

MINUTES

PLANNING COMMISSION MEETING

July 20, 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, John Grant, Maria Pena, Mark Poppoff, and Nik Portela

COMMISSIONERS ABSENT: Philip Mascher

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Cornett led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved by Case and seconded by Portela to approve the minutes of April 20, 2023 as submitted. The motion carried 6/0; Cornett, Grant, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Mascher absent.

PUBLIC COMMENT

Kent Kramer, 2628 W. 10th Street, The Dalles

Mr. Kramer is a retired Calvary Scout for the U.S. Army. Mr. Kramer stated hats should be removed in the building and during the Pledge of Allegiance.

Vicki Green, 3038 Old Dufur Road, The Dalles

Ms. Green asked if the Planning Commission was involved in the Motor Inn.

Chair Cornett replied the Commission was not involved, and provided a brief explanation of the Commission's responsibilities.

Ms. Green shared her concerns with the operation of the Annex.

Director Chandler replied the Oregon Motor Motel, 200 W. Second Street, was purchased by the Mid-Columbia Community Action Council (MCCAC). The project is now known as the "Annex." He suggested Ms. Green contact the MCCAC for answers.

Michael Wilson, 2436 W. 10th Street, The Dalles

Mr. Wilson requested tax information for RV parks versus apartments or houses and zoning.

Director Chandler directed tax questions to the Wasco County Assessor's Office. Zoning answers will be provided by the Community Development Department. The RV park (located between W. 10th and W. 13th Streets) was approved [January 5, 2023]. The City can provide the plans.

Mr. Wilson stated it would change the neighborhood.

Director Chandler replied there was a comment period. Attendees at the meeting shared their frustrations with the approval. The RV park was permitted in the zone, followed the requirements of the zone, and was approved by the Planning Commission. There was an opportunity to comment prior to the meeting, and opportunity to speak at the meeting. Properties within 300 feet were notified of the meeting. Staff has not yet seen movement on the project. Director Chandler urged Mr. Wilson to stop by the office for the plans, requirements, and Notice of Decision.

Director Chandler added it was the direction of the Planning Commission to remove RV parks from residential zones. Once an approval is received, the project development timeline is out of the City's control. The approval has a timeline and will expire if no action is taken.

Vicki Green, 3038 Old Dufur Road, The Dalles

Ms. Green asked why a Commissioner would not say the Pledge, stating perhaps they did not know the Pledge. City Attorney Kara replied the question did not require an answer.

Ms. Green then asked further questions. Chair Cornett stated this was not the place for that discussion.

Stu Reitz, 1012 E. 10th Street, The Dalles

Mr. Reitz asked if a transcript of the meeting would be available. City Attorney Kara clarified there would not be a transcript. Minutes, which capture the substance of the meeting, will be available.

Lenora Rea, 826 Cascade Street, The Dalles

Ms. Rea asked what was happening with the old DeHart's Market [816 Chenoweth Loop Road]. Chair Cornett replied the Community Development Department may have additional information.

Director Chandler stated the property owner has not has not submitted a proposal or application. Director Chandler added Joel Madsen, Executive Director of Columbia Cascade Housing Corporation, may have additional information.

Chair Cornett suggested we all remember why we are here. The Commissioners are all volunteers that donate their time; they all belong to The Dalles. The Commissioners are here to make good decisions for the community. The Commissioners respect where they live, and want that respect returned. Chair Cornett suggested we all maintain a level of respect.

LEGISLATIVE PUBLIC HEARINGS

ZOA 108-23, City of The Dalles

Request: 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 reassign plan requirements.

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, a conflict of interest, or bias, which would prevent an impartial decision. Hearing none, the public hearing opened at 5:54 p.m.

Senior Planner Kaitlyn Cook provided the staff report and presentation, Attachment 1.

Kent Kramer, 2628 W. 10th Street, The Dalles

Mr. Kramer asked if his property is within the City or the County. Director Chandler replied he is in the Urban Growth Boundary. Staff will determine if his property had been annexed to the City. Chandler added the City is responsible for properties in the Urban Growth Boundary.

Chair Cornett closed the public hearing at 6:06 p.m.

Commissioner Poppoff stated intermodal cargo containers are often used on construction sites. He suggested the period be extended to one year.

Commissioner Grant asked if the period took into consideration the redevelopment of property.

Senior Planner Cook replied intermodal containers are allowed in the General Commercial District, the Commercial/Light Industrial District and the Commercial Recreational District per TDMC 10.6.160.010 B. Intermodal containers are allowed in the Industrial District so long as they meet all State of Oregon building permit requirements and are maintained in good condition. Temporary use applies to all zones.

Director Chandler explained an additional permit is associated with construction and development sites, a Laydown Yard Permit. This permit allows for storage of equipment, job trailers, etc. An intermodal container is typically placed in conjunction with a Laydown Yard Permit.

The temporary use section is to manage intermodal containers appearing all over town on private property. Though classified as “temporary,” they are often kept long past a temporary use.

It was moved by Cornett and seconded by Portela to recommend to the City Council the approval of Zoning Ordinance Amendment 108-23, adopting amendments and findings attached herein.

The motion carried 6/0; Cornett, Grant, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Mascher absent.

ZOA 109-23, City of The Dalles

Request: Approval to change sections of The Dalles Municipal Code, Chapter 10.12 Recreational Vehicle Parks. These proposed code changes include removing RV Parks from residential zoning districts, updating RV Park application review processes, and altering RV Park design standards.

Chair Cornett did not repeat the rules of a public hearing. He asked if any Commissioner had ex parte contact, a conflict of interest, or bias, which would prevent an impartial decision. Hearing none, the public hearing opened at 6:16 p.m.

Senior Planner Kaitlyn Cook provided the staff report and presentation, Attachment 2. She noted two additional comments were received on July 20, 2023, Attachments 3 and 4.

Planner Cook noted staff is required to present all proposed amendments to the Department of Land Conservation and Development (DLCD). DLCD replied with a letter (Attachment 3) sharing their concerns with limiting long-term stays.

Currently, the City approves long-term stays through a Conditional Use Permit process. DLCD states ORS 197.493 recognizes an RV as a dwelling when three conditions are met:

- *Located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
- *Occupied as a residential dwelling; and*
- *Lawfully connected to water and electrical supply systems and a sewage disposal system.*

When an RV is considered a dwelling, the City must apply clear and objective standards. Staff recommends we amend some portions to better align with state statute:

- Strike all requirements for RVs to be connected to the City sewer system. If RVs are prohibited from connecting to the City sewer, the RV cannot be considered a dwelling.
- Remove all references to long-term stays.
- Propose a statement reflecting the City's intent to amend TDMC, Chapter 10.12, to allow and regulate RV parks offering short-term stays.

Director Chandler added if RVs located in RV parks are hooked up to utilities, the State considers them dwellings. Staff approached the RV park amendments as a commercially based project. Because the RVs can connect to utilities, an individual could live in them. Because the City could not regulate all things in an RV park, they would be reviewed as housing developments.

Based on the DLCD's response, some of the proposed amendments do not comply with housing standards. Ultimately, if we allow each individual space to connect to utilities, an RV will be treated as a dwelling.

Senior Planner Cook stated these standards, if adopted, will apply only to new developments. RV parks that have received approval, and existing RV parks, will not be affected.

Senior Planner Cook presented three options for consideration:

1. Move to recommend to City Council the approval of Zoning Ordinance Amendment 109-23, adopting amendments and findings attached herein.
2. ***Staff recommendation:*** Move to recommend to the City Council the approval of a modified Zoning Ordinance Amendment 109-23, after adopting any changed amendments or findings discussed at the regular July 20, 2023 Planning Commission meeting.
3. Decline adoption and provide additional direction.

Staff's recommendation would strike all sewer from TDMC10.12.015 L, remove all references of long-term stays, amend TDMC 10.12.010 Purpose Statement to reflect the City's intent for TDMC 10.12 to allow and regulate RV parks offering short-term stays.

Chair Cornett paused the meeting at 6:41 p.m. The meeting resumed at 6:43 p.m.

Chair Cornett invited public comment.

Susan Inman, 1010 Pomona Street, The Dalles

Ms. Inman stated she was aware of an approved RV park near her home. She asked how many units would be in the park. Chair Cornett replied, 25 units.

Ms. Inman then asked about the length of stay. Chair Cornett replied that was under discussion. Currently, short-term stays are 30 days or less. Long-term stays are over 30 days. He added a manager would be on-site.

Ms. Inman shared her concerns with events at the Chenowith RV Park [The Dalles Mobile Home Park, corner of W. 10th and Irvine Streets] and events up the mountain on the east side of town, stating it was a drug neighborhood. She added the City was going to affect her property taxes and quite a bundle of things that affect the house she owns and has lived in for 28 years. Commissioner Grant replied the purpose of this meeting was to remove future RV parks from residential zones.

Ms. Inman asked why she did not receive a notice prior to approval of the RV park on Heritage Loop. Chair Cornett replied all properties within 300 feet of the subject parcel were notified.

Commissioner Poppoff stated it may be worth knowing that Chenowith Park [The Dalles Mobile Home Park] was established many years ago prior to annexation into the City. Chair Cornett reiterated, as of now, RV parks are allowed anywhere in the City. The Commission felt changes were necessary; we are making changes now. The Commission cannot make changes to existing or recently approved RV parks.

Vicki Green, 3038 Old Dufur Road, The Dalles

Ms. Green asked who set the rules on sizes or year, is it the park owner? Chair Cornett replied the Planning Commission determined the manufacturer date and length of stay. Ms. Green said in her experience, it was 10 years.

Stu Reitz, 1012 E. 10th Street, The Dalles

Mr. Reitz asked if there was consideration on the number of vehicles in one space. Are there loopholes on people leaving and returning to the same spot? Chair Cornett replied it was discussed. Currently, an RV can stay for one year, then must move a spot to ensure the RV runs. The proposal now is for 30 days, the RV would have to move every 30 days.

Fred Trujillo, 5100 Woodward, Parkdale

Mr. Trujillo stated he owns property near the Shilo Inn. Senior Planner Cook replied that location was adjacent to the Columbia River. Staff would consider the geological constraints, wetlands and stream corridor. It may be prohibited in that location, but will require further investigation.

Bradley Timmons, 1527 E. 18th Street, The Dalles

Mr. Timmons said he is generally supportive of the concept and referred to his letter (Attachment 4). Removing it from the Conditional Use process for Industrial zones is a concern. The City should continue review processes, rather than allowing it outright. Industrial zones are related to economic development and we have a shortage of Industrial zones. Mr. Timmons thought this was poor planning. The Commission should weigh the resources of the community and consider the Industrial zone inventory.

Chair Cornett closed the public hearing at 6:58 p.m.

Chair Cornett stated the Commission had reached a constraint by the State's definition of a residence. If the Commission applies the criteria set in earlier meetings, in order to proceed we need to strike sewer connection, remove all references to long-term stays, and amend the purpose statement to reflect the City's intent for TDMC, Chapter 10.12 RV Parks, to allow and regulate RV parks offering short-term stays exclusively.

Chair Cornett agreed with Mr. Timmons' comment that RV parks should not be allowed in Industrial zones, or should be reviewed as a conditional use. If we allow for a conditional use, does that interfere with DLCDC's letter and Ordinance 197.493?

City Attorney Kara replied it would not impact the City's ability to proceed in conflict with State law, if we were to maintain a conditional use process for RV parks located in Industrial zones. It becomes complicated once we discuss possible objective criteria.

The proposed amendments reflect last minute changes we were unable to include in the agenda packet for this meeting. Those changes aimed at ensuring compliance with the State standard. If the hope of the Commission is to result in a change of that magnitude to the proposed amendments, that would be a much larger discussion.

It could be argued there is a method going forward for the City to update its conditional use process itself, which is used for a number of different application types. If the City were to change its conditional use process to ensure it implemented clear and objective standards, that is something the Commission could revisit for a future update. As it stands now, it would not be my recommendation to implement any conditional use process for any RV park siting, due to the relatively very recent position from the State for consideration of RV parks and RVs in the context of future housing.

If the City were to amend its conditional use process to ensure it contains clear and objective standards, then yes. We could, in the future, bring back for the Commission's consideration a proposed ordinance update to reflect conditional uses in the Industrial zone. Absent that, this is not something I would recommend.

Chair Cornett noted the Planning Commission could prohibit all future RV parks. Considering the amount of effort required to monitor short-term RV parks, is this worth walking a fine line to allow RV parks in restrictive zones? By allowing RV parks in Industrial zones, we are removing space that may allow the City to be more vibrant.

Commissioner Grant asked if that would affect RV parking spaces at a future event center, if one were developed. Senior Planner Cook replied it could potentially affect parking if the spaces were used for camping and recreation. Director Chandler added if the intent of the space was to encourage an overnight stay, it would probably be considered an RV park.

Director Chandler added a prohibition on RV parks would inhibit transient stays for visitors attending sporting tournaments or other activities. He added that short-term stays collect transient room taxes.

Commissioner Portela noted prior comments regarding housing for the traveling workforce. He was not in favor of a full prohibition.

Commissioner Poppoff was not in favor of a full prohibition. The Light Industrial and tourist areas are appropriate. The Light Industrial spaces are typically small lots inappropriate for large scale industrial development.

Chair Cornett stated due to the amount of additional information, the Commission could decline adoption and provide additional direction to staff. The majority of the Commission agreed with this approach.

It was moved by Cornett to decline adoption and provide additional direction to staff to have a closer look at this code amendment, given the DLCDC letter regarding ORS 197.493 with consideration of focusing this on short-term stays. We will discuss Industrial zones, or not, later.

There was no second.

Chair Cornett directed staff to determine the amount of property that would be affected if RV parks were allowed in industrial zones.

Director Chandler replied when looking at Industrial zones, we look at the largest parcels of land within the City. The City does not have a size requirement for the amount of space an RV park must take up. If an individual chose to develop one acre of a 30-acre parcel, would that account for all 30 acres?

Before year-end, staff plans to return with a Buildable Lands Inventory (BLI) for discussion. The entire inventory of industrial land, land committed to specific projects, developed land, and vacant land will be reviewed. That process will determine the amount of available industrial land.

Chair Cornett stated he did not need that much detail. It is appropriate now to keep RV parks out of Industrial zones. The community needs more industry. Use of Industrial zones for RV parks is unwise.

Director Chandler replied staff could review a prohibition in an industrial zone. He added there are other factors to consider, such as size. One potential RV park was discussed earlier this year. The lot, located in the Industrial zone, is very complicated. The site contains a large pond in the center of the lot. The only buildable land is a small strip of green space surrounding the pond. The lot will not allow large-scale development. A prohibition would exclude an RV park, but little else would be possible.

Chair Cornett directed staff to use their discretion compiling the information.

It moved by Cornett and seconded by Poppoff to decline action now, and instruct staff to take back the notes striking sewer from proposed Code, removing all references to long-term stays, consideration of certain types of industrial zoned areas, amend the Purpose Statement, and return at a later date. The motion carried 6/0; Cornett, Grant, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Mascher absent.

RESOLUTIONS

Resolution PC 616-23: Approval of ZOA 108-23, City of The Dalles.

It was moved by Poppoff and seconded by Portela to adopt Resolution PC 616-23, recommending City Council approval of various minor amendments to The Dalles Municipal Code, Title 10 Land Use and Development, and repealing previous Resolution PC 615-23. The motion carried 6/0; Cornett, Grant, Mascher, Pena, Poppoff and Portela voting in favor, none opposed, Mascher absent.

Resolution PC 617-23: Approval of ZOA 109-23, City of The Dalles

This resolution was no longer applicable.

STAFF COMMENTS / PROJECT UPDATES

Director Chandler stated upcoming meetings will be busy. He thanked the Commission for confirming their availability and attendance. It takes a large amount of staff time to prepare for the meetings; the Commission's attendance is greatly appreciated.

The August meetings will kick off the Housing Needs Analysis (HNA). Staff is working with MIG Consulting and Johnson Economics to take a holistic look at the housing needs of The Dalles. Following those meetings, a discussion item will be presented to City Council. After that discussion, the information returns to the Planning Commission for adoption, and again returns to City Council. The HNA is a State required process. It's also extremely informative and gives us a better idea of housing needs in our community.

The Tony's Building was approved for demolition and abatement of hazardous material. The abatement started today. After this process, walls will be coming down. The anticipated completion is October 31, 2023. Once demolition is completed, the site will be filled with gravel and fenced. The basement is in poor condition and will be filled in order to remove a hazard.

COMMISSIONER COMMENTS / QUESTIONS


None.

ADJOURNMENT

Chair Cornett adjourned the meeting at 7:27 p.m.


Submitted by/
Paula Webb, Secretary
Community Development
Department

SIGNED:



Cody Cornett, Chair

ATTEST:



Paula Webb, Secretary
Community Development Department



City of The Dalles Planning Commission

THURSDAY, JULY 20, 2023 | 5:30 PM

Zoning Ordinance Amendment 108-23

1. Clear and objective terminology
2. Review Procedures
3. Entrance Standards
4. Childcare centers
5. Defining a temporary intermodal cargo container

Terminology Changes

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.

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

1. Residential [Areas Zones](#).
2. Commercial and Industrial [Areas Zones](#). Barbed wire may be allowed above the fence or wall height requirement.

Review Procedure Changes

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.~~

Review Procedure Changes

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.~~

Entrance Standards Changes

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 the rear building face is prohibited.** ~~Front building orientation cannot be modified from its original design to meet this criteria.~~

Child Care Centers

10.3.050.050 Zone Specific Review Criteria

C. Conditional Uses. The standards shall apply to the following conditional uses in the RL zone:

~~1. Child care centers;~~

~~1. 2.~~ Funeral and interment services (interring and cemeteries only);

~~2. 3.~~ Community facilities; and

~~3. 4.~~ Digital signs in residential zones or overlay zones.

Temporary Use Clarification

10.6.160.010 Uses Allowed

C. Temporary Use. Intermodal cargo containers are allowed temporarily in all zones without having to comply with subsection B of this section.

10.6.160.010 Uses Allowed

C. Temporary Use. Intermodal cargo containers are allowed **for a maximum duration of 30 days** temporarily in all zones **without having to comply with subsection B of this section.** **Intermodal cargo containers are exempt from Section 10.6.160.010 (B).**

The Dalles Comprehensive Plan Goals

Goal #1. Citizen Involvement.

Goal #2. Land Use Planning.


Goal #10. Housing.



The Dalles Comprehensive Plan Goals

Oregon Revised Statute (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.*
- 

The Dalles Comprehensive Plan Goals

Oregon Revised Statute (ORS)

ORS 197.307(4)

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City of The Dalles Planning Commission

THURSDAY, APRIL 20, 2023 | 5:30 PM

ZOA 109-23

Zoning

Review Process

Development Standards

Park Operations

Length of Stay

Revocation Process

ZOA 109-23 Background

Since 2016, the Community Development Department has approved four RV parks within The Dalles City Limits, three of which were approved since 2022. Of these approvals, three were located within residential zoning districts. Pursuant to The Dalles Municipal Code, RV parks are processed as Conditional Use Permits and subject to the standards of Chapter 10.12.

Other than the Low Density Residential zone, RV parks may be located in all zoning districts.

On January 5, 2023, following a series of lengthy, and at times divided public hearings for the three most recent park approvals, the Commission requested Staff prepare a future discussion concerning Chapter 10.12 and an overview of park regulations.

Comments

- 43 calls into the Community development
- Two community member comments.
- Department of Land Conservation and Development

Proposed Amendments- Zoning

- No RV parks are allowed in residential zones.
- Recreational vehicle parks are permitted outright in the CG (General Commercial), CR (Recreational Commercial), CLI (Commercial Light Industrial) and Industrial zones.

Proposed Amendments– Review Process

10.12.030 Review Process

Recreational vehicle park applications shall be reviewed per the provisions of Article 3.030: Site Plan Review; however, any recreational vehicle park application requesting stays of longer than one year shall be processed per the provisions of Article 3.050: Conditional Use Permits.

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 Permits, RV park development proposals shall also include:

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

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.

Proposed Amendments- Development Standards

Laws and Regulations	Non-Recreational Vehicle Parking
Hazards to Property and Occupants	Requirement
Prohibited Siting	Landscaping
Park Building Setbacks	Pedestrian Circulation
Spacing	Utilities
Access	Lighting
Screening	Refuse Collection
Surfacing	

Proposed Amendments- Park Operations

- A. All RV parks must comply with the following operational standards:
- B. Each RV park shall at all times keep an orderly appearance and remain free of litter, junk, and refuse.
- C. On-site Park Host. Each RV park must provide an on-site RV park host available 24/7 for maintenance, security, and enforcement purposes. Host contact information must be conspicuously displayed throughout the park.
- D. Hours. Each RV park must establish and conspicuously display operational hours and quiet hours. All RV check-in and check-out times may not occur with designated quiet hours.
- E. Storage. There shall be no outside storage of materials or equipment belonging to the park or to any of the guests.
- F. Noise. Noise impacts shall be consistent with Section 5.08.020.
- G. External Generators. Use of external generators is prohibited.

Proposed Changes- Revocation Process

The Director may institute a proceeding before the Planning Commission to revoke an approved RV park when the Director has reasonable grounds to believe one or more of the following events have occurred or are occurring at the RV park:

Failure to Meet Conditions. Any conditions of approval have not or are not being met.

Failure to Build According to Plans. The project is not constructed in accordance with all approved plans.

Erroneous Information. The City issued the permit on the basis of erroneous or misleading information or a material misrepresentation.

The Director shall submit a report to the City Attorney and request them to send a notice of violation 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 the time period specified in the notice of violation, then revocation procedures may be stayed; otherwise, the Director may schedule a hearing before the Planning Commission using the same notice requirements and process as the original RV park application.

City of The Dalles Comprehensive Plan

Goal #1. Citizen Involvement

Goal #2. Land Use Planning

Goal #5: Open Spaces, Scenic And Historic Areas, And Natural Resources.

Goal #9: Economic Development

ORS 197.493 Placement and occupancy of recreational vehicle

A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Intentionally left blank —Ed.

- (A) located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
- (B) Occupied as a residential dwelling; and*
- (C) Lawfully connected to water and electrical supply systems and a sewage disposal system; or*

(b) Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:

- (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;*
- (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or*
- (C) Twenty-four months after the date the dwelling first became uninhabitable.*

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12; 2021 c.235 §1]



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

July 19, 2023

Josh Chandler
Community Development Director
City of The Dalles
313 Court Street
The Dalles, OR 97058
(Sent by email to jchandler@ci.the-dalles.or.us and kcook@ci.the-dalles.or.us)



Subject: File No. ZOA 109-23; DLCD Amendment No. 002-23, ID No. 29084
Proposed Amendments to The Dalles Municipal Code Chapter 10.12 – Recreational
Vehicle Parks

Greetings Director Chandler,

Thank you for the opportunity to provide comments on proposed revisions to Chapter 10.12 – Recreational Vehicle Parks. We have reviewed the proposed language and would like to ensure collective awareness of a rarely referenced code provision found in ORS 197.493, and a few intersections with ORS 197.307 relevant to this work.

ORS 197.493 outlines parameters about siting recreational vehicles (RVs) occupied as dwellings. A city cannot prohibit the siting of RVs occupied as dwellings in RV Parks or Manufactured/Mobile Home Parks, nor can they impose any time limit on an RV that is occupied as a dwelling meeting certain conditions. The proposed code amendments appear to do this explicitly, in conflict with statute.

ORS 197.307 requires application of clear and objective standards to all housing within urban growth boundaries, which includes RVs occupied as dwellings. The proposed code amendments include a number of discretionary standards. These could be applied to RVs that aren't occupied as dwellings, but there must be a clear and objective pathway for RVs occupied as dwellings.

There are a number of additional regulations and fees applied to the RV parks & RVs occupied as dwellings that, while not expressly forbidden by state law, definitely create additional cost or delay to RVs occupied as dwellings. Examples include increased minimum parking standards (0.15 to 0.5 spaces/unit) and the application of SDCs to RVs that appear to be the same as applied to single-family detached dwellings.

Thank you again for the opportunity to provide this comment. I can be contacted with any questions or concerns at angie.brewer@dlcd.oregon.gov or (541) 306-8530.

Sincerely,

Angie Brewer, AICP
Central Oregon Regional Representative

CC: Gordon Howard, Community Services Division Manager, DLCD
Sean Edging, Housing Planner, Community Services Division, DLCD

Joshua Chandler

From: EDGING Sean * DLCD <Sean.EDGING@dlcd.oregon.gov>
Sent: Thursday, July 20, 2023 11:12 AM
To: BREWER Angie * DLCD; Joshua Chandler; Kaitlyn Cook
Subject: RE: The Dalles RV Code Amendments

WARNING: Email from external source. Links and attachments could pose security risks. Investigate sender and think before you click.

Hello folks,

This message is a follow-up from our meeting to discuss the proposed RV Code amendments provided in PAPA #002-23 (ZOA 109-23). As we discussed in the meeting, we think there are two potential options the City can consider to comply with ORS Chapter 197.

Option 1 – Regulate RV Park Development as a Commercial Use; Include ORS 197.493 Protections

Under this option, the code amendment provisions would need to be amended to have a clear focus on regulating RV Parks as a commercial use allowing for near-term stays. This would require removing provisions relating to long-term stays (e.g. the long-term time limit and SDCs applied to housing), and making clear in the purpose statement that the RV Parks are a commercial use intended for transient, near-term stays, similar to a hotel or short-term rental. We may also suggest applying SDCs in a manner proportional to infrastructure impact – for example, requiring payment of a water SDC where an RV Park provides a water connection, to ensure that these developments are proportionally paying into the system.

However, once an RV Park is established, should an RV park operator decide to allow an RV occupied as a dwelling on a pad lawfully connected to utility systems, they are permitted to do so under ORS 197.493 without any time restriction imposed by the local government. For the record, this is already the case for all RV Parks in The Dalles. However, to make this clear in the code, we suggest directly acknowledging the statute or statutory language in the code allowing an RV to be occupied as a dwelling without a time limit in an RV Park or Manufactured/Mobile Home Park that is lawfully connected to utilities.

This ensures that the City will be able to apply its current code provisions to RV Parks, while maintaining the protections provided to the siting of RVs as dwellings in parks once they are established.

Option 2 – Regulate RV Park Development as both Commercial and Residential; Revise Standards to be Clear & Objective

As noted, the City is able to regulate RV Parks as a commercial use for short-term stays, similar to a hotel or short-term rental. However, should the City also regulate RV Parks as a residential use (i.e. for long-term stays), the standards and procedures applied must be 'clear and objective' under ORS 197.307 (4):

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary.

Many of the development standards in Chapter 10.12 are not clear and objective. If the code would regulate RVs occupied as dwellings, then those standards and procedures must be clear and objective. Below are provisions in Chapter 10.12 that would need to be amended to conform with ORS 197.307 (4). There may be additional inconsistencies in other portions of the code; for example, the PAPA materials did not include access, landscaping, parking, or design standards, so we cannot speak to whether these standards are clear and objective.

- 10.12.030 – requiring a Conditional Use Permit for RV parks with stays of longer than one year, which encompasses RVs occupied as dwellings

- 10.12.040 – application of Conditional Use Permit criteria that are not clear and objective (i.e. they are made at the discretion of Planning Commission). There may also be Site Plan review criteria that are not clear and objective, but this review is focused on materials submitted in the PAPA
- 10.12.050:
 - o A. Requires "all the requirements of federal, state, and local laws and regulations shall be met" but does not specify what laws or regulations actually apply.
 - o B. Requires that the "soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of occupants", but does not identify what conditions create hazards.
 - o B. Requires parks "shall not be located in areas exposed to objectionable smoke, noise, odors, prone to erosion, or other adverse influences", which requires a discretionary determination
 - o F.1. Requires access to an arterial or collector street or a street "with sufficient width and ease of access to allow any RV to enter and exist without causing undue traffic problems" which requires a discretionary determination. The provision also requires access to these streets to be evaluated "on a case-by-case basis" (i.e. at the discretion of an unspecified decisionmaker) which is not clear and objective.
 - o F.5. Requires "functional turning paths, turning radii" for RVs anticipated in the park, but does not specify what paths or radii would be "functional"
 - o G.1.b. Requires "suitable landscaping shall be provided in required setback areas", but does not specify what is suitable
 - o G.2.a. Requires "Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through use of techniques such as offsets, landscaping, and changes in materials" but does not specify how long of a fence this is or what specific design features and dimensions would fulfill the standard.
 - o H.3. Requires that "all areas must be designed to provide for the control of runoff, surface water, dust, and mud", which requires a discretionary determination
 - o M. Requires "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", which requires a discretionary determination. The latter half of the standard specifying foot-candle thresholds from property lines is clear and objective, however.
- 10.12.060.A. Requires "Each RV park shall at all times keep a neat appearance." Which requires a discretionary determination.
- 10.12.070.B. As mentioned in the original letter, the requirement for a discretionary approval for a long-term space (i.e. RVs occupied as dwellings) is neither clear and objective nor is consistent with ORS 197.493.
- 10.12.080 Enables the Director to revoke an approval for an RV Park, including RVs occupied as dwellings, based on a discretionary determination of a park's conformance with its approval, including a variety of discretionary approval standards.

I hope you find this helpful. Let me know if you have any additional questions.

Best,



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TIMMONS LAW PC

July 20, 2023

Planning Commission
City of The Dalles
313 Court Street
The Dalles, Oregon 97058

COPY

Re: Proposed Zoning Ordinance Amendment 109-23

Greetings,

I live and work in The Dalles. My residence address is 1527 E. 18th Street, The Dalles, Oregon. My business address is 3591 Klindt Drive, Suite 220, The Dalles, Oregon 97058.

I support the portion of the proposed amendment that prohibits RV Parks within all residential zoning districts. Our City has a housing shortage, and land within the residential zoning districts should be used for the development of permanent housing.

I am opposed to the portion of the proposed amendment that changes RV Parks from an "allowed conditionally" use to a "permitted outright" use in the industrial zone. Our City lacks a sufficient supply of industrial land to meet its future needs, and the proposed amendment will impact this supply. Industrial land should be used to provide economic development and jobs within our community, and RV Parks do not meet those goals. The siting of RV Parks within an industrial zone should be reviewed by the City through its quasi-judicial process to ensure that the community's needs and goals will be met. Through this planning process, the City can better ensure that RV Parks are developed at appropriate locations.

I encourage the City to evaluate the City's need for RV Parks. If there is a need, the City should study and select areas where RV Parks might be most appropriate, without impacting our City's housing and industrial inventory.

Thank you.

Sincerely,

Bradley V. Timmons