

AGENDA
SPECIAL MEETING

PLANNING COMMISSION

August 11, 2022

5:30 p.m.

City Hall Council Chambers
313 Court Street, The Dalles, Oregon

Via Zoom

<https://us06web.zoom.us/j/82327794645?pwd=c1d2UGhUb1BoVithR0tFUzczeWtXQT09>

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. APPROVAL OF MINUTES – July 7, 2022
6. 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.
7. QUASI-JUDICIAL PUBLIC HEARING
CUP 205-22, Chris Hodney, Hacker Architects
Request: Approval of a height increase to exceed the maximum allowed height of the underlying zoning district for a mixed-use multi-family development. The proposed height of the building is 60', which exceeds the maximum building height within the Central Business Commercial zoning district of 55'. Upon approval of Conditional Use Permit No. 205-22, the Applicant will proceed with a Site Plan Review to site and construct the development.
8. RESOLUTION
Resolution PC 605-22: Approval of CUP 205-22, Chris Hodney, Hacker Architects
9. DISCUSSION ITEM
10. STAFF COMMENTS / PROJECT UPDATES

CITY OF THE DALLES

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

11. COMMISSIONER COMMENTS / QUESTIONS

12. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

July 7, 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: Karly Aparicio, Philip Mascher, Mark Poppoff,
Nik Portela, one position vacant

COMMISSIONERS ABSENT: Maria Pena

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

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

ELECTION OF OFFICER

Chair Cornett opened nominations for Vice Chair.

Chair Cornett nominated Commissioner Aparicio; she declined.

Commissioner Mascher nominated himself.

Chair Cornett closed nominations.

The nomination carried 5/0; Aparicio, Cornett, Mascher, Poppoff and Portela voting in favor, none opposed, Pena absent, one position vacant.

APPROVAL OF MINUTES

It was moved by Mascher and seconded by Poppoff to approve the minutes of June 16, 2022 as submitted. The motion carried 5/0; Aparicio, Cornett, Mascher, Poppoff and Portela voting in favor, none opposed, Pena absent, one position vacant.

PUBLIC COMMENT

Jennifer Dewey, 383 Summit Ridge, The Dalles

Ms. Dewey requested the reason for subdividing the property. She noted the parcels are large; it does not make sense to divide the lots. Ms. Dewey said the notice was vague and asked for the end use of the property. Ms. Dewey is against the application.

Director Cannon replied staff received a replat application, and noted it would be a staff level decision. Senior Planner Chandler added the notification sent out was for a replat. Currently there are two parcels; the plan is to move only the property line between the two parcels. This is not a subdivision, but a realignment of an existing property line.

Director Cannon noted the Mid-Columbia Community Action Coalition (MCCAC) owns the properties. The lot line will be adjusted to accommodate the development of a navigation center and pallet shelters. State law now allows this type of development to occur outside of a land use decision. Once the replat is concluded, the applicant will seek approval through the State mandated process for development of shelter housing. Director Cannon added she was unaware of what, if anything, was planned for the rear lot, and suggested Ms. Dewey contact Kenny LaPoint of MCCAC.

Commissioner Aparicio asked what recourse is provided in the law for feedback from the community. Director Cannon replied there is no formal process through our Code. This development is specifically exempted from the land use process.

Ms. Dewey asked how the application could be contested. Director Cannon replied it may be appealed to the Circuit Court, but not the Planning Commission, City Council or Land Use Board of Appeals. Cannon added this law was created to address the housing crisis in the state and allow emergency shelter housing units to be placed anywhere in the urban growth boundary, provided it meets certain requirements. This law will sunset on July 1, 2023.

Director Cannon clarified the pallet shelters are not considered dwelling units. A different set of Code provisions apply to shelter housing.

Chair Cornett stated the Planning Commission will establish a clear boundary specifically addressing the process to determine where the acre of measurement begins and ends, eight (8) units on .49 acres, or eight (8) units on .51 acres.

City Attorney Kara noted the Public Comment portion of the agenda for meetings of the City's governing bodies is specifically for addressing matters that do not later appear on the agenda. Kara advised the Commission to end the Public Comment portion of this meeting.

Ms. Dewey stated she just requested clarification, and appreciated “layman” terms.” She felt the community, also, would like to understand.

City Attorney Kara replied the Planning Commission is composed of laypeople to address very complicated legal issues. The Commission consists of volunteers dedicating their time to improve their community.

Ms. Dewey said she wanted to know the potential impact of this text amendment. Mr. LaPoint, indicated the potential to develop low-income housing. The Commission is setting a precedent for the future.

Senior Planner Chandler reiterated this will not impact the subject property which is zoned Commercial. The proposed text amendments are specific to residentially zoned properties.

Commissioner Mascher stated there is a concerted effort to increase density. We need to use the land we have in a more efficient way for affordable housing.

DISCUSSION ITEM

First review of Land Use and Development Ordinance (LUDO) text amendments to clarify regulations relating to residential density.

Senior Planner Joshua Chandler provided the presentation (Exhibit 1).

Discussion included:

- State law recognizes net density more frequently than gross density.
- This discussion addresses changes for new development. Many existing properties do not meet minimum densities. If adopted, the amended requirements must be met prior to development.
- Adoption of the amendments is anticipated within the next six months.
- Minimum density is necessary to ensure efficient use of available land. The City must show efficient land use in order to expand the Urban Growth Boundary.
- Section 6.170.020 D. B. “Any residentially zoned lot of record has an anticipated density of at least one dwelling unit. The phrase “an anticipated density” will be replaced with “a density.”
- Proposed amendments will be reviewed by the City Attorney.
- Public utility easements are not included in net density for placement of a dwelling. This topic will be further explored by staff.
- Staff will reach out to the community for input on the proposed amendments.
- Property buyers must be aware of zoning and potential development. There is nothing in the Code that prevents development, which is permitted outright.

STAFF COMMENTS / PROJECT UPDATES

Director Cannon stated this is her last meeting with the Planning Commission. She will continue with Urban Renewal through the end of the year, and work part-time with Wasco County. Cannon stated she was very impressed with the efforts of the Planning Commission.

The Planning Commission scheduled July 21, 2022 has been cancelled. Commissioners Cornett, Mascher and Portela confirmed their availability for August 4, 2022. Commissioner Aparicio is unable to attend.

A Conditional Use application will be presented at the August 4, 2022 meeting. This application is requesting approval of increased height for a structure with ground floor commercial and mixed-use housing.

Proposed amendments to the Buildable Lands Inventory (BLI) and Total Maximum Daily Load (TMDL) will be presented to City Council on September 15, 2022.

The Urban Renewal Incentive Program was approved in May. Grant and application materials will be presented at the July 19, 2022 Urban Renewal meeting. Interested parties should contact the Community Development Department.

COMMISSIONER COMMENTS / QUESTIONS

Commissioner Aparicio asked if a determination was made for ground-floor commercial only on E. Third Street. Director Cannon replied there was no decision.

ADJOURNMENT

Chair Cornett adjourned the meeting at 6:59 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED: _____

Cody Cornett, Chair

ATTEST: _____

Paula Webb, Secretary
Community Development Department



City of The Dalles Planning Commission

THURSDAY, JULY 7, 2022 | 5:30 PM

Density Code Amendments

- ❖ Density integral part of land use planning
- ❖ Comp Plan Density ranges vs. “minimum density”
- ❖ Density inconsistently enforced until 2020
- ❖ MIP 401-21
- ❖ PC directed staff to review TDMC pertaining to density – 2/10/22

Following slides outline draft density code amendments

Definitions (page 1 of 8)

- ❖ ADUs – Currently no definition in TDMC; amendments clarify density counts for ADUs
- ❖ Duplexes - Amendments clarify density counts for Duplexes
- ❖ Net Acre / ~~Gross Acre~~

Calculating Density (pages 1 & 2 of 8)

- ❖ Rounding – Truncation and 0.5 threshold
- ❖ Currently:
 - No language regarding truncation
 - Minimum Requirements always rounded up
 - *(11.053 rounded up to 12)*
 - Maximum Allowed always rounded down
 - *0.48 acres x 6 units (max density: RL zone) = 2.88 (rounded down to 2)*
- ❖ Proposed:
 - Truncation: 2 numbers past the decimal point (ex: 3.4289 = 3.42)
 - Rounding at 0.50 (ex: 2.49 = 2 | 2.50 = 3)

Calculating Density (page 2 of 8)

- ❖ Density Denominator – based on individual development site basis (NOT by tract, neighborhood, subdivision, etc.)
- ❖ Net Area Deductions – lists land constraints for calculating net area:
 - Right-of-way dedications for (new or expansion)
 - Slopes of 25% or greater
 - 100 year floodplain (FEMA)
 - Wetlands (OR Department of State Lands)
 - Stream corridors (Article 5.130)
 - Open space or parkland that will be publically owned or open space owned in common by owners within a residential development
 - Public utility easements

Calculating Density (pages 2 & 3 of 8)

- ❖ Minimum Density: Net area / 43,560 x min. req'd density per zone
 - Ex: $43,560 \text{ SF} / 43,560 \text{ SF} = 1 \text{ AC} \times 10 \text{ (RH min. density)} = 10 \text{ dwelling units}$

- ❖ Maximum Density: Net area / 43,560 x max. req'd density per zone
 - Ex: $43,560 \text{ SF} / 43,560 \text{ SF} = 1 \text{ AC} \times 25 \text{ (RH max. density)} = 25 \text{ dwelling units}$

Regulating Density: ADUs & Duplexes (page 3 of 8)

❖ Minimum Density:

- Duplexes = 2 dwelling units
- ADUs = 1 dwelling unit

❖ Maximum Density:

- Duplexes = 1 dwelling unit
- ADUs = 0 dwelling units

Minimum Lot Allowances (page 3 of 8)

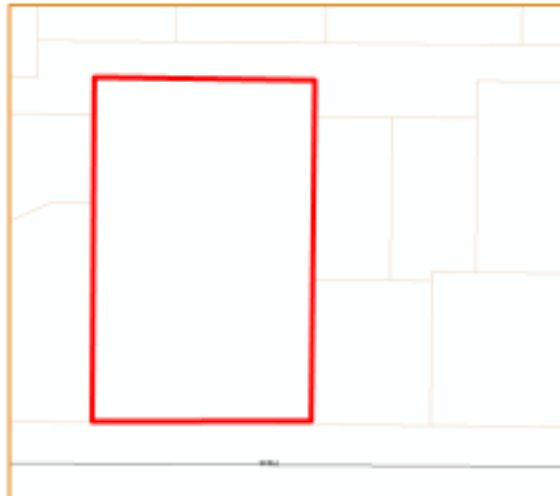
- ❖ Regardless of the density calculation, any residentially zoned lot of record is allowed at least 1 dwelling unit.
- ❖ Any residentially zoned lot of record has an anticipated density of at least 1 dwelling unit.

Gross and Net Density (page 1 of 8)

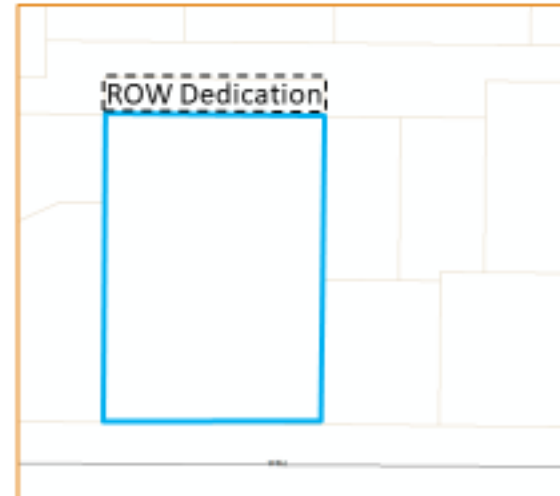
- ❖ “Gross Density” = number of residential units per overall acre
- ❖ “Net Density” = Number of units per acre of land, excluding various constraints (such as ROW, slopes, wetlands, etc)
- ❖ Staff proposing removing “gross” within TDMC entirely; to replace with **“net”**

Density: Gross vs. Net

GROSS DENSITY

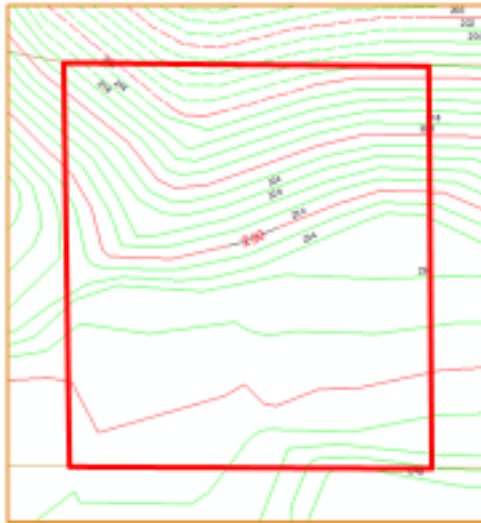


NET DENSITY

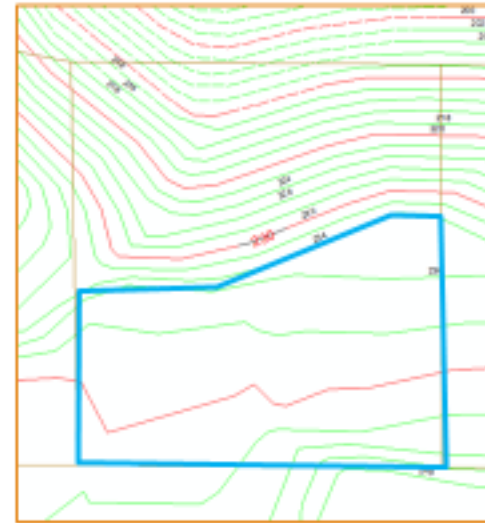


Density: Gross vs. Net

GROSS DENSITY



NET DENSITY



Density: Gross vs. Net

GROSS DENSITY



NET DENSITY



Density Ranges & Minimum Density

❖ The Dalles Comprehensive Plan

- Low Density Residential 3-6 units/gross net acre
- Medium Density Residential 7-17 units/gross net acre
- High Density Residential 10-25 units/gross net acre

❖ "Minimum Density"

- Ex: "Not more than 10,000 net buildable SF per dwelling unit (RL zone)"

❖ *Conflicting unit of measure (per acre)*

- RL Comp Plan minimum = 3
- RL minimum density = 4

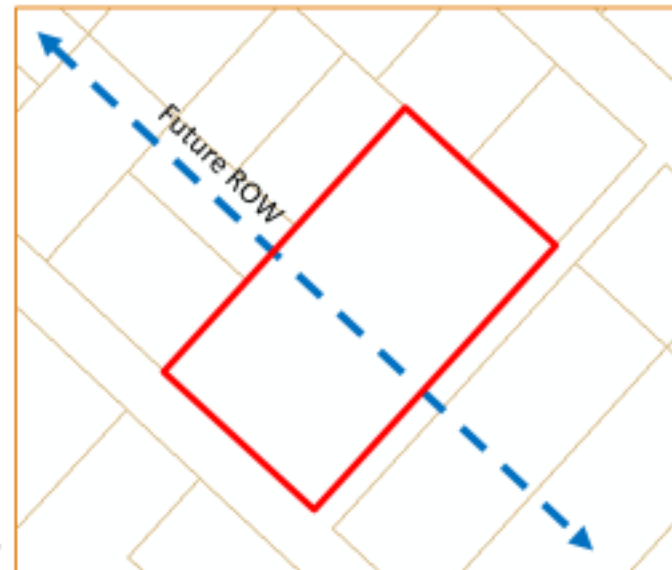
Regulating Density

- ❖ No proposed development may exceed the maximum net density of the underlying zone.
- ❖ RL, RH, and RM zoning districts (All development)
 - A Redevelopment Plan is required for all proposed developments that do not meet minimum density
 - All future development on parcel(s) shall comply with approved Redevelopment Plan, unless a new Redevelopment Plan is approved by the City.
 - Approved Redevelopment Plans shall be filed with the Wasco County Clerk

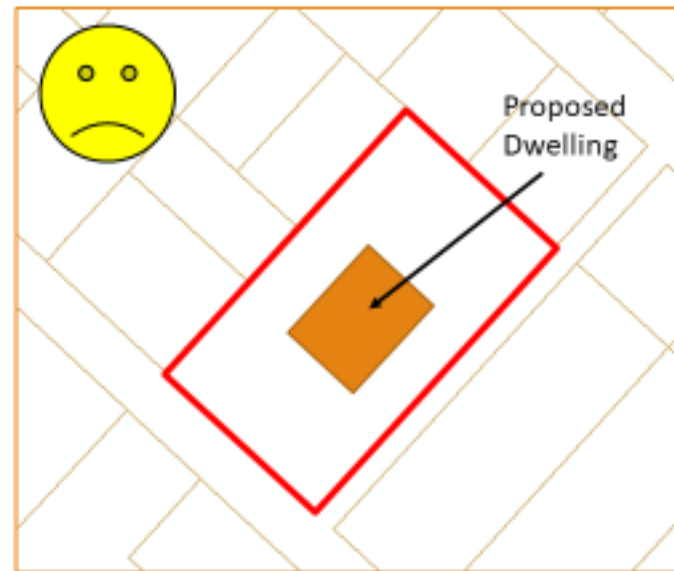
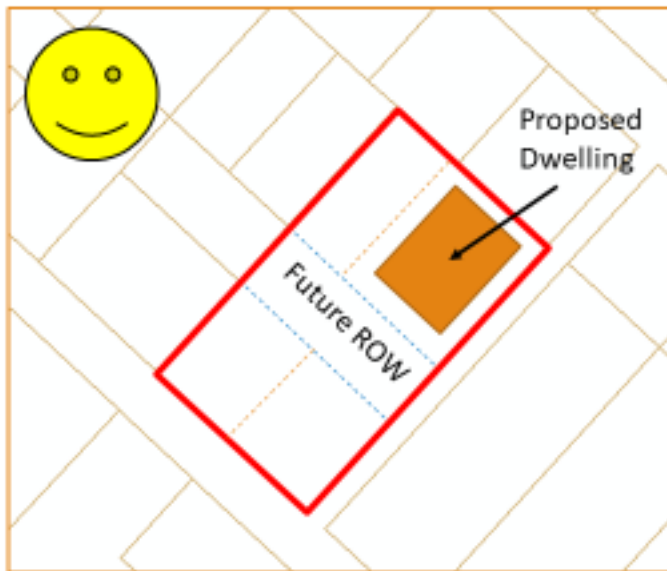
Redevelopment Plan

- ❖ *Newly proposed Article in Chapter 10.3*
- ❖ *Same requirements as Site Plan Review section 10.3.030.030*
- ❖ *Used to demonstrate how proposed development allows for minimum density to be achieved*
- ❖ *Currently required with all land division; referred to as a "Shadow Plat"*

5 dwelling units (gross)
4 dwelling units (net) - ROW



Redevelopment Plan



Next Steps

1. Addressing necessary changes to draft code amendments, per PC direction
2. Proceed with formal land use application
3. Ballot Measure 56 (if needed)
4. Notices sent to DLCD and Wasco County
5. Two future legislative public hearings with Planning Commission and City Council



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT CUP 205-22

Applicant: Chris Hodney, Hacker Architects
Procedure Type: Quasi-Judicial
Hearing Date: August 11, 2022
Property Owner: TD 3RD LLC
Assessor's Map: Township 1 North, 13 East, Section 3 BD
Tax Lot: 6700, 6800, 6900
Address: 523 E. Third Street
Zoning District: "CBC" Central Business Commercial
Subdistrict: CBC-2
Prepared By: Joshua Chandler, Senior Planner

REQUEST: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district for a mixed-use multi-family development. The proposed height of the building is 60', which exceeds the maximum building height within the Central Business Commercial (CBC) zoning district of 55'. Upon approval of Conditional Use Permit (CUP) 205-22, Applicant will proceed with a Site Plan Review (SPR) to site and construct the development.

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

COMMENTS RECEIVED: Two comments were received as of the date of this report.

- July 29, 2022: Jay Wood, Fire Marshall – Mid Columbia Fire and Rescue
MCFR stated they have no issues with allowing the height increase as there is adequate water supply, access, and the district's ladder truck is still effective at this height.
- August 2, 2022: Brandon Pike, Oregon Department of Aviation
Oregon Department of Aviation stated they have no concerns with the proposal.

REVIEW CRITERIA:

I. City of The Dalles Municipal Code, Title 10 Land Use and Development

Section 10.3.010.040 Applications

A. Acceptance

FINDING #1: Applicant submitted a pre-application (Site Team) request on June 13, 2022, and the meeting was held on June 22, 2022. Following the Site Team meeting, Staff requested additional information to include with the application material. On July 5, 2022, Applicant submitted all remaining information. **Criterion met.**

B. Completeness

FINDING #2: The application was deemed complete on July 8, 2022. **Criterion met.**

Section 10.3.020.050 Quasi-Judicial Actions

A. Decision Types.

FINDING #3: Pursuant to The Dalles Municipal Code (TDMC), CUP applications are processed as Quasi-Judicial Actions. **Criterion met.**

B. Staff Report.

FINDING #4: This document serves as the staff report. **Criterion met.**

C. Public Hearings.

FINDING #5: The public hearing is scheduled for August 11, 2022, which is within 45 days from the date the application was deemed complete. **Criterion met.**

D. Notice of Hearing.

FINDING #6: A notice of public hearing was sent to property owners within 300', as well as affected departments and agencies on July 21, 2022, for consideration of an August 4, 2022, Planning Commission meeting. Due to an error in noticing, Staff re-noticed the application on July 28, 2022, as well as re-scheduled the public hearing for August 11, 2022. **Criterion met.**

Section 10.3.050.030 Applications

A. Applications.

FINDING #7: Digital copies of all required plans have been submitted. Staff determined no paper copies are required at this time. **Criterion met.**

B. Review.

FINDING #8: See Finding #3. Upon approval of CUP 205-22, the Applicant will proceed with a SPR to site and construct the development. **Criterion met.**

C. Concept Review

FINDING #9: Applicant is requesting the two-stage CUP concept process for initial review of the building height increase. Upon approval of CUP 205-22, the Applicant will proceed with a SPR to site and construct the development. **Criterion met.**

Section 10.3.050.040 Review Criteria

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

FINDING #10: Pursuant to TDMC 10.5.050.060, the maximum building height within the CBC zoning district is 55'; however, the building height may be increased to 75' with a CUP. As mentioned in Finding #9, Applicant is requesting the two-stage CUP concept process for initial review of the building height increase. **Criterion met.**

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

FINDING #11: All applicable standards of TDMC are addressed within this staff report. **Criterion met.**

C. Impact. The proposed structure(s) and use(s) shall be designed and operated in such a way as to meet the standards of this 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 #12: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff determined the increased height would have no impact on noise levels. **Criterion met.**

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

FINDING #13: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff will review impacts from lighting associated with the proposed development during the subsequent SPR application. **Criterion not applicable.**

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

FINDING #14: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff determined the increased height would not produce dust or particulate matter. **Criterion met.**

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

- a. Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances;*
- b. Fuels; and*

- c. *Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.*

FINDING #15: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff determined the increased height would not produce any of the above mentioned odors. **Criterion met.**

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

FINDING #16: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff determined the increased height would not create vibrations felt across the property line. **Criterion met.**

6. *The transportation system is capable, or can be made capable, of supporting the additional transportation impacts generated by the use. Evaluation factors shall include, but are limited to:*
 - a. *Street designation and capacities;*
 - b. *On-street parking impacts;*
 - c. *Bicycle safety and connectivity;*
 - d. *Pedestrian safety and connectivity; and*

FINDING #17: Applicant is requesting approval of a height increase to exceed the maximum allowed height of the underlying zoning district. Staff will review impacts to the transportation system associated with the proposed development during the subsequent SPR application. **Criterion not applicable.**

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 #18: The proposed use is not located in a historic district. **Criterion not applicable.**

Section 10.6.090.010 Height Limitation Exceptions

A. General.

3. *In nonresidential zones, except for the requirements of subsection B below, necessary roof structures, elevator shaft housings, towers (except wireless communication towers), steeples, aerials, smoke stacks, solar or wind energy devices, and other similar objects (except flagpoles, which are described below in paragraph 4) not used for human occupancy with a height limit, measured from the adjacent grade, of 75 feet or less are not subject to the zone district height limits...*

FINDING #19: TDMC 10.6.090.010 provides an exception to the underlying zoning district building height limits for necessary structural components of a building, not used for human occupancy and measuring less than 75' in height. For consideration of this application, Applicant demonstrated an overall physical building height of 63'-4" building height, including 3'-4" of "necessary roof structures"; however, presented the

building height as 60' for purposes of areas *used for human occupancy*. Staff determined the discrepancy in the two height measurements as negligible and has no impact on the CUP review criteria listed within this staff report. As mentioned in Finding #10, all buildings within the CBC zoning district may be increased by 20' (from 55' to 75') through the CUP application process. **Criterion met.**

RECOMMENDATION: Based on the application materials and findings demonstrating compliance with the applicable criteria, **Staff recommends approval of Conditional Use Permit 205-22, subject to the following conditions of approval.** Any modifications to the approved plans, other than those required by this decision, will require a new land use application and approval.

1. The final building height must be consistent with the plans included with this Conditional Use Permit application request.
2. Following an approved Conditional Use Permit, Applicant must proceed with a Site Plan Review to site and construct the development.

COMMISSION ALTERNATIVES:

1. **Staff recommendation:** The Planning Commission move to adopt Resolution 605-22 approving Conditional Use Permit 205-22, 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. 205-22, move to direct staff to prepare a resolution of denial. The Planning Commission shall identify the specific criteria concerning this decision.



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

Application #: CUP 205-22
Filing Fee: \$275
Receipt #: 483683
Deemed Complete: _____
Ready to Issue: _____
Date Issued: _____

Received: 06/13/2022

Conditional Use Permit Application

Applicant

Name: Chris Hodney, Hacker Architects
Address: 555 SE MLK Jr Blvd, Ste. 501
Portland, OR
Phone #: 503-227-1254
Email: chodney@hackerarchitects.com

Legal Owner (if different than Applicant)

Name: TD 3RD LLC
Address: 101 W 2nd St. , #2049
The Dalles, OR 97058
Phone #: 503-539-2880
Email: mary @hanlondevelopment.com

Send notice to:
101 SW Main St.,
Suite 825, Portland,
OR 97204

Property Information

Address: 523 E. 3rd Street
Zone: CBC, CBC-2 Subdistrict
City Limits: ☒ Yes ☐ No
Geohazard Zone: _____

1N 13E 3 BD
Map and Tax Lot: 1N 13E BD 6700/6800/6900
Overlay: None
Size of Development: 5 stories, 92,000 gross sf
Flood Designation: _____

Project Information

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

Current Use of Property: Auto Sales

Proposed Use of Property: Multifamily housing and retail

Briefly Explain the Project:

New construction mixed-use multifamily development with 9,821 sf of retail, 100 apartment dwelling units, and 36 on-site parking stalls and loading. Applicant is requesting an overall building height increase for a more flexible retail clear height, and contextually appropriate ground-floor height. To be considered through a Conditional Use 'Concept Review' process.

Proposed Building(s) Footprint Size (ft²): 19,500

Total Number of Parking Spaces Proposed: 58 Parking Lot Landscaping Proposed (ft²): 0

Total Landscaping Proposed (ft²): 0 Percentage of Irrigated Landscaping: 0

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: _____

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

In addition to the requirements of Article 3.010: Application Procedures, this application must be accompanied by the information required in Article 3.050 Site Plan Review, 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 material:

Site Team / Pre-Application:

Completed application

Concept plan (PDF recommended)

50% application fee

Official Conditional Use Permit Review:

Remainder of application fees

Professional plans (PDF required)

Following an approved Site Plan Review determination, plans with all necessary changes must be submitted to City Staff for final review. Please provide the following number of copies for review:

1 – PDF of final plans

1 – 11" x 17" set of final plans

2 – Full size sets of construction detail plans

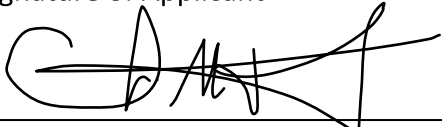
Following final plan review, please provide the following number of copies:

1 – PDF of final plans

2 – 11" x 17" sets of final plans


4 – Full size sets of construction detail plans

Signature of Applicant



6/13/2022
Date

Signature of Property Owner



Date

HACKER

523 E 3rd St Multifamily - Conditional Use Permit Application

Address : 523 E. 3rd St, The Dalles, OR

Date : July 1, 2022

For : Hanlon Development



Project Description:

The proposed project combines 100 for-rent apartments over 9,821 sf of retail, resident amenity and building services in a 92,000 gross square feet mixed-use building. The anticipated construction type will be (4) floors of Type VA over a Type IA podium, and fully sprinklered with an NFPA 13R system.

Open-air, ‘tuck-under’ surface parking is proposed along the alley, with ground-floor retail, resident lobby, amenity, and building services wrapping along all pedestrian frontages. Open-air retail courtyards outdoor seating niches are proposed along E. 3rd and Laughlin frontages to activate the corners, and provide expanded public sidewalk areas.

The conceptual design recognizes tall ground-floor heights and varied building widths of the district as a defining character, and emulates these through a modern, timeless expression. The building massing is broken to read as (4) separate masses, and the building plane alternates to pull back from E. 3rd - creating expanded outdoor seating off the sidewalk, and breaking up the overall bulk of the building.

Conditional Use Review:

The project is requesting a two-phase Conditional Use Review utilizing a Concept Review to allow additional building height. The CBC zone allows 55’ height in the zone, with up to 75’ allowed under Conditional Use review.

This proposal is requesting an additional 5 feet of building height be allowed to grow the height of the ground floor (see Appendix B). The additional height will allow the ground floor to have a truly civic scale and match existing patterns for corner or more public buildings (see Appendix A). The resulting building height would be very similar to the historic Commodore at E. 3rd and Court Streets.

The additional height provides some benefits to the vitality of the ground-floor, such as:

- Provides civic scale and prominence to the ground-floor for the pedestrian experience
- Allows ground-floor height that is consistent with commercial corner buildings of the district
- Provides better proportion of ground-floor height to overall building height
- Improves leasability - Creates flexible retail space that is attractive to a wider variety of tenant types (restaurants, micro-breweries want taller ceilings)
- Improves natural daylighting of the ground-floor spaces

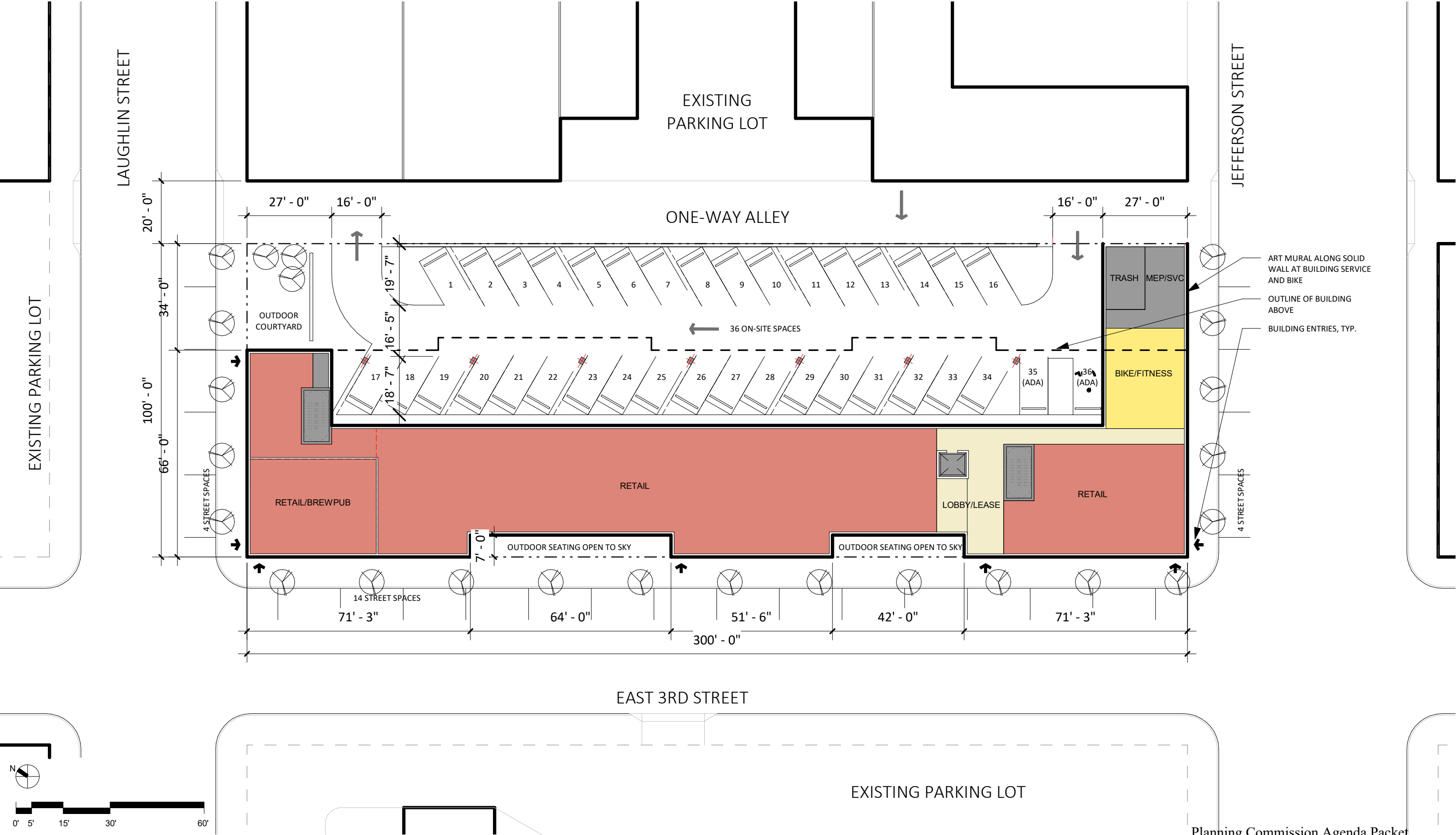
10.3.050.040 Review Criteria

A conditional use permit shall be granted if the Commission finds that the proposed use conforms with, or can be made to conform with through added conditions, any related requirements of this and other City ordinances and all of the following criteria:

Requirement	Reference	Standard
Permitted Use	10.3.050.040.A, 10.5.050.030, 10.5.050.040	The proposed use is conditionally permitted in the zone district where it is proposed to be located <i>RESPONSE: Complies, with conditional use</i> <i>The proposed uses are multifamily residential, food services (restaurants), retail uses, and micro-brewery uses. All are allowed out-right except for micro-brewery uses, which is allowed via a conditional use review per 10.5.050.040.I.</i>
Standards	10.5.050.040.B	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. <i>RESPONSE: Complies, with review.</i> <i>Complies with applicable standards described and responded to in the following tables.</i>
Impact - Noise	10.5.050.040.C.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 the Article shall modify other noise ordinance standards as adopted by the City. <i>RESPONSE: Complies , N/A for this review.</i> <i>The proposed uses and required STC ratings of the exterior building walls and windows will prevent noise above 60 decibels from impacting properties across the building line. This will be demonstrated in future Site Plan Review documents.</i>
Impact - Lighting	10.5.050.040.C.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). <i>RESPONSE: Complies , N/A for this review.</i> <i>Exterior lighting will be located and detailed to focus light to the immediate pedestrian path around the building (sidewalk and retail/lobby entries). This will be demonstrated in future Site Plan Review documents.</i>
Impact - Dust	10.5.050.040.C.3	Dust and other particulate matter shall be confined to the subject property <i>RESPONSE: Complies , N/A</i> <i>The proposed uses will not generate dust or other particulate matter which would impact surrounding properties or right-of-way.</i>

Impact - Odors	10.5.050.040.C.4	The following odors shall be completely confined to the subject property: <div><div>a) Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances.</div><div>b) Fuels ,and</div><div>c) Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.</div></div> <i>RESPONSE: Complies , N/A</i> <i>The proposed uses will not generate any of the specified odors that would impact surrounding properties or right-of way.</i>
Impact - Vibrations	10.5.050.040.C.5	Vibrations shall not be felt across the property line. <i>RESPONSE: Complies , N/A for this review.</i> <i>The proposed uses will not generate any vibrations that would impact surrounding properties or right-of way.</i>
Impact - Transportation	10.5.050.040.C.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: <div><div>a. Street designation and capacities;</div><div>b. On-street parking impacts</div><div>c. Bicycle safety and connectivity</div><div>d. Pedestrian safety and connectivity, and</div><div>e. Transit capacity and efficiency.</div></div> <i>RESPONSE: N/A for this review.</i> <i>It is assumed that with the proposed uses and development’s on-site parking, loading, and bicycle areas, the existing adjacent streets and transportation system will be capable of supporting the development and mitigating transportation impacts. This will be documented and reviewed in the future Site Plan Review phase.</i>
Impact – Historic Districts	10.5.050.040.C.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 <i>RESPONSE: N/A</i> <i>The proposed building property is not within a designated Historic District.</i>





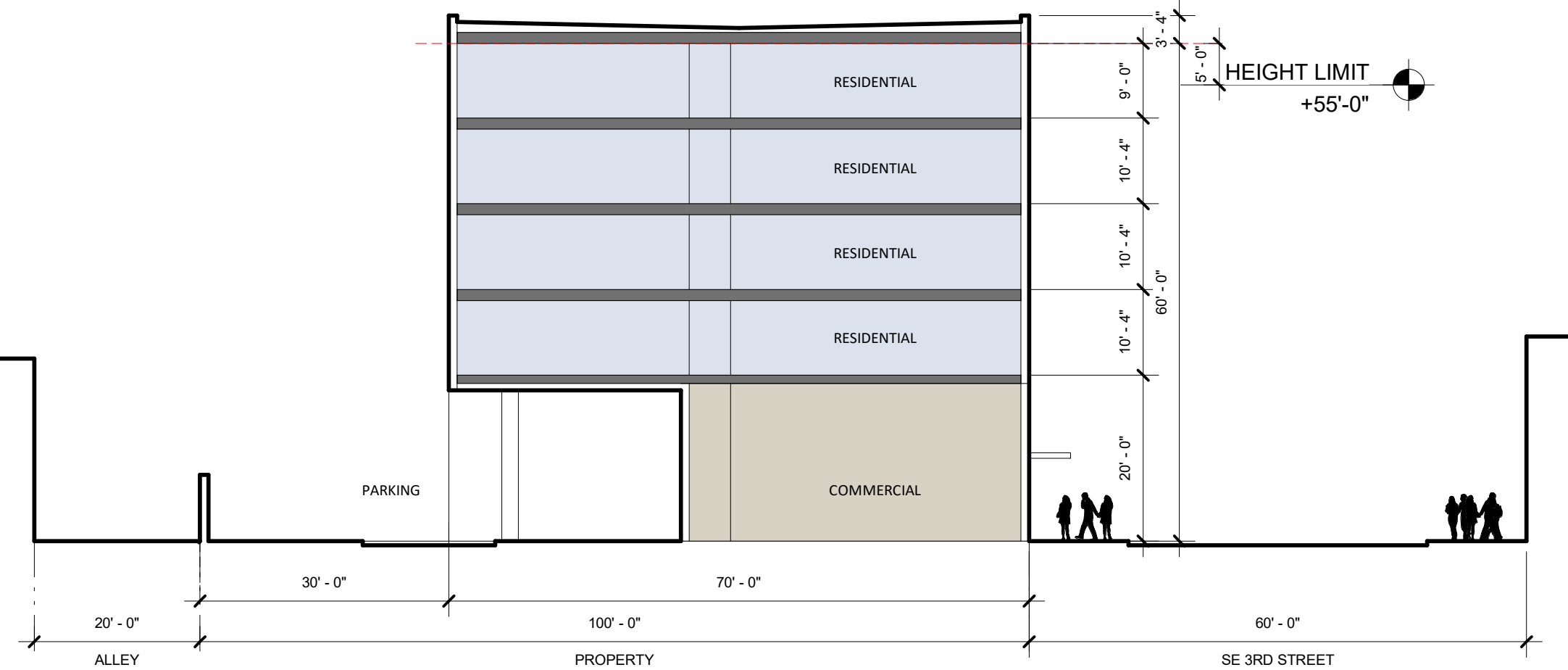
APPENDIX A | Context - Corner building heights and ground floor heights

HANLON

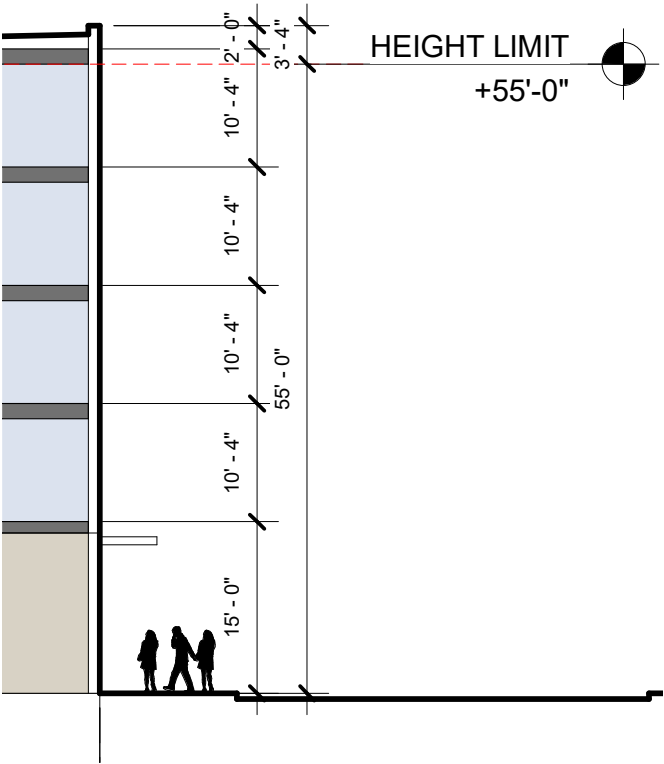
DEVELOPMENT



- The proposed design is most similar in height to the Commodore at E. 3rd and Court St. (bottom left). The proposed design will anchor the East end of the district with a similar scale to the Commodore.
- Multistory commercial buildings in the district are commonly 35', 40', and range up to 61' tall.
- Corners are often anchored by taller buildings, and taller ground-floor heights (or reading) to give prominence to the ground floor.
- Ground-floor heights commonly range from 16'-19' tall.



Building Section Of Proposed Design With Height Increase



Building Section Within Height Limit

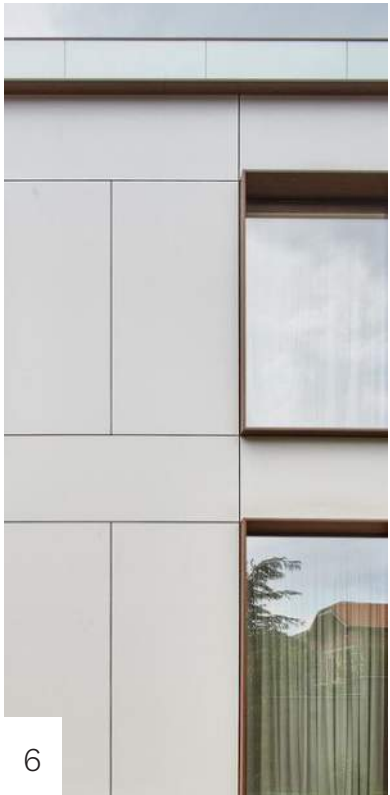








APPENDIX E | Design Vision - Modern expression, active ground floor, ordered facade, durable materials



- 1. Durable materials and detail
- 2. Active storefront and public scale
- 3. Light, modern expression
- 4. Regular, ordered facade - varied and residential infill
- 5. Crisp detailing with shadow
- 6. Panelized upper floor material
- 7. Plastered brick ground floor



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION PC 605-22

Approval of Conditional Use Permit Application **205-22, Chris Hodney, Hacker Architects**, for approval of a height increase to exceed the maximum allowed height of the underlying zoning district for a mixed-use, multi-family development. The proposed height of the building is 60', which exceeds the maximum building height within the Central Business Commercial zoning district of 55'. Upon approval of Conditional Use Permit No. 205-22, the Applicant will proceed with a Site Plan Review to site and construct the development. Property is located at 523 E. Third Street and further described as 1N 13E 3 BD tax lots 6700, 6800 and 6900. Property is zoned CBC – Central Business Commercial District, with a CBC-2 Overlay.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on August 11, 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 205-22 and the minutes of the August 11, 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 205-22 is hereby approved with the following conditions of approval:

1. The final building height must be consistent with the plans included with this Conditional Use Permit application request.
2. Following an approved Conditional Use Permit, Applicant must proceed with a Site Plan Review to site and construct the development.

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 11TH DAY OF AUGUST, 2022.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, Interim 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 11th day of August, 2022.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____
Joshua Chandler
Interim Community Development Director
City of The Dalles