

**MINUTES**

**PLANNING COMMISSION MEETING**

August 15, 2024  
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 (joined at 5:34 p.m.), Philip Mascher, Maria Peña, Mark Poppoff, Nik Portela

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Director Joshua Chandler, City Attorney Jonathan Kara, Special Counsel Chris Crean, Secretary Paula Webb

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Cornett led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

It was moved by Poppoff and seconded by Case to approve the agenda as submitted. The motion carried 7/0; Case, Cornett, Grant, Mascher, Peña, Poppoff and Portela voting in favor, none opposed.

**APPROVAL OF MINUTES**

It was moved by Portela and seconded by Poppoff to approve the minutes of June 6, 2024 as submitted. The motion carried 7/0; Case, Cornett, Grant, Mascher, Peña, Poppoff and Portela voting in favor, none opposed.

**PUBLIC COMMENT**

None.

**QUASI-JUDICIAL PUBLIC HEARING**

Chair Cornett read the rules of a public hearing. He then asked if any Commissioner had ex parte contact, conflict of interest or bias, which would prevent an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:38 p.m.

Director Chandler provided the staff report and presentation, Attachment 1.

In response to Chair Cornett's inquiry, Director Chandler replied the study included parking spaces both on street and in parking lots. There are 112 spaces signed as public parking. The study opens the idea for shared parking agreements for both developers and property owners.

Chris Koback, Hathaway Larson, 1125 NW Couch Street, Suite 550, Portland, Oregon

Mr. Koback is a land use attorney, present on behalf of the applicant, Mary Hanlon.

Mr. Koback referred to TDMC 10.7.020.040(D) which states, "minimum and maximum off-street parking requirements **may** be waived for the following..." Mr. Koback said this is a clear and objective, locational, qualification.

Nick Smith, Senior Project Manager, Emerick Builders, 27501 SW 95<sup>th</sup> Ave., Suite 970, Wilsonville, Oregon

Mr. Smith responded to concerns regarding dust. Concrete will cover a good portion of the site. During construction, the site will be sprayed with water to eliminate dust.

Mary Hanlon, 315 E. 10<sup>th</sup> Street, The Dalles

Ms. Hanlon said, in light of this appeal, I would like to go on the record as stating that the accomplishment of a development like Basalt Commons in The Dalles is not an easy task. Putting together financing given the increased housing costs, the construction costs, the interest rates, and no comparable projects, are just a few of the challenges faced with a project like this.

Ms. Hanlon has worked on housing for the last 35 years, and said Basalt Commons brings together all of the positive aspects of that work: the creation of housing, the addition of jobs, the revitalization of a historic downtown, and the infill nature of a lot underutilized for over 20 years. The rich history of The Dallas deserves more than one building built in the last 50 years, and we would like to contribute to that.

There is a severe housing crisis in The Dalles. Most of the rental housing in The Dalles was built over 50 years ago. More than 35% of the population in The Dallas rents; the housing supply has not increased with the population and jobs. Multi-family housing is increasing in price without a corresponding change in the supplier quality. There was a 29% increase in housing costs in 2021. The current housing market in The Dalles can absorb 236 additional multi-family housing units without any new renters before the occupancy rate falls below 95% occupancy. 500 multi-family housing units were identified as needed between 2022 and 2026; none were added.

This project creates economic development, vitality and an infusion of capital downtown. The construction will generate a significant economic impact. 124 full time jobs are estimated at \$5.8 million in payroll. An additional 84 FTE [full-time equivalent] will be created in Wasco

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County from indirect and induced costs, an additional \$14.4 million. The ongoing impacts of this project will support over 30 jobs, or \$1.5 million in annual payroll. In the first 10 years, this project is estimated to create 478 FTE jobs and \$16.9 million in compensation. That is not talking about just this many more people. With 100 people living downtown, approximately \$2 million in disposable income will be spent in downtown.

Ms. Hanlon continued. There is not a parking problem. A healthy community is not a tradeoff of a perceived future parking problem in exchange for residential housing being built. Visibly, as well as reinforced by two studies, there is adequate parking. Basalt Commons will have 35 parking spots with the building, four motorcycle spots on site, and 20 directly surrounding the building. All tenants will have free bus passes. There is bike parking in each unit. The building is walking distance to a grocery store, coffee, restaurants, doctors, gifts, books, banks, office supplies and much. We do not want parking problems for our residents, commercial tenants or our neighbors; we will address these issues if they arise.

Basalt Commons will be a beautiful, well designed addition to The Dalles in an appropriate location. It is designed by one of the best architecture firms in the northwest, Hacker Architects, and it will be built by one of the best contractors in the Northwest, Emerick Builders. The ground floor has been designed to address the need for industrial space in the form of a brewery. We do not have a brewery yet, but it will have that capacity.

Residents will have wonderful amenities. It is a secure building with an elevator. It will have air conditioning, and a washer and dryer in every unit. The ground floor will have a beautiful lobby area and provide workspaces for both conferences and work, as well as workspace to build. The rents are market rate, with 20% of the units at 80% of the MFI (median family income); two people working in a minimum job will be able to afford these apartments. We anticipate that seniors who do not want to maintain or renovate a home will occupy at least 30% of the units, which will open up the single family market. We are always willing, and committed, to work with our neighbors and would like to move forward. Thank you.

Chair Cornett invited Commission questions.

Commissioner Poppoff said he noticed the plan includes many studio and one-bedroom apartments, but there is a real need for two- and three-bedroom rental apartments. Have you considered redesigning the plan to include mostly two-bedroom units and some three-bedroom units? This change would reduce parking issues and provide larger rental units that are in high demand.

Ms. Hanlon replied, regarding the two-bedroom units, it's interesting you mention them. Right now, we are deciding whether to reduce the number of two-bedroom units – we currently have 16. Our thought was to reduce them since studios and one-bedrooms allow for lower rent, which is what most people prioritize over space. It's helpful to hear there is demand for two-bedrooms, and we will consider them. Three-bedroom units are impractical for this project; to cover construction costs, we would need to charge a higher rate per square foot; this is not feasible due to a lack of comparable rents for new construction in this area. Balancing rents and costs is

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essential to meet the bank's debt coverage requirements, and we're working hard to make this financially viable.

Chair Cornett invited comment from the appellant.

Bob Wickwire, 601 E. 3<sup>rd</sup> Street, The Dalles

Mr. Wickwire, owner of Downey Furniture on the corner of Jefferson and Third Street, expressed his concerns over the proposed development's parking plan. As a tenant renting space across the street from Mary [Hanlon], he hoped that new residents from the planned 116-unit building would become future customers. His appeal, based on common sense rather than legal interpretation, highlighted the impact of limited parking.

Mr. Wickwire had assumed the project would not be approved with over 115 apartments and only 35 on-site parking spots. He recounted that his father-in-law, who owned the vacant lot next to the former Sunset Motors, was approached by the developer about purchasing it to support the development's parking needs. However, both lots were soon sold to the City of The Dalles at a profit. Wickwire questioned whether tenants would ultimately be permitted to park in those city-owned lots.

Mr. Wickwire expressed concern over the existing parking challenges in downtown The Dalles, emphasizing that no study is needed to see that parking is already an issue. He questioned the belief that customers are willing to walk three or more blocks to visit stores, especially considering that many of his patrons are elderly or rely on wheelchairs or walkers.

In an initial letter, Mr. Wickwire outlined concerns over how the proposed project would impact his business, suggesting dedicated spaces, time-limited parking, or meters as potential solutions. The City's response referenced an ongoing downtown parking assessment, expected for completion in the fall.

Mr. Wickwire also raised questions about parking restrictions on Third and Laughlin streets near the project, where tenants could not park between 9:00 a.m. and 6:00 p.m., yet were allowed to park in front of his store or along Jefferson Street without similar restrictions.

Director Chandler replied the public would be able to park in the lot at Third and Jefferson streets.

Mr. Wickwire asked for clarification of the restricted parking zone. Director Chandler replied the zone, adopted in 1986, remains in place. In 1986, there was no restriction in front of the Appellant's property.

Ron Vergeer, 4679 Mill Creek Road, The Dalles

Mr. Vergeer owns both Downey Furniture buildings on Jefferson Street. The current parking limitations stem from his collaboration with David Thomas to address issues involving Thomas's employees parking on Downey Furniture's side of the street. During this period, parking meters were left in place and the parking restrictions were not applied, as they anticipated a future extension of meter removals up to the Salvation Army building.

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Mr. Vergeer also referenced parking issues observed in Canby around the Dahlia Apartments. He spoke with nearby business owners, managers, and employees who described residents of the Dahlia Apartments using private parking. He said that, based on his observations, Canby's downtown parking volume is likely at least double that of The Dalles.

#### Charles Gomez, 223 E. 2<sup>nd</sup> Street, The Dalles

Mr. Gomez shared concerns about the proposed Basalt Commons project. With only the project's employees speaking in support, they felt community members were underrepresented. Given the demands on the City Council and Planning Commission, he suggested appointing a committee to assess large development.

Mr. Gomez shared his concern with parking; people typically prefer convenient parking. He stated 35 parking spaces were insufficient; even hundreds of spaces might not be enough.

Mr. Gomez requested a computer-generated rendition of the building in the context of surrounding structures to better assess its impact. It would have been appropriate for Basalt Commons to provide an accurate scale model. He proposed pausing the project until height and parking requirement were reconsidered. He noted Debra Gomez provided a rendition of the project, not to scale (Attachment 2).

#### Kathy Bayer, 905 E. 2<sup>nd</sup> Street, The Dalles

Ms. Bayer said at first there were 420 empty spaces at any given time for the public, 112 of which were for the public. That leaves 350 private spaces that would require an agreement to be available to the public.

Director Chandler replied the study is looking only at occupancy of the spaces. He added a free, annual parking permit is available for downtown residents. An additional 23 spaces are being built across the street from the development. There is an opportunity for any business owner to enter into a shared parking agreement with the developer – a common parking management strategy.

#### Susan Ross, 1000 E. 16<sup>th</sup> Place, The Dalles

Ms. Ross referred to the past abduction of a young woman, and asked if the more remote parking lots would be monitored.

#### Dan Meader, 911 E. 7<sup>th</sup> Street, The Dalles

Mr. Meader raised several observations and questions about the proposed development, expressing skepticism that all 116 units will realistically have only one car each. He highlighted issues with citizen involvement, commending the applicants' presentation but noting that this was the first comprehensive overview offered publicly.

Mr. Meader noted only properties within 100 feet of the development – approximately 15 – were notified of the decision.

He also expressed concerns regarding “market-rate” rentals, emphasizing these units are not intended for middle-income residents. He suggested holding a fully accessible public hearing,

where the developers could present their plans in detail and respond to questions from the community.

Anthony Manciu, 612 E. 3<sup>rd</sup> Street, The Dalles

Mr. Manciu noted inaccuracies on the parking chart, explaining that the “green zone” in front of their property does not reflect actual conditions, as all available parking is typically occupied by existing tenants. If a vacancy arises, additional vehicles would further increase parking demand, especially on weekends and evenings.

They also raised concerns about parking logistics during parades, which draw additional cars to Second and Third Streets and require current vehicles to relocate. The owner questioned where spectators would park for such events. Finally, they observed that tenants are unlikely to want to park far from their apartments when carrying groceries or managing children, emphasizing the need for realistic proximity in parking arrangements.

John Schmid, 420 E. 4<sup>th</sup> Street, The Dalles

Mr. Schmid has a clear view of the area from his home. He noted that current parking accommodations seem adequate but questioned the long-term sustainability of these arrangements. He stated that adding 150 more vehicles with the new development could quickly reduce parking availability. He questioned how the City plans to manage increased demand, especially as it aims to grow and revitalize downtown, and asked how long it will be before additional buildings and businesses strain existing parking further.

The speaker pointed out that, with the planned construction, there would be limited flexibility to increase parking spaces afterward. He asked what this would look like once all the parking spaces are filled.

Director Chandler replied it is undetermined. He referenced the report's estimate, noting that up to 199 parking spaces may be needed, though mixed-use development typically allows for some reductions in required parking. Taking the highest estimated need and subtracting it from the total available spaces – approximately 400 – would give a general idea of remaining capacity. This approach indicates that, under the worst-case scenario, around 200 spaces might remain.

Warren Sawyer, 500 E. 3<sup>rd</sup> Street, The Dalles

Mr. Sawyer read from his letter submitted August 14, 2024, Attachment 3.

Todd Carpenter, 216 E. 5<sup>th</sup> Street, The Dalles

Mr. Carpenter suggested that the current parking restrictions be extended beyond Laughlin Street, believing the Planning Commission should recommend this change to the City Council. He noted a perceived lack of transparency regarding the private parking study, and emphasized the need for the City to get ahead of the parking issues.

He noted the importance of parking convenience, adding that, while they frequently walk downtown, they prefer parking nearby when running errands. He agreed that economic vitality, housing for the community (especially for the service industry), and the redevelopment of

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underutilized properties are priorities that everyone likely supports. The City must create alternate parking options as part of a long-term strategy. Without a cohesive parking plan, adding units or upgrading buildings downtown is unsustainable.

#### Nathaniel Stice, 1010 G Street, The Dalles

Mr. Stice focused on the critical need for housing in town. Efforts to establish downtown housing have encountered numerous obstacles over the past decade, yet these projects are essential to downtown vitality. Placing residents near businesses is crucial for a thriving downtown, a view supported by Main Street development experts across the state.

Mr. Stice expressed concern that delaying or appealing this project could mean losing a significant opportunity for another decade, further impacting downtown businesses struggling to stay open without a nearby residential base.

He noted ample parking is typically available downtown, even during peak times. He encouraged the Planning Commission to take this opportunity to meet housing needs and help create another cornerstone for downtown prosperity.

#### Cynthia Kortge, 5663 Mill Creek Road, The Dalles

Ms. Kortge introduced herself as a consultant for The Dalles Main Street. She outlined the purpose and goals of The Dalles Main Street, a nationally recognized program implemented locally since 2011.

Ms. Kortge noted one of Main Street's pillars, economic vitality, aligns closely with this project, which aims to create a supportive environment for downtown businesses and attract further investment. She spoke of the town's potential, emphasizing that this project could attract more people to downtown businesses, enhancing overall economic strength. The project also addresses the pressing need for housing in the community, helping to relieve the City's constrained housing market.

Kortge underscored The Dalles' walkability, describing it as a highly walkable town with amenities like a grocery store, coffee shops, gyms, restaurants, a children's museum, and parks, all easily accessible. This project, one of the largest developments in The Dalles in decades, will add residential housing downtown, and potentially generate significant revenue for local businesses.

Ms. Kortge acknowledged the possibility of future parking challenges. She suggested that an increase in activity and "a little bit of a parking problem" would be a positive indicator of economic vitality in the downtown area.

#### Bets Stelzer, 404 W. 12<sup>th</sup> Street, The Dalles

Ms. Stelzer expressed strong personal and professional support for this downtown revitalization project, explaining how her recent investment in a downtown grocery store was influenced by the project's potential to bring new energy to the area. She shared her unique perspective as a business owner with a similar establishment in Hood River, observing that her sales there are

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significantly stronger after 4 p.m., a stark contrast to The Dalles, where customer traffic largely disappears by that time. Hood River's downtown, while not as centrally urban, benefits from consistent foot traffic due to nearby residential neighborhoods – a factor she believes could transform The Dalles if more residents lived downtown.

Ms. Stelzer noted that the differing needs of residents and businesses make the parking issue more flexible than some anticipate. Residents typically need parking at night, while businesses see peak demand during the day, creating a natural overlap that allows for shared parking solutions. She recounted her experience living near Portland's bustling food and residential hubs, where residents often chose to walk or use available parking sparingly, a practice that fostered walkability and urban vibrancy.

Reflecting on workforce challenges, Ms. Stelzer highlighted that several potential employees turned down jobs due to a lack of affordable housing. She emphasized that resolving this housing shortage is essential, as the need for housing will impact the community's economy and businesses more immediately than potential parking constraints. Concluding, she stressed that vibrant, foot-traffic-oriented downtowns better support local businesses than empty curbs and suggested that a thriving downtown with residents and visitors walking about would far outweigh minor inconveniences around parking.

#### Shannon Zilka, 318 E. 4<sup>th</sup> Street, The Dalles

Shannon Zilka, owner of Shannon's Ice Cream, shared her support for a thriving downtown. As both a resident and business owner in the area, she mentioned her experience with requesting a parking variance, acknowledging that if her request had been denied, her business plans likely would not have succeeded. While her business may impact parking in the area, it also draws people from nearby communities and off the freeway, hopefully contributing positively to the downtown economy.

#### John Southgate, 88 S. 4<sup>th</sup> Street, Independence, Oregon

Mr. Southgate, a consultant in urban planning and development, spoke in favor of the proposed project. He noted that increasing the supply of housing at various income levels benefits the local economy, allowing higher-income individuals to move into new units and freeing up more affordable options for others.

Mr. Southgate acknowledged parking challenges but stated various strategies could be implemented to manage those issues.

#### Tanner Dunbar, 207 Laughlin Street, The Dalles

Mr. Dunbar, a resident of The Dalles and manager of a local property management business, expressed his support for the Basalt Commons project. He acknowledged the concerns regarding parking but echoed sentiments from previous speakers about the benefits of increased foot traffic in downtown areas. He emphasized the housing difficulties in The Dalles, stating that the Basalt Commons would attract a diverse range of residents, including younger individuals and seniors.



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Mr. Dunbar addressed the issue of rising rents and the housing market, noting the project aims to provide affordable options for various demographics, unlike some investors who displace tenants in favor of higher rents. He added that reduced parking availability might encourage more foot traffic, benefiting local businesses.

#### Taylor Alsheimer, 505 W. 3<sup>rd</sup> Place, The Dalles

Mr. Alsheimer, a resident of The Dalles and a public school teacher at The Dalles High School, stated his support for the Basalt Commons project. He believed bringing more commerce and residents into town would benefit economic development.

Mr. Alsheimer highlighted the pressing need for housing, sharing that he often received inquiries from new teachers looking for places housing. He thought that housing and economic development took priority over parking, and encouraged the City to collaborate with local businesses to find solutions.

#### Debra Gomez, PO Box 1329, The Dalles

Deborah Gomez shared her concerns regarding the size of the proposed development and the visual impact of the structure. While she supports the idea of new development, she emphasized that the proposed size of the building is excessive and could negatively affect property values for those who have been long-time taxpayers in the area.

Chair Cornett invited rebuttal from the Applicant.

#### Chris Koback, Hathaway Larson, 1125 NW Couch Street, Suite 550, Portland, Oregon

Mr. Koback emphasized the importance of adhering to the criteria outlined in the city code when evaluating the proposed Basalt Commons project. He noted a clear path exists within the Code to allow a waiver of parking requirements in specific conditions. He added that both his legal interpretation and the City's staff interpretation align; the decision to approve the project should be based on the existing Code.

Mr. Koback clarified a point about the purchase of lots for the project, stating that the decision to use those lots for public parking instead of private parking was made by the City, not by the developer.

Addressing concerns about future parking challenges, Mr. Koback argued against halting development due to fears about parking issues, suggesting that proactive planning and the establishment of advisory committees could effectively address these concerns.

#### Mary Hanlon, 315 E. 10<sup>th</sup> Street, The Dalles

Ms. Hanlon expressed her commitment to housing and community development, highlighting her passion for creating healthy, vibrant living spaces. She emphasized the importance of fostering a collaborative environment where information can be shared openly, rather than responding to inquiries with hostility or aggression.

She found it concerning that some community members sought information from Canby instead of engaging directly with her, despite her efforts to collaborate. In response to a hypothetical

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scenario about competition, she stated that if 116 new residents were to move into the apartments across her business, she would not oppose it.

Addressing the complexities of development, she acknowledged the challenges and high costs involved, noting that such projects are rare in downtown areas due to these hurdles. She stated that her project has adhered to all codes and regulations throughout the planning and development process, emphasizing that The Dalles is in need of housing.

Chair Cornett asked Ms. Hanlon for clarification on the affordability of the apartments.

Ms. Hanlon addressed the complexity of housing market data and the differing perspectives on the numbers presented, particularly in comparison to Canby. She clarified that the market rate figures for her project were derived from a comprehensive market study that assessed local demand and need. This study is crucial for securing financing and involves obtaining appraiser approval, which remains uncertain for The Dalles.

Regarding the income figures mentioned, she explained that the 80% median family income threshold is based on federal government statistics specific to The Dalles. She noted these figures are significantly lower than those of neighboring communities. She pointed out that The Dalles lags behind economically compared to other communities, and the data reflects this disparity. Ms. Hanlon stated 20% of the apartments will be affordable for individuals earning 80% of the median income.

Ms. Hanlon anticipates the project will break ground in 18 months.

Chair Cornett closed the public hearing at 7:51 p.m. He then opened Commission deliberations.

Commissioner Mascher expressed empathy for the emotions surrounding the parking issue. He emphasized that housing is a significant challenge for The Dalles and that many local businesses struggle to attract people, citing examples from the Farm Stand, the school district, and the hospital.

Highlighting the importance of revitalizing downtown, he pointed out the numerous closed storefronts and the quiet atmosphere in the area during evenings and weekends. He argued that while parking is a concern, it seems less critical compared to the more pressing issues of housing and downtown vitality.

Commissioner Mascher stated he was convinced that the proposed project would contribute positively to these challenges, helping to rejuvenate downtown and address the housing crisis. He expressed trust in the work done by City staff, stating that their research has been conducted with good intentions and objectivity. He said he clearly felt that granting the parking waiver was the correct decision.

Commissioner Poppoff stated residential buildings have slightly different needs for parking, and thought dedicated parking should be located within a reasonable distance. He would like the parking issue to be resolved before moving forward.

Chair Cornett shared his personal journey of moving to The Dalles in 2016, reflecting on how the city reminded him of his hometown, Valparaiso, Indiana, which faced similar challenges with

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empty storefronts and struggling businesses. He emphasized the importance of community involvement in driving positive change, noting how Valparaiso became more vibrant after a residential building and park were introduced downtown.

He articulated his belief in The Dalles as a place where individuals can make a difference through their choices and spending. Chair Cornett highlighted his commitment to improving the town as a member of the Planning Commission and recognized the collective efforts of community members engaged in the process, whether through public comment, applications, or appeals.

He acknowledged the need for adaptability in addressing issues like parking, referring to past decisions regarding RV parks that highlighted the importance of responding to community feedback and changing the Code to better suit residents' needs. Chair Cornett stated we need to address the parking issue; we have two years to find a solution. He said, "I think we all have the power to do that."

It was moved by Portela and seconded by Cornett to deny appeal APL 037-24 of SPR 544-24.

City Attorney Kara suggested Commissioner Portela withdraw the current motion and use the language proposed in staff's recommendation.

It was moved by Portela and seconded by Cornett to adopt Resolution PC 623-24, a resolution denying the appeal and affirming the director's approval of Site Plan Review 544-24, based on the findings of fact and conclusions of law set forth in the agenda staff report with all conditions of approval. The motion carried 5/0; Case, Cornett, Grant, Mascher, Peña, and Portela voting in favor, Poppoff opposed, Grant absent.

### **STAFF COMMENTS / PROJECT UPDATES**

Thank you, everyone, for your patience as we wrapped up. Here's a summary of upcoming planning sessions and changes:

- September: No meetings currently scheduled, pending new applications.
- October 3: Joint session with City Council and Planning Commission on the Housing Production Strategy.
- October 17: Second October meeting canceled due to a planning conference.

### **Housing Production Strategy Open House – August 26**

- This open house will be held virtually with Council Chambers open for the public. Consultants will attend virtually.
- A GIS story map and a survey will be available to collect public input on local housing needs. Please help spread the word for broad community engagement.

FEMA Updates and Code Changes

- New Requirements: Policy and code changes will be necessary by the end of the year, primarily focused on floodplain standards and endangered species protections.
- Expected Impacts: These changes result from a FEMA lawsuit and will affect many Oregon communities.
- Next Steps: Expect further updates as details unfold, including potential policy adjustments.

Senior Planner Recruitment

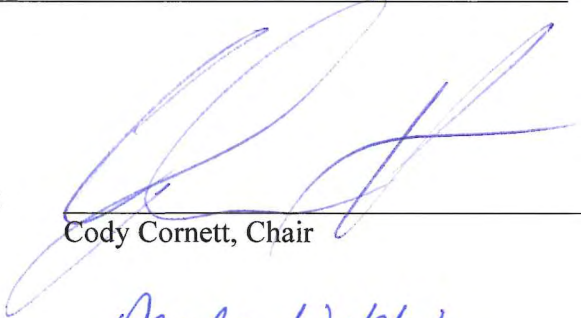
- We are actively recruiting. If you know of any interested candidates, please refer them to the job posting.

ADJOURNMENT

Chair Cornett adjourned the meeting at 8:13 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 City Council

THURSDAY, AUGUST 5, 2024 | 5:30 PM

## Appeal No. 37-24

**Appellant:** Bob Wickwire

**Site Address:** 523 E. 3<sup>rd</sup> Street

**Site Zoning District:** Central Business Commercial (CBC)

**Zoning Sub-District:** CBC-2

**Issue:**

*Appeal of the administrative approval of Site Plan Review (SPR) 544-24 on July 12, 2024, for the approval to construct 116 for-rent apartments, over +/-9,500 sq. ft. of retail space, resident amenities and building services in a +/-96,000 gross sq. ft., five-story, mixed-use building.*

## Comments Received

As of today, four comments were received.

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## Project Timeline

### Site Plan Review No. 544-24:

- Deemed Complete: May 29, 2024
- Notice of Decision: July 12, 2024
- 10-Day Appeal Period ends: July 22, 2024
- Notice of Appeal submitted: July 22, 2024

### Appeal No. 37-24

- *Planning Commission:* August 15, 2024

127-Day Timeline: **October 3, 2024**

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## Subject Property

523 E. 3<sup>rd</sup> Street

Former site of Griffith  
Motors



## Basalt Commons

Five-Story

Mixed-Use

92,000 gross SF

Floor 1:

- Retail, resident amenity and building services

Floors 2-5:

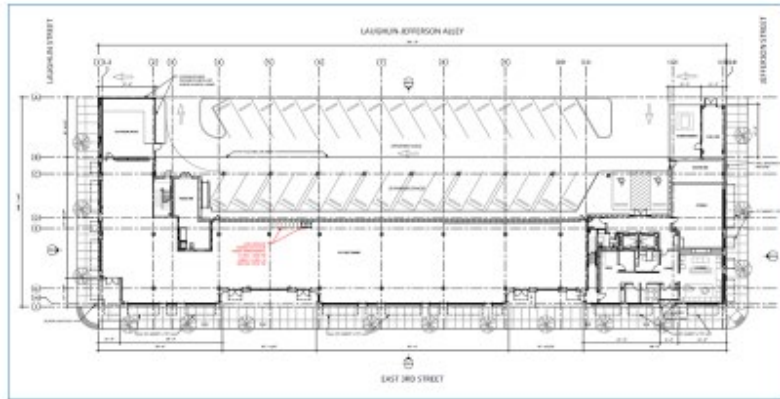
- 116 for-rent apartments



## Basalt Commons

### Site Plan

Levels 2-5 included in  
Attachment 1



## Land Use Review

Project consists of three separate actions:

- **Replat (MIP 438-24):** *Request to consolidate three tax parcels into one.*
  - *Approved / Notice of Decision: June 18, 2024*
- **Conditional Use Permit (CUP 212-24):** *Building height increase.*
  - *Approved | Planning Commission: June 6, 2024*
  - *Approved | City Council (APL 36-24): July 22, 2024*
- **Site Plan Review (SPR 544-24):** *Site and construction of the development.*
  - *Approved | Administrative: July 12, 2024*
  - *One Notice of Appeal received (APL 037-24)*



## Review Criteria

- Section 10.3.020.080 – Findings #1-#6
- Article 3.030 Site Plan Review – Findings #7-#36
- Article 10.5.050 CBC Zoning District – Findings #37-#51
- Article 6.010 Landscaping Standards – Findings #52-#66
- Article 6.050 Access Management – Finding #67
- Chapter 10.7 Parking Standards – Findings #68-#91
- Chapter 10.10 Improvements Req'd with Development – Findings #92-#104

## Appeal Issues

**APL 37-24** describes 6 reasons Planning Commission should grant the appeal request and reverse the Director's previous decision:

1. *Parking*
2. *Building Height*
3. *Airborne Dust Nuisance*
4. *Alley Improvements*
5. *Downtown Parking District Restrictions*
6. *Street Sweeping and Snow Removal*

## Appeal Issues: *Parking*

- *Parking issues are still unresolved.*
- *The parking study is not realistic.*
- *The City has rules for parking and no way to enforce.*
- *On-site parking – 38 spaces for 116 apartments. On-site parking is inadequate for a project of this size.*
- *Even with the City providing a public parking lot for this project's tenants, there is still inadequate parking for this development; thereby affecting surrounding businesses because parking spaces will be used by those tenants.*
- *The waiver for parking should not be granted and the design of the project should incorporate adequate parking for the tenants on-site*

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## Appeal Issues: *Parking*

- Comprehensive review of parking included in Findings #68-#91
- Findings #68 and #69 discuss allowed vehicle parking reductions, waivers, and exemptions pursuant to TDMC 10.7.020.040
  - TDMC 10.7.020.040(D)
  - TDMC 10.7.020.040(F)

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## Appeal Issues: *Parking*

### TDMC 10.7.020.040 (D)

*Off-Street Parking Waiver. Minimum off-street parking spaces required by Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be waived for the following:*

- 1. The property is located within the boundaries of a legally adopted parking assessment district that provides district-wide parking facilities.*
- 2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in Section 10.5.050.020: Sub-Districts.*

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## Appeal Issues: *Parking*

- Property is located within CBC-2 Sub-District; eligible for off-street parking waiver at developer's request
- Applicant proposed to apply parking waiver, reducing proposed parking spaces (35), rather than an outright waiver of all parking spaces
- Per TDMC 10.2.020(C), "may" is permissive, allowing the option to exercise provision
- State law requires only "clear and objective" standards for housing developments and directs cities to amend their municipal codes to remove permissive (i.e., subjective) language connected with housing development standards
- When subjective language exists in a municipal code concerning housing, the right to exercise such subjective standards is reserved to the applicant, not Appellant or even the City itself, consistent with ORS 197A.400(3)(a)

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## Appeal Issues: *Parking*

### TDMC 10.7.020.040 (D)

Provides flexibility in overall parking requirements and complements Comprehensive Plan Goal #10 Housing, Policy 14 which states:

*“Development standards in residential and mixed use areas shall provide for flexibility in site planning and development. Standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.”*

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## Appeal Issues: *Parking*

### TDMC 10.7.020.040 (F)

Allows modification to the number of required parking spaces with a Parking Management Plan and Parking Demand Assessment prepared by a licensed professional engineer, and must include:

- 1) a parking demand analysis for the project,
- 2) a project vicinity off-street parking supply and demand analysis, and
- 3) a shared parking analysis.

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## Appeal Issues: *Parking (PMP/PDA)*

### Parking Management Plan and Parking Demand Assessment (PMP/PDA)

- Prepared by Rick Williams Consulting
- Data Collection: Summer 2023; 1x weekday, 1x Saturday; 13 hour survey period
- Overall parking occupancy has significant parking availability (both on- and off-street during peak hours) to absorb additional parking demand of new development.

Color metrics for parking supply performance or demand



17

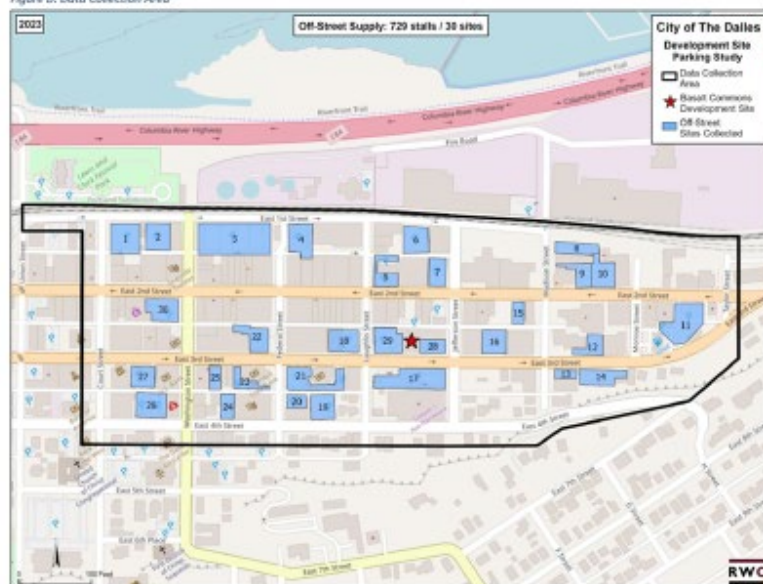
### PMP/PDA Study Area

On-Street Stalls: 789 (98.6% - No Limit)

Off-Street Stalls: 729; 30 lots  
(112 signed as "public parking")

Total Stalls: 1,518

Figure 8: Data Collection Area



## Appeal Issues: *Parking (PMP/PDA)*

### PMP/PDA Key Findings: On-Street Study Area

- Average Occupancy: Weekday = 35% | Saturday = 32%, indicating low demand
- Peak Hour (Occupancy): Weekday = 1:00 PM (47% of stalls occupied) | Saturday = 12:00pm (37%)
- Empty Stalls: Overall, high percentage of empty on-street stalls during the weekday and Saturday
  - Weekday peak hour (1:00 PM) = 421 empty parking stalls
  - Saturday peak hour (12:00 PM) = 496 empty parking stalls

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## Appeal Issues: *Parking (PMP/PDA)*

### PMP/PDA Key Findings: Off-Street Study Area

- Average Occupancy: Weekday = 23% | Saturday = 15%; indicating low demand for the off-street parking system relative to the available parking supply
- Peak Hour: Weekday = 12:00 PM (33% of stalls occupied) | Saturday = 11:00 AM (19% stalls occupied)
- Empty Stalls: Overall, high percentage of off-street stalls are empty during the weekday and Saturday
  - Weekday peak hour (12:00 PM) = 489 empty parking stalls
  - Saturday peak hour (11:00 AM) = 593 empty parking stalls

20

## Appeal Issues: *Parking (PMP/PDA)*

### PMP/PDA Key Findings: Off-Street Study Area

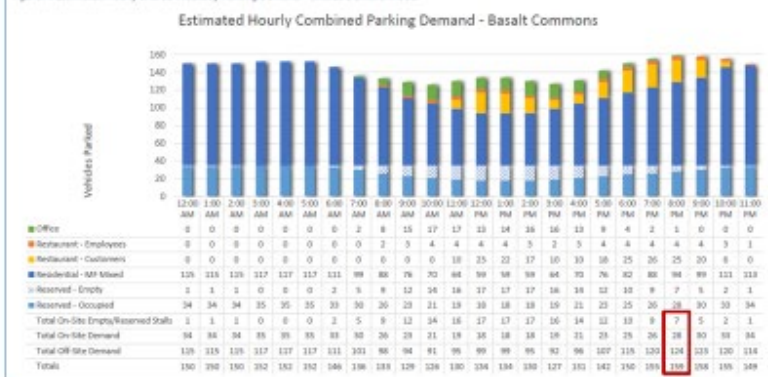
- Average Occupancy: Weekday = 23% | Saturday = 15%; indicating low demand for the off-street parking system relative to the available parking supply
- Peak Hour: Weekday = 12:00 PM (33% of stalls occupied) | Saturday = 11:00 AM (19% stalls occupied)
- Empty Stalls: Overall, high percentage of off-street stalls are empty during the weekday and Saturday
  - Weekday peak hour (12:00 PM) = 489 empty parking stalls
  - Saturday peak hour (11:00 AM) = 593 empty parking stalls

21

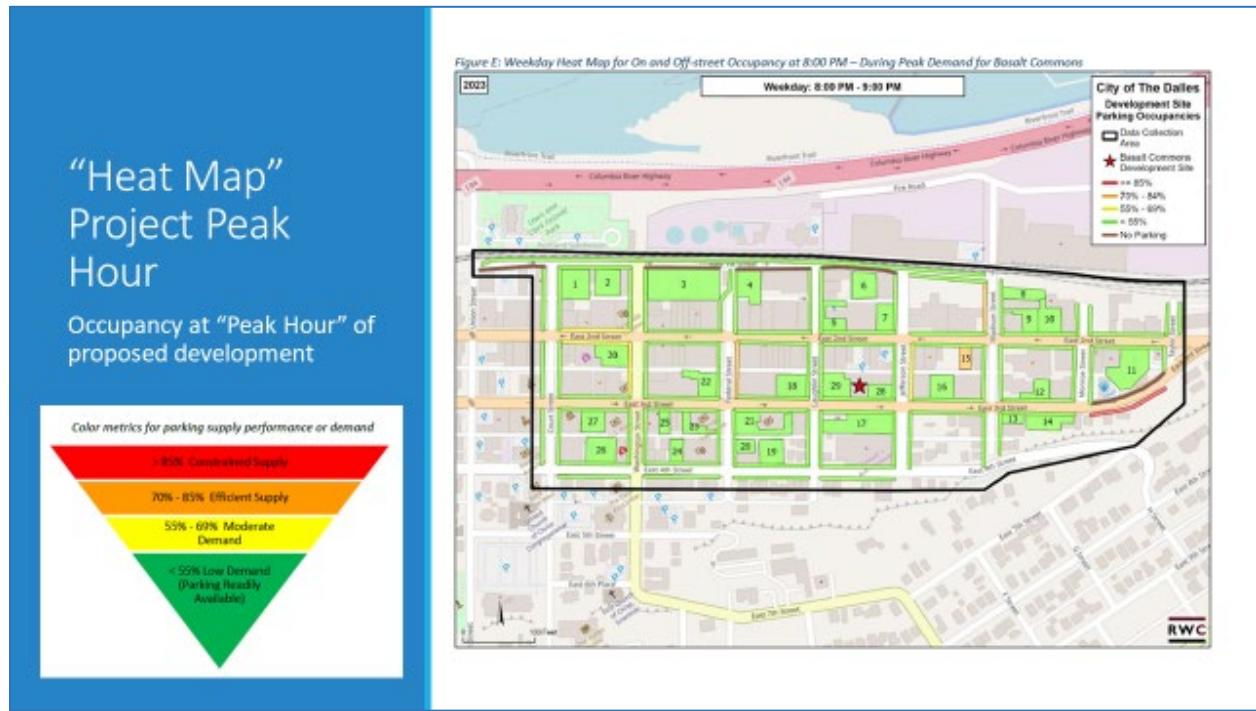
## Project Peak Hour

8:00 PM – determined as the peak hour for the proposed development; the time when the development will require the most parking

Figure A: Estimated Hourly Shared Weekday Parking Demand – Shared Demand Model







## Appeal Issues: *Parking (PMP/PDA)*

PMP/PDA Key Findings: Weekday Project Peak Hour (8:00 PM)

### On-street parking

- 1 block face = 85% occupancy (red); 1% of all parkable block faces
- 2 block faces = “efficient” (orange); 3% of parkable block faces
- 4 block faces = “moderate” occupancy (yellow); 5% of parkable block faces
- 72 block faces = “low demand” (green); 91% of parkable block faces.

### Off-street parking

- 1 surface lot (Zims Frau Haus) shows an efficient occupancy
- All other off-street facilities show low demand (green)



## Appeal Issues: *Parking*

*Parking Study is “unrealistic”, specifically with respect to the distance parkers will walk for purposes of furniture shopping.*

- PMP/PDA: “3-Block” as reasonable walking distance
- Staff agrees, purchasing large bulk items, such as furniture, is not feasible to any reasonable walking distance, but rather requires the use of nearby loading zones and/or spaces
- City allows 30-minute loading/unloading in all alleyways downtown

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## Appeal Issues: *Parking*

- “3-blocks” is not a City standard for parking distances; however, ¼ mile is a standard for acceptable distances to restroom facilities for Mobile Food Vendors (i.e., food trucks) within the City (TDMC 8.29.030)
- One-quarter mile = 1,320 ft.
- Within Downtown TD, 3 blocks = 1,100’ (East-West); 850’ (North-South)
- Per RWC, “reasonable distance” is subjective to each City, but industry standard is 750’-800’ for average transient parker & 1,250’ for district employee parkers
- 800’-1250’ standard is relatively proportionate to the three-block distance used in the PMP/PDA

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## Appeal Issues: *Parking*

*Even with the City providing a public parking lot for this project's tenants, there is still inadequate parking for this development; thereby affecting surrounding businesses because parking spaces will be used by those tenants.*

- The City is NOT providing parking for this development only
- City and Urban Renewal Agency purchased land adjacent to subject property for redeveloping into 23 space public parking lot
- Although current data shows an adequate supply of free on-street parking within the downtown, recent approved/constructed and proposed developments downtown are likely to create added off-street parking demand.

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## Appeal Issues: *Parking*

*The City has rules for parking and no way to enforce.*

- City Code Enforcement Division enforces all parking violations on a complaint-driven basis
- Violations enforced include:
  - abandoned vehicles (TDMC 5.040.090)
  - storage of motor vehicles on streets (TDMC 6.040.140)
  - improperly parked vehicles, recreational vehicles, boats, and trailers (TDMC 6.040.160)
  - enforcing parking restrictions within the City's Central Business Zone Boundary (TDMC 6.08), with three citations issued in the last year.

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## Appeal Issues: *Building Height*

### *Proposed building height exceeds the 55' height in the CBC zone.*

- Per TDMC 10.5.050.060: the maximum building height within the CBC zoning district is 55'; however, the building height may be increased to 75' with a CUP.
- Applicant proposes a 60-foot building height (excluding all "necessary roof structures" (10.6.090.010(A)(3)); less than 75 feet.
- A CUP for the height increase was submitted on May 6, 2024
- CUP approved by Planning Commission on June 6, 2024
- CUP approved by City Council on July 22, 2024 (APL 036-24)

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## Appeal Issues: *Airborne Dust Nuisance*

### *Concern regarding how dust will be mitigated with this development*

- Similar to all development permits, the following condition of approval is required during construction:
  - 4.a. *The Applicant shall prevent the formation of any airborne dust nuisance and shall be responsible for any damage resulting from failure to do so.*
- Any nuisance concerns that may arise with this development will be addressed on a complaint-driven basis, like all other concerns on all other developments.

30

## Appeal Issues: *Alley Improvements*

### *Alleyway abutting the property should be a requirement of the development*

- During Site Team meeting, multiple ROW improvements were discussed as requirements of the development (curb, gutter, sidewalk, etc.), as well as alley resurfacing
- The following condition of approval is required to be completed by Applicant prior to occupancy:
  - *5.c. All required improvements, including all ROW improvements and alleyway resurfacing, shall be installed prior to occupancy.*

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## Appeal Issues: *DT Parking District Restrictions*

### *Parking restrictions of building tenants should not only include those on East 3rd and Laughlin Sts, but also on East 2nd and Jefferson Sts*

- Finding #69: “no tenant of the development may park along the East 3rd and Laughlin Street frontages during the hours of 9:00 a.m. through 6:00 p.m. and all violators will be towed at their own expense.”
- This condition is not development specific, but an existing requirement of all persons at their place of employment, business profession, or residence located within the Central Business Zone Boundary

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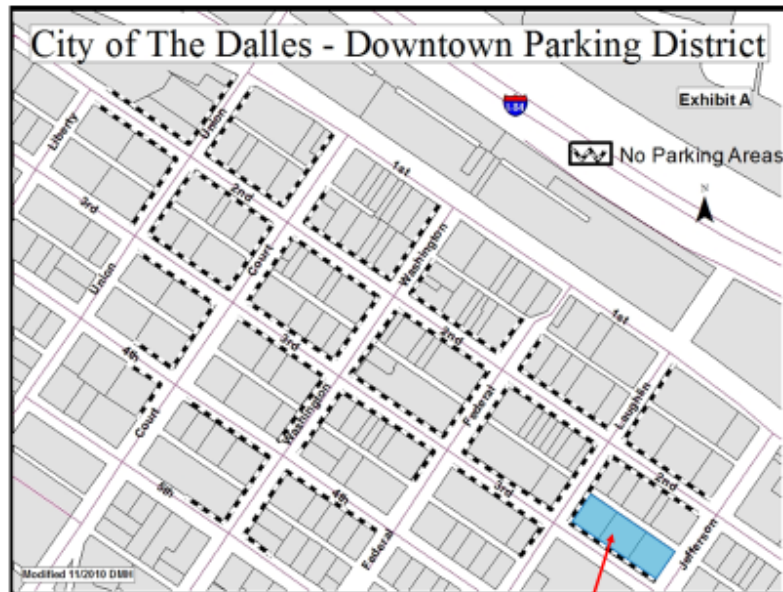
## Central Business Zone Boundary (TDMC 6.080.020)

Adopted by City Council in 1986  
(Gen. Ord. 86-1078)

Parking restrictions on  
numerous street frontages  
downtown

Restriction include: E. 3<sup>rd</sup> and  
Laughlin Streets abutting  
subject property

Any revisions to this district  
require City Council approval;  
none proposed at this time



## Appeal Issues: *DT Parking District Restrictions*

- SPR 544-24: Only referenced frontages abutting the subject property (E. 3<sup>rd</sup> and Laughlin Streets)
- For clarification, the original condition of approval from SPR 544-24 was amended to include district-wide restrictions
  - *6.f. Pursuant to TDMC 6.080.020, no tenant of the development (commercial or residential) may park along the public streets in the Central Business Zone Boundary the E. 3rd Street and Laughlin Street frontages during the hours of 9:00 a.m. through 6:00 p.m. and all violators will be towed at their own expense.*

## Appeal Issues: *Street Sweeping & Snow Removal*

### Concern regarding street maintenance, specifically street sweeping and snow removal

- Staff initially a condition of approval restricting parking along E. 3<sup>rd</sup> Street weekly for street sweeping purposes
- After further review, staff determined no other street frontage within the Downtown The Dalles/CBC zone district area has restricted parking for ongoing street sweeping or snow removal purposes, nor is such a requirement referenced in TDMC
- Condition removed
- City staff will continue to sweep and remove snow on all downtown streets in the same manner as currently practiced

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## Council Alternatives

1. **Staff recommendation:** *Move to adopt Resolution No. PC 623A-24, a resolution denying the Appeal and affirming the Director's approval of Site Plan Review No. 544-24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, with all conditions of approval outlined below.*

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## Council Alternatives

2. If the Planning Commission desires to affirm the Director's decision based upon additional findings and conclusions, or with different conditions of approval, move to adopt Resolution No. PC 623A-24, a resolution denying the Appeal and affirming the Director's approval of Site Plan Review No. 544-24, based upon the findings of fact and conclusions of law set forth in the Agenda Staff Report, as modified by the Commission, with all conditions of approval outlined below.
3. If the Planning Commission desires to affirm the Appeal, move to adopt Resolution No. PC 623B-24, a resolution affirming the Appeal and overturning the Director's decision. Under this alternative, the Planning Commission is required to identify the specific criteria supporting its decision against the Director's decision.

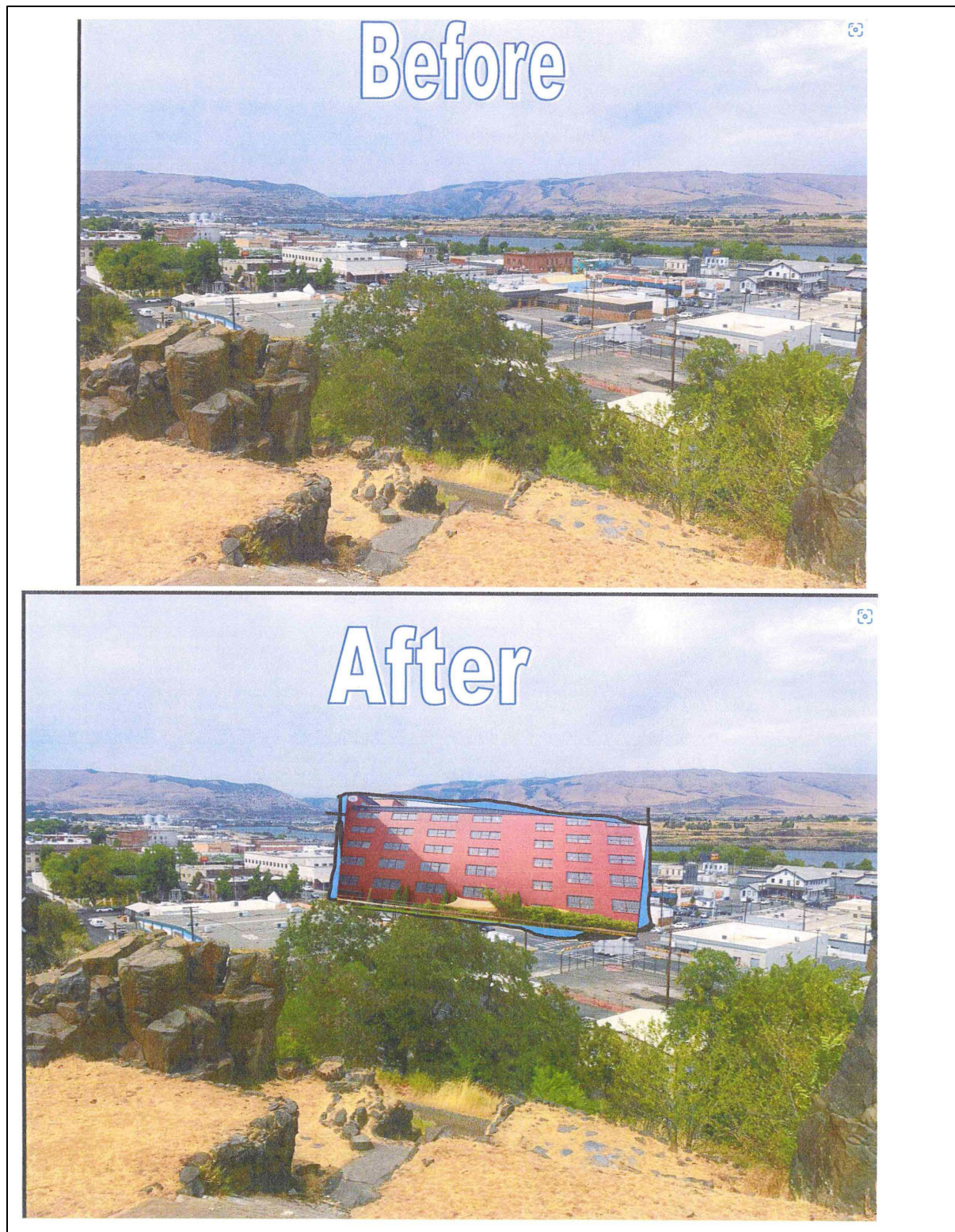
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# City of The Dalles City Council

THURSDAY, AUGUST 5, 2024 | 5:30 PM







Warren and Marcia Sawyer  
Sawyer Properties  
500 E. 3<sup>rd</sup> St  
The Dalles, OR 97058

Each and every person in this room including the developers, city staff, planning commissioners, attorneys, parking study engineers, citizens, .....everyone in this room and the community at large knows the development is not providing adequate off-street parking as proposed and there will be a significant negative impact on parking downtown over a wide area of adjacent uses including businesses, existing residences, and customers of downtown along with future residents, commercial tenants and customers of the development. And yet it feels like, we're going to do it anyway because we can and because of one word, "MAY".

This all boils down to one primary issue, interpretation of the municipal code stating that the parking requirements "May Be Waived" and the intent of people who drafted the code whether that is a choice of city planning and the planning commission to determine to waive the requirements, or the applicant of a development telling city planning it is their right to waive the requirements. Municipal codes and laws are most certainly drafted and approved by the city council to protect and give direction to the city planning and other city authorities, not the other way around. If you are going to interpret what the drafters of a code intended then you must interpret that the code was written for the city to control and be the authority, not the applicant and attorneys of a development. This is obvious, just common sense, and ask that the planning commission approve the appeal that the minimum parking requirements should not be waived to just 35 dedicated parking spaces.

The attorney for the development is interpreting that the applicant is in control of waiving the parking requirements and not our city staff or elected and appointed officials. Interpreting one word "May" to be in favor of the applicant and not the city. Most people in this room and community would disagree. No matter how many words or pages he writes, it is his interpretation and another attorney could have a completely different interpretation, that's how attorneys work.

The attorney makes note of 789 ON-STREET parking spaces in a "21" block area around the proposed project to support adequate parking. In an email I received from Joshua Chandler, Community Development Director, **"On-street parking is never counted toward the total parking provided with any development."** So which way is it?

With regard to condition 6.f of the administrative decision, Municipal Code 6.08.020 Prohibited Parking Zone. I ask that the Planning Commission support the appeal of the site plan review until The City Council has an opportunity to amend the municipal code to include the Downtown on-street parking to the East, North, and South of the proposed development and enlist the help of the businesses and residents in those area to amend the code.

Thank you,



Warren Sawyer