



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

MINUTES CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS
THURSDAY, JULY 18, 2019
6:00 P.M.

CALL TO ORDER

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

ROLL CALL

Commissioners Present: Brent Bybee, Cody Cornett, Sherry DuFault, Bruce Lavier, Steve Ross and Jeff Stiles

Commissioners Absent: Mark Poppoff

Staff Present: Director Steve Harris, City Attorney Gene Parker, and Associate Planner Riley Marcus

APPROVAL OF AGENDA

It was moved by Commissioner Bybee and seconded by Commissioner Stiles to approve the agenda of July 18, 2019, as written. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Ross and Stiles in favor, none opposed, Poppoff absent.

APPROVAL OF MINUTES

It was moved by Commissioner DuFault and seconded by Commissioner Ross to approve the minutes of May 16, 2019 as written. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Ross and Stiles in favor, none opposed, Poppoff absent.

Commissioner Bybee stated he was present for the June 20, 2019 meeting.

It was moved by Commissioner Cornett and seconded by Commissioner Bybee to approve the minutes of June 20, 2019 as corrected. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Ross and Stiles in favor, none opposed, Poppoff absent.

Commissioner DuFault moved to limit public testimony to a maximum of five minutes per person with a single testimony per person. Commissioner Ross seconded the motion. The motion passed 6/0; Bybee, Cornett, DuFault, Lavier, Ross and Stiles in favor, none opposed, Poppoff absent.

Commissioner Poppoff arrived at 6:03 p.m.

PUBLIC COMMENT

None.

QUASI-JUDICIAL HEARING

Variance (VAR) 126-19 by ES&A Sign and Awning

This application was withdrawn prior to the meeting.

Chair Lavier read the rules of a public hearing. He then asked if any Commission member had ex parte contact, conflict of interest, or bias which would prevent their unbiased decision.

Commissioner Poppoff stated he had spoken with the applicant earlier. He had also worked on the house for the previous owner. City Attorney Parker asked if Commissioner Poppoff had discussed this specific request. Poppoff replied he had not; he had no financial dealings with the applicant.

Chair Lavier opened the public hearing at 6:07 p.m.

Conditional Use Permit (CUP) 191-19 by Heidi McBride, The Foley LLC

Associate Planner Marcus presented the staff report.

Heidi McBride, 1025 Morgansen, Mosier, Oregon

McBride distributed photos of surrounding parking areas, Exhibit 1. She stated The Foley is located on a block consisting mainly of banks and financial institutions with off-street parking. Those businesses have hours between 9 to 5, which reduces impact on parking in the evenings. Several businesses are now in The Foley.

Commissioner DuFault asked if the pop-ups would become long term. McBride replied the pop-ups are a sort of place holder for growing businesses. McBride plans to have more retail and a culinary presence in the future.

Commissioner Poppoff asked there was coordination with the Fire Department to provide a fire escape for the ballroom. Associate Planner Marcus replied those requirements would be reviewed by Building Codes.

Commissioner Poppoff was concerned that a food truck would take up a parking space and create litter. McBride replied there was room for seven spaces; one has not yet been designated. The long term vision is to park the food truck in the back yard until a back yard commercial kitchen can be installed. McBride stated she would not tolerate litter.

Chair Lavier invited discussion. Commissioner DuFault stated she uses the street frequently, and has never seen any parking issues. She said The Foley had been well absorbed and did not detract from anything. DuFault said it would be nice to have more activity.

Commissioner Bybee asked if there were any issues created by using the historic structure. McBride replied the structure had been painted after approval of the color palette. Currently there is an application before the Historic Landmarks Commission to replace the railing on the upper terrace.

Chair Lavier closed the public hearing at 6:26 p.m.

It was moved by Commissioner Poppoff and seconded by Commissioner DuFault to approve CUP 191-19 for Heidi McBride, The Foley LLC, based on findings of fact and conditions of approval. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

RESOLUTION

Resolution PC 582-19: Approval of a reduction in parking standard requirements to facilitate the addition of a mixed-use first floor tenant program to include retail space, and a café and wine sales/tasting room.

It was moved by Commissioner Stiles and seconded by Commissioner Poppoff to approve Resolution PC 582-19. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

DISCUSSION ITEM

Consideration of Planning Commission By-Laws

Director Harris presented the staff report. Two approaches were offered: direct staff to prepare draft by-laws and return to the Commission for consideration, or appoint a committee to work with staff to prepare draft by-laws and return to the Commission for consideration.

Director Harris reviewed several benefits of by-laws. Hearing rules could be incorporated, spirited discussions would have guidelines. In the past, plaintiffs have raised issue with the way public hearings were conducted.

Chair Lavier asked if staff would appreciate Commissioner's involvement in the process. Lavier thought by-laws were a good idea, and stated his preference for an ad hoc committee.

Commissioner DuFault spoke in favor of adopting by-laws; she appreciated having guidelines. She anticipated more concern from the public when densities are increased. DuFault said she was willing to serve on the committee.

Commissioner Cornett agreed with the adoption of by-laws; he was in favor of whatever was most efficient.

City Attorney Parker said issues related to process can always be problematic. An appeal hearing by City Council was remanded by LUBA. Parker anticipates a return to LUBA based on the argument that process followed by City Council was not sufficient and correct. By their nature, legislative hearings are more open, not subject to all the strict quasi-judicial rules; that fosters openness which can get out of hand.

Chair Lavier stated the by-laws should include the opportunity for an extension if the Commission felt more time was needed. Parker replied that could be included in the by-laws.

Chair Lavier said if an individual would be limited to five minutes, the applicant would come prepared for that limitation. If the applicant went over the time limit, they could be shut down. The Commission also needs to know what to do if the applicant strayed off topic. Lavier said in a quasi-judicial hearing a stipulation is made that the applicant be on topic.

Commissioner Bybee stated a time limit should be observed, especially in a contentious hearing. He said by-laws would not only hold the public accountable, but also the Commission.

Director Harris stated by-laws would not only focus on how to conduct a public hearing, they would also address the membership of the Commission itself, election of officers, terms, etc.

Director Harris referenced the alternatives provided for adoption of by-laws.

Commissioner Bybee stated his willingness to help with the committee. City Attorney Parker cautioned that the committee should be kept at fewer than four members to avoid a quorum.

It was moved by Commissioner DuFault and seconded by Commissioner Bybee to work on by-laws by adopting an ad hoc committee to work with staff to prepare draft by-laws and return to

the Commission for consideration. The motion passed 7/0; Bybee, Cornett, DuFault, Lavier, Poppoff, Ross and Stiles in favor, none opposed.

Appointees to the committee include Bruce Lavier, Sherry DuFault and Brent Bybee.

Director Harris will coordinate with City Attorney Parker to strategize and research by-laws, then contact the committee to set a date.

Commissioner Bybee said Wasco County is in the process of updating their ordinance and procedures. A good model they found was Clackamas County; they are in line with ORS standard and well organized.

Commissioner Cornett asked if it was appropriate to set a timeline goal for the process. Director Harris replied he would like to take a couple of weeks to research. After the first committee meeting, he would have a better idea of how long the process will take and will report to the Commission.

INFORMATION ITEM

Director Harris briefly reviewed responses to written comments submitted by Lorene and Jonathon Hunt. Harris stated a number of the comments dealt with proposed changes in the Low Density Residential zone; many of those comments would be addressed in the forthcoming draft from the consultant. Harris' responses were mailed to Lorene Hunt and Jonathon Hunt.

Director Harris stated staff will work with Angelo Planning (the housing consultant from Phase I) in the coming weeks to move these amendments through the process. A public hearing has not yet been held before the Commission on the Phase II amendments. Staff will hold a work session on these amendments and then schedule a public hearing. Phase I and Phase II will then be combined for a public hearing before the City Council.

Director Harris said staff initially waited for the LUBA process to end before proceeding with the amendments. Because it now appears the LUBA process will continue, staff will move forward with the amendments.

Director Harris referred to HB 2001, recently passed into law, which dealt with the permitted use of duplexes on all lots within single family zones. That change will be included in the amendments. Currently, Code allows for duplexes on corner lots. Staff is working with Angelo Planning on impacts HB 2001 would have on density, and density ranges within zones. Harris anticipated the study session would be scheduled in September.

STAFF COMMENTS

The next regularly scheduled meeting is August 1, 2019. At this time there are no public hearings scheduled. The subsequent meeting is scheduled for August 15, 2019.

City Attorney Parker stated the Council reaffirmed their decision to approve the application for Jonathan Blum for the property on W. 13th and Perkins Streets. Parker prepared a much more detailed finding concerning the density issue and effectively referenced the previous decision for the 19th Street property, where LUBA upheld the methodology used by the City. Parker felt strongly that the City had a better argument this time. Mrs. Hunt had given an indication she would probably appeal.

Commissioner DuFault inquired about the appeal process. Parker replied the 19th Street property was appealed to the Court of Appeals; Mrs. Hunt lost that appeal. She could go to LUBA or possibly the Court of Appeals. With the first decision, LUBA backed the City with the Court of Appeals and chose not to address her arguments.

Commissioner DuFault asked if there would be a meeting on August 1, 2019. Director Harris replied there were no public hearings scheduled. Commission consensus was to cancel the meeting.

COMMISSIONER COMMENTS OR QUESTIONS

None.

ADJOURNMENT

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

Respectfully Submitted
Paula Webb, Planning Secretary



Bruce Lavier, Chair

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THE FOLEY
106 East Fourth Street, The Dalles

6 Spaces in our parking lot.
4 Additional required (with addition of bike parking)

Requesting waiver of 4 parking places on the basis of:

Ample street parking.
Only one driveway (ours) on the block means no breaks in parking opportunity.
All businesses on our block have off-street parking.
All businesses on our block and adjacent have complimentary hours, which reduces congestion.



**Fourth Street Parking
3:28 PM Wednesday 7.18.19**

Foley Driveway facing east



Foley Driveway facing west



Fourth Street Parking & Business Hours

Wasco Electric Co-Op -
Off-street parking
Weekdays 7:30 AM - 5:30 PM
Closed weekends

Washington Federal -
Off-street parking
Weekdays 9:00 AM - 5:00 PM
Closed weekends

Onstott, Brochi and Cyphers CBA -
Off-street parking
Weekdays normal business hours
Closed weekends

Bank of the West -
Off-street parking
Weekdays 9:00 AM - 5:00 PM
Closed weekends

Across Union St

Platinum Mortgage
Weekdays 9:00 AM - 5:00 PM
Closed weekends

Tacos Del Rio -
Small/shared off-site parking
Open daily 9:00 AM - 8:30 PM



