

AGENDA

PLANNING COMMISSION

July 7, 2022

5:30 p.m.

City Hall Council Chambers

313 Court Street

The Dalles, Oregon

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 OFFICER
6. APPROVAL OF MINUTES – June 16, 2022
7. PUBLIC COMMENT – During this portion of the meeting, anyone may speak on any subject that does not later appear on the agenda. Five minutes per person will be allowed.
8. DISCUSSION ITEM
First review of Land Use and Development Ordinance (LUDO) text amendments to clarify regulations relating to residential density. Clarifications were requested by the Planning Commission in winter 2022.
9. STAFF COMMENTS / PROJECT UPDATES
10. COMMISSIONER COMMENTS / QUESTIONS

CITY OF THE DALLES

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

11. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

June 16, 2022
5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon 97058
Via Zoom / Livestream via City Website

PRESIDING: Cody Cornett, Chair

COMMISSIONERS PRESENT: Philip Mascher, Maria Pena, Mark Poppoff, one position vacant

COMMISSIONERS ABSENT: Karly Aparicio, Nik Portela

STAFF PRESENT: Director Alice Cannon, City Attorney Jonathan Kara, Senior Planner Joshua Chandler, City Engineer Dale McCabe, Associate Planner Kaitlyn Cook, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:42 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair Cornett suggested “Staff Comments/Project Updates” and “Commissioner Comments/Questions” be moved to the end of the agenda.

It was moved by Cornett and seconded by Poppoff to approve the agenda as amended. The motion carried 4/0; Cornett, Mascher, Pena and Poppoff voting in favor, none opposed, Aparicio and Portela absent, one position vacant.

The election of a Vice Chair was postponed to a future meeting.

APPROVAL OF MINUTES

It was moved by Poppoff and seconded by Cornett to approve the minutes as submitted. The motion carried 3/0; Cornett, Pena and Poppoff voting in favor, none opposed, Mascher abstained, Aparicio and Portela absent, one position vacant.

PUBLIC COMMENT

CUP 199-21, RTD Development, 2514 W. 10th Street, 2N 13E 32 DB 1100

Request: Consideration of a request to site and construct an RV Park with 20-26 spaces on a 3.6 acre parcel.

Director Cannon stated Conditional Use Permit (CUP) 199-21 was postponed. All parties of interest will be re-noticed prior to the public hearing.

QUASI-JUDICIAL PUBLIC HEARING

CUP 202-22, U-Haul of The Dalles, 2640 W. Sixth Street, 2N 13E 32 A 400

Request: Consideration of a request for a major modification of CUP 195-20, a previously approved storage facility and truck/trailer rental business, for the addition of six portable storage units in the existing parking lot of the subject property.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias, which would prevent an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:50 p.m.

Senior Planner Joshua Chandler provided the staff report. The presentation is Exhibit 1.

Commissioner Mascher requested clarification on comments stating this development was in violation of the Covenants, Conditions, and Restrictions (CC&Rs). Planner Chandler replied the City cannot enforce CC&Rs; it would be a civil matter.

Commissioner Mascher requested clarification on comments stating this development was in direct violation of The Dalles Municipal Code. Planner Chandler replied the comment did not expand on the specific violation. If findings are provided stating it is in violation, staff will review the findings.

Chair Cornett asked if, after installation of the storage units, the net parking spaces shared by the six properties would be enough. Planner Chandler replied they would. The applicant is required to provide 58 U-Haul parking spaces, 24 shared parking spaces, and 111 spaces for storage and shunting of vehicles, exceeding the required amount of spaces.

Chair Cornett asked if approval would eliminate parking spaces necessary for possible expansion of the other businesses. Planner Chandler replied it will remove space, but the CC&Rs define the parameters of the common space area. The applicant would need to answer questions around any violations of the CC&Rs. The City would not make a decision on anything defined in the CC&Rs.

Doug Green, 4011 SE Risley Avenue, Milwaukie, Oregon 97267

Mr. Green, U-Haul representative, stated many customers prefer drive-up storage provided by outdoor units. Mr. Green's understanding was the original application included outside storage units. Permits were issued by the City and the County and building commenced. When informed by the City that the outside storage units were not included, construction stopped.

Commissioner Masher asked if the applicant had resolved issues with the CC&Rs.

Meredith Smith, Timmons Law, 1842 Rebecca Avenue, Hood River, Oregon

Ms. Smith stated U-Haul, represented by Timmons Law, is aware of the objections raised by Pomona Street and Mr. Brock. Unless Mr. McKeown, owner of Pomona Street says differently, he has withdrawn his objection. Marcus Swift is counsel for Pomona Street.

Commissioner Mascher requested clarification on the comment stating, "...has and continues to attempt limiting access to parking in that portion of the common use area."

Mr. Green replied customers do a "night drop." They leave the key and truck, but sometimes leave the truck in the incorrect location.

Darren Eckman, Tenneson Engineering, 3775 Crates Way, The Dalles

Mr. Eckman represented U-Haul. He noted both Coastal and U-Haul are the only properties required to have shared or common area parking. Both parking lots exceed the required ratios. With the exception of the Sixth Street Station, the other three tenants within the shopping center required 53 spaces yet provide 90 spaces. Regarding the shunting/fleet storage areas, the number is based upon the maximum number of units within the U-Haul fleet. Oftentimes only 20-30% are used by U-Haul. Eckman added they completely agree with the staff recommendation and conditions proposed.

Scott McKeown, 1017-C Pomona Street West, The Dalles

Mr. McKeown stated he attended on behalf of Sixth Street Station. His understanding was that U-Haul would apply for one less row of storage units, alleviating parking concerns. He added the matter of CC&Rs had been resolved. Pomona Street withdraws its objection.

Planner Chandler requested clarification on the reduced storage units. Mr. Eckman replied the storage units would remain, but shunting/fleet storage area row F would revert to parking spaces. Chandler noted those changes should be submitted to staff.

Chair Cornett closed the public hearing at 6:21 p.m.

It was moved by Cornett and seconded by Poppoff to approve Conditional Use Permit 202-22 with the proposed conditions of approval based upon findings of fact and conclusions of law set forth in the agenda staff report. The motion carried 4/0; Cornett, Mascher, Pena and Poppoff voting in favor, none opposed, Aparicio and Portela absent, one position vacant.

RESOLUTION

Resolution PC 604-22, Approval of CUP 202-22, U-Haul of The Dalles

It was moved by Cornett and seconded by Mascher to adopt Resolution PC 604-22, approval of CUP 202-22, U-Haul of The Dalles. The motion carried 4/0; Cornett, Mascher, Pena and Poppoff voting in favor, none opposed, Aparicio and Portela absent, one position vacant.

STAFF COMMENTS / PROJECT UPDATES

Director Cannon provided the following updates:

- Mayor Mays is working to fill the Planning Commission vacancy.

- Density code amendments are tentatively scheduled for July. Currently, there are no pending public hearings for July.
- Director Cannon asked if Chair Cornett wished to comment on attendance. Chair Cornett stated the only way public meetings like this work is when Commissioners show up to meetings. If Commissioners don't show up, it doesn't work. People depend on the Commission to conduct hearings and consider code amendments. Staff and the applicants do their jobs going through the proper processes. Commissioners have to do their part and be present to complete the circle of responsibility. Otherwise, the Commission is failing staff and applicants. He reiterated the importance of attendance.
- Director Cannon noted the importance of reaching Commissioners to ensure a quorum.
- An Urban Renewal development incentive program was approved by the Urban Renewal Board in May. In August or September, a public hearing for a Conditional Use Permit is anticipated. If approved, the permit would allow additional height for a mixed-use structure in downtown The Dalles.
- There is also interest in a natural food grocer locating downtown.
- The Pioneer Building (northeast corner of E. Second and Washington Streets) is now in escrow, awaiting potential sale to a new owner. If a vacancy becomes available, a food business will occupy one of the ground floor spaces in the building. There is interest in converting the upstairs to dwelling units, short-term rentals, or a hospitality business.
- The Honald Building has been sold.
- The Medical Arts Building (northeast corner of E. Fourth and Washington Streets) is also in escrow, awaiting a potential sale.
- Ten property owners have shown interest in renovating, updating, or adding square footage to their buildings.
- The Brownfield Grant has opened opportunities for downtown. The City was informed that at least \$250,000 will be given to assist with asbestos abatement and demolition of the Tony's Building.

COMMISSIONER COMMENTS / QUESTIONS

Commissioner Poppoff stated half the street trees downtown are dead or dying. If we are not going to take care of them, just take them out. He suggested adding trees to residential areas.

Director Cannon the Beautification Committee has been appointed to address these issues and has made many comments about the trees and would like to see more action from City Council. City Manager Matthew Klebes, has also been asked to address the issue. The First Street Streetscape project will include irrigation for street trees along with larger wells. Trees tolerant to our climate will be selected. The Second Street trees do not have irrigation.

City Manager Klebes introduced himself and said the Commission's points were well taken. He met with the Beautification Committee and attended an Urban Renewal meeting where the topic was mentioned. Klebes stated the downtown street trees are a priority of his, and something he will be watching and looking into. Klebes added he is interested in, and appreciative of, the

Commission's efforts and time contributed to benefit our community.

ADJOURNMENT

Chair Cornett adjourned the meeting at 6:38 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED: _____
Cody Cornett, Chair

ATTEST: _____
Paula Webb, Secretary
Community Development Department

DRAFT



City of The Dalles Planning Commission

THURSDAY, JUNE 16, 2022 | 5:30 PM

Conditional Use Permit No. 202-22

Applicant: U-Haul at The Dalles

Address: 2640 W. 6th Street

Assessor's Map and Tax Lot: 2N 13E 32 A 400

Zoning District: General Commercial "CG"

Proposal: *The Applicant is requesting approval for a major modification of Conditional Use Permit (CUP) 195-20, a previously approved storage facility and truck/trailer rental business, for the addition of six (6) exterior storage units in the existing parking lot of the subject property.*



Project Timeline

- CUP 190-18: *Approved on January 3, 2019. Expired January 4, 2020, due to inactivity.*
- CUP 195-20: *Approved on May 7, 2020.*
- Building Permit (BP) No. 332-20: *Approved on December 7, 2020. Stop Work Order issued on property in Spring 2021 for the construction of outdoor storage units. Use of outdoor storage units not permitted until CUP 202-22 and subsequent building permit has been issued.*
- CUP 197-21: *Submitted on March 12, 2021. Void on November 1, 2021, following 181 days of incompleteness (per ORS 227.178(4)).*
- CUP 202-22: *Currently under review.*
- Sign Permits (multiple): *Approval of current signage on the subject property.*

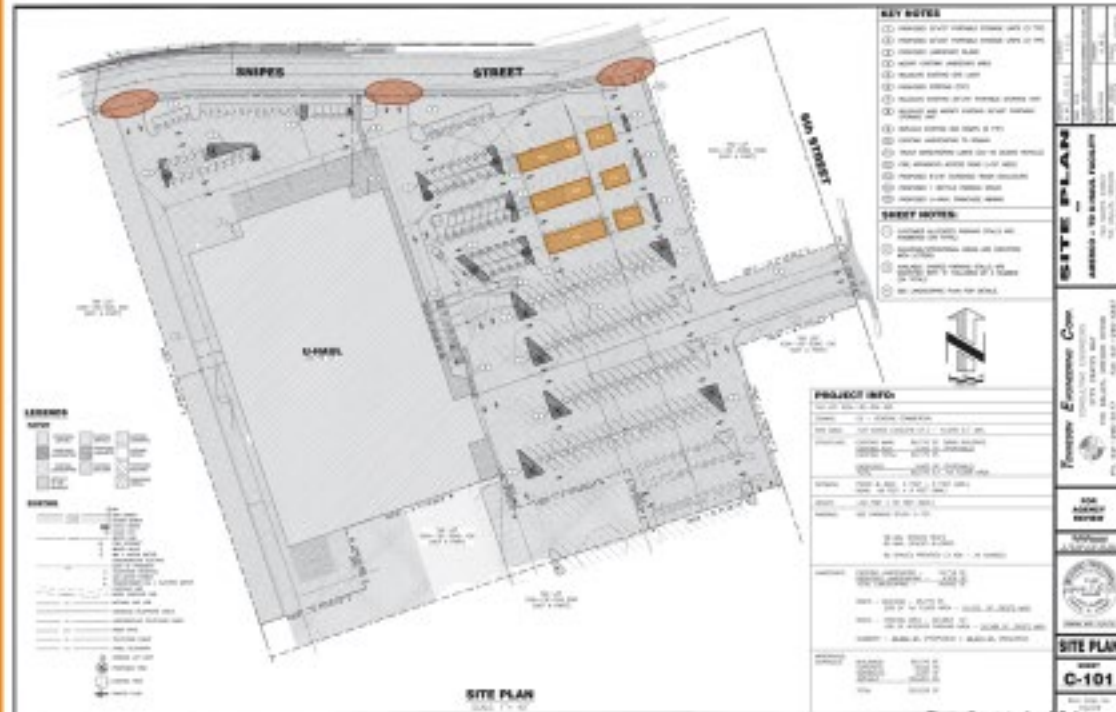
Proposal

6 exterior storage units

3 ADA drive approaches; ADA connection to retail space

Landscaping abutting all parking clusters

Parking reconfiguration



Proposal

Main building (CUP 195-20,
approved May 2020)



Proposal

Exterior storage units



Comments Received

Two comments received as of June 16, 2022 (noon); both in opposition of proposal

Comments were sent to Applicant for their response, as well as provided to Commissioners and posted on the City's website

Applicant provided response

Staff will address TDMC based criteria only

Impact (TDMC 10.3.050.040)

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.
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.)

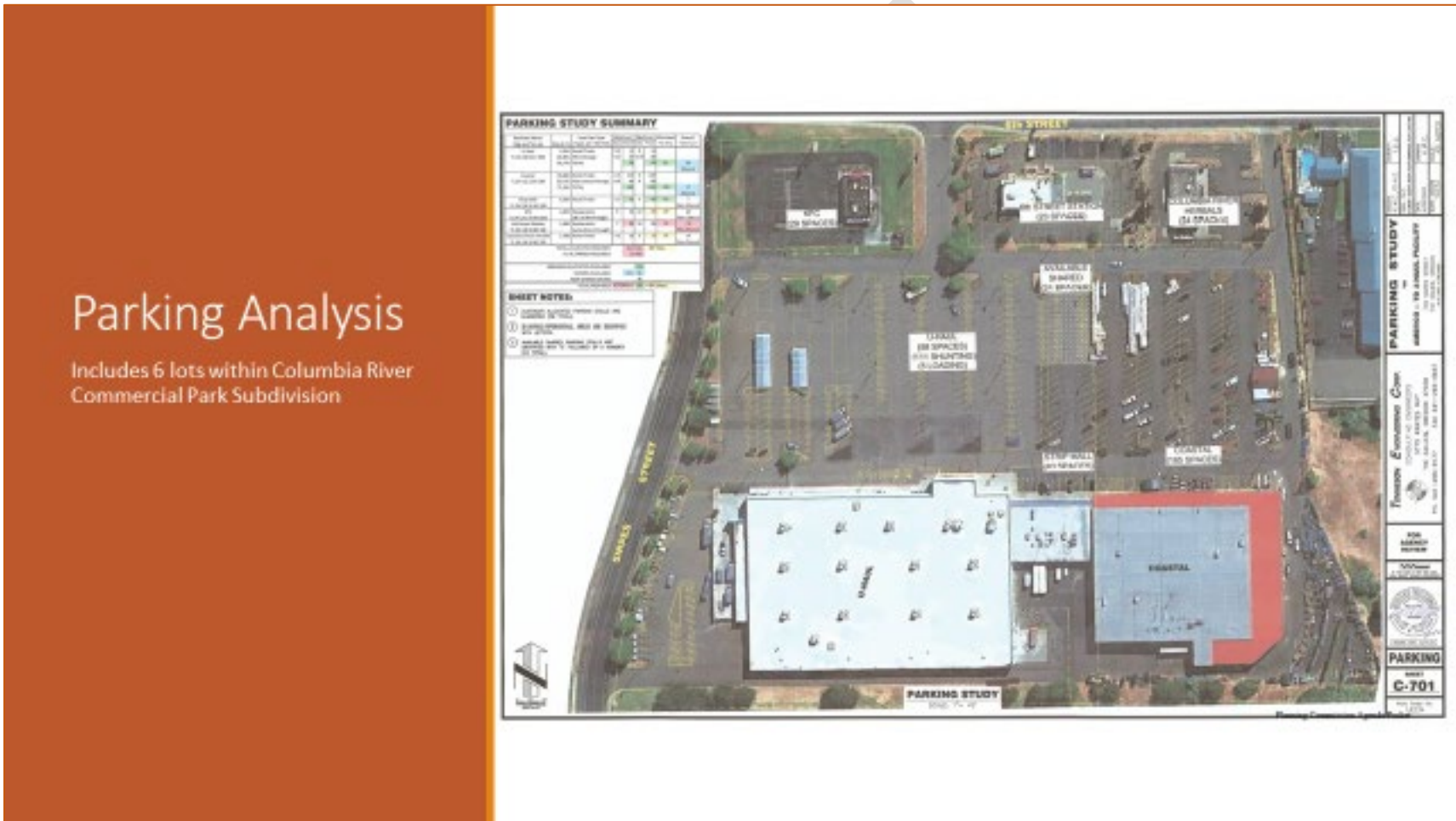
Impact (TDMC 10.3.050.040)

3. Dust and other particulate matter shall be confined to the subject property.
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.
5. Vibrations shall not be felt across the property line.

Impact (TDMC 10.3.050.040)

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
 - e. Transit capacity and efficiency.

- ~~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~~



Parking Analysis

5 of 6 uses meet (or exceed) their minimum/maximum parking requirements; per proposed layout

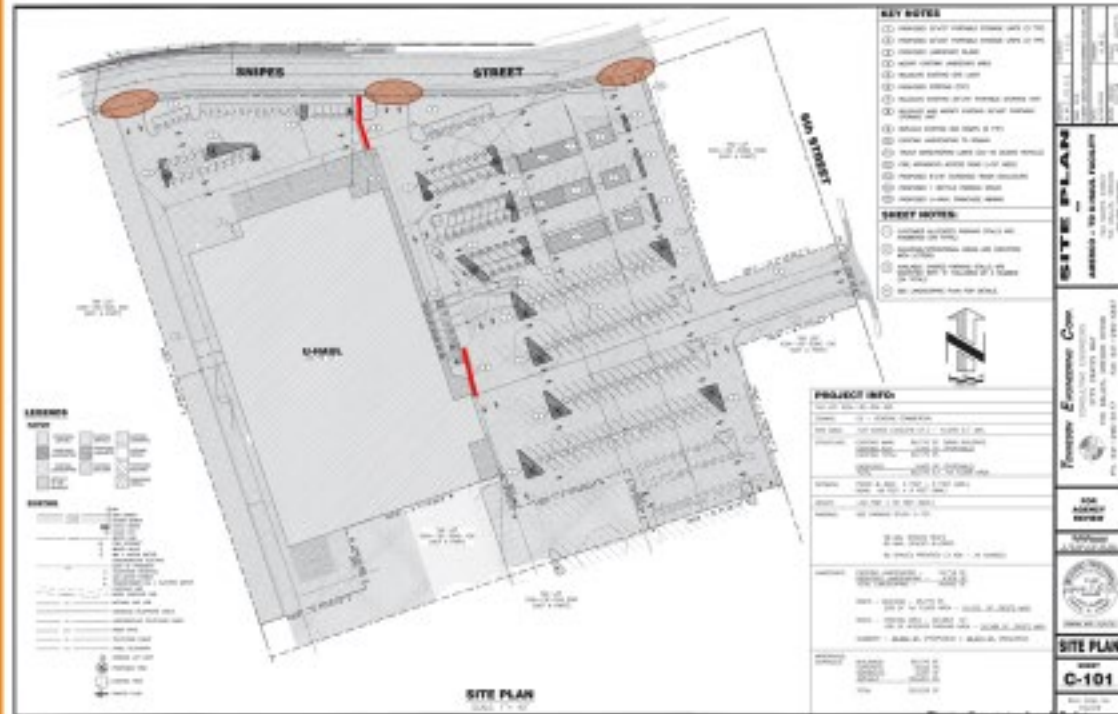
6th Street station (food cart pod) deficient of 15 required spaces

U-Haul is proposing 24 "shared parking spaces" adjacent to 6th Street station to compensate for this deficiency

| Business Name Map and Tax Lot | Size (S.F.) | Land Use Type (Table 10.7.060.010) | Minimum | | Maximum | | Allocated On-Site | Excess/ Deficient |
|---|-------------|---------------------------------------|---------|-----------------|---------|-------------|----------------------|----------------------|
| | | | Rate | Total | Rate | Total | | |
| U-Haul TL 2N 13E 32 A 400 | 2,945 | Retail Trade | 3.5 | 11 | 5 | 14 | | |
| | 92,831 | Mini-Storage | 0.5 | 47 | 0.75 | 69 | | |
| | 95,776 | TOTAL | | 58 | | 83 | 82 | 24 Shared |
| Coastal TL 2N 13E 32 A 500 | 43,600 | Retail Trade | 3.5 | 153 | 5 | 218 | | |
| | 28,750 | Warehouse/Storage | 0.5 | 15 | 1 | 28 | | |
| | 72,350 | TOTAL | | 168 | | 246 | 185 | 17 Shared |
| Strip Mall TL 2N 13E 32 AD 100 | 9,200 | Retail Trade | 3.5 | 33 | 5 | 46 | 40 | 7 Non-Shared |
| KFC TL 2N 13E 33 BB 1600 | 1,944 | Restaurants (w/ drive-through) | 5 | 10 | 12 | 23 | 29 | 19 Non-Shared |
| 6th Street Station TL 2N 13E 33 BC 100 | 5,382 | Restaurants (w/o drive-through) | 7 | 38 | 16 | 86 | 23 | -15 Non-Shared |
| Columbia River Herbals TL 2N 13E 33 BC 200 | 2,788 | Retail Trade | 3.5 | 10 | 5 | 13 | 24 | 14 Non-Shared |
| TOTAL ALLOCATED REQUIRED: | | | | 317 Min. | | 497 Max. | | |
| TOTAL SHARED REQUIRED: | | | | 15 Min. | | | | |
| MINIMUM ALLOCATED AVAILABLE: | | | | 302 | | | | |
| SHARED AVAILABLE: | | | | 15 < 41 | | | | |
| NON-SHARED EXCESS: | | | | 40 | | | | |
| TOTAL PROVIDED: | | | | 317 (Min) < 383 | | < 497 (Max) | | |

Proposal

3 ADA drive approaches; ADA connection to retail space



Commission Alternatives

- 1. Staff recommendation: *The Planning Commission move to adopt Resolution PC 604-22 approving Conditional Use Permit No. 202-22, with the proposed Conditions of Approval included with this report, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report.***
2. If the Planning Commission desires to deny Conditional Use Permit No. 202-22, move to direct staff to prepare a resolution of denial. The Planning Commission would need to identify the specific criteria concerning this decision.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

MEMORANDUM

To: City of The Dalles Planning Commission

Meeting Date: July 7, 2022

Re: Density Code Amendments: Discussion of draft code amendments as recommended by the Planning Commission

Prepared by: Joshua Chandler, Senior Planner

DISCUSSION:

The term “density” is widely used throughout land use planning. In Oregon, administering density is mandatory to ensure responsible development within established urban growth boundaries. The ability to expand these boundaries relies heavily on a municipality monitoring growth and capacity most commonly within prescribed density ranges.

In 2011, the City, in partnership with Winterbrook Planning, conducted a periodic review of The Dalles Municipal Code (TDMC) amending multiple sections throughout. At that time, “minimum density” was added into each of the residential zoning chapters in an effort to ensure future housing development does not inhibit the ability to meet the density ranges of The Dalles Comprehensive Plan. It appears that this amendment was adopted, offering little or no context or guidance regarding implementation and was not consistently enforced until summer 2020.

The Planning Commission became familiar with this issue at a February 2022 appeal hearing for Minor Partition No. 401-21. The applicant requested approval to divide one existing parcel into three parcels of varying size, where the request exceeded the maximum allowed density of the underlying zoning district by roughly 600 square feet.

At the February 10, 2022 Planning Commission meeting, Staff was directed to review TDMC specifically pertaining to density. Staff was asked to provide the Commission with recommendations to ensure that Title 10 of the Municipal Code was both clear and objective. The main goal of these proposed code amendments is to provide clarity and consistency to the application of density with all residential development proposals.

This memorandum has been provided to discuss Staff’s recent comprehensive audit of TDMC as it pertains to all facets of density. Staff has prepared draft density code amendments that address the density unit of measure, defining common density related terms, changes to fractional results

for density calculations, as well as modifying requirements for redevelopment of land below density ranges.

Calculating Density

The City regulates densities in all residential zones based on the number of dwelling units per gross property acre. Each zoning district has an established density range outlined in The Dalles Comprehensive Plan as follows:

- RL – Low Density Residential: 3-6 units per gross acre
- RH – High Density Residential: 10-25 units per gross acre
- RM – Medium Density Residential: 7-17 units per gross acre

In most municipalities, density is measured per net acre; however, TDMC utilizes a gross acreage calculation. Staff is proposing adoption of a new Article in TDMC that thoroughly details how to calculate density, as well as replacing the use of gross acreage with net acreage.

Gross Density and Net Density

“Gross Density” is the number of residential units per overall acre. This is calculated by taking the total land area and dividing by the number of units. For example, if a ten-acre property contained 50 residential lots, the gross density is 5 units per acre ($50\text{-units}/10\text{-acres} = 5\text{ units/acre}$).

“Net Density” is defined as the number of units per acre of land, excluding various constraints. In many cases these constraints include required infrastructure, floodplains, or slopes. “Required infrastructure” includes, but is not limited to, required public or private roads, infrastructure such as storm water ponds, required parks/trails, and required buffers.

In general, gross density can be helpful to understand the overall, and at times hypothetical, density of an area, while net density acknowledges site-specific characteristics that may make individual developments more or less efficient, and eliminates those inefficiencies from the calculation in order to arrive at a standard starting point for measurement. Staff is proposing the removal of “gross” throughout TDMC as a unit of measurement for density and replacing it with “net” for practical purposes.

Density Ranges and “Minimum Density”

As previously mentioned, the periodic review of 2011 introduced a “minimum density” requirement to all residential zoning districts based on a “buildable” area, or rather a “net” area. Conversely, the density ranges outlined in the Comprehensive Plan, as stated in the “Purpose” statement of each residential zoning district, is based on gross area. These conflicting units of measure coupled with misaligned ratios result in properties potentially having two separate density requirements. For example, the density range in the RL zoning district is 3 to 6 units per gross acre, while the “minimum density” within the RL zone is “Not more than 10,000 net buildable SF per dwelling unit” (resulting in a minimum density of 4 units per acre). Staff is proposing a net-based density range per residential zoning district with these amendments.

Regulating Density

By enforcing density ranges, the City has the ability to prevent developments from providing “too few” or “too many” residential units on a parcel, as well as enabling the City and other public agencies to plan for growth. Enforcing minimum densities holds property owners accountable for accommodating future development. Not enforcing minimum densities may result in lower overall densities within City limits as well as discourage additional infill. The 2016 Housing and Residential Land Needs Assessment estimated the City of The Dalles needs to build 1,770 new housing units by 2036 to accommodate the projected housing need for the city. This study finds that the City can only accommodate the projected need with infill or the development of multi-family units.

Recently, Staff has received feedback from prospective applicants stating the minimum density requirement is too restrictive for those seeking to build a single home on a large parcel. When enforcing this minimum density at the time of construction, Staff acknowledges the potential barrier to development. For example, the minimum density of a 0.3 acre parcel in the RH zoning district is 3 units (an average as a result of conflicting density ranges as previously mentioned); therefore, meeting minimum density would require the development of all three units from the onset.

To address this concern, Staff is proposing modifications to the *Redevelopment Plans* section of TDMC to allow for development of a large parcel in phases with an approved “redevelopment plan.” This plan would allow the property to develop at a lower density by still ensuring future development does not inhibit the ability to achieve its minimum density requirement.

NEXT STEPS:

Subsequent to the Planning Commission’s review of the attached draft code amendments, staff will make any necessary modifications prior to proceeding with a formal land use application. The proposed amendments will be analyzed to determine if a Ballot Measure 56 notice is warranted. If deemed necessary, notification will be provided to all residentially zoned properties in the Urban Growth Boundary. In addition, a notice of these code amendments will be sent to the Department of Land Conservation and Development (DLCD) and Wasco County Planning. Notification of the Legislative Public Hearings before the Planning Commission and City Council will also be published in the local newspaper.