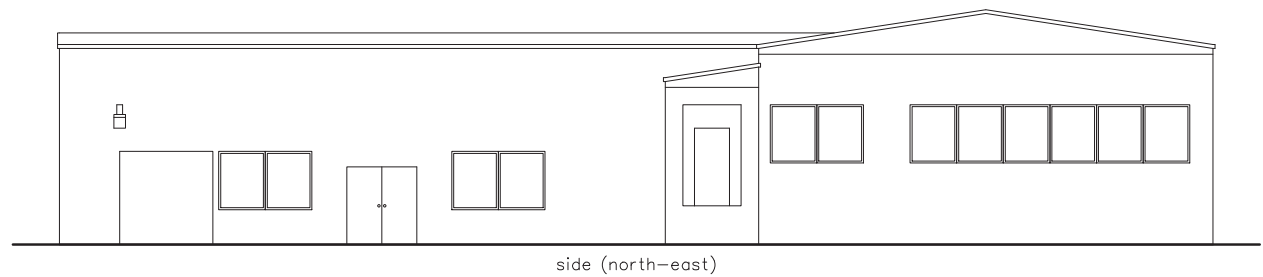
asphalt driveway

asphalt driveway

asphalt driveway

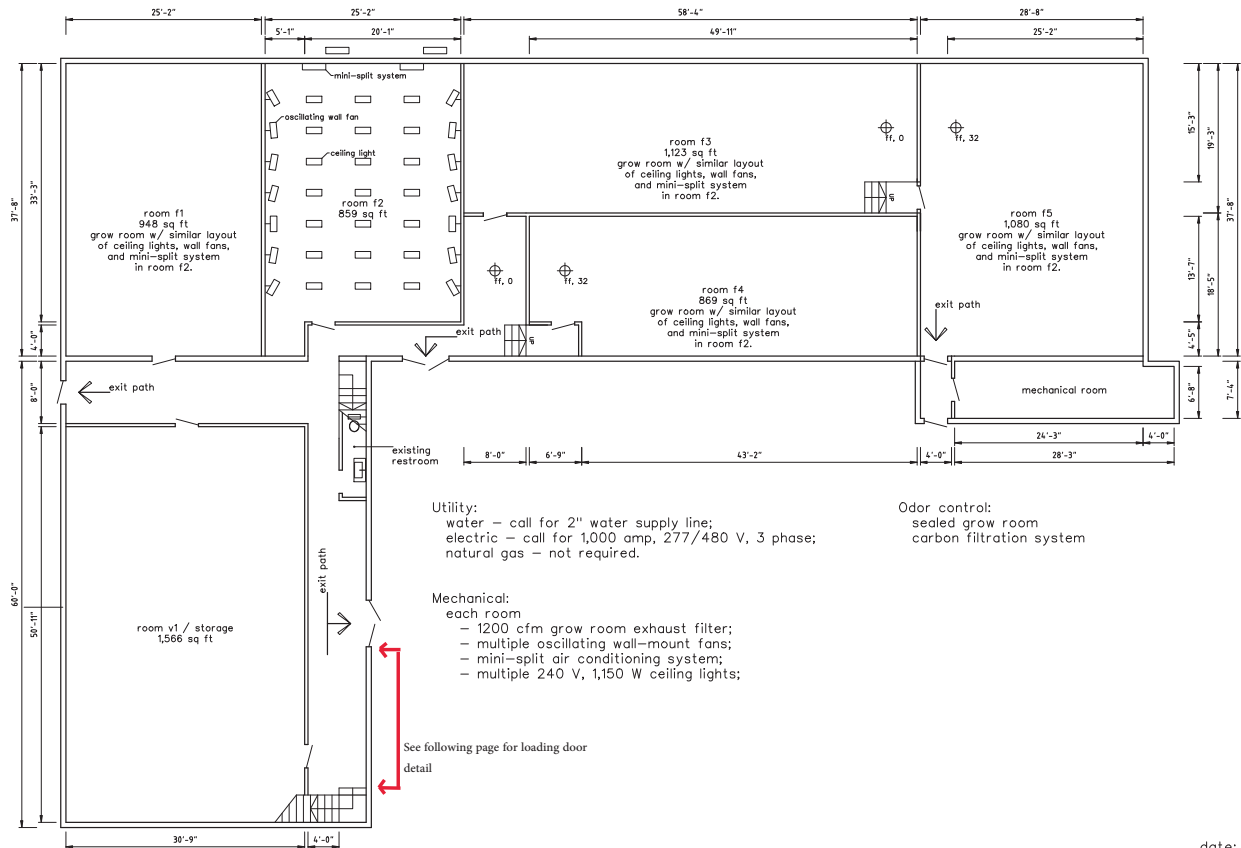
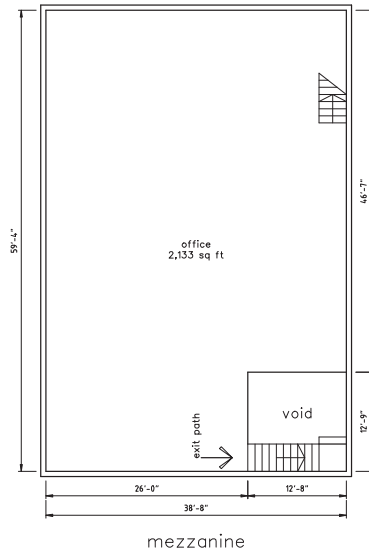
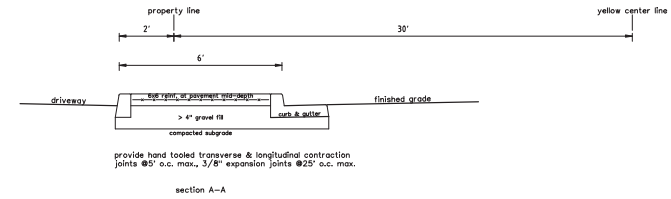
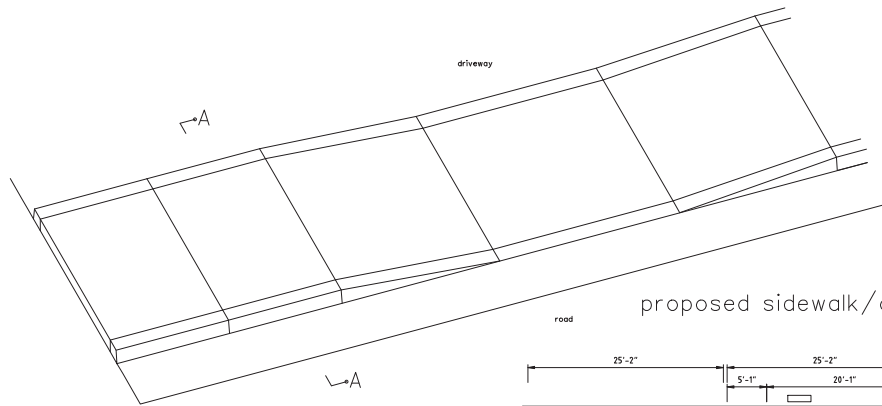


Note from Applicant: The inside of the [above] boxes are wall covered with drywall. No opening will be made since they are part of the sealed room for growing plants. All loading and unloading will be done through the specified area.



Date: 10-28-2021

Indoor Cannabis Cultivation
existing elevation (scale 3/32" = 1'-0")

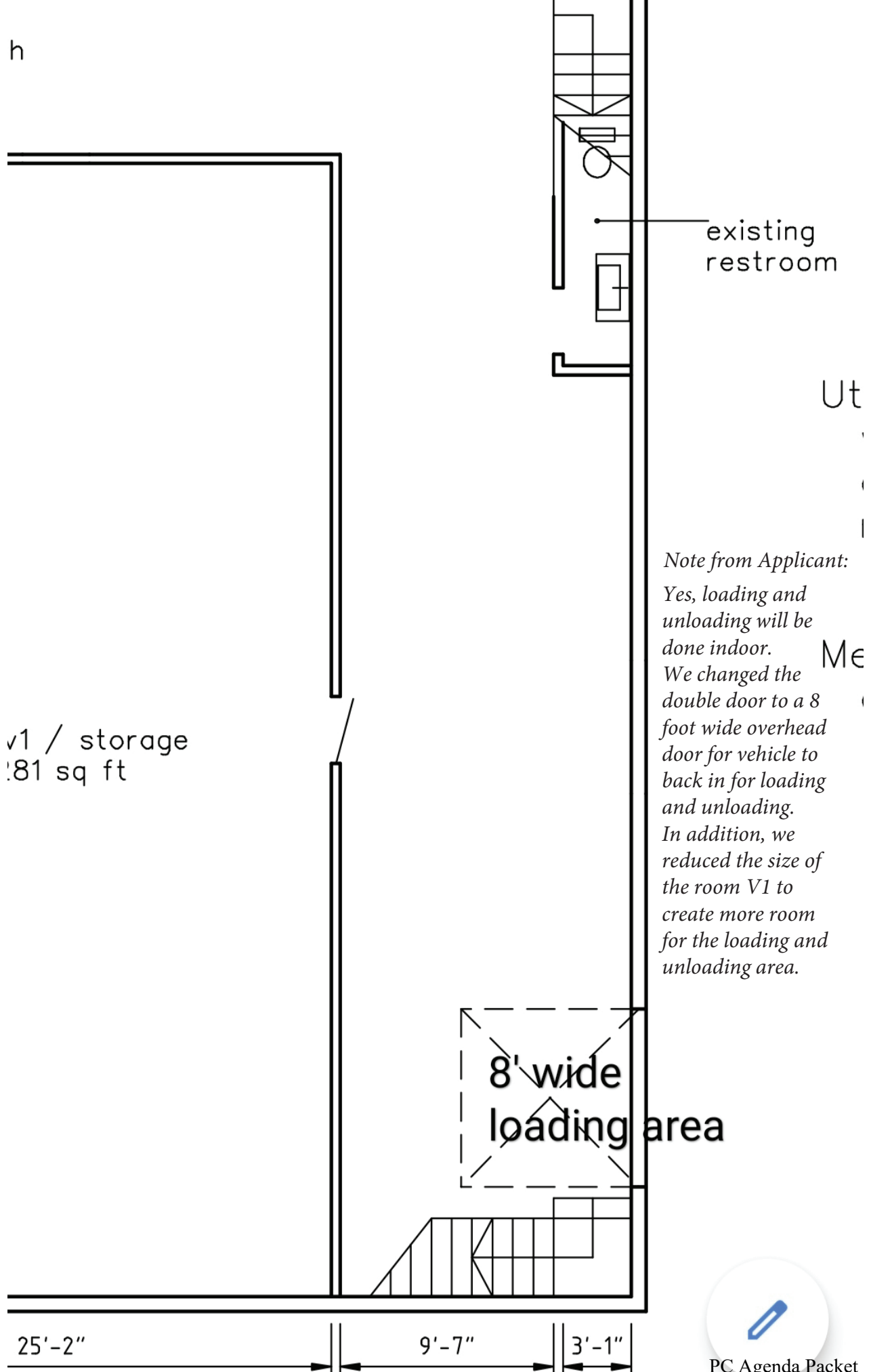


1st floor

date: 12-21-2021

Indoor Cannabis Cultivation
floor, utility, mechanical plan (scale 1/16" = 1')

h



Hurricane® Supreme Oscillating Wall Mount Fan 16 in

- Overview
- Documents
- Specs
- Q&A

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(mailto:?subject=Check out this page from Hurricane Fans...&body=Hurricane® Supreme Oscillating Wall Mount Fan 16 in:%0D%0Ahttps://www.hurricane-fans.com/shop/product/hurricane-supreme-wall-mount-fan-16-in)





Part #HGC736505

Download Image  (/partimagedownload/HGC736505-01.jpg/PART)





HGC736505

Hurricane® Supreme Oscillating Wall Mount Fan 16 in

The Hurricane® 16 in Oscillating Wall Mount Fan has 3 speeds (high, medium and low) controlled by a dial or pull cords. Ideal for homes, greenhouses, garages, workshops and other areas with limited floor space. It has 90° oscillation or can be locked in a non-oscillating position. Also features a multi-position tilt. A powder-coated steel grill is clean and durable. The fan blade is made of chemical-resistant polypropylene.

Technical Specs

Oscillating	Yes	Number of Speeds	3
Voltage	120	Hz	60
Amps - High	0.50	Watts - High	55
Air Flow (CFM) - High	2118	CFM Per Watt	39
RPM - High	1250	Blade Diameter	15.7
Length (Inches)	17.72	Width (Inches)	13.78
Height (Inches)	23.62	Number of Blades	3
Guard Material	Steel	Blade Material	PP
NEMA Plug Configuration	1-15P	Number of Conductors	No
		Cord Length	5ft

HGC736505 (736505) Hurricane Supreme Oscillating Wall Mount Fan 16 in (48/Plt)	\$65.47	<div><div> Wishlist</div><div> Find Retailer (/page/findretailer?partId=HGC736505)</div></div>
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Find What You Need...

AIRBOX

AIRBOX3 STEALTH EDITION 1500 CFM (8" FLANGES)



AIRBOX3 STEALTH EDITION 1500 CFM (8" FLANGES)

SKU: HT4753

LEAD TIME: This product ships in 3 Business Days

QUANTITY:

-

1

+

\$472.95

\$351.00

Add to Cart

Overview

TechSpecs

Product Description

FILTER TYPE	FLANGE SIZE	CFM RATING
Air Box Filters	8" Diameter	1500

Exclusive Coconut Shell Carbon Granules help make the heavy-duty Air Box 1 successfully eliminate odors for up to 18 months!

These activated carbon granules are an absorbent with well developed pore structure allowing for a range absorbent retention. This activated carbon is particularly well suited for removal of organic contaminants and precious metal recovery.

These units are completely airtight and easy to install, use, and maintain as they fit into any ducting or filtering system. Made with 100% premium virgin coconut charcoal, they feature replaceable high-flow filters which use 100% of the available surface area, for optimum performance. Great for commercial or residential use.

Carbon filter should be changed often; please replace filters every 3 months (or sooner if needed) for better results.

Features:

- Easy to install, easy to use, easy to maintain
- Adaptable to any duct/filtering system
- Replaceable high-flow carbon filters
- 100% premium virgin coconut charcoal
- 100% air tight, continuous worry-free operation
- 100% of the filter surface area is used
- For commercial or residential applications
- **Made in the USA**

RELATED PRODUCTS

SALE

SALE

Marijuana Packaging Process



Images provided by the applicant via e-mail 1/12/2022

From: [Wing Ma](#)
To: [Kaitlyn Cook](#)
Subject: Re: Additional Questions Regarding
Date: Wednesday, January 12, 2022 8:39:05 PM
Attachments: [image001.png](#)

Kaitlyn,

Loading and Unloading:

Where will the subject loading and unloading area occur on site?

Loading and unloading area will be near the stairs on the SE exterior wall. (see attachment)

My director has pointed out that no outdoor storage of marijuana or it's byproducts are allowed to be stored outside ...

There will be no outdoor storage for marijuana and it's byproduct.

Will the loading and unloading occur indoors?

Yes, loading and unloading will be done indoor.

We changed the double door to a 8 foot wide overhead door for vehicle to back in for loading and unloading.

In addition, we reduced the size of the room V1 to create more room for the loading and unloading area.

We will send you the new plan.

Building Elevations:

The below building elevation shows a series of boxes. Are these garages? Would this be used for loading and unloading purposes?

The inside of the boxes are wall covered with drywall. No opening will be made since they are part of the sealed room for growing plants. All loading and unloading will be done through the specified area.

Bare Soil:

There is a large portion of the site plan that showcases bare soil. Is this area going to be used for loading and unloading?

No, the bare soil area will not use for loading and unloading activity.

| I see on your site plan that there are gates in the 6 foot chain link fence?

Yes, there are two gates.

All vehicle maneuvering areas need to be hard surfaced, therefore no vehicular maneuvering, parking, or storage would be permitted on the bare soil demonstrated on your site plan. Are the subject gates on your property for vehicles or pedestrians?

The gates are there from the previous owner, we have no intention to use the bare soil area for neither vehicle nor pedestrian.

Our business will not open for public, and the property has enough parking space in the front of the building for our employees.

We enclosed three more pictures showing how we will pack our products inside the property.

Tony

Best,

Kaitlyn Cook (she/her),

Assistant Planner

City of The Dalles Community Development Department

313 Court Street

The Dalles, OR 97058

(541) 296-5481 ext. 1132

kcook@ci.the-dalles.or.us



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

RESOLUTION NO. PC 599-22

Approval of Conditional Use Permit Application **200-21, Tony Cheng**, to construct and operate a 10,400 SF indoor recreational marijuana farm. Property is located at 2610 W. Second Street and is further described as 2N 13E 33 BB tax lot 1500. Property is zoned “CLI” – Commercial/Light Industrial.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on January 20, 2022, 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 200-21 and the minutes of the January 20, 2022 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:

In all respects as set forth in Recitals, Part “I” of this resolution, Conditional Use Permit 200-21 is hereby approved with the following conditions of approval:

A. Conditions Requiring Resolution Prior to Building Permit Approval

1. The Applicant shall submit for the review and approval of City Staff:
 - a. Professionally engineered plans for the half street improvements including the sidewalk, curb, gutter, and drive approach installation. All onsite and offsite improvements must be installed by the applicant in accordance with Land Use Development Ordinance and the APWA standards, specifications, and drawings, as amended and adopted by the City, and approved by the City Engineer, or otherwise guaranteed to be completed by the applicant to the satisfaction of the City. New drive approaches shall be constructed to ensure safe and convenient access for emergency vehicles. The Fire Marshal shall review the final engineered plans to ensure this criterion is met.
 - b. A plan for the building addition. All dimensions and specifications shall be consistent with the preliminary plans included in this staff report.

- c. A site plan, drawn to scale, showing the entire site layout and showing the required parking spaces, including a one van-accessible space. In addition, one bicycle parking space shall be shown on this site plan.
- d. A detailed landscaping plan of the site and parking lot will be required to be submitted to the Community Development Department prior to final sign off of improvements. Bare soil should not be counted as landscaped area. The landscaping area shall include a 5 foot buffer and tree as outlined in the findings above. All proposed tree species must be selected from the recommended tree list approved by the Director. Details of the irrigation system, with a backflow prevention device, shall be provided.
- e. Building construction plans demonstrating compliance with the City's air circulation filtration/odor control standards for marijuana processing facilities, including fans and air filters. The plans must show the proposed location and specifications for all proposed filtration units and fans, demonstrating compliance with The Dalles Municipal Code Section 10.5.070.030.B.2.
- f. A lighting plan demonstrating compliance with lighting maximum illumination levels at the property line of an average of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way or neighboring properties, or otherwise constitute a nuisance per Section 10.7.030.120 Outdoor Lighting.
- g. All parking and maneuvering areas will be required to be hard surface and marked per the City's standards.
- h. All parking spaces shall be striped.
- i. All circulation arrows shall be painted on the parking lot to facilitate the movement of vehicles and pedestrians in a safe and efficient manner.
- j. The building used for marijuana production, processing, storage, or wholesaling shall be equipped with a carbon filtration system for odor control

B. Conditions Required Prior to Construction

- 1. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling, training, air quality, and storm water standards.
- 2. The Applicant must schedule a pre-construction meeting with the City's Public Works Department for all work conducted within the City's right-of-way or utility work.

C. Ongoing Conditions

- 1. All development must adhere to the approved site plan for this development.
- 2. The marijuana production, processing, storage, or wholesaling business's state licensing must be in good standing with the Oregon Health Authority or the Oregon Liquor

Control Commission, and the business must comply with all applicable rules and regulations administered by the respective state agencies, including without limitation, those rules that relate to labeling, packaging, testing, security, waste management, food handling and training, air quality, and storm water standards.

3. All landscaping must be maintained and irrigated to ensure survival of plant materials.
4. Any activity that produces radio or television interference, noise, glare, dust or particulate matter, vibration, smoke or odor beyond the site or beyond allowable levels as determined by local state and federal standards shall not be allowed. If activities are deemed to exceed the local and federal standards the subject application may be revoked per Section 10.3.030.100 Revocation.
5. Lighting levels maximum illumination at the property line shall not exceed an average horizontal foot candle of 0.3 for non-cut-off light and 1.0 for cut-off lights and shall not produce glare in any public right-of-way, or otherwise constitute a nuisance on an adjacent property per Section 10.7.030.120 Outdoor Lighting.
6. The refuse collection site shall remain screened from public right-of-way or neighboring properties. Trash receptacles should be sized to fully accommodate the needs of the business.
7. No retail use shall be permitted with this development.
8. No outdoor storage of materials or supplies related to this proposed use is requested and will not be allowed including marijuana byproducts including marijuana being loaded and unloaded at the subject facility.
9. Marijuana production, processing and wholesaling shall occur only in a completely enclosed building.
10. The following application may be revoked if the applicant fails to meet the conditions of approval outlined in the Staff Report. If the applicant fails to the project according to the approved plans, or if the applicant gave misleading information per Section 10.3.030.100 Revocation.

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 20TH DAY OF JANUARY, 2022.

Cody Cornett, Chair
Planning Commission

I, Alice Cannon, 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 20th day of January, 2022.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____
Alice Cannon
Community Development Director
City of The Dalles