

AGENDA

PLANNING COMMISSION

April 20, 2023

5:30 p.m.

City Hall Council Chambers

313 Court Street, The Dalles, Oregon

Via Zoom

<https://us06web.zoom.us/j/82327794645?pwd=c1d2UGhUb1BoVithR0tFUzZcWtXQT09>

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 – April 6, 2023
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
 - A. CUP 204-22, Maul, Foster & Alongi, Inc., 2650 River Road, 2N 13E 33 tax lot 200
Request: Applicant is requesting approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles. Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel.
8. LEGISLATIVE PUBLIC HEARING
 - A. ZOA 108-23, City of The Dalles
Approval of proposed changes to The Dalles Municipal Code, Title 10 Land Use and Development. The amendment purpose is to maintain clear terminology, adapt to modern technology, increase flexibility in housing development, and reassess plan requirements.

CITY OF THE DALLES

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

9. RESOLUTION

- A. Resolution PC 614-23: Adoption of Resolution PC 614-23 for approval to site and construct a municipal water pump station.
- B. Resolution PC 615-23, Approval of ZOA 108-23, City of The Dalles

10. DISCUSSION ITEM

- A. Second discussion and review of Land Use and Development Ordinance (LUDO) text amendments to The Dalles Municipal Code regulating Recreational Vehicle (RV) Parks. Clarifications were requested by the Planning Commission in February 2022.

11. ACTION ITEM

- A. Bylaws of the Planning Commission: Consideration to adopt amendments to The Dalles Planning Commission Bylaws.

12. STAFF COMMENTS / PROJECT UPDATES

13. COMMISSIONER COMMENTS / QUESTIONS

14. ADJOURNMENT

Meeting conducted in a room in compliance with ADA standards.

Prepared by/
Paula Webb, Secretary
Community Development Department

MINUTES

PLANNING COMMISSION MEETING

April 6, 2023
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: Addie Case, Philip Mascher, Maria Pena, Mark Poppoff,
and Nik Portela (arrived at 5:36 p.m.)

COMMISSIONERS ABSENT: John Grant

STAFF PRESENT: Director Joshua Chandler, Secretary Paula Webb

CALL TO ORDER

The meeting was called to order by Chair Cornett at 5:35 p.m.

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Case and seconded by Poppoff to approve the agenda as submitted. The motion carried 6/0; Case, Cornett, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Grant absent.

APPROVAL OF MINUTES

It was moved by Pena and seconded by Poppoff to approve the minutes of February 16, 2023 as submitted. The motion carried 6/0; Case, Cornett, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Grant absent.

PUBLIC COMMENT

None.

PRESENTATIONS

Planning Commission Training

Angie Brewer, Regional Representative for the Department of Land Conservation and Development (DLCD) provided training to the Planning Commission, highlighting land use planning laws and programs. Presentation attached.

Ms. Brewer invited the Commission to contact her for additional information on any topic. She will also facilitate requests for additional information from the DLCD Housing Team or Urban Specialists.

Legal Requirements for Land Use Decisions

Director Chandler stated City Attorney Kara was unable to attend the meeting, but had prepared a memo detailing the legal requirements for land use decisions. Much of the information was covered in Ms. Brewer's presentation.

Director Chandler invited the Commission to contact himself or City Attorney Kara with any questions.

DISCUSSION ITEM

Planning Commission Bylaws

Due to the Covid-19 pandemic, the format of public meetings and actions by a body have changed slightly. The current Bylaws do not reflect those changes. Proposed amendments will address virtual meetings, attendance at virtual meetings, meeting participation, decorum and behavior for both the Commission and the public, among others.

Commissioner Mascher requested a redline version of the proposed revisions. Commission consensus postponed the discussion pending the redlined revisions.

STAFF COMMENTS / PROJECT UPDATES

The next meeting will include:

- Code "clean up" amendments,
- Changes to the RV Park Code, and
- Conditional Use Permit for a utility facility on Port property.

The May 4, 2023 meeting will be cancelled to avoid scheduling conflicts with the City budget meetings.

Chair Cornett will be unavailable June 13-17, 2023; he requested cancellation of the June 15, 2023 meeting.

Director Chandler stated an invitation to bid was issued for the hazardous waste abatement and demolition of the Tony's Building (401-407 E. 2nd Street). Bids will close mid-May.

After demolition, the Columbia Gateway Urban Renewal Agency (Agency) will issue a Request for Proposal to determine best use of the property. The Agency has emphasized their preference for a mixed-use development on the site.

COMMISSIONER COMMENTS / QUESTIONS

None.

ADJOURNMENT

Chair Cornett adjourned the meeting at 7:21 p.m.

Submitted by/
Paula Webb, Secretary
Community Development Department

SIGNED:

Cody Cornett, Chair

ATTEST:

Paula Webb, Secretary
Community Development Department

Oregon's Statewide Planning Program & Planning Commission Basics



Angie Brewer, Central OR Regional Rep.
Community Services Division

OREGON LEGISLATIVE ASSEMBLY—1871 REGULAR SESSION

Enrolled
Senate Bill 100
Sponsored by Senator MACYERSON, HALLOCK

CHAPTER.....

AN ACT
relating to land use; creating new provisions; amending ORS 210.000, 210.010, 210.011, 210.020 and 400.240; and appropriating money.

Be It Enacted by the People of the State of Oregon:

PART I INTRODUCTION
PREAMBLE

SECTION 1. The Legislative Assembly finds that:
(1) Uncoordinated use of lands within this state threatens the orderly development, the environment of this state and the health, safety, order, conservation, property and welfare of the people of this state.
(2) To promote coordinated administration of land use consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with state-wide planning goals and guidelines.
(3) Except as otherwise provided in subsection (4) of this section, state and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.
(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to promote planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.
(5) The impact of proposed development projects constituting activities of state-wide significance upon the public health, safety and welfare, requires a system of review by a state-wide agency to carry out state-wide planning goals and guidelines prescribed for application for activities of state-wide significance throughout this state.

POLICY STATEMENT




SECTION 2. The Legislative Assembly declares that, in order to assure the highest possible level of livability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:
(1) Must be adopted by the appropriate governing body at the local and state levels;
(2) Are expressions of public policy in the form of policy statements, generalised maps and standards and guidelines;
(3) Shall be the basis for more specific rules, regulations and ordinances which implement the policies expressed through the comprehensive plans;
(4) Shall be prepared to assure that all public actions are consistent and continuous with the policies expressed through the comprehensive plans; and

Planning in Oregon

**Oregon Land Use Act of 1973
(SB 100)**

**Land Conservation and
Development Commission (LCDC)**

**Department of Land
Conservation and Development
(DLCD)**



State & Local Responsibilities



LCDC & DLCD

- Sets land use policy of statewide significance (goals and rules)
- Helps enforce goals
- Reviews local government plan & zoning amendments
- Provides technical assistance

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State & Local Responsibilities



Counties & Cities

- Address local vision & needs
- Adopt and amend plans & codes in compliance with state goals
- Enforce codes & ordinances
- Make land use decisions



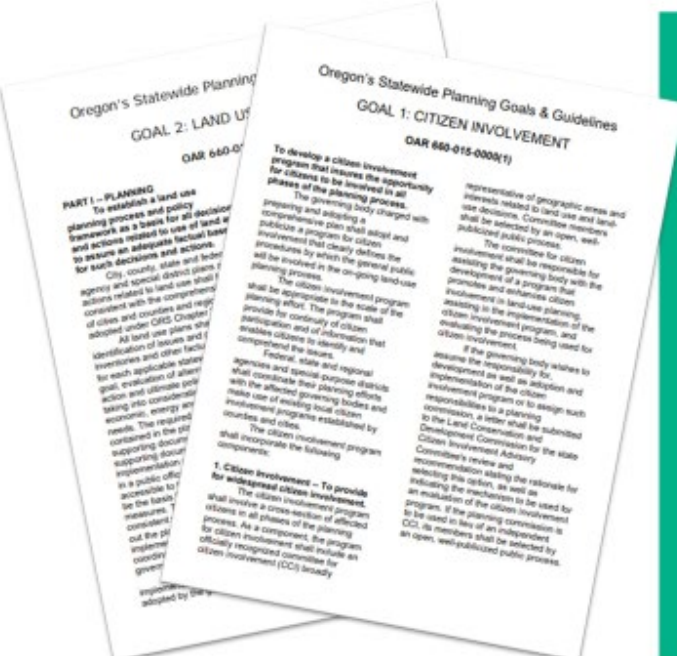
Oregon has 36 counties & 241 incorporated cities

4

19 Statewide Planning Goals

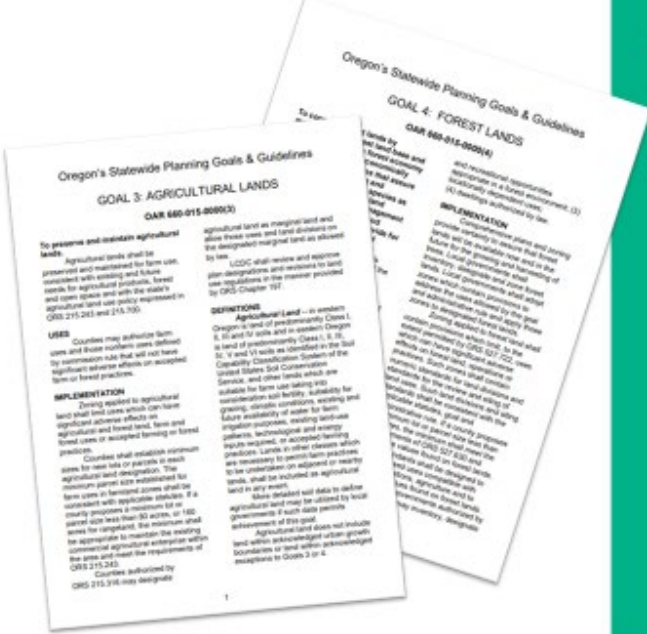
1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Natural Resources, Scenic and Historic Areas, and Open Space
6. Air, Water and Land Resources Quality
7. Areas Subject to Natural Hazards

8. Recreational Needs
9. Economic Development
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy Conservation
14. Urbanization
15. Willamette River Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources



"Process" Goals

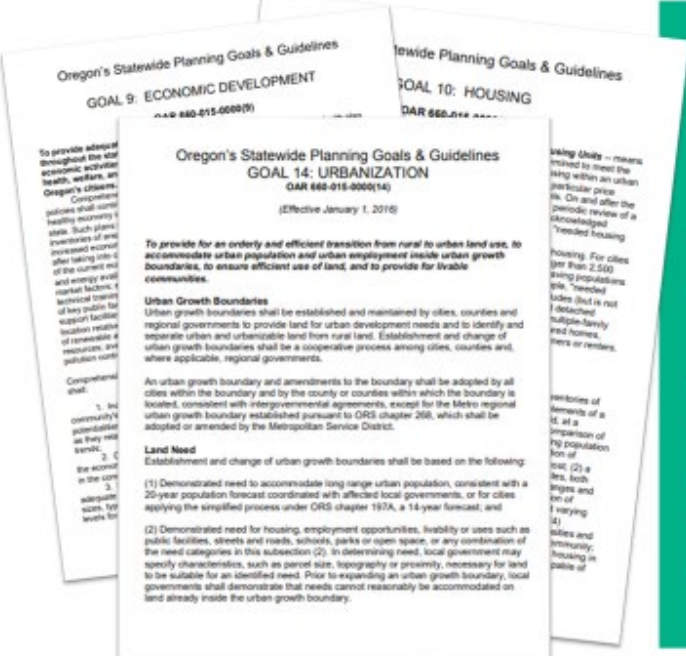
- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning



"Rural" Goals

GOAL 3: Agricultural Lands

GOAL 4: Forest Lands



"Urban" Goals

GOAL 8: Recreation

GOAL 9: Economic Development

GOAL 10: Housing

GOAL 11: Public Facilities

GOAL 12: Transportation

GOAL 13: Energy conservation*

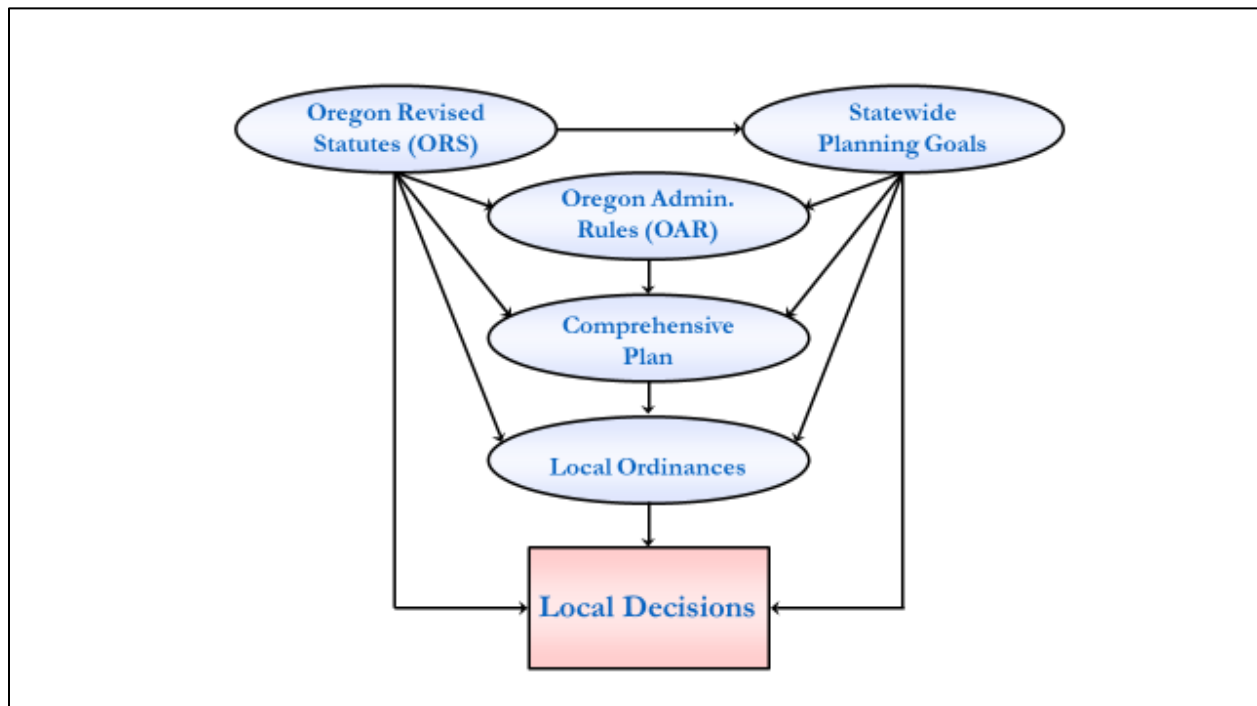
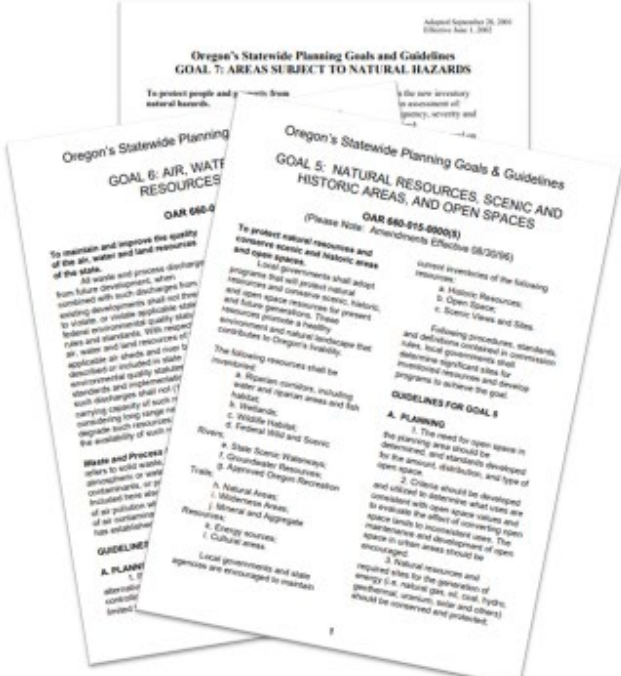
GOAL 14: Urbanization

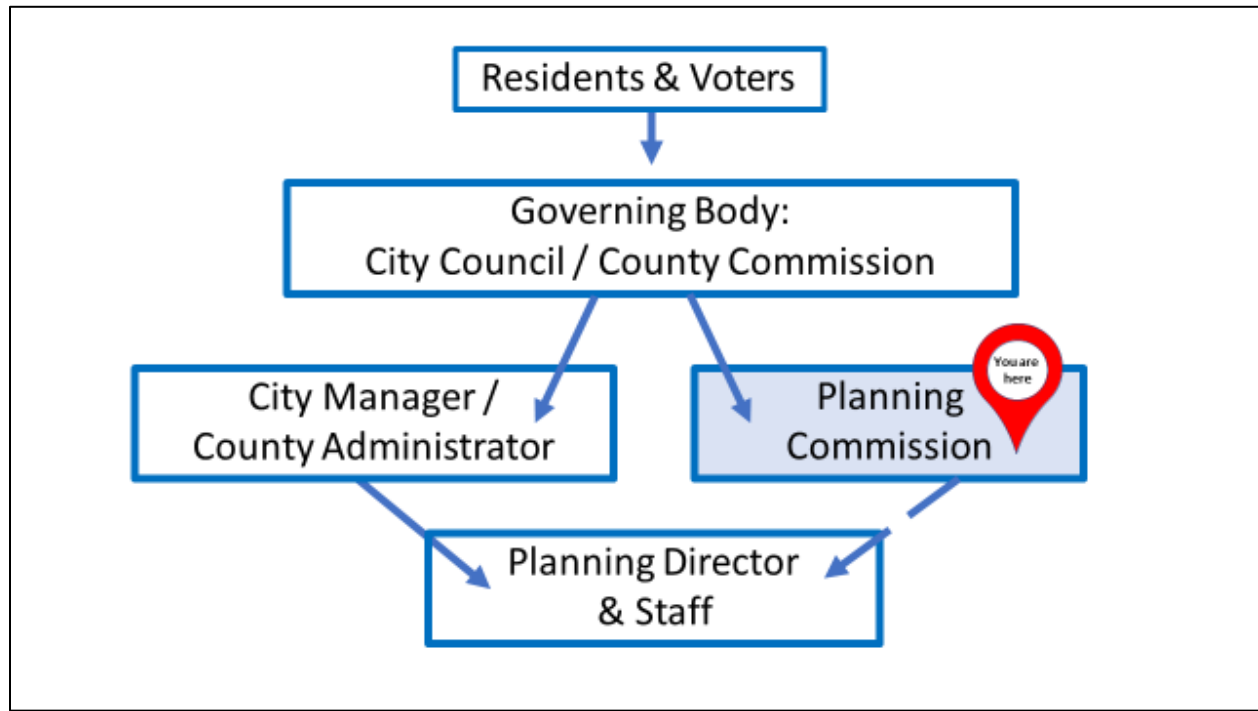
**“Constraints”
Goals**

GOAL 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

GOAL 6: Air, Water & Resource Land Quality*

GOAL 7: Areas Subject to Natural Hazards





Planning Commission Responsibilities



- Reflect Community Values
- Recommend Policies to City Council/County Commission
- Visioning and Long-Range Planning
- Educate the public and provide a public forum
- Make Land Use Decisions

Planning Commission Relationships



Elected Officials

Staff

The Public

- Understand responsibilities & authority
- Provide sound recommendations, findings, clear reasoning
- Regular formal & informal communication
- Do not be afraid to give governing body advice on planning matters – that is your role

Planning Commission Relationships



Elected Officials

Staff

The Public

- You are not Supervisory
- Staff is a resource “work as a team”
- Remember it’s okay to disagree
- Respect staff’s competing priorities
- Planning Commission is a “conduit” for the public to the staff
- “Staff” sometimes includes a government attorney

Planning Commission Relationships

Elected Officials

Staff

The Public

- Golden Rule: **Be Fair**
- Follow Open Meeting Law
- Do your homework
- Conduct hearings according to the rules
- Be respectful to everyone - *especially each other*
- Stay on topic
- Maintain a balance of thoroughness and efficiency

Responding to Stressful Situations

Don't descend to the level of vitriol directed at you.

Don't be intimidated in your decision-making.

Remember that the anger is not directed at you personally.

- Adjourn the meeting.
- For Quasi-judicial decisions, reconvene online (*HB 2560, effective Jan. 1, 2022, requires local governments to provide for online option*).
- Legislative decisions are not time- sensitive; consider alternative meeting formats.

Planning Commission Tools



The diagram consists of a light green rectangular box. At the top, it says 'Planning Commission Tools'. Below this, there is a small teal rectangle. In the center, a large blue-outlined arrow points to the right. Inside the arrow, the words 'Comprehensive Plan' are written in white. Below the arrow, the words 'Zoning & Development Code' are written in white.

Comprehensive Plan

Zoning &
Development Code

- Provides a framework to connect interrelated systems
- Provides a factual base
- Captures community vision
- Establishes goals and policies
- Guides land use, infrastructure, conservation of natural resources, economic development, and more.

Planning Commission Tools



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Comprehensive Plan

Zoning &
Development Code

- Specific regulations designed to implement comprehensive plan policies
- Regulates uses, location, density, height, setbacks, etc.
- Sets forth the criteria or standards that each application must meet in order to be approved
- Includes zoning, permitting procedures, development standards, and subdivision and partition standards

Types of Decisions: Legislative Land Use Decisions

- Adoption and amendment of policies and ordinances
- Affect a large geographic area, many ownerships
- No decision is required
- Adopted by elected officials; role of planning commission is to make a recommendation
- Less procedural restrictions apply
- Decision-makers sit as lawmakers
- Information used in making a decision may come from many sources (ex parte contact is allowed)
- Findings are less specific, but some are needed
- No specific state-mandated notice requirements other than "Measure 56" notice

Types of Decisions: Quasi-judicial Land Use Decision

- Decision-makers are an impartial tribunal
- Application of pre-existing criteria and requiring exercise of discretion
- Affects single or few ownerships
- Action required
- Decision-maker varies by local codes and procedures
- Opportunity for a hearing is required

Impartiality requires:

- Treat all parties fairly
- Allow all parties to know what the decision makers "know"
- Disclose all ex parte contacts
- Information considered by the decision maker should be factual

(Examples include land visions, CUPs, variances)

Types of Decisions: Ministerial Action

- Staff decision
- Requires **no** exercise of discretion
- Application of pre-existing criteria
- Usually limited to one site
- Action required
- No notice, no hearing, no appeal opportunity

(Example: building permit)



Hearing Procedures

Legislative

Quasi-judicial

- Can be applicant or staff initiated
- Mailed notice to affected landowners (Measure 56 Notice)
- All have opportunity to participate
- No concerns with ex parte contact or bias, but conflict of interest concerns remain
- Recommendation to Board/Council

Hearing Procedures

Legislative

Quasi-judicial

Before the public hearing:

- Pre-application discussion
- Application submitted & reviewed for completeness
- Additional materials submitted for completeness
- Notice mailed at least 20 days before hearing to applicant & nearby property owners (within 100, 250 or 500 feet), recognized organizations, & any other local code requirements

Quasi-judicial Decisions

Hearing Notice: Required contents

- Explain nature of application
- List the applicable criteria from the ordinance and the plan
- Street address or geographical reference
- Date, time and location of the hearing
- "Raise it or waive it"
- Contact for additional information;
- Copy of application and all materials are available for review at no cost, or copy at reasonable cost
- Copy of staff report will be available for inspection at least seven days prior to the hearing or copy at reasonable cost
- Explanation of how to submit testimony and conduct of hearing

Quasi-judicial Decisions

Hearings Procedure: Use a script.

- Chair opens hearing
- Chair describes proceedings – rules of conduct for hearing
- Raise-it-or-waive-it statement
- Right to a continuance if the first hearing
- Announcement of criteria
- Declaration of ex parte contact, bias, conflict of interest
- Staff report
- Proposed findings and recommendation

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Quasi-judicial Decisions

Hearings Procedure: Use a script.

- Testimony – time, place, manner set by commission rules
- Requests for continuance and leaving the record open – automatic at least 7 days
- Chair closes hearing
- Decision
 - Discussion
 - Motion and second
 - Deliberation and amendments
 - Vote
- After the hearing – written findings

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The 120 Day Rule

- Final action on quasi-judicial applications required within 120 days inside urban growth boundaries, 150 days outside of urban growth boundaries.
- Extensions can be granted by the applicant through a written request.
- What happens if a city does not act in 120 days?
 - Applicant can file “writ of mandamus” in local circuit court

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Findings

- Findings include statements of:
 - Relevant facts
 - How each approval criterion is satisfied by the facts
 - The facts relied upon for the decision
- Purposes of findings include:
 - Aiding careful consideration of criteria by the reviewing body
 - Establishing what evidence the reviewing body relied on
 - Explaining how the conclusions are supported by substantial evidence

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Findings - tips

- Identify all of the applicable criteria
- Address each criterion separately
- State the fact that leads to the conclusion
- Where there is inconsistent evidence, state there was conflicting evidence, but the hearings body believed certain evidence for certain reasons
- Articulate the link between the project impact and the conditions being imposed
- Put them in clear, understandable language

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Common Problems with Findings

- Failure to address each criterion
- Deferring a necessary finding to a condition of approval
- Generalizing or making a conclusion without sufficient facts
- Failure to establish causal relationship between facts and conclusions

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Burden of Proof

- Applicant's responsibility. All applicable criteria must be met.
- Applicant must submit a complete application with substantial evidence showing compliance with each applicable criterion.
- Applicant must respond to all issues raised by opponents by pointing to evidence in the record or bringing forward more evidence.
- Applicants should not rely on staff presentations alone to meet the burden.
- If an applicant provides new information at a hearing, the public must be given a chance to rebut it.
- BUT – city or county cannot use matters not part of the approval criteria to make judgment on the application

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Continuance and Keeping the Record Open

- Mandatory if requested by applicant or anyone else prior to close of first evidentiary hearing – minimum seven days
- Consider the 120 or 150 Day Rule. Unless requested by the applicant, the clock rolls.
- Figure out where the hearing will pick up and make clear when granting the continuance
- One Scenario:
 - Seven days to submit additional written information and comments
 - Seven days for rebuttal opportunity to address new information submitted into the record – by any party
 - Seven days for the applicant to address issues raised by opponents

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Raise it or Waive It

If a local government has provided proper notice:

Participants must raise issues during local proceedings. Any issues not raised are waived if the matter is appealed to LUBA.

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Impartial Tribunal

The hearing body must be free of personal interest or bias. Concerns that question whether a tribunal is impartial:

- ex parte contact
- conflicts of interest
- bias

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Ex Parte Contacts

- Contacts by a party on a fact in issue under circumstances which do not involve all parties to the proceedings
- Contacts may be oral or in writing.
- Discouraged in favor of the public hearing process.
- If ex parte contact occurs, take action to address the issue

Ex Parte Contacts – how to handle

- Disclose - on the record at the next hearing on the matter before any testimony or proceedings
- Describe the substance of the contact or communication.
- Note in the record of the hearing.
- Provide parties a right to comment on the statement of the communication.

Site Visits

- They are an ex-parte contact
- Good, if disclosed
- Commissioner must state on the record in detail what was observed, who was talked to, what was discussed, etc. during the site visit

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Potential Conflict of Interest

- Any decision by a person acting as a public official, which **could be** to the private pecuniary benefit or detriment of
 - You
 - Your relative
 - Member of the household, or
 - Business with which you, your relative, or member of the household is associated
- You must declare but may participate in a decision, action or recommendation

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Potential Conflict of Interest – What to do


- Announce when the chair calls for declarations before the hearing is opened, provide details, have it recorded
- If the conflict is not apparent until the hearing has begun, ask to be recognized and make the disclosure as soon as possible
- The commissioner can take part in the hearing. But, be concerned about appearance.
- If there is more than one hearing on the matter – announce each time the matter is on the agenda.

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Actual Conflict of Interest

- Any decision by a person acting as a public official, which **would be** to the private pecuniary benefit or detriment of
 - You
 - Your relative
 - Member of the household, or
 - Business with which you, your relative, or member of the household is associated
- You must declare and must not participate in a decision, action or recommendation

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Actual Conflict of Interest – What to do

Committee / Meeting Name

- Publicly announce the conflict prior to participating in the hearing, and
- Refrain from participating in a debate on the issue or from voting on the issue
- Have the declaration go into the minutes of the hearing
- Make the announcement at each meeting the matter is on the agenda
- Recommended: leave the hearing room after making the declaration. You can return for the next agenda item.

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Actual Conflict of Interest – Exception

Committee / Meeting Name

- If an official's vote is necessary to meet a minimum number of votes to take official action.
- The exception is limited to "be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises."
- Be cautious.

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Personal Bias – what to do

- Disclose the nature of the bias
- State whether or not in their opinion it requires disqualification
- When there is a sufficient quorum to conduct business without participation of a commissioner who has been challenged for bias, they should consider recusal.

Committee / Meeting Name

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Questions now or later – reach out!



Angie Brewer, AICP

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Oregon Department of Land Conservation and Development
1011 SW Emkay Drive, Suite 108
Bend, OR 97702

Cell: 541-306-8530 | Main: 503-373-0050

angie.brewer@dlcd.oregon.gov | www.oregon.gov/LCD



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT CUP 204-22

Applicant: Maul, Foster & Alongi, Inc.

Procedure Type: Quasi-Judicial

Hearing Date: April 20, 2023

Property Owner: Moraine Industries, LLC

Assessor's Map: Township 2 North, 13 East, Section 33

Tax Lot: 200

Address: 2650 River Road

Zoning District: "I" Industrial

Prepared By: Kaitlyn Cook, Associate Planner

REQUEST: Applicant is requesting approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles. Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel.

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

COMMENTS RECEIVED: No comment was received as of the date this report was published (April 13 2023).

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 for consideration of a CUP application. This meeting was held on June 22, 2022. Following the Site Team meeting, Staff requested additional information to include with the application material. On March 28, 2023, the Applicant submitted all required information. **Criterion met.**

B. Completeness

FINDING #2: The application was deemed complete on April 7, 2023. **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 April 20, 2023, which is within 45 days from the date the application was deemed complete. **Criterion met.**

D. Notice of Hearing.

FINDING #6: Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on April 7, 2023. **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. Staff will include as a Condition of Approval that all final plans, consistent with all Conditions of Approval, be approved by the Community Development Director and the City Engineer prior to issuance of a building permit. **Criterion met with conditions.**

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 #9: Pursuant to TDMC 10.5.090.030, Community Facilities sites are allowed conditionally in the Industrial (I) zone and are subject to the provisions of Article 5.100. **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 #10: 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 #11: The proposed pumps will be fully enclosed in concrete buildings. The Applicant indicated in their narrative that any loud noises caused by the pumps will be confined to their relative brick and concrete structures. This proposed development will include generators used for emergency scenarios (ex., power failure) and periodic monthly maintenance. These generators will be enclosed within Level 2 sound attenuation enclosures designed to dampen operational sound. The Applicant proposed to install a sound attenuating barrier along the proposed southern property line to reduce decibels to below 60 decibels. Staff will include as a Condition of Approval that the installation of the sound attenuating barrier, as proposed, be shown on a revised site plan and installed prior to operation. **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 #12: Applicant is proposing to install wall mounted cutoff lighting for the top of each access point of the well house and BPS structures. These lighting features will be mounted above the building entrances and shall not exceed 1 foot-candle across the proposed property line as demonstrated in the submitted photometric analysis. **Criterion met.**

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

FINDING #13: Applicant is proposing to hard surface portions of the property with asphalt and crushed rock. Staff determined the proposed surfacing will adequately mitigate dust and debris from impacting neighboring properties. **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 #14: Applicant does not intend on using any odorous materials listed in TDMC 10.3.050.040 (4). The Applicant is anticipating that any odors generated from the wells would be confined to the proposed parcel. **Criterion met.**

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

FINDING #15: The proposed development is not expected to generate vibrations across the proposed property line. Once constructed, the City's Public Works Department will conduct routine inspections of pumps, motors and drives for unusual noise, vibration, heating and leakage, and will take appropriate action following an established Operations and Maintenance Manual to correct abnormal operating conditions. **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 #16: Other than routine maintenance, no employees will be on-site and the facility will be closed to the public, thus generating minimal traffic. This development is located on the proposed parcel that is currently under review with the Community Development Department as a minor partition application (further referred to as MIP 410-22). This proposed parcel, illustrated as Parcel 1 on the proposed plat, would not have street frontage, therefore, it will not require public improvements or pedestrian connectivity. Staff will add as a Condition of Approval that the MIP 410-22 shall be approved and the final plat shall be recorded. **Criterion met with conditions.**

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

Chapter 10.5 Zone District Regulations

Article 9.090 Industrial District

Section 10.5.090.030 Conditional Uses

I. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.

FINDING #18: This development proposal is for two (2) water reservoirs, two (2) wells, and a booster pump station classified as a Community Facility Site, subject to the provisions of Article 5.100 Community Facilities Overlay District. The Community

Facility Overlay will encompass the proposed Parcel 1. Staff will add as a Condition of Approval that the MIP 410-22 shall be approved and the final plat shall be recorded. **Criterion met with conditions.**

Section 10.5.090.060 Exceptions to Standards

B. Parking

FINDING #19: Other than routine maintenance to the subject facility, no employees will be on-site and the facility will be closed to the public. Staff determined parking is exempt for the proposed use. **Criterion not applicable.**

Section 10.5.090.070 Performance Standards

FINDING #20: Pursuant to TDMC 10.5.090.070, the proposed use and operation shall comply with all applicable local, state, and federal standards, and shall not create a nuisance due to odor, vibration, noise, dust, vector control, smoke or gas. Applicant shall prevent the collection of nuisance materials and debris from being windblown or migrating off site. Staff will include these standards as Conditions of Approval. Any nuisance concerns that may arise with this development will be addressed on a complaint basis. **Criterion met with conditions.**

Article 5.100 CFO Community Faculty Overlay District

Section 5.100.020 Allowed Uses

K. Public Utility Facilities

FINDING #21: The proposed development is classified as a “Public Utility Facility” and will be owned and operated by the City of The Dalles. **Criterion met.**

Section 10.5.100.050 Development Standards

FINDING #22: Staff determined this proposal complies with the development standards of the CFO District. Landscaping and access requirements will be addressed in subsequent findings. **Criterion met.**

Section 10.5.100.060 Master Plans

A. General.

FINDING #23: Applicant provided a narrative and detailed plans of the proposed development. **Criterion met.**

Chapter 10.6 General Regulations

Article 6.010 Landscaping Standards

10.6.010.050 Screening

FINDING #24: The Applicant is proposing a 6’ tall chain link fence around the perimeter of the proposed well house and on the northwest side of the proposed reservoirs. **Criterion met.**

Section 10.6.010.070 Required Landscaping by Zone

Zone I: Site Requirement: A 5-foot landscaping buffer adjacent to all public right-of-way, but limited to 10% of the area of the entire site.

FINDING #25: The Applicant is not proposing any landscaping with this development. The proposed parcel and development shall be accessed by a private access point that does not abut a public ROW, therefore, no landscaping buffer is required with this development. **Criterion met.**

Article 6.050 Access Management

10.6.050.030 Access Standards

FINDING #26: The subject property is accessed from an existing 30' access easement. **Criterion not applicable.**

Article 6.060 Driveway and Entrance Standards

10.6.060.020 General Standards

FINDING #27: The subject property is accessed from an existing 30' access easement. **Criterion not applicable.**

Chapter 10.10 Improvements Required with Development

10.10.030 Timing of Improvements

FINDING #28: The proposed parcel does not abut a public ROW, therefore this proposed parcel is not encumbered by the previously approved delayed development agreement for improvements along River Road. No public improvements are required with this development. Staff will add as a Condition of Approval that the MIP 410-22 shall be approved and the final plat shall be recorded. **Criterion met with conditions.**

10.10.080 Public Improvement Procedures

FINDING #29: Prior to the installation of public facilities, a pre-construction meeting is required between the City and the Applicant. Staff will include this requirement as a Condition of Approval. **Criterion met with conditions.**

10.10.090 Final Inspection Procedure

FINDING #30: Upon completion of utility installations, the City Engineer will conduct a final inspection of all improvements to ensure they meet City standards before the City formally accepts them for ownership, operation or maintenance. Applicant shall warranty all public improvements against any defects and workmanship provided for a period of one year from the date of the City's final acceptance of the work. Staff will include these requirements as Conditions of Approval. **Criterion met with conditions.**

Section 10.10.100 Franchise Utility Installations

A. General

FINDING #31: Applicant is required to coordinate all franchise utility requirements, timing of installation, and payment for services with the appropriate utility provider. All resulting franchise utility requirements must be shown on a site plan. Staff will include these requirements as Conditions of Approval. **Criterion met with conditions.**

RECOMMENDATION: Based on the application materials and findings demonstrating compliance with the applicable criteria, **Staff recommends approval of Conditional Use Permit 204-22 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. Conditions Required Prior to Final Plan Approval:

- a. Final plan submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
- b. All final plans, consistent with all Conditions of Approval, shall be approved by the Community Development Director and the City Engineer prior to the issuance of a building permit.
- c. The sound attenuating barrier along the southern property line must be shown on a revised site plan.
- d. All construction/design plans for public infrastructure, improvements, or rights-of-way (ROW) shall be approved by the City Engineer.
- e. Applicant is required to coordinate any franchise utility requirements, timing of installation, and payment for services with the appropriate utility provider.
- f. MIP 410-22 shall be approved and the final plat shall be recorded.

2. Conditions Required During Construction of Public Improvements and Franchise Utilities

- a. A pre-construction meeting including the City Engineer and Construction Inspector is required prior to construction or site prep work. All public improvements shall first obtain design and construction approval from the City Engineer.
- b. Applicant must warranty all public improvements against defect for one year from the date of final acceptance by the City.
- c. All proposed franchise utilities are required to be installed in accordance with each utility provider.
- d. All proposed improvements included within the plan set must be installed.

3. Conditions Required Prior to Occupancy

- a. Applicant must install the sound attenuating barrier along the southern property line.
- b. The City Engineer will conduct a final inspection of all improvements to ensure they meet City standards before the City formally accepts them for ownership, operation or maintenance.

4. Ongoing Conditions

- a. All lighting shall not directly illuminate adjoining properties. Lighting sources shall be shielded and arranged so as not to produce glare in any public ROW, with a

- maximum illumination at the property line not to exceed 1 foot-candles for cutoff lights.
- b. All development must adhere to the approved site plan for this development.
 - c. The proposed use and operation shall comply with all applicable local, state, and federal standards, and shall not create a nuisance due to odor, vibration, noise, dust, vector control, smoke or gas. Applicant shall prevent the collection of nuisance materials and debris from being windblown or migrating off site.
 - d. Applicant shall warranty all public improvements against any defects and workmanship provided for a period of one year from the date of the City's final acceptance of the work.

COMMISSION ALTERNATIVES:

1. **Staff recommendation:** The Planning Commission move to approve Conditional Use Permit 204-22, 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 204-22, 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 204-22
 Filing Fee: \$275
 Receipt #: XBP 122429285
 Deemed Complete: _____
 Ready to Issue: _____
 Date Issued: _____

Received: 06/13/2022

Conditional Use Permit Application

Applicant

Name: Maul Foster & Alongi, Inc.
 Address: 3140 NE Broadway Street
Portland, OR 97232
 Phone #: 971-713-3573
 Email: cgokcora@maulfoster.com

Legal Owner (if different than Applicant)

Name: Moraine Industries, LLC
 Address: 1600 Amphitheater Parkway
Mountain View, CA 94043
 Phone #: _____
 Email: _____

Property Information

Address: 2650 River Road, The Dalles, OR 97058
 Zone: Enterprise, Industrial
 City Limits: ☒ Yes ☐ No
 Geohazard Zone: N/A

Map and Tax Lot: 2N 13E 33 200
 Overlay: N/A
 Size of Development: 4.55 acres
 Flood Designation: N/A

Project Information

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

Current Use of Property: Industrial

Proposed Use of Property: Community Facility Overlay (municipal water infrastructure)

Briefly Explain the Project:

The proposed facilities include two (2) reservoirs (1 future), two (2) wells, a booster pump station, and underground utilities with associated security measures for the proposed parcel. Once completed, these improvements will be owned and maintained by the City of The Dalles.

Proposed Building(s) Footprint Size (ft²): 20,000

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

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



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

Signature of Property Owner

DocuSigned by:

CEM E. GOKCORA

C1684543B2EE46E...

CEM E. GOKCORA

Senior Engineer

Date

2 of 5

DocuSigned by:

Patrick Gammons

A5AC67FB5E3E47C...

Patrick Gammons

Director

Date



6/3/2022

5/20/2022

INFORMATION REQUIRED WITH SITE PLANS

There are 3 types of plan information which can be combined on the same plan or separated onto different plans and reviewed at different times through the approval process. The minimum plan requirements which must accompany a Conditional Use Permit Application are those specified in the Concept Site Plan below.

1. Concept Site Plan. The concept site plan shall clearly indicate all of the following information applicable to the particular development proposal.

- ☐ Project Name
- ☐ A separate vicinity map indicating location of the proposed development
- ☐ Scale – The scale shall be at least one inch equals 50 feet (1:50), unless a different scale is authorized by the Director
- ☐ North arrow
- ☐ Date
- ☐ Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development
- ☐ Lot layout with dimensions for all lot lines
- ☐ Location, dimensions, and height of all existing and proposed buildings, structures, fences, and gates
- ☐ Indicate which buildings, structures, and fences are to remain and which are to be removed
- ☐ Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings
- ☐ Location and dimensions of all driveways and bicycle and vehicle parking areas
- ☐ Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern
- ☐ Size and location of existing and proposed curb openings (access from street to property), and distance to curb openings on adjacent property
- ☐ All points of entrance and exit for pedestrians, bicycles, and vehicles, including service vehicles
- ☐ Location and description of any slopes greater than 20%, and any proposed cut and fill activity
- ☐ General nature and location of all exterior lighting
- ☐ Outdoor storage and activities where permitted, and height and type of screening.
- ☐ Conceptual drainage and grading plan



- ☐ Location, size, height, materials and method of illumination of existing and proposed signs
- ☐ Location of existing utilities, easements, and rights of way
- ☐ Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands
- ☐ Location, size, and use of any proposed underground activity (storage tanks, septic systems, heat transfer coils, etc.)
- ☐ Location of existing fire hydrants
- ☐ Location and dimension of all areas devoted to landscaping, and a general description of proposed planting and materials, (trees, rocks, shrubs, flowers, bark, etc.)
- ☐ Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes
- ☐ Any additional information required by the Director to act on the application

*Detailed plans may be submitted after land use approval is granted; **however**, detailed plan approval will be required prior to City sign-off on building permit application forms.*

2. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:

- ☐ Project Name
- ☐ Scale (the scale shall be at least one inch equals 50 feet (1:50) or larger)
- ☐ North arrow
- ☐ Date
- ☐ Location and initial sizes of plants and tree species, and other proposed landscape material
- ☐ Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device

3. Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

- ☐ All information required for the concept site plan
- ☐ Location of existing rights of way
- ☐ Location of existing streets, sidewalks, curbs, and utilities
- ☐ Location of existing and proposed street trees



- ☐ Parking lot striping and pavement cross sections
- ☐ Perimeter curb location and details
- ☐ Utility service types, sizes, locations and details (including hydrants, manholes, cleanouts, vaults, meters, inlets/catch basins, manholes, cleanouts, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages)
- ☐ Location and details of cross connection control devices
- ☐ Fence and gate locations and details
- ☐ Street and parking lot lighting locations and details
- ☐ Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of storm water onto sidewalks, public rights-of-way and abutting private property
- ☐ Erosion control plan and/or traffic control plan as required by the City Engineer. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way
- ☐ City Engineer and all other required state and federal approvals for extensions



Project M1103-08-027
Proposed By: JWH/ST
Approved By: JWH/ST
Print Date: 5/4/2022
Page: 11 of 103 of CONFIDENTIAL/Proprietary Riverside Municipal Water Facilities

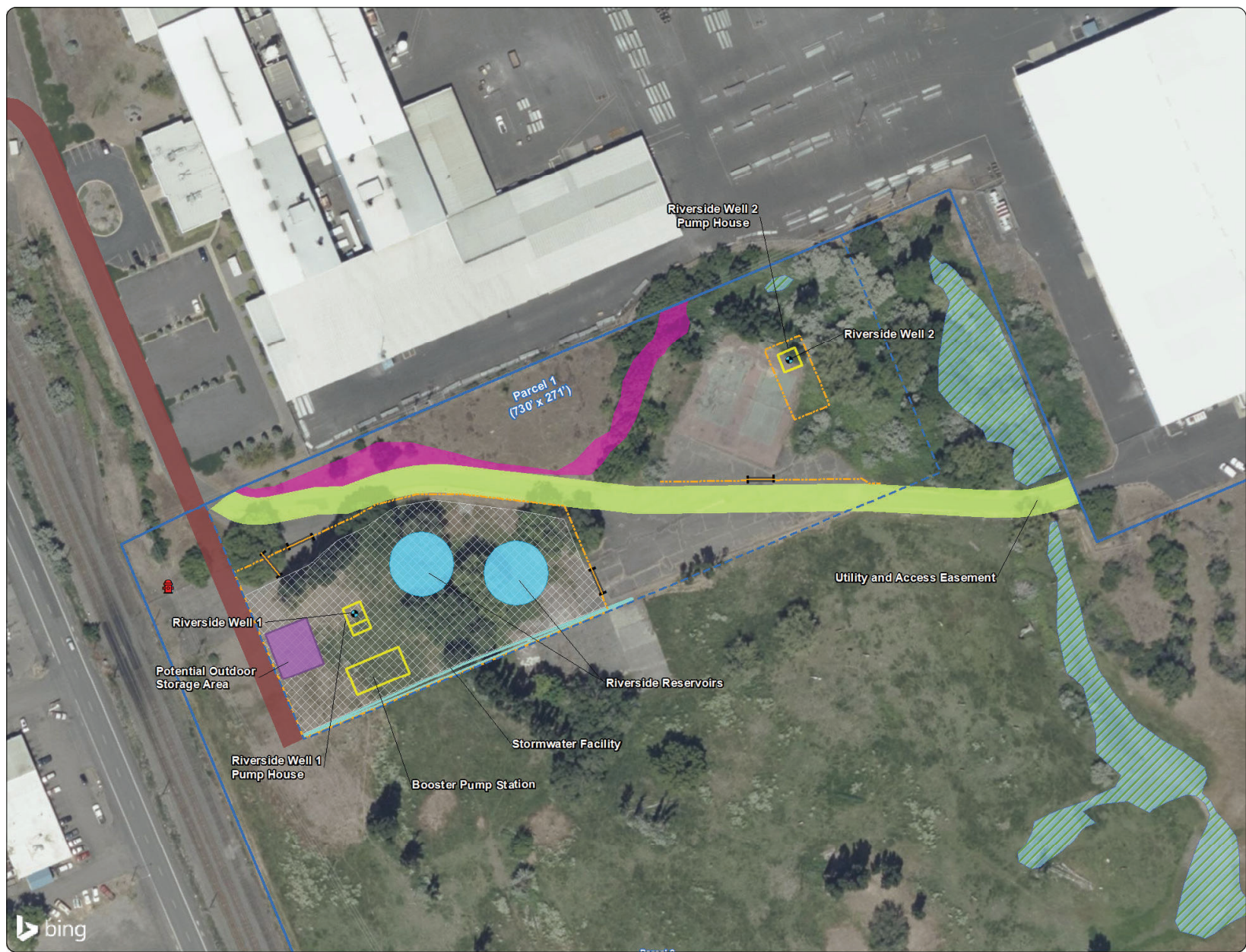


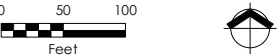
Figure
Riverside Municipal
Water Facilities

The Dalles, Oregon

Legend

- Well
- Existing Fire Hydrant
- Rodeo Boundary
- Access Route
- Security Gate
- Security Fencing (74" H)
- Stormwater Facility
- Building
- Water Infrastructure
- Potential Outdoor Storage Area
- Graveled Area
- Existing Easement
- Wetland
- 20 Percent Sloping

NOTE:
Facility features are currently in design.
Max height of the structures will not exceed 55 feet.



MAUL FOSTER ALONGI
p. 971 544 2139 | www.maulfooster.com

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CONDITIONAL USE PERMIT APPLICATION (CUP 204-22) NARRATIVE

RIVERSIDE WATER FACILITY, THE DALLES, OREGON

CONFIDENTIAL



Prepared for
DESIGN, LLC
THE DALLES, OREGON
March 29, 2023
Project No. M1663.08.027


Prepared by
Maul Foster & Alongi, Inc.
3140 NE Broadway Street, Portland, OR 97232

CONDITIONAL USE PERMIT APPLICATION (CUP 204-22) NARRATIVE

RIVERSIDE WATER FACILITY, THE DALLES, OREGON

*The material and data in this document were prepared
under the supervision and direction of the undersigned.*

MAUL FOSTER & ALONGI, INC.


Caitlin Bryan
Program Manager


Cem Gokcora, PE
Senior Engineer

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1 BACKGROUND INFORMATION

1.1 Site Information

Address: 2650 River Road, The Dalles, OR 97058

Zoning: Base Zones—"P" Industrial

Overlay Districts—None

Tax Lot: 2N 13E 33 200

Site Size: 4.56 acres

1.2 Proposal

The applicant is requesting approval of a conditional use permit (CUP) to site and construct a municipal water facility, which will include two welded steel reservoirs, two wells and associated well houses, a booster pump station (BPS), and underground utilities with associated security measures. Improvements will be constructed by the applicant and will be owned and maintained by the City of The Dalles (the City) upon their acceptance of the completed construction and property transfer. These improvements will be housed in Parcel 1, which will have been created through a Minor Partition application (MIP 410-22). Approval of the CUP will establish a Community Facilities Overlay on the site. The attached figure shows the conceptual site plan.

1.3 Applicable Municipal Code Sections

The proposed development is within the city municipality and urban growth boundary and is subject to the CUP criteria in Section 10.3.050.040 and the site plan review criteria in Section 10.3.030.040 of the City Municipal Code. The CUP application including this narrative document is subject to the review procedures in Section 10.3.050.030 of the City Municipal Code.

2 CITY OF THE DALLES STANDARD DOCUMENT

2.1 10.3.030.040 Review Criteria

1. **City Ordinance Provisions.** All the provisions from the City ordinances have been met or will be met by the proposed development.

Response: The applicant will meet this criterion.

2. **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.

Response: The applicant meets these requirements where applicable. The design plans include water-utility connections that follow the Municipal Code.

All proposed drivable site surfacing will be asphalt-paved, consistent with the City requirements for operable areas of water infrastructure facilities. The site will be graded so that the stormwater generated on site will sheet flow to a conveyance channel proposed to be located along the south property line. It is proposed that the stormwater from the site be discharged to a stormwater drainage network on Parcel 2 (that is to be generated through MIP 410-22), as depicted in the Riverside Water Facility site plan (see Attachment A—Preliminary Riverside Reservoir Improvements Drawings). Consultation with the Oregon Department of Environmental Quality (DEQ) has confirmed this approach from the water quality/permitting standpoint. The presence of natural wetlands perpetuates this drainage pathway through the property.

The proposed use of the site does not require sanitary sewer service, with the exception of floor drains for each proposed building. The floor drains will be routed to underground vaults for temporary wastewater storage. These vaults will be emptied periodically via vacuum trucks. Site design planning with City Public Works and the DEQ has verified procedures for discharge of future facility purge water and stormwater without a sewer connection.

The applicant has been coordinating with Northern Wasco People's Utility District (PUD) for power service extension to the site. The PUD is currently processing the Facility Site Evaluation Request for this extension.

Site lighting will be provided with wall-mounted cutoff lighting fixtures such as Lithonia Lighting TWAC High Sodium Pressure Sodium 50 Watt (or equal) for safety and security at the proposed well house and BPS buildings. The lighting fixtures will be mounted over the entrances at each proposed building.

Other requirements provided in this section are not applicable to the application or are being satisfied through local improvement district agreements in tandem with the north-adjacent parcel.

3. **Arrangement of Site Elements: 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.**

Response: The applicant proposes that only the City government and their subcontractors' vehicles have access to the site, ownership of which will be transferred to the City upon their acceptance of construction. The criterion is not applicable.

4. **Arrangement of Site Elements: 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.

Response: The applicant notes that the site will not be open to public access. There are no significant natural features on the site. The criterion is not applicable.

5. **Arrangement of Site Elements: Avoid traffic congestion. For housing developments this standard is met through compliance with subsection B, above.**

Response: The proposed development will not have a significant impact on existing traffic conditions, as it can be accessed only through a private road. The only additional traffic resulting from the proposed development will be from City staff for operation and maintenance of the water facilities and from vendors for material deliveries (i.e., chemicals for water treatment). The applicant will meet this criterion.

6. **Arrangement of Site Elements: Minimize potential adverse impacts on surrounding properties. For housing developments this standard is met through compliance with the applicable zone standards and the requirements of this Article, as applicable.**

Response: The site is located in an industrial district and does not abut any residential zones. The proposed development will not have significant adverse impacts on adjacent properties. The applicant will meet this criterion.

7. **Design Standards—All Development: Scale. Buildings with walls greater than 80 feet in length shall include street façades that are varied and articulated at regular 20-, 30-, 40- or 50-foot intervals along the façade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.**

Response: The proposed Well 1 house's footprint is approximately 40 feet by 20 feet; the proposed BPS's footprint is approximately 90 feet by 30 feet. Any building that may exceed 80 feet in wall length will include offsets, jogs, variation of finishes, projections, windows, entries, or similar distinctive changes. See Attachment B—Preliminary Riverside Well 1 House Improvements Drawings for proposed well house details. For BPS details, see Attachment C—Preliminary Booster Pump Station Improvements Drawings. The applicant will meet this criterion.

8. **Design Standards—All Development: Parking Location. With exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.**

Response: The applicant proposes an industrial development with parking areas for offloading supplies and material that support site infrastructure. The loading zones will not be located in the front yard setback. The criterion has been met.

9. **Design Standards—All Development: Fences/Walls. Fences and walls in front yards and corner side yards, individually or in combination, shall be no more than 4 feet in**

height. A fence and wall are considered combined when located less than 5 feet apart at grade.

Response: The applicant proposes 6-foot-tall chain-link fencing along the perimeter of the site for safety and security purposes. Public access to the site is prohibited, and higher fences will ensure that the site's security criteria are met.

- 10. Design Standards—All Development: Parking Lot Landscaping.** Where more than 4 contiguous surface parking spaces are provided, the requirements of Section 10.7.030.040(B): Landscaping and Screening Along a Public Right-of-Way shall apply.

Response: The applicant is not proposing more than four contiguous surface parking spaces on the site. The site does not abut any public right-of-way. The criterion is not applicable.

- 11. Design Standards—All Development: Pedestrian/Bicycle Circulation.** All primary building entrances in a development shall be connected to the public right-of-way, on-site parking, and open space areas, if any, by a network of paved walkways or sidewalks of not less than 5 feet in width.

Response: The applicant proposes that the public not have access to the site. The criterion is not applicable.

- 12. Design Standards—All Development: Building Orientation.** Except where a building cannot orient to a street because it is accessed from a private drive or is part of a multi-building complex and does not have street frontage, new buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.

Response: Buildings located on the site will be accessible only from a private drive. The criterion is not applicable.

- 13. Design Standards—All Development: Front Porches.** The minimum front setback for covered front porches is 5 feet less than the standard front setback for the zone. For purposes of this standard, a covered front porch must connect to the primary building entrance.

Response: The applicant is not proposing porches on the site. The criterion is not applicable.

- 14. Design Standards—All Development: Trim and Details.** Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.

Response: The site buildings proposed by the applicant will include minimum trim or details, as they are support structures for Community Facilities Overlays and will not be

located along any public frontage street. The final design for the buildings' exterior is still in progress and will be provided to the City upon completion.

- 15. Design Standards—Residential:** In addition to the design standards for all development, the following standards shall apply to the different types of residential development:

Response: The applicant proposes development of municipal infrastructure facilities. The criterion is not applicable for this section of the Municipal Code.

2.2 10.3.050.030 Review Procedures

- 1. 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.

Response: The applicant has followed the requirements of Article 3.010; submitted their CUP application for a Site Team meeting; and attended the City-held Site Team meeting on June 22, 2022, in which the planning process for the proposed application was discussed. The CUP application has been finalized with this narrative and the attached figure (the conceptual site plan) addressing the Site Team notes (issued by the City on June 27, 2022) summarizing the items discussed during the meeting. The applicant will meet this criterion by providing a minimum of 15 copies of the conceptual site plan and a minimum of two copies of the 50% design plans for the proposed facilities upon request by the City.

- 2. Review:** Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, and approved or denied by the Commission.

Response: The applicant recognizes and acknowledges the criterion set in Section 10.3.020.050 of the Municipal Code as applicable.

- 3. Review:** Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of Article 3.030: Site Plan Review, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Commission in lieu of the detailed site plan required for building permit approval.

Response: The applicant recognizes the criterion as applicable. The applicant will follow the requirements outlined in subsection C of Section 10.3.050.030 of the Municipal Code in lieu of initially submitting detailed design plans. See responses to 5 through 7 below.

- 4. The Commission may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee to ensure compliance with any conditions of approval.**

Response: The applicant will meet this criterion if required by the Commission.

5. **Concept Review:** The City offers a two-stage concept approval process for conditional uses. The applicant may request initial concept approval using the quasi-judicial process. If approval of the concept is granted, the applicant must then submit a detailed site plan and get final approval through the site plan review process.

Response: The applicant recognizes the criterion as applicable. The applicant requests initial concept approval using the quasi-judicial process followed by site plan review approval outlined in Section 10.3.020.050 of the Municipal Code.

6. **Applicants choosing the concept option must provide sufficient information in the form of site plans, narratives, or other documents to allow the Commission to make an initial decision.**

Response: The applicant will meet this criterion with submission of the conceptual site plan figure, this narrative, and the other documents that will be provided in this submittal.

7. **The Commission may impose conditions or require performance guarantees on concept approval in the same manner as for regular conditional use applications.**

Response: The applicant will meet this criterion if required by the Commission.

2.3 10.3.050.040 Review Criteria

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

Response: The site is located in an industrial district, with no residences nearby. The proposed site is for industrial use only. The criterion has been met.

2. **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.**

Response: The proposed use of the site will be for industrial purposes only, in conformance with all standards set by the industrial district criteria. The parcel size is approximately 198,440 square feet, exceeding the 10,000-square-foot minimum lot size for the industrial district. Parcel 1 does not abut any public rights-of-way, and therefore no public right-of-way setbacks are required. A total of three aboveground buildings are proposed for the site—two well house buildings and a BPS. Two large reservoirs are also proposed for the site. The site does not include any official parking areas, but ample paved space is provided for vehicles to maneuver around and park along the site's proposed structures if necessary. For site security, a 6-foot-tall chain-link fence around the structures is proposed. The site will be accessed via two 30-foot-wide driveway approaches and a shared private roadway off Hydro Access Road. Thirty-foot-wide automated cantilever gates will be provided at the entrance of the chain-link-fenced facility.

The proposed use of the site will also be consistent with all applicable titles, statutes, ordinances, and policies. The applicant will meet these criteria.

3. 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.

A. 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.

Response: The proposed site generators will include Level 2 sound attenuation enclosures. The proposed pumps will be fully enclosed in concrete buildings. Any loud noises generated from pumps will be confined to their relative brick and concrete structures, which will reduce any sounds felt outside the enclosed protective structures. The generators and pumps are proposed to be located approximately 20 feet from the nearest property line, approximately 250 feet from the West 2nd Street public right-of-way and 2,000 feet from the River Road public right-of-way. Furthermore, the site is located in the city's industrial district, with no residential properties nearby. The applicant will meet this criterion.

The proposed emergency standby generators will turn on only during emergency conditions, and periodically (once a month for a few minutes) to help keep components lubricated by circulating the oil throughout the engine.

A sound-attenuating barrier product, Acoustifence®, may be installed on the proposed 6-foot-tall perimeter chain-link fence along a 40-foot stretch of the south property line (40 feet along the south property line, starting from the projection of the southeast corner of the BPS onto the south property line) to be in compliance with Municipal Code 10.3.050.040.C.1. The manufacturer states that the Acoustifence provides an acoustical transmission loss of 28 decibels through the material. It is worth noting that the level of attenuation of all outdoor barriers is affected by a variety of factors, including end diffraction, angle of diffraction, wind direction, humidity, and temperature. The standby generator with level II sound attenuation enclosure is expected to emit a maximum of 72 adjusted decibels (dBA); with the sound-attenuating barrier, the sound impacts may be reduced to as low as 44 dBA, meeting the above-referenced section of the Municipal Code.

B. Lighting impacts from a cutoff lighting source across the property line shall not exceed 1.0 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.)

Response: For safety and security purposes, limited wall-mounted cutoff high-pressure sodium lighting is proposed for the top side of the access points of well house and BPS structures. These lighting units are proposed to be mounted above the building entrances, rising approximately 12 feet from the ground surface, and are not expected to create light that exceeds 1 foot-candle (fc) across the property line. See Attachment D for a photometrics analysis provided by Lithonia Lighting (the manufacturer) showing less than 0.70 fc of lighting impacts at 40 feet from the fixture, meeting the above-referenced Municipal Code requirement. The applicant will meet this criterion.

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

Response: Best management practices will be implemented to reduce the movement of dust and particulate matter on site during construction. Upon construction completion, the site, with all operable surfaces paved with asphalt and parking areas that will be surfaced with compacted gravel, is not expected to generate dust or other particulate matter that will travel off site during operation. The applicant will meet this criterion.

D. The following odors shall be completely confined to subject property: (1) Industrial and/or chemical grade chemicals, solvents, paints, cleaners, and similar substances (2) Fuels; and (3) Fertilizers, manure, or other animal waste products, other than for landscape installation and maintenance.

Response: The proposed reservoir tanks, pump station, and wells are not expected to generate any strong odors. Generated such odors should be confined to the property. Furthermore, the adjacent properties are located in the county's industrial district; this should prevent any odors from traveling into nearby nonindustrial-zoned areas. The applicant will meet this criterion.

E. Vibrations shall not be felt across the property line.

Response: The proposed development is not expected to generate any significant vibrations that can be felt across the property. The Public Works staff will conduct periodic inspections, which will include observations of pumps, motors, and drives for unusual noise, vibration, heating and leakage; and will take the appropriate action, following the water facility's operations and maintenance manual, to correct abnormal operating conditions. The applicant will meet this criterion.

F. 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: (1) Street designation and capacities; (2) On-street parking impacts; (3) Bicycle safety and connectivity; (4) Pedestrian safety and connectivity; and (5) Transit capacity and efficiency.

Response: The proposed development will not have a significant impact on existing traffic conditions, as the facility will not generate significant traffic. The only additional traffic created from the proposed project would be from City vehicles and their subcontractors entering the site for system operations, resupply, repair, and maintenance.

Furthermore, the street connecting to the site is private and will not be available to the public. The development[applicant?] does not propose any on-street parking, nor does it propose any bicycle/pedestrian/transit connectivity. The criterion is not applicable to this proposal.

G. 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.

Response: The proposed development is not located in a designated Historic District. The criterion is not applicable for this proposal.

Included: Limitations
 Site Plan Figure

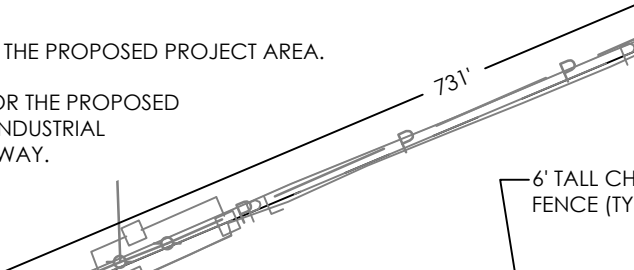
Attachments: Attachment A – Preliminary Riverside Reservoirs Improvements Drawings
 Attachment B – Preliminary Riverside Well#1 House Improvements Drawings
 Attachment C – Preliminary Riverside BPS Improvements Drawings
 Attachment D – Lithonia Lighting Photometrics Table

LIMITATIONS

The services undertaken in completing this document were performed consistent with generally accepted professional consulting principles and practices. No other warranty, express or implied, is made. These services were performed consistent with our agreement with our client. This report is solely for the use and information of our client unless otherwise noted. Any reliance on this report by a third party is at such party's sole risk.

Opinions and recommendations contained in this report apply to conditions existing when services were performed and are intended only for the client, purposes, locations, time frames, and project parameters indicated. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report.

1. ALL PROPOSED GENERATOR PADS TO HAVE A 0% SLOPE FINISHED FLOOR WITH MINIMUM 6" EXPOSURES TO FINISHED GRADE.
2. DUE TO THE PROPOSED COMMUNITY FACILITY OVERLAY, NO PUBLIC ACCESS WILL BE GRANTED ON THE SITE. THEREFORE, THE PROJECT WILL NOT INCLUDE ANY BICYCLE DESIGN ELEMENTS.
3. THERE WILL BE NO DEDICATED VEHICLE PARKING AREAS ON THE PROJECT SITE, BUT THERE WILL BE AMPLE SPACE FOR VEHICLE LOADING/UNLOADING NEXT TO PROPOSED BUILDINGS.
4. PROPOSED LIGHTING FIXTURES INCLUDE CUTOFF MINI WALL PACKS (LITHONIA LIGHTING TWAC HIGH PRESSURE SODIUM 50W OR EQUAL) MOUNTED OVER BUILDING ACCESS/ENTRANCES.
5. THERE ARE NO PROPOSED SIGNS FOR THE PROJECT.
6. THERE ARE NO SIGNIFICANT NATURAL FEATURES LOCATED WITHIN THE PROPOSED PROJECT AREA.
7. THERE ARE NO PROPOSED AREAS DEVOTED TO LANDSCAPING FOR THE PROPOSED PROJECT, AS THE PARCEL TO BE DEVELOPED IS SURROUNDED BY INDUSTRIAL ZONED PROPERTIES, AND DOES NOT ABUT ANY PUBLIC RIGHT OF WAY.
8. DUE TO THE PROPOSED MUNICIPAL USE OF THE PROPERTY, THERE ARE NO PROPOSED TRASH STORAGE AREAS FOR THE PROPOSED PROJECT.

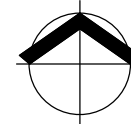


The diagram shows a sloped lot with a dimension of 731' along the slope. A 6' TALL CHAIN-LINK FENCE (TY) is indicated at the bottom right. The lot contains several rectangular structures, likely buildings or storage units, and a road or driveway runs along the bottom edge.



A horizontal graphic scale bar with vertical tick marks at 0, 60', and 120'. The bar is divided into alternating black and white segments. The segment from 0 to 60' is divided into three equal parts, and the segment from 60' to 120' is divided into two equal parts.

NOTE: BAR IS ONE INCH ON ORIGINAL
DRAWING. IF NOT ONE INCH ON THIS
SHEET, ADJUST SCALE ACCORDINGLY.



NOT TO SCALE

Site Plan Figure

Riverside Water Facility Site Development
The Dalles, Oregon

FEATURES & SPECIFICATIONS

INTENDED USE — For entrances, stairwells, corridors and other pedestrian areas.

CONSTRUCTION — Rear housing is rugged, corrosion-resistant, die-cast aluminum. Front cover is one-piece UV-resistant injection molded polycarbonate, internally painted. Captive external hardware is specially treated for corrosion resistance and includes slotted hex-head and tamperproof fasteners.

Finish: Dark Bronze (DDB) corrosion resistant polyester powder.

OPTICS — One-piece die-formed reflector is diffused aluminum. Refractor is clear UV stabilized polycarbonate, providing IES cutoff distribution and maximum lateral light output. Front cover is sealed and gasketed to inhibit the entrance of outside contaminants.

ELECTRICAL — Ballast: Metal halide: high reactance, high power factor. HPS: 50S, 70S, 120V are reactor, normal power factor. High reactance, high power factor (XHP), optional for 50S, 120V. 208, 240, 277, 347 and TB are standard XHP. Ballasts are 100% factory tested. UL listed 660W, 600V and 4kV pulse rated.

All components are heat-sunk directly to the cast housing for maximum heat dissipation.

Socket: Porcelain, horizontally oriented medium-base socket with copper alloy, nickel-plated screw shell and center contact.

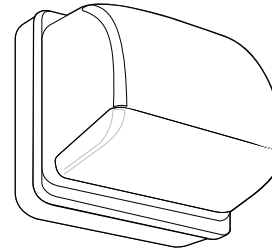
INSTALLATION — Mount to any vertical surface or to a 4" round square outlet box. Back access through gasketed slot. Top wiring access through 1/2" threaded conduit entry. (Through-wiring requires use of a conduit tee).

LISTINGS — UL listed for wet locations. IP65 rated. UL Listed to US and Canadian safety standards (see Options). NOM Certified.

WARRANTY — 1-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. Specifications subject to change without notice.

Catalog Number
Notes
Type



Cutoff Mini Wall Packs

TWAC

METAL HALIDE: 50-100W
HIGH PRESSURE SODIUM: 50W

Specifications

Height: 10 (25.4)

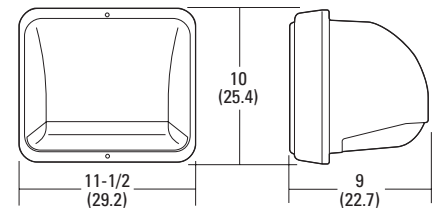
Width: 11-1/2 (29.2)

Depth: 8-15/16 (22.7)

*Weight: 10 lbs. (4.53 kg)

All dimensions are inches (centimeters) unless otherwise indicated.

*Weight as configured in example below.



ORDERING INFORMATION

For shortest lead times, configure product using **standard options (shown in bold)**.

Example: TWAC 50M 120 LPI

TWAC						
Series	Wattage	Voltage	Ballast	Options	Finish	Lamp ¹⁰
TWAC	<u>Metal halide</u>	120	(blank) Magnetic	<u>Shipped installed in fixture</u>	(blank) Dark bronze	LPI Lamp included
	50M¹	208 ²	XHP High reactance, high power factor ⁵	SF Single fuse (120, 277, 347V) ⁶	DNA Natural aluminum	L/LP Less lamp
	70M¹	240 ²		DF Double fuse (208, 240V) ⁶	DBL Black	
	100M¹	277	CWI Constant wattage isolated	EC Emergency circuit ⁷	DMB Medium bronze	
	<u>High pressure sodium</u>	347		QRS Quartz restrike system ⁷	DWH White	
	50S	TB³		CSA Listed and labeled to comply with Canadian Standards	DSS Sandstone	
		23050HZ ⁴		NOM NOM Certified ⁴	CRT Non-stick protective coating ⁹	
				PE Photocell ⁶	<u>Super Durable Finishes</u>	
				<u>Shipped separately⁸</u>	DDBXD Dark bronze	
				WG Wire guard	DBLXD Black	
					DNAXD Natural aluminum	
					DWHXD White	
					DDBTXD Textured dark bronze	
					DBLBXD Textured black	
					DNATXD Textured natural aluminum	
					DWHGXD Textured white	

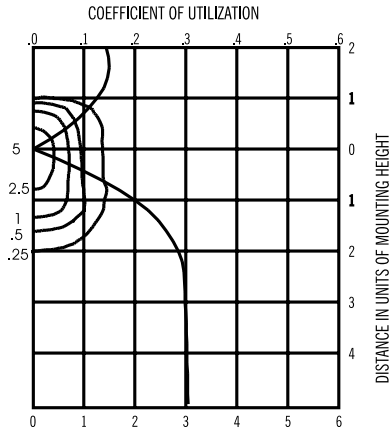
Notes

- Not available with 347V.
- Must specify CWI in Canada.
- Optional multi-tap ballast (120, 208, 240, 277V). In Canada (120, 277, 347V) ships as 120/347.
- Consult factory for available wattages.
- Optional for 120V HPS only (n/a 35S).
- Not available with TB.
- Maximum allowable wattage lamp included.
- May be ordered as an accessory as TWAWG U.
- Finish applied to housing only.
- Must be specified.

TWAC Metal Halide, High Pressure Sodium Wall Mounted

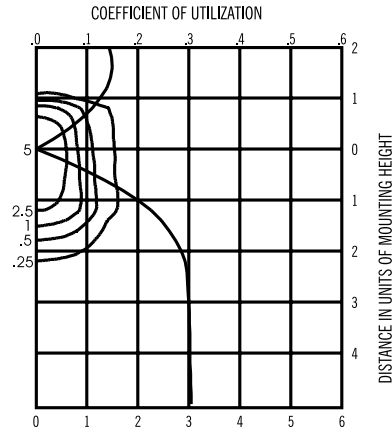
TWAC 50M

Test No. LTL8360



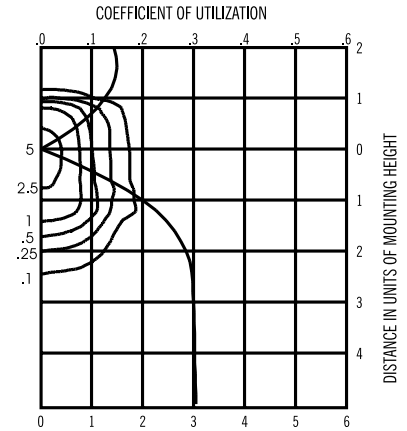
TWAC 70M

Test No. LTL8338



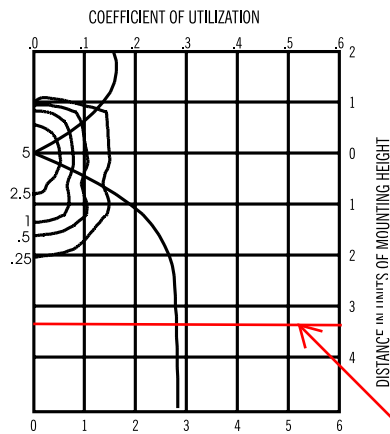
TWAC 100M

Test No. LTL8359



TWAC 50S

Test No. LTL8357



Assumption:

- Mounting height is approximately 12 feet from the ground surface.

2x12=24'

3x12=36'

approx. distance between the proposed lighting fixture at the BPS (east wall) and the property line

Mounting Height Correction Factor

(Multiply the fc level by the correction factor)

8 ft. = 6.25

10 ft. = 4.00

12 ft. = 2.78

15 ft. = 1.78

anticipated lighting impacts:

- at 24 feet from the source:

0.25 fc x 2.78 = 0.70 fc

- at 40 feet from the source:

<0.70 fc

$$\left(\frac{\text{Existing Mounting Height}}{\text{New Mounting Height}} \right)^2 = \text{Correction Factor}$$

Notes

- 1 Photometric data for other distributions can be accessed at www.lithonia.com.
- 2 Tested to current IES and NEMA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory data and actual field measurements. Dimensions and specifications on this sheet based on the most current available data and are subject to change without notice.
- 3 For electrical characteristics, consult outdoor technical data specification sheets on www.lithonia.com.
- 4 Actual performance may differ as a result of end-user environment and application.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

Zoning Ordinance Amendment 108-23

HEARING DATE: April 20, 2023

HEARING BODY: Planning Commission

PROCEDURE TYPE: Legislative

REQUEST: Approval of minor amendments to The Dalles Municipal Code, Title 10 – Land Use and Development.

PROPERTIES: All properties located within the Urban Growth Boundary.

APPLICANT: City of The Dalles, Community Development Department

PREPARED BY: Kaitlyn Cook, Associate Planner

BACKGROUND:

The proposed zoning ordinance amendments aim to maintain clear terminology, adapt to modern technology, increase flexibility in housing development, and reassign plan requirements. A brief summary of select proposed amendments is outlined below:

Terminology

The Land Use Ordinance is a document that changes often to adapt to new building practices and the community's needs. Due to these frequent changes, some portions of the code use inconsistent and unclear terminology. For example, one change that Staff is proposing is replacing the word "building" with "dwelling unit" when describing residential home spacing requirements.

Review Procedures

Staff is proposing the removal of the 45-day timeline for Administrative and Quasi-Judicial actions. All Administrative and Quasi-Judicial Actions will be processed consistent with the "120-Day" rule, per State ORS 227.178 (2).

In addition to removing the 45-day timeline, Staff is proposing to reduce the number of paper copies required with a land use application to encourage electronic submission.

Entrance Standards

The development standards in all residential zones are proposed for revision to permit more flexibility for building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while preserving the neighborhood characteristics by providing a pedestrian walkway to the street/sidewalk. This proposed amendment will allow for greater housing options on narrow lots.

NOTIFICATION:

Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on April 5, 2023, more than ten days prior to the April 20, 2023 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City's website on April 5, 2023. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments. Additionally, a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on March 15, 2023, more than 35 days prior to the April 20, 2023 hearing. To date, no comment was received.

COMMENTS:

No comment received as of the date this report was published (April 13, 2023).

REVIEW:

See *Exhibit A*.

PROPOSED AMENDMENTS:

The proposed amendments for Zoning Ordinance Amendment 108-23 are included as *Exhibit B*. All proposed amendments are subject to revision or deletion. The Commission will forward a recommendation on the amendments to the City Council. Final decision on all proposed amendments will be made by the City Council.

RECOMMENDATION:

1. **Staff recommendation:** *Move to recommend to the City Council the approval of Zoning Ordinance Amendment 108-23, adopting amendments and findings attached herein.*
2. Move to recommend to the City Council the approval of a modified Zoning Ordinance Amendment 108-23, after adopting any changed amendments or findings discussed at the regular April 20, 2023, Planning Commission meeting.
3. Decline adoption and provide additional direction.

ATTACHMENTS:

- **Exhibit A:** *Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23.*
- **Exhibit B:** *Proposed Amendments for Zoning Ordinance Amendment 108-23.*

EXHIBIT A

Findings of Fact and Conclusions of Law for Zoning Ordinance Amendment 108-23

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

Section 10.3.110.030 Review Criteria.

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules, including the State Transportation Planning Rule OAR 660-012-0060. Proposed text amendments shall be consistent with the adopted Transportation System Plan and the planned function, capacity, and performance standards of the impacted facility or facilities. Requirements of the State Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.

FINDING #1: Staff will address consistency with the Comprehensive Plan, State Laws, and Administrative Rules in subsequent findings. **Criterion met.**

City of The Dalles Comprehensive Plan

Goal #1. Citizen Involvement. *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Policy 3. *The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.*

FINDING #2: Pursuant to TDMC 10.3.020.060, a notice of public hearing was published in the Columbia Gorge News on April 5, 2023, more than ten days prior to the April 20, 2023 Commission hearing. Notice of the public hearing was sent to all local news media, Wasco County Planning, and posted on the City's website on April 5, 2023. All City Council and Commission meetings are open to the public and allow the opportunity to provide testimony on all proposed amendments. Additionally, a notice of the proposed amendments were submitted to the Department of Land Conversation and Development on March 15, 2023, more than 35 days prior to the April 20, 2023 hearing. To date, no comment was received. **Criterion met.**

Goal #2. Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Policy 6. *Implement this Plan through appropriate ordinances and action. Implementing measures shall be developed to allow administrative review and approval authority.*

FINDING #3: The proposed amendments implementation process is consistent with the legislative application process outlined in TDMC 10.3.110.030 and follows proper noticing requirements of TDMC 10.3.020.060. These amendments aim to provide clear and objective standards with all residential development proposals, encouraging more

administrative approval authority by removing ambiguity and discretionary language. **Criterion met.**

Policy 8. Implementing ordinances shall be consistent with this plan.

FINDING #4: See Finding #3.

Goal #10. Housing. *To provide for the housing needs of citizens of the state.*

Policy 8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.

FINDING #5: The proposed amendments will modify the existing residential zoning district development standards to allow for more flexibility with building orientation and entrance standards. By allowing more flexibility with building and orientation standards, single-family residential development may be built on narrow lots to accommodate infill development and additional housing options. **Criterion met.**

Policy 16. Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development. New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.

FINDING #6: The development standards in all residential zones are proposed for revision to permit more flexibility for building orientation and entrance standards. These revised standards will allow primary entrances to be located on the front and side building faces, while preserving the neighborhood characteristics by providing a pedestrian walkway. This proposed amendment will allow for greater housing options on narrow lots. **Criterion met.**

Policy 17. Development compatibility standards shall be implemented for all density areas. Compatibility standards are intended to ensure that new development is compatible with its surroundings and enhances the character it is located within. New standards shall consider landscape, building setback, building height and bulk, main entrance, parking, building design and additional standards applicable in historic districts.

FINDING #7: The proposed building entrance and orientation standards shall affect the primary entrance standards to provide greater flexibility in housing types for narrow lots, as mentioned in Finding #6. These proposed amendments are compatible with the residential neighborhood surroundings as they will require a pedestrian connection from the primary entrance to the street/sidewalk. **Criterion met.**

Oregon Revised Statute (ORS)

ORS 197.307(4)

A local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

- a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*

- b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

FINDING #8: The proposed amendments aim to remove ambiguity and code inconsistencies provide clarity and consistency with all residential development proposals. **Criterion met.**

Exhibit B
Annual Code Review 2023:

Language to be removed

Language proposed

The Dalles Municipal Code

10.3.020.010 Purpose

A. This Article describes the review procedures required to make final decisions regarding applications for ministerial actions, ~~planning~~ **administrative** actions, and legislative actions, and to provide for appeals from aggrieved persons or parties.

#

10.3.010.040 Applications

Application for ministerial, ~~planning~~ **administrative**, and legislative actions shall be made on forms provided by the Director, comply with all applicable sections of this Title, and, where applicable, meet the following criteria:

#

10.3.010.035 Pre-Application Requirements

Applicants participating in the pre-application process (referred to as site team review) shall provide all information required in the code for the type of land use review sought. **One electronic copy** ~~Eighteen copies~~ of the application and site plan are required.

#

10.3.020.030 Ministerial Actions

C. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of ~~accepting~~ the application **being deemed complete** unless the time limit is extended with the consent of the applicant.

#

10.3.020.040 Administrative Actions

~~D. Time Limits. All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.~~

#

10.3.020.050 Quasi-Judicial Actions

C. Public Hearings.

~~1. 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.~~

1.2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Section 10.3.020.070: Public Hearings.

2.3. Unless otherwise ordered by the hearings body, the Director shall take complete applications for quasi-judicial actions in the order in which they are filed

3.4. The hearings body shall hold at least one public hearing on a complete application.

4.5. The burden of proof is placed on the applicant seeking a planning action.

5.6. The applicant's attendance is required at the prescribed public hearing for the action, unless otherwise authorized by the hearings body.

6.7. Prior to the public hearing the applicant is recommended, but not required, to conduct an outreach meeting with nearby residents and others who may be affected by the development.

#

10.3.030.020 Review Procedures

B. Applications. In addition to the requirements of Article 3.010: Application Procedures, site plan review applications shall be accompanied by **one electronic copy of plans consistent with Article 6.180. Paper copies may be required as a condition of approval with all applications.** ~~at least 15 copies of the site plan, and, when required, 3 copies of the detailed landscape and construction/design plans as specified below in Section 10.3.030.030: Required Plans. When plans are drawn using CAD software, 1 digital disc copy shall be submitted in addition to the required hard copies.~~

#

10.3.030.030 Required Plans

~~A. Site Plan. The site plan shall clearly indicate all of the following information applicable to the particular development proposal:~~

~~1. Project name.~~

~~2. A separate vicinity map indicating location of the proposed development.~~

~~3. Scale. The scale shall be at least 1 inch equals 50 feet (1:50), unless a different scale is authorized by the Director.~~

~~4. North arrow.~~

~~5. Date.~~

~~6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.~~

~~7. Lot layout with dimensions for all lot lines.~~

- ~~8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed~~
- ~~9. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.~~
- ~~10. Location and dimensions of all driveways and bicycle and vehicle parking areas.~~
- ~~11. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.~~
- ~~12. Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: (a) based upon the street classification of the adjacent street, determine the maximum distance specified in Article 6.050, Table 1; (b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; (c) repeat for all streets adjacent to the site.~~
- ~~13. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.~~
- ~~14. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.~~
- ~~15. General nature and location of all exterior lighting.~~
- ~~16. Outdoor storage and activities where permitted, and height and type of screening.~~
- ~~17. Drainage and grading plan.~~
- ~~18. Location, size, height, material and method of illumination of existing and proposed signs.~~
- ~~19. Location of existing utilities, easements, and rights-of-way.~~
- ~~20. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.~~
- ~~21. Location of existing fire hydrants.~~
- ~~22. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.~~
- ~~23. Any additional information required by the Director to act on the application.~~

~~B. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:~~

- ~~1. Project name.~~
- ~~2. Scale. The scale shall be at least 1 inch equals 50 feet (1:50) or larger.~~
- ~~3. North arrow.~~
- ~~4. Date.~~

5.—Location and initial sizes of plants and tree species, and other proposed landscape material.

6.—Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

C.—Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

1.—All information required for the site plan.

2.—Location of existing rights of way.

3.—Existing streets, sidewalks, curbs and utilities.

4.—Existing and proposed street trees.

5.—Parking lot striping and pavement cross section.

6.—Perimeter curb location and details.

7.—Utility service types, sizes, locations and details (including hydrants, manholes, clean outs, vaults, meters, inlets/catch basins, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).

8.—Location and details of cross connection control devices.

9.—Fence and gate locations and details.

10.—Street and parking lot lighting locations and details.

11.—Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of stormwater onto sidewalks, public rights of way and abutting private property.

12.—Erosion control plan and/or traffic control plan as required by the City Engineer.

13.—Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights of way.

14.—City Engineer and all other required state and federal approvals for extensions.

#

10.3.030.050 Performance Guarantee

Where the applicant wishes to delay making required public improvements for a specified time period agreed to by the approving authority, the applicant shall file an agreement to insure ensure full and faithful performance on making those required public improvements, including a private street per the provisions of Section 10.9.040.060(I): Performance Guarantee of this Title.

#

10.3.050.030 Review Procedures

A. Applications. In addition to the requirements of Article 3.010: Application Procedures, conditional use permit applications shall be accompanied by **one electronic copy of plans consistent with Article 6.180. Paper copies may be required as a condition of approval with all applications. 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.**

B. Review.

1. Conditional use permits shall be processed as quasi-judicial actions, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions, and approved or denied by the Commission.
2. Site plan approval, and when required, detailed landscape plan and detailed construction design plan approval, per the provisions of Article **6.180: Required Plans** ~~3.030: Site Plan Review~~, shall always be a condition of conditional use approval. Concept site plans can be submitted for review by the Commission in lieu of the detailed site plan required for building permit approval. See subsection C of this section.
3. The Commission may require a performance guarantee, per the provisions of Section 10.9.040.060(I): Performance Guarantee to ensure compliance with any conditions of approval.

#

10.3.070.040 Conditions of Approval

In granting the variance, the Commission may attach any reasonable conditions deemed necessary to ~~insure~~ **ensure** ~~that~~ the review criteria are met.

#

10.3.080.050 Conditions of Approval

In granting the adjustment, the approving authority may attach any reasonable conditions deemed necessary to ~~insure~~ **ensure** ~~that~~ the review criteria are met.

#

10.3.086.040 Lot Coverage

Lot coverage is limited to no more than 50% impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil.

NOTE: Un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the City Public Works Director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability (e.g., if a graveled path is demonstrated to be 15% permeable then 85% of the graveled path area would be counted in the impervious surface calculation).

The purpose of this requirement is to help ~~insure~~ **ensure** that surface and stormwater are contained on site. Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be

employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and stormwater in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

A qualified, Oregon-licensed professional engineer, considering at a minimum a 25-year storm event of 15 minutes duration, shall perform an on-site stormwater analysis. The stormwater control plan shall be approved by the Director of Public Works or Director's authorized designee and shall provide for the on-site collection, containment, and release of stormwater such that it will not have a deleterious impact to other properties, public or private. Prior to completion the Public Works Director or Director's authorized designee shall inspect all improvements. The applicant's licensed engineer shall provide a minimum of 2 sets of infrastructure "as built" drawings and confirm that all stormwater infrastructure was constructed according to the approved design. (Ord. 19-1373)

#

10.3.010.030 Pre-Application Conference

Applicants for administrative, quasi-judicial, or legislative actions shall be required to participate in a pre-application conference with the Director prior to submitting an application. The purpose of the conference is to:

- A. Review for Consistency. ~~Insure~~ **Ensure** that the application is consistent with the substantive and procedural requirements of this Title and the applicable elements of The Comprehensive Plan.
- B. Exchange Information. Provide for an exchange of information regarding all procedural matters relevant to the processing of the respective application and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
- C. Describe Applicant's Responsibilities. Provide a description of applicant's responsibilities and the type and level of information which will be required from the applicant to enable the reviewing authority to act on the request.

#

10.5.010.060 Development Standards

Building Orientation	The front building line shall be building shall be oriented parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on
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	the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
--	--

#

10.5.030.060 Development Standards

RM Medium Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or ore units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	2,000 sq. ft. per dwelling unit	4,000 sq. ft.	2,000 sq. ft. per dwelling unit	2,000 sq. ft. per dwelling unit

Building Orientation	The front building line shall be building shall be oriented parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
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#

10.5.020.060 Development Standards

RH High Density Residential	Standard			
	Single-Family Attached, Row Houses, or Townhomes (3 or more units)	One and Two Dwelling Units per Lot (Single-Family Detached and Duplex)	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	1,500 sq. ft. per dwelling unit	2,500 sq. ft.	1,500 sq. ft. per dwelling unit	1,500 sq. ft. per dwelling unit

Building Orientation	The front building line shall be building shall be oriented parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to
----------------------	--

	accommodate street curvature. The front building line shall include the front door. Primary building entrances are required to have a clear pedestrian connection to the street/sidewalk constructed of concrete, asphalt, pavers, or other hard surface. Primary entrance located on the rear building face is prohibited. Front building orientation cannot be modified from its original design to meet this criteria.
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#

10.5.030.070 Design Standards

E. Multiple Buildings Dwelling Units and Detached Dwellings (3+) on One Lot—Separation Between Buildings Dwelling Units, Three or More Detached Dwellings Per Lot, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

1. ~~Buildings Dwelling Units~~ with windowed walls facing buildings with windowed walls: 10 feet **of** separation.
2. ~~Buildings Dwelling Units~~ with windowed walls facing buildings with a blank wall: 10 feet **of** separation.
3. ~~Buildings Dwelling Units~~ with opposing blank walls: 10 feet **of** separation.
4. ~~Building Dwelling Units~~ separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. ~~Buildings Dwelling Units~~ with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.

#

10.5.030.060 Development Standards

Side Yard (interior)	5 ft. minimum, except where dwelling has a zero setback on opposite side, including end unit of townhome dwelling units, and 10 ft. separation between buildings dwelling units .
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#

10.5.030.070 Design Standards

E. Multiple Buildings and Detached Dwellings (3+) on One Lot—Separation Between ~~Buildings dwelling units~~, Three or More Detached Dwellings per lot, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

1. ~~Buildings Dwelling units~~ with windowed walls facing buildings with windowed walls: 10 feet **of** separation.
2. ~~Buildings Dwelling units~~ with windowed walls facing buildings with a blank wall: 10 feet **of** separation.
3. ~~Buildings Dwelling units~~ with opposing blank walls: 10 feet **of** separation.
4. ~~Building Dwelling units~~ separation shall also apply to building projections such as balconies, bay windows, and room projections.

5. ~~Buildings~~ **Dwelling units** with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.

#

10.5.050.030 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, the specific standards and procedures for the particular sub-district where the use is proposed, and all other applicable requirements of this Title and other City ordinances:~~

#

10.5.060.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:~~

#

10.5.070.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:~~

#

10.5.080.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be processed per the provisions of Article 3.030: Site Plan Review:~~

#

10.5.090.020 Permitted Uses

A. Primary Uses. ~~Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:~~

#

10.5.110.010 Purpose

This district implements the P/OS - Parks and Open Space Comprehensive Plan Designation and is intended to ~~insure~~ **ensure** sufficient open areas throughout the community to safeguard public need for visual and environmental resources and to provide areas for recreational activities. Allowed uses show lower level activity and potentially less offsite impact than uses allowed conditionally.

#

10.5.080.010 Purpose

This district implements the CR - Recreational Commercial Comprehensive Plan designation and is intended to provide areas for mixed business, commercial, service, recreational, and light industrial uses. Site planning for permitted uses shall ~~insure~~ **ensure** protection and enhancement of the significant environmental areas located along the Columbia River and related streams and creeks. Streets, sidewalks, bikeways, and water, sewer, and storm drainage systems shall be constructed or improved as needed.

#

10.6.010.030 General Provisions

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):~~ **Article 6.180 Required Plans(B)**. 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.

#

10.6.020.010 Purpose

A. The purpose of this Article is to encourage small commercial ventures which could not necessarily be sustained if forced to operate in commercial quarters and/or which are appropriately operated within a residence or accessory structure. Home businesses are recognized for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home businesses are conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term.

B. This Article seeks to ~~insure-ensure~~ that home businesses do not infringe upon the right of neighboring residents to enjoy the peaceful and safe occupancy of their homes. Large-scale commercial or professional operations, which would normally be conducted in a commercial or industrial zone district, shall continue to be conducted in those districts and not in a home.

#

10.6.010.050 Screening – Hedges, Fences, Walls other than Retaining Walls, Berms

1. Residential ~~Areas~~ Zones.

- a. Hedges, fences, and walls shall not exceed 4 feet in height within a required front yard or in an exterior side yard within a 10-foot triangle adjacent to an alley or driveway.
- b. Hedges, fences, and walls shall not exceed 6 feet in height within required side and rear yards, unless additional height is determined by the Director to be necessary for privacy screening from an adjacent use. In no case shall a fence or wall exceed 8 feet in height in a required side or rear yard.

- c. Hedges, fences and walls not located in required yards may exceed the height standards listed above.
2. Commercial and Industrial ~~Areas~~ **Zones**. Barbed wire may be allowed above the fence or wall height requirement.
3. All Areas. Fences and walls over 4 feet in height (not counting any permitted barbed wire) shall require a building permit prior to construction.

#

10.6.090.010 Height Limitation Exceptions

B. Airport Protection. In order to ~~insure~~ **ensure** safety in the operation of public-use airports, no structure, object or natural growth shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of Federal Aviation Regulations (FAR) Part 77. Variances may be granted only after approval by the Federal Aviation Administration (FAA) and the Oregon Aeronautics Division of the Oregon Department of Transportation.

#

10.3.030.030 Required plans

Article 6.180 Required Plans

A. Site Plan. The site plan shall clearly indicate all of the following information applicable to the particular development proposal:

- 1. Project name.**
- 2. A separate vicinity map indicating location of the proposed development.**
- 3. Scale. The scale shall be at least 1 inch equals 50 feet (1:50), unless a different scale is authorized by the Director.**
- 4. North arrow.**
- 5. Date.**
- 6. Location and names of all existing streets and location of proposed streets within or on the boundary of the proposed development.**
- 7. Lot layout with dimensions for all lot lines.**
- 8. Location, dimensions, and height of all existing and proposed buildings, structures, fences and gates. Indicate which buildings, structures and fences are to remain and which are to be removed**
- 9. Location and dimensions of all yards and setbacks from all property lines and distances between existing and proposed buildings.**
- 10. Location and dimensions of all driveways and bicycle and vehicle parking areas.**
- 11. Number of vehicle and bicycle parking spaces, parking lot layout, and internal traffic circulation pattern.**

12. Specify centerline locations and width of existing and proposed access from street to property. In addition, specify the centerline location and width of driveways near the site, using the following method: (a) based upon the street classification of the adjacent street, determine the maximum distance specified in Article 6.050, Table 1; (b) for both sides of the street fronting the property, and extending in all directions of the street, extend at least the distance determined above, until either nearest offsite accessway or nearest intersecting public street, whichever is less; (c) repeat for all streets adjacent to the site.

13. All points of entrance and exit for pedestrians, bicycles and vehicles, including service vehicles.

14. Location and description of any slopes greater than 20%, and any proposed cut and fill activity.

15. General nature and location of all exterior lighting.

16. Outdoor storage and activities where permitted, and height and type of screening.

17. Drainage and grading plan.

18. Location, size, height, material and method of illumination of existing and proposed signs.

19. Location of existing utilities, easements, and rights-of-way.

20. Location of any significant natural features including, but not limited to, water courses, trees, rock outcroppings, ponds, drainage ways and wetlands.

21. Location of existing fire hydrants.

22. Location of existing and proposed trash storage area(s) including enclosure construction design and access for pick up purposes.

23. Any additional information required by the Director to act on the application.

B. Detailed Landscape Plans. Detailed landscape plans shall clearly indicate the following information:

1. Project name.

2. Scale. The scale shall be at least 1 inch equals 50 feet (1:50) or larger.

3. North arrow.

4. Date.

5. Location and initial sizes of plants and tree species, and other proposed landscape material.

6. Pipe location and size, point of connection, and water requirements of automatic sprinkler systems, and location and details of cross connection control device.

C. Detailed Construction/Design Plans. The detailed construction/design plans shall clearly indicate the following information:

1. All information required for the site plan.
2. Location of existing rights-of-way.
3. Existing streets, sidewalks, curbs and utilities.
4. Existing and proposed street trees.
5. Parking lot striping and pavement cross section.
6. Perimeter curb location and details.
7. Utility service types, sizes, locations and details (including hydrants, manholes, clean-outs, vaults, meters, inlets/catch basins, parking, drive pads, distance to drive pads on adjacent property, curb and sidewalk, retaining walls, and retaining wall drainages).
8. Location and details of cross connection control devices.
9. Fence and gate locations and details.
10. Street and parking lot lighting locations and details.
11. Site drainage and grading plan and construction details sufficient to evaluate whether runoff generated from improvements is collected on site and disposed of in a manner which eliminates sheet flow of stormwater onto sidewalks, public rights-of-way and abutting private property.
12. Erosion control plan and/or traffic control plan as required by the City Engineer.
13. Where City street, curb, sidewalk or utility extensions are required, provide complete plan, profile, and construction detail drawings, including signs, striping and pavement markings, and specifications when required by the City Engineer, prepared and stamped by a licensed professional engineer for the proposed improvements within public rights-of-way.
14. City Engineer and all other required state and federal approvals for extensions.

#

10.9.050.040 Conceptual Development Plan Applications

B. Graphics. A conceptual development plan application shall include all of the requirements of ~~Section 10.3.030.030(A): Site Plan~~ **Article 6.180 Required Plans** as part of the site plan review requirements for a conditional use, and all of the following graphic information where applicable:

#

10.9.040.030 Subdivision Applications

D. After a subdivision application has been filed, no building permits shall be issued until construction drawings and specifications have been approved by the City Engineer. Exception provisions in ~~Section 10.3.030.030(F)~~ **Article 6.180 Required Plans** apply here also.

#

10.11.050 Park Perimeter Screening

B. Perimeter Screening Adjacent to Public Streets. Applicants may choose one of the following options for screening adjacent to public streets **A 6-foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:**

~~1. A 6-foot high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or an earthen berm and vegetation as follows:~~

~~a. 1.~~ **1.** Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials.

~~b. 2.~~ **2.** Berms. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet in 2 years. This combination is subject to the following standards:

~~i. a.~~ **a.** The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

~~ii. b.~~ **b.** At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.

~~iii. c.~~ **c.** Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

#

10.13.050.030 Freestanding and Projecting Signs

E. To ~~insure~~ **ensure** traffic safety, signs shall be located in accordance with the "clear vision area" provisions of this Title.

#

10.13.060.030 Clearance and Safeguard

To ~~insure~~ **ensure** public safety, the installation and maintenance of all signs shall be subject to the following provisions.

A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.

B. All freestanding sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to ~~insure~~ **ensure** clearance from underground utilities.

C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

#

10.6.140.060 Review Criteria

G. Federal Aviation Administration (FAA) Requirements. In order to ~~insure~~ **ensure** safety in the operation of public-use airports, no structure shall be erected, altered, or allowed to intrude into any airway imaginary surface established under the provisions of the Federal aviation Regulations (FAR) Part 77. An exception to this requirement may only be granted after approval by the FAA and the Oregon Aeronautics Division of the Oregon Department of Transportation.

#

10.9.040.060 Final Subdivision Plat Review

E. Monumentation Requirements.

4. Interior “post monumentation” may be permitted by the approving authority at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that:

- a. The applicant has shown it is necessary and practical to delay interior monumentation.
- b. The applicant agrees to furnish a bond or cash deposit to the City in an amount equal to 150% of the estimated cost of performing the work for interior monuments.
- c. The applicant signs an agreement with the project surveyor, County Surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, and that the rules for post monumentation as provided in ORS Chapter 92 shall be followed; establishes a date when monumentation will be completed; and, sets out other particulars that may be necessary to ~~insure~~ **ensure** complete monumentation at a later date.

#



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION PC 614-23

Approval of Conditional Use Permit (CUP) Application **204-22, Maul, Foster & Alongi, Inc.**, for approval to site and construct a municipal water pump station. Once completed, these improvements will be owned and maintained by the City of The Dalles. Approval of the Conditional Use Permit (CUP) will establish a Community Facilities Overlay (CFO) on a proposed future parcel. Property is located at 2650 River Road and further described as 2N 13E 33 tax lot 200. Property is zoned I – Industrial District.

I. RECITALS:

- A. The Planning Commission of the City of The Dalles has on April 20, 2023 conducted a public hearing to consider the above request. A staff report was presented, stating the findings of fact, conclusions of law, and staff recommendation.
- B. Staff's report of Conditional Use Permit 204-22 and the minutes of the April 20, 2023 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 204-22 is hereby approved with the following conditions of approval:

1. Conditions Required Prior to Final Plan Approval:

- a. Final plan submission must meet all the requirements of The Dalles Municipal Code, Title 10 Land Use and Development, and all other applicable provisions of The Dalles Municipal Code.
- b. All final plans, consistent with all Conditions of Approval, shall be approved by the Community Development Director and the City Engineer prior to the issuance of a building permit.
- c. The sound attenuating barrier along the southern property line must be shown on a revised site plan.
- d. All construction/design plans for public infrastructure, improvements, or rights-of-way (ROW) shall be approved by the City Engineer.
- e. Applicant is required to coordinate any franchise utility requirements, timing of installation, and payment for services with the appropriate utility provider.

f. MIP 410-22 shall be approved and the final plat shall be recorded.

2. Conditions Required During Construction of Public Improvements and Franchise Utilities

- a. A pre-construction meeting including the City Engineer and Construction Inspector is required prior to construction or site prep work. All public improvements shall first obtain design and construction approval from the City Engineer.
- b. Applicant must warranty all public improvements against defect for one year from the date of final acceptance by the City.
- c. All proposed franchise utilities are required to be installed in accordance with each utility provider.
- d. All proposed improvements included within the plan set must be installed.

3. Conditions Required Prior to Occupancy

- a. Applicant must install the sound attenuating barrier along the southern property line.
- b. The City Engineer will conduct a final inspection of all improvements to ensure they meet City standards before the City formally accepts them for ownership, operation or maintenance.

4. Ongoing Conditions

- a. All lighting shall not directly illuminate adjoining properties. Lighting sources shall be shielded and arranged so as not to produce glare in any public ROW, with a maximum illumination at the property line not to exceed 1 foot-candles for cutoff lights.
- b. All development must adhere to the approved site plan for this development.
- c. The proposed use and operation shall comply with all applicable local, state, and federal standards, and shall not create a nuisance due to odor, vibration, noise, dust, vector control, smoke or gas. Applicant shall prevent the collection of nuisance materials and debris from being windblown or migrating off site.
- d. Applicant shall warranty all public improvements against any defects and workmanship provided for a period of one year from the date of the City's final acceptance of the work.

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 APRIL, 2023.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, 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 April, 2023.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____

Joshua Chandler, Director
Community Development Department
City of The Dalles



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

RESOLUTION PC 615-23

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE DALLES MUNICIPAL CODE, TITLE 10 – LAND USE AND DEVELOPMENT

WHEREAS, an application was submitted for Zoning Ordinance Amendment 108-23 proposing minor changes to the City of The Dalles Municipal Code, Title 10 Land Use and Development; and

WHEREAS, the City Planning Commission conducted a public hearing on April 20, 2023 to take public testimony on proposed Zoning Ordinance Amendment 108-23; and

WHEREAS, the Planning Commission has considered the public testimony and reviewed the proposed amendment set forth in Zoning Ordinance Amendment 108-23, and based upon the proposed findings of fact and conclusions of law in the staff report and testimony presented during the hearing, the Planning Commission voted to recommend the amendment be forwarded to the City Council for their review and adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission recommends that the proposed Zoning Ordinance Amendment 108-23 be approved and forwarded to the City Council for its review and adoption.

Section 2. This Resolution shall be effective upon its passage and approval. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the Applicant.

APPROVED AND ADOPTED THIS 20TH DAY OF APRIL, 2023.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, 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 April, 2023.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____

Joshua Chandler, Director
Community Development Department
City of The Dalles



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: April 20, 2023
Re: Discussion #2: Recreational Vehicle Parks
Prepared by: Joshua Chandler, Community Development Director

DISCUSSION:

During the February 16, 2023 Planning Commission (Commission) meeting, Community Development Department Staff facilitated discussion regarding proposed amendments to The Dalles Municipal Code (TDMC) pertaining to Recreational Vehicle (RV) parks. This discussion was requested by the Commission at the January 5, 2023 Commission meeting, following a series of lengthy, and at times divided public hearings for three recent park approvals. Staff compiled the major points of the discussion, along with various suggestions for clarity and efficiency, into a comprehensive list of proposed amendments. A brief summary of these amendments is outlined below:

- **Zoning.** Proposed amendments include prohibition of RV parks within all residential zoning districts. RV parks may be permitted only within the General Commercial (CG), Commercial Light Industrial (CLI), Recreational Commercial (CR), and Industrial (I) zones.
- **Review Process.** Proposed amendments include administrative review of RV parks through the Site Plan Review process, and a provision for quasi-judicial review (Conditional Use Permit) for parks proposing stays longer than one year.
- **Development Standards.** Proposed amendments include an expansion of RV park development standards, including:
 - **Prohibited Siting.** RV spaces and park buildings may be not located within known waterways 100-year floodplain, stream corridors, or wetlands.
 - **Screening.** Addition and revision of existing screening standards of Section 10.11.050, currently cross referenced in Chapter 10.12.
 - **Surfacing.** Clearly defined surfacing requirements within each RV park.

- Parking. Increased minimum and maximum parking requirements.
- Landscaping. Clearly defined landscaping requirements and the addition of a minimum shade tree requirement.
- Pedestrian Circulation. Clearly defined requirements for pedestrian circulation within RV parks and connection to the City sidewalk system.
- Lighting. Included provisions for lighting within RV parks. Proposed language derived from Article 3.050: Conditional Use Permits.
- Garbage. Addition of garbage collection requirements within RV parks. Proposed language derived from State code and TDMC.
- Park Operations. Amendments include provisions for an on-site park host, hours of operation and quiet hours, outside storage, and noise, with proposed language derived from Article 3.050: Conditional Use Permits.
- Length of Stay. Amendments include expanding length of stay provisions, with the addition of utility, Transient Room Tax, and annual reporting requirements.
- Revocation Process. Amendments include clearly detailing the revocation process for RV parks. Proposed language derived from Article 3.050: Conditional Use Permits.

Staff has included the proposed amendments, as well as a redline/mark-up version of amendments to Chapter 10.12 for reference, and will provide a brief summary for discussion at the April 20, 2023 Commission meeting. Staff encourages all Commission recommendations and suggestions in finalizing these draft amendments.

NEXT STEPS:

Prior to proceeding with a formal land use application, Staff will make any necessary modifications recommended by the Commission, as well as corrections to formatting, grammar, and legal sufficiency. These proposed amendments will require Ballot Measure 56 noticing 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 for comment. Notification of the legislative public hearings before the Planning Commission and City Council will be published in the local newspaper.

If no additional discussion meetings are warranted following Commission input, Staff anticipates a reasonable timeline for the adoption of these amendments as outlined below:

- Commission adoption/recommendation hearing: June-July 2023
- City Council adoption hearing: September 2023
- Amendments take effect: October 2023

ATTACHMENTS:

- **Attachment A** – Proposed Amendments: Chapter 10.12 RV Park Amendments
- **Attachment B** – Recreational Vehicle Park regulations: Redlines

Chapter 10.12 RECREATIONAL VEHICLE PARKS

10.12.010 Purpose

10.12.020 Zoning

10.12.030 Review Process

10.12.040 Review Criteria

10.12.050 Development Standards

10.12.060 Park Operations

10.12.070 Length of Stay

10.12.080 Revocation Process

10.12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in recreational vehicle parks, to protect the general public health, safety and welfare, and to describe the requirements for recreational vehicle park development.

10.12.020 Zoning

Recreational vehicle parks (RV parks) are allowed outright in the CG (General Commercial), CR (Recreational Commercial), CLI (Commercial Light Industrial) zones and I (Industrial) zones.

Expansions of existing parks may be located in all zones, so long as the expansion complies within standards described within this Chapter.

10.12.030 Review Process

Recreational vehicle parks shall be permitted outright in all zoning districts included in 10.12.020 and reviewed per the provisions of Article 3.030: Site Plan Review; however, may be processed per the provisions of Article 3.050 Conditional Use Permits if requesting stays of longer than one year.

10.12.040 Review Criteria.

In addition to the review criteria included in Article 3.030: Site Plan Review, or Article 3.050: Conditional Use Permit, RV park development proposals shall also include:

- A. Plan Set, consistent with the requirements of Article 6.180. Plan Set must include all development standards included within 10.12.050.
- B. Operational Plan in narrative form. Operational Plan must clearly address park operations (10.12.060), length of stay requirements (10.12.070), and any other applicable information.

10.12.050 Development Standards.

- A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.
- B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, prone to erosion, or other adverse influences.
- C. Prohibited Siting. No RV spaces or park building may be located within the following areas:
 - 1. 100-year floodplain (as determined by the Federal Emergency Management Agency)
 - 2. Stream corridor (as defined in Article 5.130)
 - 3. Wetland (as determined by the Oregon Department of State Lands)
- D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.
- E. Spacing. RV spaces must be no less than 10' from one another. No RV space may be located less than 10' from neighboring property lines and 15' from the public right-of-way.
- F. Access in Residential Zones.
 - 1. Access to an RV park shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any RV to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of RV which is anticipated to enter into, and exit from, the RV park. The evaluation will include on-street parking allowances and the condition of the street.
 - 2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
 - 3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
 - 4. For RV parks of 10 or more spaces, at least 2 vehicular access points shall be provided. Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
 - 5. All RV parks must provide functional turning paths, turning radii, within the Plan Set, demonstrating entry and exit into the park and spaces for the types of RVs anticipated within the park.
- G. Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening (Fences, Hedges, Walls other than Retaining Walls, Berms), and the following provisions. Where the following provisions disagree with the requirements specified in Section 10.6.010.050: Screening, the following requirements shall prevail.
 - 1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park,

except as specified in subsection 2 below for parks adjacent to public streets, and shall meet the following requirements:

- a. Perimeter screening shall not be place in any residential setbacks.
 - b. Suitable landscaping shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
- a. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials
 - b. Berms. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet at time of planting. This combination is subject to the following standards:
 - i. The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - ii. At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.
 - iii. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

H. Surfacing. All RV parks must be surfaced per the following standards:

1. RV spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with asphalt, concrete, or similar material.
3. All areas must be designed to provide for the control of runoff, surface water, dust and mud.

I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of 0.5 and a maximum of 1.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.

J. Landscaping. All areas no All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped

per the provisions of Article [6.010](#): Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.

- K. Pedestrian circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.
- L. Utilities. All RV parks must establish and maintain a private utility system for all park utilities. Each RV space must be provided full water, sewer, and electrical connection, or the park must provide communal restroom and shower facilities.
- M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property. 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.)
- N. Refuse Collection.
 - 1. Minimum Requirements. RV parks must provide a minimum of 30-gallon containers for each four RV spaces and located within 300 feet of each RV space.
 - 2. 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 public streets and adjacent properties.
 - 3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

10.12.060 Park Operations

All RV parks must comply with the following operational standards:

- A. Each RV park shall at all times keep a neat appearance.
- B. On-site park host. Each park must provide an on-site park host available 24/7 for maintenance, security, and enforcement purposes. Host contact information must be clearly displayed throughout the park. Park host RV spaces are exempt from total park space calculations.
- C. Hours. Each park must establish and clearly display operational hours and quiet hours. All RV check-in and check-out times may not occur with designated quiet hours.
- D. Storage. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any of the guests.
- E. Noise. 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.
- F. External generators. Use of external generators are prohibited.

10.12.070 Length of Stay

The RV park Operational Plan must state the number of short-term spaces (up to 30 days) and long-term spaces (over 30 days and up to one year), and clearly label each space in the Plan Set and on-site. Stays longer than one year may be approved by the Planning Commission and reviewed per the provisions of Article 3.050: Conditional Use Permits.

- A. Short-term spaces (up to 30 days): No occupant may stay in a short-term space more than 30 days. All short-term spaces are required to pay Transient Room Taxes for each nightly stay per the provisions of Chapter 8.04: Transient Room Tax. For purposes of calculating sanitary sewer System Development Charges, short-term spaces are to be charged 1 unit per 2 spaces.
- B. Long-term spaces (over 30 days and up to one year): No occupant may stay in a long-term space more than one year, unless approved per the provisions of Article 3.050. For purposes of calculating sanitary sewer System Development Charges, long-term spaces are to be charged 1 unit per 1 space.
- C. Annual Reporting. All RV park operators must submit an annual report of nightly stays no later than January 31 of each year. Report must clearly designate the total number of short-term stays, long-term stays, and stays longer than one year (if previously approved), total amount of Transient Room Taxes. Stays longer than one year must include the total number of occupants at each space for annual population reporting purposes. Failure to submit annual reporting may result in the revocation of the park per the provisions of Section 10.12.090.

10.12.080 Revocation Process

The Director may institute a proceeding before the Planning Commission to revoke an approved RV park, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.
- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request that a notice of violation be sent pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the notice of violation, then revocation procedures may be stayed. If not, then the Director may schedule a hearing before the Planning Commission using the same notice requirements and process as for an original RV park application.

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10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
COMMERCIAL			
Recreational Vehicle Parks (auto vehicle parking; RV park buildings shall be calculated per use type)	0.5 space/RV space	1.5 spaces/RV space	None

Chapter 10.12 RECREATIONAL VEHICLE PARKS

10.12.010 Purpose

10.12.020 Zoning

10.12.030 ~~Development Standards~~ Review Process

10.12.040 ~~Landscaping~~ Review Criteria

10.12.050 ~~Park Maintenance and Storage~~ Development Standards

10.12.060 ~~Length of Stay~~ Park Operations

10.12.070 ~~Review Process~~ Length of Stay

10.12.080 ~~Review Criteria~~ Revocation Process

10.12.010 Purpose

The provisions in this Chapter are intended to ensure a safe and healthful living environment in recreational vehicle parks, to protect the general public health, safety and welfare, and to describe the requirements for recreational vehicle park development.

10.12.020 Zoning

Recreational vehicle parks (RV parks) are allowed outright in the CG (General Commercial), CR (Recreational Commercial), ~~and~~ CLI (Commercial Light Industrial) zones and. ~~RV parks are allowed conditionally in the I (Industrial) zones, NC (Neighborhood Center Overlay), RH (High Density Residential), and RM (Medium Density Residential) zones.~~

Expansions of existing parks may be located in all zones, so long as the expansion complies within standards described within this Chapter.

10.12.030 ~~Review Process~~ Development Standards

Recreational vehicle parks shall be permitted outright in all zoning districts included in 10.12.020 and reviewed per the provisions of Article 3.030: Site Plan Review; however, may be processed per the provisions of Article 3.050 Conditional Use Permits if requesting stays of longer than one year.

10.12.040 Review Criteria.

In addition to the review criteria included in Article 3.030: Site Plan Review, or Article 3.050: Conditional Use Permit, RV park development proposals shall also include:

A. Plan Set, consistent with the requirements of Article 6.180. Plan Set must include all development standards included within 10.12.050.

B. Operational Plan in narrative form. Operational Plan must clearly address park operations (10.12.060), length of stay requirements (10.12.070), and any other applicable information.

10.12.050 Development Standards.

A. Laws and Regulations. All the requirements of federal, state, and local laws and regulations shall be met. Refer to Oregon Revised Statutes Section 455.680 and Oregon Administrative Rules Chapter 918, Division 650 for State of Oregon requirements for RV parks.

B. Hazards to Property and Occupants. The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants. Park sites shall not be located in areas exposed to objectionable smoke, noise, odors, prone to erosion, or other adverse influences. ~~No portion of any park subject to unpredictable or sudden flooding, subsidence, or erosion shall be used for any purposes which would expose persons or property to hazards.~~

C. Prohibited Siting. No RV spaces or park building may be located within the following areas:

1. 100-year floodplain (as determined by the Federal Emergency Management Agency)
2. Stream corridor (as defined in Article 5.130)
3. Wetland (as determined by the Oregon Department of State Lands)

~~B.~~

D. Park Building Setbacks. Setbacks shall be the same as the setbacks required by the zone district.

~~C.E.~~ Spacing. RV spaces must be no less than 10' from one another. No RV space may be located less than 10' from neighboring property lines and 15' from the public right-of-way.

~~D.F.~~ Access in Residential Zones.

1. Access to an RV park shall be from an arterial or collector street, or shall be from a street with sufficient width and ease of access to allow any RV to enter and exit without causing undue traffic problems. If the access is not from an arterial or collector street, each access shall be evaluated on a case-by-case basis to determine if access is adequate for the type of RV which is anticipated to enter into, and exit from, the RV park. The evaluation will include on-street parking allowances and the condition of the street.
2. In order to facilitate ease of entry and exit, the Planning Commission may authorize a wider driveway entrance than is otherwise provided for in this Title.
3. Park access connections to public streets shall meet the requirements of Article 6.050: Access Management.
4. For RV parks of 10 or more spaces, at least 2 vehicular access points-exits shall be provided. ~~in every park.~~ Each exit shall be no closer than 75 feet (edge to edge) from any other exit.
- 4.5. All RV parks must provide functional turning paths, turning radii, within the Plan Set, demonstrating entry and exit into the park and spaces for the types of RVs anticipated within the park.

G. Screening. ~~Except for the access roadway into the park, the park shall be screened with vegetation on all sides abutting rights-of-way or neighboring properties per the provisions of Section 10.11.050: Park Perimeter Screening. Park perimeter screening shall meet the applicable requirements of Section 10.6.010.050: Screening (Fences, Hedges, Walls other than Retaining Walls, Berms), and the following provisions. Where the following provisions disagree with the requirements specified in Section 10.6.010.050: Screening, the following requirements shall prevail.~~

1. Perimeter Screening Adjacent to Abutting Properties. A sight-obscuring fence, wall, evergreen hedge, or combination of screening/planting shall surround each RV park, except as specified in subsection 2 below for parks adjacent to public streets, and shall meet the following requirements:
 - a. Perimeter screening shall not be place in any residential setbacks.
 - b. Suitable landscaping shall be provided in the required setbacks areas, and shall be used to reinforce perimeter screening.
 - c. Walls or fences shall be 6 feet in height. Evergreen hedge plantings shall be at least 6 feet in height at time of planting, and be maintained in a healthy, living condition.
2. Perimeter Screening Adjacent to Public Streets. A 6-foot high sight-obscuring screen shall be provided using fencing and vegetation and/or an earthen berm and vegetation as follows:
 - a. Fencing. Any fence shall have an average 15-foot setback from the public right-of-way and shall meet the requirements of Article 6.100: Vision Clearance. Fencing closer than 15 feet to the public right-of-way shall conform to the subject district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use techniques such as offsets, landscaping, and changes in materials
 - b. Berms. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet at time of planting. This combination is subject to the following standards:
 - i. The berm shall not have a slope over 40% (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.
 - ii. At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be planted on the berm.
 - E-iii. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

H. Surfacing. All RV parks must be surfaced per the following standards:

1. RV spaces ~~for RVs~~ shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
2. Non-recreational vehicle parking, internal roadways, and vehicle maneuvering areas must be paved with aphalt, concrete, or similar material.

~~F.3. All areas must and~~ be designed to provide for the control of runoff, ~~or~~ surface water, dust and mud. ~~The part of the space which is not occupied by the RV, not intended as an accessway to the RV or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.~~

I. Non-Recreational Vehicle Parking Requirement. In addition to the number of parking spaces required for park administration, there shall be a minimum of ~~0.15~~ 0.5 and a maximum of ~~1.5~~ 4.5 parking spaces per RV space. Parking areas shall meet all of the requirements of Article 7.030: General Design Standards for Surface Parking Lots.

J. Landscaping. ~~All areas no~~ All areas not occupied by park buildings, streets, RV spaces, non-recreational vehicle parking spaces, outdoor patios, and common areas shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan shall be included with the Plan Set and must include internal shade trees at a rate of 1 tree per 5 RV spaces.

K. Pedestrian circulation. To ensure pedestrian connectivity, all RV parks must include an internal pedestrian walkway connecting to the adjacent public sidewalk. The walkway must be separated from vehicle parking and maneuvering areas by grade, different paving material, or landscaping throughout the park.

L. Utilities. All RV parks must establish and maintain a private utility system for all park utilities. Each RV space must be provided full water, sewer, and electrical connection, or the park must provide communal restroom and shower facilities.

M. Lighting. Lighting sources shall be shielded, and arranged so as not to produce glare in any public right-of-way, or otherwise constitute a nuisance on adjacent property. 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.)

N. Refuse Collection.

1. Minimum Requirements. RV parks must provide a minimum of 30-gallon containers for each four RV spaces and located within 300 feet of each RV space.
2. 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 public streets and adjacent properties.
3. Placement. All refuse collection containers shall be placed on concrete pads. Pads shall have a positive surface drainage.

G. _____

10.12.040 Landscaping

~~All areas not occupied by buildings, streets, and RV spaces shall be landscaped per the provisions of Article 6.010: Landscaping. A landscape plan is required prior to the City signing a building permit application. The landscaping plan will include internal shade trees.~~

10.12.060050 Park Operations~~Maintenance and Storage~~

All RV parks must comply with the following operational standards:

- A. Each RV park shall at all times keep a neat appearance.
- B. On-site park host. Each park must provide an on-site park host available 24/7 for maintenance, security, and enforcement purposes. Host contact information must be clearly displayed throughout the park. Park host RV spaces are exempt from total park space calculations.
- C. Hours. Each park must establish and clearly display operational hours and quiet hours. All RV check-in and check-out times may not occur with designated quiet hours.
- D. Storage. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any of the guests.
- E. Noise. 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.
- F. External generators. Use of external generators are prohibited.

~~Each RV park shall at all times keep a neat appearance. Except for the allowed vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any of the guests.~~

10.12.070060 Length of Stay

~~The RV park Operational Plan must state the number of short-term spaces (up to 30 days) and long-term spaces (over 30 days and up to one year), and clearly label each space in the Plan Set and on-site. Stays longer than one year may be approved by the Planning Commission and reviewed per the provisions of Article 3.050: Conditional Use Permits. for the RV park required in LUDO Section 10.12.080: Review Criteria shall include provisions for both short-term stay (up to 30 days) and long-term stay (up to 1 year). Spaces shall be identified for each kind of stay. Stays longer than 1 year may be approved by the Planning Commission. Except for a park manager, no space may be used for permanent residency.~~

- A. Short-term spaces (up to 30 days): No occupant may stay in a short-term space more than 30 days. All short-term spaces are required to pay Transient Room Taxes for each nightly stay per the provisions of Chapter 8.04: Transient Room Tax. For purposes of calculating sanitary sewer System Development Charges, short-term spaces are to be charged 1 unit per 2 spaces.
- B. Long-term spaces (over 30 days and up to one year): No occupant may stay in a long-term space more than one year, unless approved per the provisions of Article 3.050. For purposes of calculating sanitary sewer System Development Charges, long-term spaces are to be charged 1 unit per 1 space.
- C. Annual Reporting. All RV park operators must submit an annual report of nightly stays no later than January 31 of each year. Report must clearly designate the total number of short-term stays, long-term stays, and stays longer than one year (if previously approved), total amount of Transient Room Taxes. Stays longer than one year must include the total number of occupants at each space for annual population reporting purposes. Failure to submit annual reporting may result in the revocation of the park per the provisions of Section 10.12.090.

10.12.080 Revocation Process

The Director may institute a proceeding before the Planning Commission to revoke an approved RV park, when reasonable grounds exist that one or more of the following events have occurred:

- A. Failure to Meet Conditions. Any conditions of approval not being met.
- B. Failure to Build According to Plans. The project is not constructed in accordance with all of the approved plans.
- C. Erroneous Information. The permit was issued on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request that a notice of violation be sent pursuant to Chapter 10.15 - Enforcement. If, in the opinion of the Director, the property owner demonstrates a good faith willingness to comply with the subject approval requirements within a reasonable time period after the notice of violation, then revocation procedures may be stayed. If not, then the Director may schedule a hearing before the Planning Commission using the same notice requirements and process as for an original RV park application.

10.12.070 Review Process

~~Recreational vehicle parks shall be reviewed as conditional uses per the provisions of Article 3.050: Conditional Use Permits.~~

10.12.080 Review Criteria

~~RV park development proposals shall include two parts. First, a site plan showing all aspects of the park layout including access, roadways, number of spaces, space design, buildings, and other required features. A second site plan may be required by the Planning Commission showing features required in the conditional use permit process. Second, a written operational plan in narrative form explaining such operational aspects as park hours, landscaping and irrigation, lighting, utility connections, roadways, access to public streets, emergency contact phone numbers, and other requirements as set by the Planning Commission.~~

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10.3.020.050 Quasi-Judicial Actions

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
 - 1. Site Plan Review (Article 3.030).
 - 2. Conditional Use Permits (Article 3.050).
 - 3. Variances (Article 3.070).
 - 4. Nonconforming Uses (Article 3.090).

5. Home Business Permits (Article 6.020).
6. Subdivisions (Article 9.040).
7. Zone Changes (Article 3.100).

~~8. Recreational Vehicle Parks (Chapter 10.12).~~

- ~~9.8.~~ Any public hearing of an administrative action at the request of the Commission, the Director, or the applicant, or parties of record raising legitimate criteria.

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10.5.020.090 Exceptions to Standards

C. Setbacks.

2. Setback Averaging. (Note: Does not apply to mobile home parks ~~and recreational vehicle parks~~). The front yard setback and the garage/carport entrance setback may be reduced to the average of the respective setbacks of the abutting lots.

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10.5.030.070 Design Standards

These design standards do not apply to manufactured dwelling parks, ~~and recreational vehicle parks~~, which are instead subject to the provisions of Chapter 10.11 - Manufactured Dwelling Parks, ~~and Chapter 10.12 - Recreational Vehicle Parks~~. All other development shall be subject to the following:

10.5.030.090 Exceptions to Standards

E. Building Orientation.

1. Planned Development, Subdivisions, and Mobile Home Parks, ~~and Recreational Vehicle Parks~~. Planned development, subdivisions, and mobile home parks, ~~and recreational vehicle parks~~ may be exempt from the building orientation requirement.

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10.5.070.020 Permitted Uses

A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:

1. Agricultural sales and service, including feed and seed stores, nurseries, greenhouses, landscape supplies, and garden centers.
2. Animal sales and services (pet stores, grooming, kennels, veterinary).
3. Automobile and heavy/light equipment repair, sales and services, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on site only except during community events.
4. Child care center, as defined in Chapter 10.2 - Definitions.
5. Contractor shops, offices, and storage areas.
6. Engineering, research and development.
7. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
8. Hotels and motels.
9. Laundromats and dry cleaners, including industrial operations.
10. Light manufacture, assembly, and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to, the environment and the community.
11. Liquor stores, taverns, lounges and bars.
12. Manufactured home sales, including demonstration units (not to be actual dwelling units).
13. Markets and grocery stores.
14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries...
15. Personal care services such as barber shops and salons.
16. Printing and publishing.
17. Professional and administrative offices and services.
18. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.070.030: Conditional Uses of this Article).
19. Public and private parking lots, subject to the provisions of Chapter 10.7 - Parking Standards.
20. Public and private transportation depots and terminals, passengers and freight.
21. Recreation facilities (commercial - indoor), including health and athletic clubs, bowling alleys, skating rinks, shooting ranges, movie theaters including multiplexes, and game rooms.
- 21.22. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.

- ~~22-23.~~ Residential dwelling for security and maintenance personnel, limit 1 dwelling per site.
- ~~23-24.~~ Retail uses, including shopping centers.
- ~~24-25.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~25-26.~~ Warehousing, storage, and distribution of equipment, commodities and products in an enclosed area, including mini-storage facilities.
- ~~26-27.~~ Wholesale uses.
- ~~27-28.~~ Recreational Marijuana Facilities...
- ~~28-29.~~ Shelter housing...
- ~~29-30.~~ Other uses determined by the Director to be similar to the above uses.

10.5.070.030 Conditional Uses

The following conditional uses are allowed subject to review and approval, per the appropriate provisions of either Article 3.050: Conditional Use Permits or Article 3.060: Administrative Conditional Use Permits:

- A. Community facilities sites, subject to the provisions of Article 5.100: Community Facilities Overlay District.
- B. The production, processing, storage, and wholesaling of recreational marijuana, subject to the following additional provisions:...
- C. Planned development, subject to the provisions of Article 9.050: Planned Development.
- ~~D. Recreational vehicle parks, subject to the provisions of Chapter 10.12 – Recreational Vehicle Parks.~~
- ~~E-D.~~ Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- ~~F-E.~~ Other uses determined by the Commission to be similar to the above uses.
- ~~G-F.~~ Adult Business. An application for an adult business shall also comply with the following criteria:...
- ~~H-G.~~ The production, processing, storage, and wholesaling of medical marijuana, including a non-personal medical marijuana grow operation, subject to the following additional provisions:...

#

10.5.080.020 Permitted Uses

A. Primary Uses Permitted Outright. The following primary uses shall be processed per the provisions of Article 3.030: Site Plan Review:

- A. Retail uses, excluding shopping centers. If over 15,000 square feet must get a conditional use permit.
- B. Conference, visitors, and convention centers.
- C. Hotels, motels, and campgrounds.
- D. Light industrial (campus setting or compatible with commercial and recreational uses).
- E. Recreational facilities.
- F. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
- G. Restaurants.
- H. Service and administrative offices.
- I. Public and private parking lots and structures, in accordance with Chapter 10.7 - Parking Standards.
- J. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions Section 10.5.080.030: Conditional Uses below).
- K. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.~~in accordance with Chapter 10.12 – Recreational Vehicle Parks.~~
- L. Wireless communication facilities, subject to the provisions of Article 6.140: Wireless Communication Equipment.
- M. Other uses determined by the Director to be similar to the above uses.

10.5.080.070 Exceptions to Standards

B. Parking. The following permitted and conditional uses may be exempt~~ed~~ from the off-street parking requirements of this Title as follows:

- 2. Bicycles Only.
 - a. Hotels, motels, and campgrounds.
 - ~~b. Recreational vehicle parks.~~

#

10.5.090.060 Exceptions to Standards

B. Parking. The following permitted and conditional uses may be exempt~~ed~~ from the off-street parking requirements of this Title as follows:

- 2. Bicycles Only.
 - a. Hotels, motels, and campgrounds.

~~b. —Recreational vehicle parks.~~

10.5.090.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Auto body shops, auto painting, and machine shops.
2. Circus or like activity (limited to 4 events per year per site).
3. Feed, seed and fuel stores (excluding bulk storage of petroleum or gas, which shall be processed as a conditional use per Section 10.5.090.030: Conditional Uses of this Article) located wholly within completely enclosed buildings. Packaged materials may be stored in an enclosed yard.
4. Food production and manufacturing.
5. Food services (including restaurants, cafeterias, bakeries, catering, and take-out operations).
6. Heavy equipment sales and service, on site only.
7. Laundry and cleaning service industries.
8. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution, and storage uses (except manufacture of explosives, the slaughter of animals, and the rendering of fats).
9. Printing and publishing.
10. Public and private parking lots.
11. Public and private vehicle servicing and fueling stations.
12. Public parks and open space (excluding spectator and participant sports facilities, which shall be processed as community facilities sites per the provisions of Section 10.5.090.030: Conditional Uses of this Article).
13. Railroad yards and spurs, shipyards, and commercial docking facilities.

14. Recreational vehicle parks, subject to the provisions of Chapter 10.12 - Recreational Vehicle Parks.

~~13.15.~~ _____

~~14.16.~~ _____ Rock, sand, and gravel cleaning, crushing, processing, and assaying.

~~15.17.~~ _____ Rodeo grounds.

~~16.18.~~ _____ Storage and maintenance yards.

~~17.19.~~ _____ Transportation facilities.

~~18.20.~~ _____ Truck stop facility, including incidental community uses, such as restaurant, fuel, and shower facilities.

~~19.21.~~ _____ Veterinary services, kennels, and fish hatcheries.

~~20.22.~~ Warehouses.

~~21.23.~~ Wireless communication facilities, subject to the provisions of Article 6.140:
Wireless Communication Equipment.

~~22.24.~~ Other uses determined by the Director to be similar to the above uses.

#

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Use Type	Auto Parking		Bicycle Parking
	Minimum	Maximum	
COMMERCIAL			
<u>Recreational Vehicle Parks</u> <u>0.5 space/RV space</u> <u>1.5 spaces/RV space</u> <u>None</u> <u>(auto vehicle parking; RV park</u> <u>buildings shall be calculated</u> <u>per use type)</u>			



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

STAFF REPORT

To: City of The Dalles Planning Commission
Meeting Date: April 20, 2023
Re: Planning Commission Bylaw Amendments
Prepared by: Joshua Chandler, Community Development Director

DISCUSSION:

This agenda item was postponed from a previous discussion at the April 6, 2023 Planning Commission meeting.

Similar to other public boards and commissions, The Dalles Planning Commission is governed by a set of bylaws which provide rules and procedures for Commissioners, meetings, and activities. These bylaws, much like The Dalles Comprehensive Plan and The Dalles Municipal Code (TDMC), are a living document and may be amended over time to address the current needs and issues of the Commission. As a result of the Covid-19 pandemic, the overall format of public meetings and actions of approving bodies experienced changes not currently addressed in the current set of bylaws. To address these and other needs, as well as improve the overall efficiency of the Commission, City Staff conducted a comprehensive update of these bylaws and has proposed amendments for the Commission's consideration.

Staff has included the proposed bylaws, a redline/mark-up version of the adopted bylaws, and TDMC Chapter 11.04 for reference. A brief summary of proposed amendments is outlined below:

Section I

- Added powers and duties to follow ORS Chapter 227 and Title 10 & 11 of The Dalles Municipal Code. (ORS 227.090 & TDMC 11.04.080)
- Added term length (4 years)
- Removed the anticipation of Vice Chair to be incoming Chairperson for the next year.
- Added vacancy and removal provisions. (TDMC 11.04.050)
- Changed attendance and absence notice requirements to include virtual attendance as an option.

- Expanded definition of quorum to cover Commission vacancies.
- Added public comment provisions. Each meeting shall offer an opportunity for public comment on any topic for up to 3 minutes.
- Added decorum provisions.

Section II

- Enhanced selection to change from very specific requirements to ‘any reasonable means’.

Section IV

- Expanded the public hearings provisions. (TDMC 11.04.090)
- Expanded the public testimony provisions. Persons testifying must state name and address to ensure compliance with Land Use Development Ordinance and Oregon Law.
- Removed 45-day hearing expectation for applications received.
- Expanded the definition of substantial evidence.
- Enhanced conditions of approval. The Director and City Attorney shall verify that conditions do not adversely impact any City department or violate any applicable laws.
- Added review and appeals provisions. (TDMC 11.04.100)

Section V

- Expanded definition of ethics generally. All commissioners are subject to jurisdiction of Oregon Government Ethics. Commissioners shall refrain from disclosing confidential information taking action which benefits special interest groups or persons at the expense of the City, and expressing contrary opinions. (ORS 244)
- Expanded definition of no conflicts. (TDMC 11.04.090[B])
- Enhanced definition of full disclosure. Commissioners shall disclose at the hearing where the action is considered.
- Expanded ex parte contacts provisions.

Section VII

- Expanded definitions for severability, limitations and conflict with laws.

Section VIII

- Enhanced definition of Amendments. Any Commissioner, the Director, or City Attorney may propose amendments. The amendment must have the majority vote before it becomes effective.

COMMISSION ALTERNATIVES:

1. **Staff recommendation:** The Planning Commission move to adopt the proposed Bylaws.
2. The Planning Commission amend the proposed Bylaws and approve as amended.
3. Decline to approve the proposed Bylaws and direct staff as appropriate.

ATTACHMENTS:

- **Attachment A** – Proposed Planning Commission Bylaws
- **Attachment B** – Planning Commission Bylaws (adopted October 3, 2019): Redlines
- **Attachment C** – The Dalles Municipal Code: Chapter 11.04

**PLANNING COMMISSION
CITY OF THE DALLES
BYLAWS**

Adopted: April 20, 2023

WHEREAS, ORS 227.020 provides a city may create a planning commission for the city and provide for its organization and operations;

WHEREAS, TDMC 11.04.010 codifies General Ordinance No. 917 to reestablish the City of The Dalles (**City**) Planning Commission (**Commission**);

WHEREAS, TDMC 11.04.110 authorizes the Commission to adopt rules governing its business; and

WHEREAS, the Commission wishes to adopt BYLAWS in order to provide rules and procedures for its Commissioners, meetings, and activities.

NOW, THEREFORE, the Commission hereby adopts the following:

SECTION I – ORGANIZATION AND MEETINGS

- A. Powers and Duties. All rules of the Commission are subject to ORS Chapter 227 (*City Planning and Zoning*), Title 10 of The Dalles Municipal Code (*Land Use and Development*, **LUDO**), and Title 11 of The Dalles Municipal Code (*Planning*), all as amended; specifically, the Commission's powers and duties are a function of ORS 227.090 and TDMC 11.04.080.
- B. Composition and Term. The Commission's membership is a function of ORS 227.030 and TDMC 11.04.020. Each Commissioner shall be appointed by the City's Mayor (**Mayor**) and subject to confirmation by the City Council for four-year terms pursuant to TDMC 11.04.030.
- C. Chair and Vice Chair. Pursuant to TDMC 11.04.060, the Commission shall, at its first meeting in each year, elect one of its Commissioners to serve as Chair and another to serve as Vice Chair for one-year terms. Nominations for Chair and Vice Chair shall be by oral motion, duly made and seconded, placing a name for Commission consideration. All decisions of the Chair shall be subject to review by a majority of the Commissioners present upon motion duly made and seconded, and such a motion shall have priority over all other matters. Aside from the Chair's Presiding Officer responsibilities, the Vice Chair shall perform the Chair's duties in the Chair's absence and shall have at such times the authority to sign appropriate documents.
- D. Presiding Officer. The Chair of the Commission shall be the Presiding Officer for all Commission meetings. In the absence of the Chair and Vice Chair, the remaining Commissioners shall elect a temporary Presiding Officer.
- E. Vacancy and Removal. Commission vacancies and removal is a function of TDMC 11.04.050.

F. Attendance.

- (1) Any Commissioner knowing they will be absent from a Commission meeting shall give at least 24 hours' notice to the Chair, the City's Community Development Department (**Department**) Director (**Director**), and the Secretary to the Commission, to the extent possible.
- (2) Commissioner absences are a function of TDMC 11.04.050.
- (3) In-person Commissioner attendance at the Commission's regular meetings is expected; however, virtual attendance by means of video conference may be made available. Any Commissioner who understands they will be unavailable to physically attend a regular meeting may request a virtual attendance option by providing notice to the Chair, Director, and Secretary to the Commission no later than noon on the date of the regular meeting, to the extent possible.
- (4) All Commissioners participating in Commission meetings through video conferencing must ensure a stable internet connection, be located in a setting with no background noise or visual distractions, mute their microphone unless speaking, and keep their camera on throughout the duration of the meeting.

G. Compensation. Commissioners shall serve without compensation other than reimbursement for duly authorized expenses.

H. Qualifications. Commission qualifications are a function of ORS 227.030(4) and TDMC 11.04.040.

I. Quorum. A quorum is required for all formal decisions made by the Commission; a quorum is not necessary for the Commission to conduct work sessions, continue agenda items, or to talk about discussion items. A quorum requires at least a majority of the Commission, which ordinarily needs four Commissioners; provided, however, if two vacancies exist then a quorum needs only three Commissioners and if four vacancies exist then a quorum needs only two Commissioners.

J. Votes.

- (1) Each Commissioner shall be heard and vote upon any matter before the Commission; provided, however, no Commissioner shall vote or participate in any matter as to which they may be disqualified pursuant to **Section V.**
- (2) When a matter is called for a vote, the Chair shall (before a vote is taken) state the question before the Commission in general terms and announce the decision of the Commission after such vote. Voting shall be by oral vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (3) Decisions shall be rendered by those Commissioners present and the majority vote of those members present shall prevail. Voting *in absentia* or by proxy is not permitted. In cases of tie votes, decisions shall be deemed a denial of the motion before the Commission.

- (4) Commissioners may not vote on approving minutes for a meeting they did not attend. A Commissioner may not vote on a project or application heard at a series of meetings if the Commissioner was not present at all meetings where the project was considered; provided, however, a Commissioner may so vote if they watched or listened to the audio-visual recording of the meeting(s) from which they were absent.
- K. Regular Meetings. The Commission's regular and public meetings are a function of TDMC 11.04.070. The Commission will regularly meet in a location approved by a majority of the Commission (usually City Council Chambers in City Hall). The Commission may elect to change the time and place of the meeting, as appropriate, for the hearing to be scheduled. A regular meeting shall be cancelled if no business is scheduled for discussion. The Department shall notify the Commissioners if a meeting is to be cancelled.
- L. Special Meetings. Special meetings may be scheduled at a prior meeting and so noted in that meeting's minutes. The Chair (upon their own motion) may or (at the request of three Commissioners) shall, by giving notice to the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than 24 hours after such notice is given. Notice of a previously unannounced meeting shall be posted on the City's website and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.
- M. Public Comment. Each regular meeting shall offer an opportunity for public comment on matters not on the agenda for that meeting. The Presiding Officer will state the ground rules at the start of each public comment period and shall limit each person's public comment to three minutes; provided, however, the Presiding Officer shall have the privilege of both reasonably shortening or extending the time for any one public commenter. All public commenters must state their name and address for the record prior to their comments. Any person commenting during the public comment portion of the agenda attempting to speak to or actually speaking to a matter on that agenda is subject to removal at the Presiding Officer's reasonable discretion or upon an affirmative motion duly made and seconded by any Commissioner.
- N. Decorum. The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to the Commission's appeal. All Commissioners and meeting attendees are expected to preserve decorum during meetings and shall not, by conversation or action, delay or interrupt any meeting or refuse to obey the Presiding Officer's orders or these BYLAWS. Disruptive behavior shall not be permitted and shall be grounds for the suspension of any meeting at any time. Disruptive behavior specifically includes providing irrelevant, immaterial, or unduly repetitious testimony or evidence. The Presiding Officer shall warn a person engaging in disruptive behavior they may be removed from any meeting after the warning and may cause their removal from any meeting after the warning if their disruptive behavior then continues.

SECTION II – COMMISSIONER APPOINTMENTS

Members shall be nominated, appointed, or re-appointed according to the following procedures:

- A. Selection. Selection of applicants to the Commission will be at the sole discretion of the Mayor, subject to confirmation by the City Council, and may include any reasonable means of selection.
- B. Application. Commission candidates shall submit an application to the City Clerk. The City Clerk shall forward applications received to the Mayor for consideration.
- C. Confirmation. The Mayor shall forward appointments to the City Council for its confirmation at a regularly scheduled City Council meeting. Appointments shall be made as soon as practicable after the close of the application period.
- D. Expiration Notice. The City Clerk shall notice each Commissioner their term is expiring 90 days before their term naturally expires.

SECTION III – PLANNING COMMISSION STAFF

- A. Secretary. The Director or their designee shall serve as Secretary to the Commission and shall keep an accurate, permanent, and complete record of all Commission proceedings.
- B. Minutes. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
- C. Director and Department Duties. Subject to the direction of the Commission and Chair, the Director and the Department shall perform the following duties:
 - (1) Conduct all correspondence of the Commission, send out all notices required by law or ordinances, attend all meetings and hearings of the Commission, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - (2) Enter into the record the number of appeals or applications, the name of the appellant or applicant, a short description by address and legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - (3) Enter into the record all continuances, postponements, dates of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - (4) Record into the minutes the decision relating to each case acted on by the Commission, together with the vote of each Commissioner, together with all other actions of the Commission and the full reasons for its decisions.
- D. City Attorney Duties. The City Attorney shall act as the Commission's legal advisor in the conduct of all proceedings.
- E. City Engineer Duties. In addition to the Director and City Attorney, the City Engineer shall be considered Commission staff.

SECTION IV – PUBLIC HEARINGS

- A. Public Hearings Generally. The Commission's land use and development hearings are a function of Oregon law and TDMC 11.04.090. The Commission shall conduct public hearings on proposed actions in accordance with Oregon law and the LUDO.
- B. Public Testimony. Under no circumstances shall a person testify without first receiving recognition from the Chair and then stating their name and address for the record to ensure the Director has the information necessary to comply with the LUDO's and Oregon law's notice of decision requirements. Public hearings shall be conducted in an orderly and professional manner.
- C. Substantial Evidence. In all cases, the Commission shall enter findings based upon *substantial evidence* in the whole record before it to justify its decision. *Substantial evidence* is evidence a reasonable person would rely upon to reach a conclusion, notwithstanding different reasonable people could draw different conclusions from the evidence.
- D. Staff Report. No action on a public hearing shall be taken unless a staff report is prepared by the Director and delivered to the Commissioners prior to the hearing consistent with Oregon law. Any Commissioner participating in a public hearing must come prepared to the hearing having read the staff report prior to making a decision; if not, such Commissioner shall disclose their failure to prepare to the Commission prior to participating.
- E. Permissible Actions. At a hearing, the Commission must either approve an application as submitted, deny an application, or approve an application with conditions deemed necessary to carry out the intent of and consistent with the City of The Dalles Comprehensive Plan and LUDO. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application; in that case, the Commission shall follow the procedures codified as ORS 197.763 (*Conduct of local quasi-judicial land use hearings*).
- F. Decision and Resolution. The Commission shall vote on the matter following closure of the public hearing. The Chair shall state the Commission's decision and (where appropriate) shall direct the Director to prepare a resolution stating the Commission's action, including the findings of fact, statements of law, and any conditions of approval.
- G. One-Year Bar. If the application is denied by the Commission or by a reviewing body after review, no new application for the same or substantively the same request shall be accepted for at least one year from the date of final order on the action.
- H. Conditions of Approval. The Commission may approve a conditional use permit subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use. Conditional approvals shall be limited as follows:
 - (1) Time limitations may be set by the Commission in which compliance with conditions shall be met.

- (2) Such conditions shall be conceived to fulfill public needs for protection from potentially adverse effects of the proposed use and public service demands created by the proposed use.
- (3) Changes or alterations to conditions may be processed as a new application.
- (4) Following the Commission's imposition of a condition at a public hearing, the Director shall verify conditions do not adversely impact any City department or local agency and the City Attorney shall verify conditions do not violate applicable law. If either the Director or City Attorney determine an imposed condition so adversely impacts or violates, the Director is authorized to sever and remove the adversely impacting or violative condition.
- I. Adjournment. The Commission may adjourn any hearing in order to obtain additional information it feels is necessary to make a reasonable decision. Persons previously notified need not be notified of the resumption of said hearing if the date and time of the continued hearing is announced at the adjournment of the initial hearing, unless the Commission orders special notice be given to persons who were previously notified.
- J. Parties of Record. The following persons only, if making an appearance of record, are hereby defined as *parties* and shall be entitled, either themselves or through counsel, to a full hearing before the Commission and, upon such participation, to review by the City Council and the Oregon Land Use Board of Appeals:
 - (1) The applicant.
 - (2) Those persons entitled to personal notice pursuant to the LUDO.
 - (3) Other persons demonstrating to the Commission the proposed action affects at least one of their substantial rights.
- K. Appearances of Record. *Appearance of record* shall mean either:
 - (1) an oral statement made at the initial hearing on the proposed action. The statement shall clearly identify the individual, their address, and the identity of the person they represent, if applicable; or
 - (2) a written statement submitted prior to the closing of the hearing, signed and addressed by the individual making the statement or their representative, and clearly indicating how the individual has standing as a party. The statement shall be submitted to the Director and to the Commission at the hearing.
- L. Review and Appeals. Reviews and appeals of any Planning Commission action at any public hearing is a function of Oregon law and TDMC 11.04.100.
- M. Hearing Record. A verbatim record of the proceeding shall be made by oral, written, or mechanical means, which record need not be transcribed.
- N. Public Testimony. The Chair shall limit a person's testimony to three minutes or less to encourage parties to submit as much evidence as possible in writing prior to the public hearing. The Chair may exclude or limit cumulative, repetitious, or immaterial testimony.

The Chair may allow additional time for testimony from an applicant and the principal opponent of an application.

- O. Exhibits. All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired but shall otherwise be preserved by the Director. Evidence may be received subject to a later ruling as to its admissibility.

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SECTION V – ETHICS

- A. **Ethics Generally.** Commissioner ethics is a function of ORS Chapter 244 (*Government Ethics*). All Commissioners are public officials subject to the jurisdiction of the Oregon Government Ethics Commission for violations of and personal liability to the Oregon Government Ethics Law. In addition, Commissioners shall refrain from disclosing confidential information, taking action which benefits special interest groups or persons at the expense of the City as a whole, expressing an opinion contrary to the official position of the Commission without so saying, or conducting themselves in a manner so as to bring discredit on the Commission or the City.
- B. **No Conflicts.** No Commissioner shall participate in any Commission proceeding in which any of the persons or entities listed in Oregon law or TDMC 11.04.090(B) has or would have a direct or substantial financial interest.
- C. **Full Disclosure.** Commissioners shall disclose, at the public hearing where the action is considered, any actual or potential financial or other interest potentially leading to bias or partiality.
- D. **Challenge for Impartiality.** Any party to any action may, in relation to the action, challenge the impartiality of any Commissioner before or during the public hearing on the action. A challenge must include the facts relied upon by the challenging party relating to the Commissioner's alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded the Commissioner cannot participate in the decision in an impartial manner.
- E. **Bias.** In the event of a challenge for bias, the Commissioner shall respond with a statement of capacity to participate in the public hearing, which shall be part of the record. The statement shall refer to the challenge and include the reasons why the Commissioner wishes to participate or be disqualified. The statement of capacity to hear shall not be subject to cross examination but shall be subject to rebuttal by the challenging party.
- F. **Ex Parte Contacts.** If a Commissioner cannot avoid ex parte contact, the Commissioner shall disclose the contact at the opening of the appropriate public hearing; such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest. With respect to specific ex parte contacts, Commissioners shall not:
 - (1) communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and an opportunity for all parties to participate;
 - (2) take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed; or
 - (3) inspect a proposed project site with any party or their representative unless all parties are given an opportunity to be present.
- G. **Disqualification.** Requests for disqualification based upon bias or ex parte contact shall be considered by the entire Commission present and be granted upon majority consent

(excluding the individual disclosing or challenged concerning bias or ex parte contact). The Commission shall consider the evidence in the record and decide whether the individual can reasonably be expected to render an impartial decision. In the event a Commissioner is disqualified, they shall remove themselves from the dais and the remaining Commissioners shall hear the application. In the event of no quorum resulting from the disqualification, the application will be rescheduled to a future meeting.

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SECTION VI – BURDEN OF PROOF

- A. Burden on Applicant. The burden of proof is placed upon the applicant seeking approval of the proposed action; such proof shall show:
- (1) the proposed action complies with applicable statewide planning goals, Oregon Revised Statutes and Oregon Administrative Rules, and the City of The Dalles Comprehensive Plan; and
 - (2) the proposed action is in accordance with the applicable standards and criteria of the LUDO.

SECTION VII – REPEAL & LIMITATIONS

- A. Repeal. These BYLAWS repeal and replace all previous versions.
- B. Severability. Any provision of these BYLAWS deemed illegal or unenforceable is severed from the BYLAWS and the other provisions remain in force.
- C. Limitations. These BYLAWS are authorized by and subject to Oregon law and The Dalles Municipal Code Title 11 (*Planning*), Chapter 11.04 (*Planning Commission*); any rule, requirement, regulation, obligation, duty, or discretion provided by these BYLAWS is at all times limited in impact and applicability by those authorities.
- D. Conflict with Laws. In the event of an apparent or actual conflict between any provision of these BYLAWS and those authorities listed in **Section VII(C)** (as determined by the City Attorney in their sole discretion), the Commission shall attempt to reconcile those conflicting provisions so as to harmonize them; if the City Attorney determines those conflicting provisions are not reasonably reconcilable, Oregon law controls over all, then The Dalles Municipal Code controls, then these BYLAWS control.

SECTION VIII – AMENDMENTS

- A. Amendments. Any Commissioner, the Director, or the City Attorney may propose amendments to these BYLAWS, and the Commission must approve an amendment by majority vote of Commissioners present before it becomes effective.

By my signature, I have read and agreed to abide these Planning Commission BYLAWS and understand the consequences of violating any of its provisions.

DATED: _____

Cody Cornett, Chair

Nik Portela, Vice Chair

Addie Case, Commissioner

John Grant, Commissioner

Philip Mascher, Commissioner

Mark Popoff, Commissioner

Maria Peña, Commissioner

APPROVED AND ADOPTED THIS ____ DAY OF APRIL, 2023.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify the foregoing was duly moved and adopted at the Planning Commission's regular meeting held on the ____ day of April, 2023.

ATTEST: _____
Joshua Chandler, Community Development Director

Voting Yes Commissioners: _____

Voting No Commissioners: _____

Abstaining Commissioners: _____

Absent Commissioners: _____

PLANNING COMMISSION
CITY OF THE DALLES
BYLAWS
of the
CITY of THE DALLES PLANNING COMMISSION

Adopted: ~~October 3, 2019~~ April 206, 2023

WHEREAS, ORS 227.020 provides a city may create a planning commission for the city and provide for its organization and operations;

WHEREAS, TDMC 11.04.010 codifies General Ordinance No. 917 to reestablish the City of The Dalles (City) Planning Commission (Commission);

WHEREAS, TDMC 11.04.110 authorizes the Commission to adopt rules governing its business; and

WHEREAS, the Commission wishes to adopt BYLAWS in order to provide rules and procedures for its membersCommissioners, meetings, and activities. Therefore

NOW, THEREFORE, the City of The Dalles Planning Commission hereby adopts the following:

SECTION I – ORGANIZATION OF THE PLANNING COMMISSION AND MEETINGS

- A. The City Powers and Duties. All rules of the Commission are subject to ORS Chapter 227 (City Planning and Zoning), Title 10 of The Dalles Municipal Code (Land Use and Development, LUDO), and Title 11 of The Dalles Municipal Code (Planning Commission ("Commission")), all as amended; specifically, the Commission's powers and duties are a function of ORS 227.090 and TDMC 11.04.080.
- A.B. Composition and Term. The Commission's membership is a function of ORS 227.030 and TDMC 11.04.020. Each Commissioner shall be composed of seven members, appointed by the City's Mayor of the City of The Dalles ("Mayor"), and subject to confirmation by the City of The Dalles City Council ("City Council"). for four-year terms pursuant to TDMC 11.04.030.
- B. The Chair and Vice Chair. Pursuant to TDMC 11.04.060, the Commission shall, at its first meeting in each year, elect one of its membersCommissioners to serve as ChairpersonChair and another to serve as Vice-Chairperson Chair for one-year terms. Nominations for ChairpersonChair and Vice-Chairperson Chair shall be by oral motion, duly made and seconded, placing a name for Commission consideration.
- C. Under normal circumstances, the Vice-Chair Person is anticipated to be the incoming Chairperson for the following year, providing the Vice-Chair Person an opportunity to learn the roles and All decisions of the Chair shall be subject to review by a majority of the Commissioners present upon motion duly made and seconded, and such a motion shall have priority over all other matters. Aside from the Chair's Presiding Officer responsibilities of the position as well as an opportunity for all voting members to serve as Chair Person or Vice-Chair Person over the course of their appointment by the

Mayor, the Vice Chair shall perform the Chair's duties in the Chair's absence and shall have at such times the authority to sign appropriate documents.

- D. ~~Members~~Presiding Officer. The Chair of the Commission shall be ~~appointed by the Mayor, subject to confirmation by~~Presiding Officer for all Commission meetings. In the City Council, for four-year terms~~absence of the Chair and Vice Chair, the remaining Commissioners shall elect a temporary Presiding Officer.~~

E. Vacancy and Removal. Commission vacancies and removal is a function of TDMC 11.04.050.

F. Attendance.

~~E. Any vacancy shall be filled by the Mayor, subject to confirmation by the City Council, for the unexpired term of the predecessor in the office.~~

~~F. Any member of the Commission may be removed at the request of the Mayor, subject to approval of the request by the City Council, for the reasons set forth in the City Council's Rules of Procedure.~~

~~G. (1) Any member that knows~~Commissioner knowing they will be absent from a Commission meeting shall give at least 24 hours' notice to the ~~Chairperson or Planning~~Chair, the City's Community Development Department (**Department**) Director (**Director**), and the Secretary to the Commission, to the extent possible. ~~A member who is absent from three consecutive meetings or is absent from over 15% of the Commission's meetings in one year, without an excuse as approved by the Commission or provides less than 24 hours' notice of their absence, is presumed to be in non-performance of duty, and the City Council shall declare the position vacant unless finding otherwise following a hearing.~~

(2) ~~Members~~Commissioner absences are a function of TDMC 11.04.050.

(3) In-person Commissioner attendance at the Commission's regular meetings is expected; however, virtual attendance by means of video conference may be made available. Any Commissioner who understands they will be unavailable to physically attend a regular meeting may request a virtual attendance option by providing notice to the Chair, Director, and Secretary to the Commission no later than noon on the date of the regular meeting, to the extent possible.

(4) All Commissioners participating in Commission meetings through video conferencing must ensure a stable internet connection, be located in a setting with no background noise or visual distractions, mute their microphone unless speaking, and keep their camera on throughout the duration of the meeting.

~~H.G.~~ Compensation. Commissioners shall serve without compensation other than reimbursement for duly authorized expenses.

~~I. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling~~

~~or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.~~

~~J. Each appointed member shall be heard and vote upon any matter before the Commission, provided however, that no member shall vote or participate in any matter as to which he may be disqualified pursuant to Section V of these rules. The Chairperson is a voting member of the Commission.~~

~~K. The Chairperson of the Commission shall be the Presiding Officer at all Planning Commission meetings.~~

~~L. The Vice chairperson shall perform the duties of the Chairperson in the absence of the Chairperson and shall have at such times the authority to sign appropriate documents.~~

~~M. In the absence of the Chairperson and Vice Chairperson, the remaining members shall elect a temporary Presiding Officer.~~

~~N. All decisions of the Chairperson shall be subject to review by a majority of the Commission members present upon motion duly made and seconded. The motion shall have priority over all other matters.~~

~~H. Qualifications. Commission qualifications are a function of ORS 227.030(4) and TDMC 11.04.040.~~

~~O. I. Quorum. A quorum is required for all formal decisions made by the Commission; a quorum is not necessary for the Commission to conduct work sessions, continue agenda items, or to talk about discussion items. A quorum ~~means that requires~~ at least ~~four (4) members~~ a majority of the Commission ~~are present, which ordinarily needs four Commissioners; provided, however, if two vacancies exist then a quorum needs only three Commissioners and if four vacancies exist then a quorum needs only two Commissioners.~~~~

J. Votes.

~~(1) Each Commissioner shall be heard and vote upon any matter before the Commission; provided, however, no Commissioner shall vote or participate in any matter as to which they may be disqualified pursuant to Section V.~~

~~P. (2) When a matter is called for a vote, the ~~Chairperson~~Chair shall, (before a vote is taken,) state the question before the Commission in general terms, and ~~shall~~ announce the decision of the Commission after such vote. Voting shall be by ~~voice~~oral vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.~~

~~Q. (3) Decisions shall be rendered by those ~~planning commissioners~~Commissioners present, and the majority vote of those members present shall prevail. Voting "in absentia" or by proxy is not permitted. In cases of ~~a tie vote, the decision votes,~~ decisions shall be deemed a denial of the motion before the Commission.~~

~~R. (4) A member of the CommissionCommissioners may not vote on approving minutes for a meeting ~~that a member they~~ did not attend. A ~~member~~Commissioner may not~~

- vote on a project ~~that has been or~~ application heard at a series of meetings, ~~where if~~ the ~~member has~~ Commissioner was not ~~been~~ present at all meetings where the project was considered. ~~However, a member of the Commission; provided, however,~~ a Commissioner may so vote if ~~that member has~~ they watched or listened to the ~~tape or~~ audio-visual recording of the meeting(s) from which they were absent.
- ~~S. Regular Meetings.~~ The ~~Commission~~ Commission's regular and public meetings are a function of TDMC 11.04.070. The ~~Commission~~ will ~~normally~~ regularly meet ~~on the first and third Thursday of each month in such a~~ location approved by a majority of the Commission. ~~When such regular meeting date falls upon a legal holiday, the meeting shall be held on the preceding day. (usually City Council Chambers in City Hall).~~ The Commission may elect to change the time and place of the meeting, as appropriate, for the hearing to be scheduled.
- ~~K. Meetings other than at regularly.~~ A regular meeting shall be cancelled if no business is scheduled ~~times~~ for discussion. The Department shall notify the Commissioners if a meeting is to be cancelled.
- ~~T.L.~~ Special Meetings. Special meetings may be scheduled at a prior meeting and so noted in ~~the meeting that~~ meeting's minutes. The ~~Chairperson~~ Chair (upon ~~his or her~~ their own motion) may, or (at the request of three ~~members of the Commission~~ Commissioners) shall, by giving notice to ~~members of~~ the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than 24 hours after ~~the~~ such notice is given. Notice of a previously unannounced meeting shall be ~~delivered or telephoned to a newspaper published in the city~~ posted on the City's website and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.
- ~~U.~~ A regular meeting shall be cancelled if no business is scheduled for discussion. The Planning Department shall notify Commission members if a meeting is to be cancelled.
- ~~M. Public Comment.~~ Each regular meeting shall offer an opportunity for public comment on matters not on the agenda for that meeting. The Presiding Officer will state the ground rules at the start of each public comment period and shall limit each person's public comment to three minutes; provided, however, the Presiding Officer shall have the privilege of both reasonably shortening or extending the time for any one public commenter. All public commenters must state their name and address for the record prior to their comments. Any person commenting during the public comment portion of the agenda attempting to speak to or actually speaking to a matter on that agenda is subject to removal at the Presiding Officer's reasonable discretion or upon an affirmative motion duly made and seconded by any Commissioner.
- ~~N. Decorum.~~ The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to the Commission's appeal. All Commissioners and meeting attendees are expected to preserve decorum during meetings and shall not, by conversation or action, delay or interrupt any meeting or refuse to obey the Presiding Officer's orders or these BYLAWS. Disruptive behavior shall not be permitted and shall be grounds for the suspension of any meeting at any time. Disruptive behavior specifically includes providing irrelevant, immaterial, or unduly repetitious testimony or evidence. The Presiding Officer shall warn a person engaging in disruptive behavior they

may be removed from any meeting after the warning and may cause their removal from any meeting after the warning if their disruptive behavior then continues.

SECTION II – METHOD OF NOMINATION & APPOINTMENT COMMISSIONER APPOINTMENTS

Members shall be nominated, appointed, or re-appointed according to the following procedures:

- A. Selection. Selection of applicants to the Commission will be at the sole discretion of the Mayor, subject to confirmation by the City Council, and may include ~~the following: reappointment; public service announcement in local media outlets, including use of social media and notification of opening at service clubs; review of applications filed with the City Clerk within the last six months~~ any reasonable means of selection.
- B. ~~Candidates for membership~~ Application. Commission candidates shall submit an application to the City Clerk. The City Clerk shall forward applications received to the Mayor for consideration.
- C. Confirmation. The Mayor shall forward ~~appointment~~ appointments to the City Council for its confirmation at a regularly scheduled City Council meeting. ~~Said appointment~~ Appointments shall be made as soon as practicable after the close of the application period.
- D. ~~A member of the Commission whose~~ Expiration Notice. The City Clerk shall notice each Commissioner their term is expiring ~~shall be notified~~ 90 days ~~prior by the City Clerk~~ before their term naturally expires.

SECTION III – PLANNING COMMISSION STAFF

- A. Secretary. The ~~City of The Dalles Planning~~ Director or ~~a member of the Director's staff~~their designee shall serve as Secretary to the Commission and shall keep an accurate, permanent, and complete record of all Commission proceedings ~~before the Commission~~.
- B. ~~The Planning Director~~ Minutes. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
- C. Director and Department Duties. Subject to the direction of the Commission and ~~its Chairperson~~Chair, the ~~Planning~~ Director and the ~~Director's staff~~Department shall perform the following duties:
- ~~1)(1)~~ (1) Conduct all correspondence of the Commission, send out all notices required by law or ordinances, attend all meetings and hearings of the Commission, keep the dockets and minutes of the ~~Commission's~~Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - ~~2)(2)~~ (2) Enter into the record the number of appeals or applications, the name of the appellant or applicant, a short description by address and legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - ~~3)(3)~~ (3) Enter into the record all continuances, postponements, dates of sending notices, and other steps taken, or acts done by the Commission or its officers on behalf of the Commission.
 - ~~4)(4)~~ (4) Record into the minutes the decision relating to each case acted on by the Commission, together with the vote of each ~~member of the Commission, those absent or failing to vote being so marked~~Commissioner, together with all other actions of the Commission and the full reasons for its decisions.
 - ~~5) The Planning Director shall not permit any records of the Commission to be removed from the Planning Department's Office without authority of the Chairperson, except that he/she may produce records and files for inspection upon the request of a court of competent jurisdiction. Upon request, the public records and writings of the Commission shall be available for examination and copying by any interested person at the Planning Department's Office during the regular office hours thereof, provided that such inspection or copying will not endanger the safety of such public records or writing.~~
- D. City Attorney Duties. The City Attorney shall act as the Commission's legal advisor ~~to the Commission~~ in the conduct of all ~~hearings~~proceedings.
- E. City Engineer Duties. In addition to the ~~Planning~~ Director and City Attorney, the City Engineer, shall be considered Commission staff ~~to the Commission~~.

SECTION IV – HEARING ON PROPOSED ACTIONS PUBLIC HEARINGS

- A. Public Hearings Generally. The Commission's land use and development hearings are a function of Oregon law and TDMC 11.04.090. The Commission shall conduct public hearings on proposed actions ~~shall be conducted in compliance~~ accordance with ~~Title 10 of the City of The Dalles Municipal Code~~ Oregon law and the LUDO.
- B. ~~No Public Testimony.~~ Under no circumstances shall a person shall testify without first receiving recognition from the Chairperson Chair and then stating their name and address. Hearings for the record to ensure the Director has the information necessary to comply with the LUDO's and Oregon law's notice of decision requirements. Public hearings shall be conducted in an orderly and professional manner. Disruptive behavior shall not be permitted and shall be grounds for the suspension of the hearing. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- ~~C.~~ To the extent practicable, the Commission shall conduct a hearing upon an application within forty-five days of an application being deemed complete and in the order in which the applications are deemed complete by the Planning Department.
- ~~D.~~ C. Substantial Evidence. In all cases, the Commission shall enter findings based upon substantial evidence in the whole record before it to justify its decision. Substantial evidence is evidence a reasonable person would rely upon to reach a conclusion, notwithstanding different reasonable people could draw different conclusions from the evidence.
- ~~E.~~ Staff Report. No action on a public hearing shall be taken unless a staff report is prepared by the ~~Planning~~ Director and ~~mailed or sent~~ delivered to the ~~members of the Commission at least seven days~~ Commissioners prior to the hearing.
- ~~D.~~ The action at the consistent with Oregon law. Any Commissioner participating in a public hearing may be must come prepared to the hearing having read the staff report prior to making a decision; if not, such Commissioner shall disclose their failure to prepare to the Commission prior to participating.
- ~~F.~~ Permissible Actions. At a hearing, the Commission must either approve ~~the an~~ application as submitted, deny ~~the an~~ application, or approve ~~the an~~ application with conditions deemed necessary to carry out the intent of and consistent with the City of The Dalles Comprehensive Plan and ~~Land Use and Development Ordinance (LUDO).~~ The hearing may be continued to a date certain upon majority vote of the Commission. A continuance shall also be granted to any party so requesting if new information regarding the application has been presented by the applicant after the notice of public hearing is sent.
- ~~G.~~ E. If there is no continuance, the record shall remain open for at least seven days, only if a party so requests during LUDO. Prior to the conclusion of the initial evidentiary hearing. If the Commission acts to continue the record, then pursuant to ORS 197.763 (6), as amended, the purpose shall be to allow parties, any participant may request an opportunity to present additional evidence, arguments, or testimony concerning regarding the application; in that case, the Commission shall follow the procedures codified as ORS 197.763 (Conduct of local quasi-judicial land use hearings).

~~H.F.~~ Following closure of the hearing the Decision and Resolution. The Commission shall vote on the matter. ~~The Chairperson following closure of the public hearing. The~~ Chair shall state the Commission's decision and (where appropriate) shall direct the ~~Planning~~ Director to prepare a resolution stating the Commission's action, including the findings of fact ~~and statement, statements~~ of law, and any conditions of approval. ~~The resolution will be scheduled for the next regularly scheduled meeting for consideration by the Commission.~~

~~I.G.~~ One-Year Bar. If the application is denied by the Commission or by ~~the City Council~~ upon a reviewing body after review, no new application for the same or substantively the same request shall be accepted for at least one year from the date of final order on the action.

~~J.~~ Conditional approvals shall be limited as follows:

H. Conditions of Approval. The Commission may approve a conditional use permit subject to any and all conditions the Commission deems necessary to satisfy the review criteria and mitigate identified impacts, provided such conditions are related to the proposed development or to the operational characteristics of the proposed use. Conditional approvals shall be limited as follows:

~~1)(1)~~ (1) Time limitations ~~shall~~may be set by the Commission in which compliance with conditions shall be met.

~~2)(2)~~ (2) Such conditions shall be conceived to fulfill public needs for protection from potentially adverse effects of the proposed use and public service demands created by the proposed use.

~~3)(3)~~ (3) Changes or alterations to conditions may be processed as a new application.

(4) Following the Commission's imposition of a condition at a public hearing, the Director shall verify conditions do not adversely impact any City department or local agency and the City Attorney shall verify conditions do not violate applicable law. If either the Director or City Attorney determine an imposed condition so adversely impacts or violates, the Director is authorized to sever and remove the adversely impacting or violative condition.

~~K.I.~~ Adjournment. The Commission may adjourn any hearing in order to obtain additional information it feels is necessary to make a reasonable decision. Persons previously notified need not be notified of the resumption of said hearing if the date and time of the continued hearing is announced at the adjournment of the initial hearing, unless the Commission orders ~~that~~special notice be given to persons who were previously notified.

~~L.J.~~ Parties of Record. The following persons only, if making an appearance of record, are hereby defined as ~~"parties,"~~ and shall be entitled, either themselves or through counsel, to a full hearing before the Commission and, upon such participation, to review by the City Council and the Oregon Land Use Board of Appeals:

~~1)(1)~~ (1) The applicant.

2)(2) Those persons entitled to personal notice pursuant to ~~Title 10 of the City of The Dalles Municipal Code~~ the LUDO.

3)(3) Other persons ~~that demonstrated~~ demonstrating to the Commission ~~that the~~ proposed action affects at least one of their substantial ~~right of those persons~~ rights.

M.K. Appearances of Record. *Appearance of record* shall mean either:

4)(1) ~~An~~ an oral statement made at the initial hearing on the proposed action. The statement shall clearly identify the individual ~~and, his or her, their~~ address, and the identity of the person ~~being represented~~ they represent, if applicable; or

2)(2) ~~Aa~~ Aa written statement submitted prior to the closing of the hearing, signed and addressed by the individual making the statement or ~~his or her~~ their representative, and clearly indicating how the individual has standing as a party. The statement shall be submitted to the ~~Planning Director, Planning Department staff or~~ and to the Commission at the hearing.

L. Review and Appeals. Reviews and appeals of any Planning Commission action at any public hearing is a function of Oregon law and TDMC 11.04.100.

N.M. Hearing Record. A verbatim record of the proceeding shall be made by oral, written, or mechanical means, which record need not be transcribed.

O.N. Public Testimony. The ~~Commission Chairperson~~ Chair shall limit a person's testimony to ~~five~~ three minutes or less to ~~the end that encourage~~ parties ~~are encouraged~~ to submit as much evidence as possible in writing prior to the public hearing ~~and the Chairperson. The Chair~~ may exclude or limit cumulative, repetitious, or immaterial ~~matter~~ testimony. The ~~Chairperson~~ Chair may allow additional time for testimony from an applicant and the principal opponent of an application.

P.O. Exhibits. All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired but shall otherwise be preserved by the ~~Planning~~ Director. Evidence may be received subject to a later ruling as to its admissibility.

SECTION V – CONFLICT OF INTEREST AND EX PARTE CONTACT ETHICS

- A. A Ethics Generally. Commissioner ethics is a function of ORS Chapter 244 (Government Ethics). All Commissioners are public officials subject to the jurisdiction of the Oregon Government Ethics Commission ~~member~~ for violations of and personal liability to the Oregon Government Ethics Law. In addition, Commissioners shall ~~not refrain from disclosing confidential information, taking action which benefits special interest groups or persons at the expense of the City as a whole, expressing an opinion contrary to the official position of the Commission without so saying, or conducting themselves in a manner so as to bring discredit on the Commission or the City.~~
- B. No Conflicts. No Commissioner shall participate in any ~~proceedings~~ Commission proceeding in which any of the ~~following persons or entities listed in Oregon law or TDMC 11.04.090(B)~~ has or would have a direct or substantial financial interest: ~~the member, the member's spouse, brother, sister, child, parent, parent in-law, cousin, niece, nephew, employer or partner in.~~
- A. Full Disclosure. Commissioners shall disclose, at the public hearing where the action is considered, any business of which he or she is then a member or has been a member within the previous two years, or in any business with which he or she is negotiating, or has an arrangement or understanding concerning prospective partnership or employment.
- B.C. Any actual or potential financial or other interest that would lead potentially leading to bias or partiality ~~shall be disclosed at the hearing where the action is considered.~~
- C.D. Challenge for Impartiality. Any party to any action may, in relation to ~~an~~ the action, challenge the impartiality of any ~~member~~ Commissioner before or during the public hearing on the action. A challenge must include the facts relied upon by the challenging party, relating to the ~~member's~~ Commissioner's alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded ~~that~~ the ~~member~~ Commissioner cannot participate in the decision in an impartial manner.
- D. Bias. In the event of a challenge for bias, the ~~member~~ Commissioner shall respond ~~in~~ with a statement of capacity to participate in the public hearing, which shall be part of the record. The statement shall refer to the challenge and include the reasons why the ~~member~~ Commissioner wishes to participate or be disqualified.
- E. The statement of capacity to hear shall not be subject to cross examination but shall be subject to rebuttal by the challenging party.
- F. ~~The members of the Commission shall not:~~
- F. Communicate Ex Parte Contacts. If a Commissioner cannot avoid ex parte contact, the Commissioner shall disclose the contact at the opening of the appropriate public hearing; such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest. With respect to specific ex parte contacts, Commissioners shall not:

~~4)(1)~~ (1) communicate, directly ~~nor~~ or indirectly, with any party or ~~his~~ their representatives in connection with any issue involved except upon notice and an opportunity for all parties to participate; ~~nor~~;

~~2)(2)~~ (2) Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed; ~~nor~~; or

~~3)(3)~~ (3) Inspect ~~the~~ inspect a proposed project site with any party or their representative unless all parties are given an opportunity to be present.

~~G. If ex parte contact cannot be avoided by a member of the Commission, disclosure of the contact should be made by the member at the opening of the appropriate hearing. Such disclosure shall be subject to the same rules as for a statement of bias or conflict of interest.~~

~~H.G.~~ Disqualification. Requests for disqualification based upon bias or ex parte contact, ~~pursuant to subsections A through F of this section~~, shall be considered by the entire Commission present, and be granted upon majority consent (excluding the individual disclosing or challenged concerning bias or ex parte contact). The Commission shall consider the evidence in the record and decide whether the individual can reasonably be expected to render an impartial decision. In the event a Commissioner is disqualified, they shall remove themselves from the dais and the remaining Commissioners shall hear the application. In the event of no quorum resulting from the disqualification, the application will be rescheduled to a future meeting.

~~I. In the event a member of the Commission is disqualified, that member shall remove themselves from the dais and the remaining members shall hear the application. In the event of no quorum, the application will be rescheduled to a future meeting.~~

SECTION VI – BURDEN OF PROOF

A. Burden on Applicant. The burden of proof is placed upon the applicant seeking approval of the proposed action. ~~Such;~~ such proof shall show ~~that~~:

~~A.(1)~~ The proposed action complies with applicable statewide planning goals, Oregon Revised Statutes and Oregon Administrative Rules, and the City of The Dalles Comprehensive Plan; and

~~B.(2)~~ The proposed action is in accordance with the applicable standards and criteria of ~~Title 10 of the City of The Dalles Municipal Code~~ the LUDO.

SECTION VII – REPEAL & SEVERABILITY LIMITATIONS

- A. Repeal.** These ~~bylaws~~ **BYLAWS** repeal and replace all previous versions.
- B. If any part Severability.** Any provision of these ~~bylaws is for~~ **BYLAWS** deemed illegal or unenforceable is severed from the BYLAWS and the other provisions remain in force.
- C. Limitations.** These BYLAWS are authorized by and subject to Oregon law and The Dalles Municipal Code Title 11 (*Planning*), Chapter 11.04 (*Planning Commission*); any rule, requirement, regulation, obligation, duty, or discretion provided by these BYLAWS is at all times limited in impact and applicability by those authorities.
- D. Conflict with Laws.** In the event of an apparent or actual conflict between any ~~reason held invalid, such provision~~ of these BYLAWS and those authorities listed in **Section VII(C)** (as determined by the City Attorney in their sole discretion), the Commission shall attempt to reconcile those conflicting provisions so as to harmonize them; if the City Attorney determines those conflicting provisions are ~~not affect the remainder of these bylaws~~ reasonably reconcilable, Oregon law controls over all, then The Dalles Municipal Code controls, then these BYLAWS control.

SECTION ~~VII~~VIII – AMENDMENTS

A. Amendments. Any ~~member of~~ Commissioner, the ~~Commission~~ Director, or Planning Department ~~the City Attorney~~ may propose amendments to these ~~bylaws. An~~ BYLAWS, and the Commission must approve an amendment ~~must be approved by the Commission to become~~ by majority vote of Commissioners present before it becomes effective.

By my signature, I have read and agreed to abide these Planning Commission BYLAWS and understand the consequences of violating any of its provisions.

DATED: _____

Cody Cornett, Chair

Addie Case, Commissioner

Nik Portela, Vice Chair

John Grant, Commissioner

Philip Mascher, Commissioner

Mark Popoff, Commissioner

Maria Peña, Commissioner

APPROVED AND ADOPTED THIS _____ DAY OF APRIL, 2023.

Cody Cornett, Chair
Planning Commission

I, Joshua Chandler, Community Development Director for the City of The Dalles, hereby certify
the foregoing was duly moved and adopted at the Planning Commission's regular meeting held
on the _____ day of April, 2023.

ATTEST:

Joshua Chandler, Community Development Director

Voting Yes Commissioners: _____

Voting No Commissioners: _____

Abstaining Commissioners: _____

Absent Commissioners: _____

Chapter 11.04 PLANNING COMMISSION

11.04.010 Reestablishment.

11.04.020 Membership.

11.04.030 Term of Office.

11.04.040 Qualifications.

11.04.050 Vacancies and Removal.

11.04.060 Presiding Members.

11.04.070 Meetings.

11.04.080 Powers and Duties.

11.04.090 Hearings

11.04.100 Appeals

11.04.110 Rules

11.04.010 Reestablishment.

There is hereby reestablished a City Planning Commission for the City of The Dalles, Oregon. (Ord. 917)

11.04.020 Membership.

The Commission shall consist of seven members who are not officials or employees of the City. The Mayor, City Manager, City Engineer or his/her designated representatives shall be entitled to sit with the Commission and take part in its discussions, but shall not have the right to vote. (Ord. 917)

11.04.030 Term of Office.

Members of the Planning Commission shall be appointed by the City Council for term of four years from April 30th of the year of appointment, except that initial appointments of some members shall be for other specified terms in order to establish an approximately equal expiration of terms each year. Appointments may be made for the members of the Commission to serve on an interim basis until their regular terms begin on April 30, 1974. (Ord. 917)

11.04.040 Qualifications.

No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession. (Ord. 917)

11.04.050 Vacancies and Removal.

Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings or is absent from over 15% of the Commission's meetings in one year, without an excuse as approved by the Planning Commission, is rebuttably presumed to be in non-performance of duty; and the City Council shall declare the position vacant unless finding otherwise following the hearing. (Ord. 917)

11.04.060 Presiding Members.

- A. At its first meeting of each year, the Commission shall elect a chair and vice-chair to serve one-year terms.
- B. Secretary. The Planning Director shall serve as secretary to the Planning Commission and shall keep a record of Commission proceedings. (Ord. 917)

11.04.070 Meetings.

A majority of the members of the Planning Commission shall constitute a quorum. The Commission shall meet on the first and third Thursdays of every month. Meetings that fall on public holidays shall be held on the preceding day. Meeting shall be open to the public. Meetings other than at regularly scheduled times may be scheduled at a prior meeting and so noted in the meeting minutes. The chair upon his or her own motion may, or at the request of three members of the Commission shall, by giving notice to members of the Commission, call a previously unannounced special meeting of the Commission for a time not earlier than 24 hours after the notice is given. Notice of previously unannounced meeting shall be delivered or telephoned to a newspaper published in the City and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting. (Ord. 917)

11.04.080 Powers and Duties.

The Commission shall have the powers and duties which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this City and general laws of this state. (Ord. 917)

11.04.090 Hearings.

- A. Unless otherwise provided by ordinance, hearings which the laws of the State of Oregon and the ordinances of the City require to be held on matters under state law and the zoning, subdivision, land use planning, land development and building code ordinances of the City shall be held by the Planning Commission.
- B. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which he or she is then serving or has served within the previous two years; or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- C. Hearing Procedure. The Council shall adopt by resolution a procedure for the conduct of hearings. (Ord. 917)

11.04.100 Appeals.

A party aggrieved by the action of the Planning Commission at any hearing provided for by this Title or the laws of the State of Oregon, or any person to whom notice of the hearing was sent as required by state law or the ordinances and resolution of the City, may appeal from such action to the City Council. An appeal to the Council from such action shall be taken by the party or person appealing within 30 days from the date that the written decision of the Planning Commission is filed with the City Clerk. The party or person appealing shall, within this 30-day period, file with the City Clerk a written notice of appeal stating the grounds of his or her appeal and whether or not he or she is appealing from the entire decision or a portion or portions thereof. The City Council, within 30 days from the date of the filing of the decision of the Planning Commission with the City Clerk, on its own motion may review any action taken by the Planning Commission under state law or any of the ordinances of the City. In accordance with rules adopted by the City Council therefor, the City Council shall hold a hearing on the action of the

Planning Commission appealed from or reviewed as set forth in the transcript of the hearing, the written findings of the Planning Commission and the action taken by the Planning Commission with respect to the proposed use of land. The City Council may amend, rescind, or affirm the action of the Planning Commission. (Ord. 933; Ord. 917)

11.04.110 Rules.

The Commission may adopt rules governing its business. (Ord. 917)