

**AGENDA**

**PLANNING COMMISSION**

April 3, 2025

5:30 p.m.

City Hall Council Chambers

313 Court Street, The Dalles, Oregon

Via Zoom

<https://us06web.zoom.us/j/82327794645?pwd=cld2UGhUb1BoVithR0tFUzczcWtXQT09>

Meeting ID: **823 2779 4645** Passcode: **001537**

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1. CALL TO ORDER
  2. ROLL CALL
  3. PLEDGE OF ALLEGIANCE
  4. APPROVAL OF AGENDA
  5. APPROVAL OF MINUTES
    - A. March 6, 2025
  6. PUBLIC COMMENT – During this portion of the meeting, anyone may speak on any subject that does not later appear on the agenda. Five minutes per person will be allowed.
  7. DISCUSSION ITEM
    - A. Planning Commission Restructuring Opportunities
  8. STAFF COMMENTS / PROJECT UPDATES
  9. COMMISSIONER COMMENTS / QUESTIONS
  10. ADJOURNMENT
- 

**CITY OF THE DALLES**

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

Meeting conducted in a room in compliance with ADA standards.

Prepared by/  
Paula Webb, Secretary  
Community Development Department

**MINUTES**

**PLANNING COMMISSION MEETING**

March 6, 2025  
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, Mark Poppoff, Nik Portela

**COMMISSIONERS ABSENT:** Maria Peña, Carrie Pipinich

**STAFF PRESENT:** Director Joshua Chandler, City Attorney Jonathan Kara,  
Senior Planner Sandy Freund, 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 Commissioner Case and seconded by Commissioner Grant to approve the agenda as submitted. The motion carried 5/0; Commissioners Case, Cornett, Grant, Poppoff and Portela voting in favor, none opposed, Commissioners Peña and Pipinich absent.

**APPROVAL OF MINUTES**

It was moved by Commissioner Grant and seconded by Chair Cornett to approve the minutes of February 6, 2025 as submitted. The motion carried 5/0; Commissioners Case, Cornett, Grant, Poppoff and Portela voting in favor, none opposed, Commissioners Peña and Pipinich absent.

**PUBLIC COMMENT**

None.

### **QUASI-JUDICIAL PUBLIC HEARING**

#### **Variance 131-25, Jason Alford, Applicant**

Request: Approval to reduce the block width internal to a proposed 29-lot single-family residential subdivision at the terminus of E. 21st Street.

Chair Cornett read the rules governing a public hearing. He then inquired whether any Commissioner had ex parte contact, bias, or a conflict of interest that would preclude an impartial decision. Hearing none, Chair Cornett opened the public hearing at 5:34 p.m.

Senior Planner Freund presented the Staff report and provided a presentation (Attachment 1). The report outlined the variance request under consideration and described the challenges of the site, including steep slopes and topographic constraints.

Chair Cornett inquired whether all lots were above the 5,000 square foot minimum. Senior Planner Freund confirmed that the lots ranged from 5,000 square feet to 15,926 square feet.

Chair Cornett invited testimony from the applicant.

Mr. Darrin Eckman and Ms. Jamie Crawford, AKS Engineering and Forestry, represented the applicant, Jason Alford.

Mr. Eckman expressed appreciation for Staff's support and confirmed that the report accurately described the site's conditions. He emphasized that all lots met the minimum depth requirement, and that the variance only applied to the minimum lot width not being met for the internal lots within the proposed subdivision. He also confirmed that some lots would have double frontage; however, they would not be accessed from both West 14th Street and West 16th Street due to the site's topography.

Ms. Crawford elaborated on the intent of the zoning standards and stated that the proposed lots functioned similarly to typical lots because access would only be taken from one side. She explained that the reduced block width would not impact traffic or pedestrian movement negatively and that pedestrian access was within acceptable limits under City standards.

Mr. Eckman provided further clarification with numeric comparisons, noting that the walking distance around the proposed internal block was approximately 554 feet, which was less than the 650-foot diagonal distance of a standard City block.

Chair Cornett requested a definition of a "through lot." Ms. Crawford defined it as a lot with double frontage. Director Chandler added that although through lots were generally discouraged, they were permitted under certain conditions, including restrictions on driveway access from one side.

Ms. Crawford concluded by stating that the subdivision met all other requirements of the City's Code aside from the one addressed by the variance.

Chair Cornett closed the public hearing at 5:55 p.m. and opened deliberation. Commissioner Poppoff stated the matter was straightforward; Chair Cornett agreed.

## **RESOLUTION**

Resolution PC 626-25: Approval of Variance 131-25, Jason Alford

It was moved by Commissioner Grant and seconded by Commissioner Case to adopt Resolution Number PC 626-25, approving Variance Number 131-25, based on the findings of fact and conclusions of law in the agenda staff report, with the specified conditions of approval. The motion carried 5/0; Commissioners Case, Cornett, Grant, Poppoff and Portela voting in favor, none opposed, Commissioners Peña and Pipinich absent.

## **STAFF COMMENTS / PROJECT UPDATES**

Director Chandler updated the Commission on several ongoing initiatives and projects:

- New floodplain requirements were being prepared and would be brought before the Planning Commission by May for adoption, in compliance with federal and state mandates.
- A proposal to restructure the Planning Commission's operations was in development. This included the potential hiring of a Hearings Officer, a contracted land use attorney who would oversee certain decisions such as variances and conditional use permits. The intent was to streamline the land use process and reduce the frequency of full Commission meetings from two to one per month.
- Staff anticipated presenting this proposal to the City Council in April and noted that implementation would require a Code amendment and an RFP process.
- Updates on active subdivisions included:
  - Approval of Subdivision 86-24 can now proceed, pending any appeals received from parties of record to the Variance.
  - A new 25-unit subdivision on the west side of town is currently being reviewed.
  - A previously approved subdivision near Columbia View Drive, initially approved approximately 20 years ago, was resuming development.
  - The Basalt Commons project had submitted a building permit application and was progressing through the review process.

Director Chandler also shared that recruitment efforts were underway to fill multiple City positions, including the upcoming vacancy for the Economic Development Officer and the Administrative Assistant position in the Community Development Department.

## **COMMISSIONER COMMENTS / QUESTIONS**

Commissioner Grant inquired about compensation for the Hearings Officer, and Director Chandler confirmed it would be a contracted, as-needed position.

Chair Cornett noted that he would be absent for the July 17 meeting.

**ADJOURNMENT**

There being no further business, Chair Cornett adjourned the meeting at 6:06 p.m.

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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

MARCH 6, 2025 | 5:30 PM

## Variance No. 131-25

**Applicant:** Jason Alford

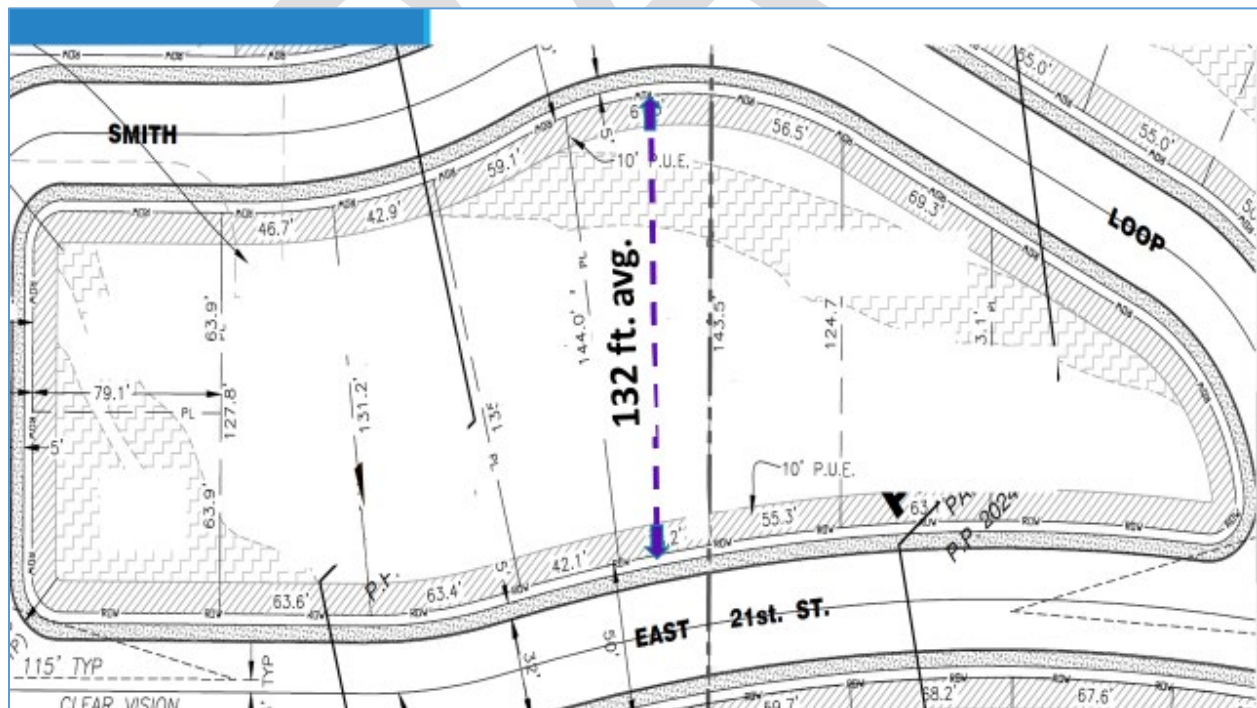
**Address:** Terminus of East 21<sup>st</sup> Street

**Assessor's Map and Tax Lot:** 1N 13E 11BC tax lots 2300 & 2800

**Zoning District:** "RL" Low Density Residential

**Proposal:** Applicant requests a Variance to reduce the block width internal to a proposed 29-lot single-family residential subdivision at the terminus of East 21st Street.

Subject  
Property  
Terminus of East  
21<sup>st</sup> St.





## Review Criteria: Variance TDMC 10.3.070.030

*A variance to the requirements of this Title shall be granted only in the event that each of the following circumstances is found to exist:*

- A. The proposed variance will not be contrary to the purposes of this Title, policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City.*
- B. Exceptional or extraordinary circumstances apply to the subject property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or circumstances over which the Applicant has no control.*
- C. The variance is necessary for the preservation of a property right of the Applicant which is substantially the same as owners of other property in the same zone or vicinity.*
- D. The conditions or circumstances justifying the variance have not been willfully or purposely self-imposed, and do not result from a violation of this Title since its effective date.*
- E. The proposed variance will not substantially reduce the amount of privacy enjoyed by users of neighboring land uses if the variance were not allowed.*
- F. The proposed variance is the minimum variance which would alleviate the difficulty.*

## Recommendation

- 1. Staff Recommendation:** Move to adopt Resolution No. PC 626A-25, approving Variance No. 131-25, based on the findings of fact and conclusions of law set forth in the Agenda Staff Report, with the specified condition of approval.
2. If the Planning Commission desires to approve the decision with additional findings or with different conditions, move to adopt Resolution No. PC 626A-25, approving Variance No. 131-25, based on the findings of fact and conclusions of law in the Agenda Staff Report, as modified by the Commission.
3. If the Planning Commission desires to deny Variance No. 131-25, move to adopt Resolution No. PC 626B-25, identifying the specific criteria supporting the denial.



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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

# MEMORANDUM

**Meeting Date:** April 3, 2025

**To:** The Dalles Planning Commission

**From:** Joshua Chandler, Community Development Director  
Sandy Freund, Senior Planner

**ISSUE:** Planning Commission Restructuring Opportunities

## BACKGROUND:

The Dalles Planning Commission (**Commission**) plays a crucial role in ensuring sustainable development, balancing community needs, and guiding responsible land use decisions. A well-structured and efficient commission enhances the quality of life for residents by supporting economic development, ensuring housing availability, and promoting clear, objective land use practices. To maintain its effectiveness, it is important to periodically assess the Commission's operations and identify opportunities for improvement.

As part of this ongoing evaluation, Staff has explored potential structural adjustments aimed at improving functionality and engagement. Two key options have been identified for consideration in the coming year. The first involves reducing Commission meetings from twice a month to once a month. Currently, the Commission meets multiple times per month, which can place a significant demand on volunteers and impact overall efficiency. Reducing the frequency of meetings aims to streamline operations while maintaining an effective review process. The second option is the implementation of a Hearings Officer to oversee certain land use actions. This would allow for more specialized and expedient case reviews while enabling the Commission to focus on broader policy discussions and complex matters.

By restructuring the meeting schedule and incorporating a Hearings Officer into the land use review process, the goal is to reduce volunteer fatigue, improve engagement, and create a more efficient and effective Commission that serves the long-term interests of the community.

## DISCUSSION:

### **I. Planning Commission meetings – reduce to once per month**

One of the options under consideration for the Commission is to reduce the frequency of meetings from twice a month to once a month. Currently, the Commission meets on the

first and third Thursdays of each month. However, since 2013, approximately 55% of these meetings have been canceled due to a lack of business or other scheduling conflicts. Reducing the number of meetings would streamline scheduling, optimize the use of staff time, and help improve volunteer commitment.

Staff recommends implementing this change, with the possibility of scheduling special meetings as necessary to accommodate specific needs or urgent land use matters. The preferred schedule would be to hold meetings on the first Thursday of each month to avoid conflicts with meeting preparation, timelines, and staff constraints associated with the Urban Renewal Agency, which meets on the third Tuesday of each month. Additionally, if implemented, Hearings Officer meetings could be scheduled on the third Thursday of each month to maintain a clear and organized calendar for staff and the community.

A potential drawback to this approach is the possibility of scheduling conflicts due to holidays, such as New Year's Day and Independence Day, which may fall on the first Thursday of the month. These conflicts can be managed through advance planning and rescheduling as necessary.

## ***II. Hearings Officer***

Staff is proposing the adoption of a Hearings Officer within the land use review process. The Hearings Officer would serve as an impartial third-party land use attorney contracted by the City to review specific types of land use applications. This professional would ensure that the City's land use processes are efficient, impartial, and compliant with established legal standards. The use of a Hearings Officer has been successfully implemented in other Oregon communities, including Wasco County, Deschutes County, the City of Happy Valley, and the City of Salem.

### **Land Use Applications for Hearings Officer**

The Hearings Officer would be responsible for reviewing land use applications that require decision-making beyond simple administrative processes (i.e., Community Development Director Decisions). Examples of applications that could be decided by the Hearings Officer, which are currently reviewed by the Commission, include:

- Appeals of Administrative Actions (Type II applications): Site Plan Reviews, Administrative Conditional Use Permits, Adjustments, Partitions, Subdivisions, Manufactured Dwelling Parks, Home Business Permits, and Recreational Vehicle Parks.
- Decisions on Quasi-Judicial Actions (Type III applications): Conditional Use Permits, Variances, Zone Changes, as well as all Administrative Actions (Type II) escalated by the Director, applicant, or any party of record addressing valid criteria.
- Appeals of Quasi-Judicial Actions: As outlined in the "Final Decision" section below.

## **City's Final Decision on Land Use Applications**

The City Council would be responsible for determining whether the Hearings Officer's decision is final for the City or if appeals concerning Quasi-Judicial Actions should be reviewed by City Council for the final decision. Additionally, the governing body may choose to make Hearings Officer decisions final, with appeals directed solely to the Land Use Board of Appeals (LUBA). Staff recommends that final decisions on land use matters, through the appeals process, remain to be heard by the City Council, following a similar approach used by Wasco County and the Board of County Commissioners.

## **Legislative Actions**

Legislative actions, including zone ordinance amendments, comprehensive plan amendments, and annexations, would continue to be reviewed by the Commission and City Council, remaining outside the Hearings Officer's scope.

## **Cost Analysis and Financial Considerations**

The cost for a Hearings Officer is variable depending on the attorney and location, with rates ranging from \$135 to \$350 per hour across the state. Some cities have a salaried Chief Hearings Officer, but this model is not being considered here. Instead, the City would manage this service through a Request for Proposal (**RFP**) process to select a qualified land use attorney.

For fiscal year 2025/2026, Staff is proposing a budget allocation of \$10,000 based on an average of 7 to 8 applications annually that would require review by a Hearings Officer. This estimate is based on historical data of the City's land use applications over the past decade. If demand increases, the City may consider adjusting application fees, a mechanism successfully implemented by Wasco County, which resulted in a 10% increase in application fees.

## **Process for Implementing the Hearings Officer**

The process of implementing a Hearings Officer will involve several key steps:

1. **Code Amendments:** Modifications to Titles 10 and 11 of The Dalles Municipal Code (TDMC) will be required, along with adjustments to Commission bylaws, to ensure that only legislative decisions remain within the Commission's purview.
2. **Request for Proposal (RFP):** The City will issue an RFP to attract a pool of qualified land use attorneys. The RFP will be posted through various platforms, including the Land Use Attorneys list serve, the Real Estate and Land Use Section of the Oregon Bar, and other state associations.
3. **Coordination and Consultation:** Staff will work closely with the City Council, Planning Commission, City Manager, and City Attorney to ensure that the proposed changes align with broader municipal goals and that all stakeholders are consulted.
4. **Implementation Timeline:** Upon approval of the proposal, Staff anticipates that implementation could begin as early as January 1, 2026. This timeline allows for necessary preparations, including code amendments, staff training, and coordination with the selected Hearings Officer.

## Community Engagement and Public Outreach

Ensuring public involvement is a key element of the proposed process. To promote transparency, meetings with the Hearings Officer will remain accessible to the public. Public hearings could occur at regular, historically scheduled times (e.g., Thursday at 5:30 PM) to accommodate community members who wish to participate but may also be considered during business hours. In addition to in-person participation, virtual options will be available to further increase accessibility.

## Pros and Cons/Challenges of Implementing a Hearings Officer

### Pros:

- **Expertise:** Hearings Officers bring specialized legal knowledge and impartiality to land use decisions, ensuring adherence to relevant laws.
- **Efficiency:** Delegating specific types of applications to a Hearings Officer can streamline the decision-making process, reducing delays in approval and ensuring timely action.
- **Impartiality:** The use of an independent third party ensures decisions are made without political or community bias, potentially reducing further legal fees through improved findings.
- **Reduced Planning Commission Burden:** Shifting certain responsibilities away from the Commission allows its members to focus on legislative matters, reducing workload and improving efficiency.

### Cons/Challenges:

- **Cost:** The hourly rates for Hearings Officers can add up, depending on the number of hearings required in a given year. Although the budget has been estimated at \$10,000, unforeseen increases in application numbers may lead to higher costs.
- **Complexity in Appeals:** The appeals process may need adjustments, particularly in cases where a decision made by a Hearings Officer is contested. This will require careful planning to ensure transparency and minimize political influence.
- **Workload for Staff:** While the Commission's workload would decrease, staff would still be responsible for compiling reports and supporting the Hearings Officer's process.
- **No Immediate Decision at Hearings:** The Hearings Officer deliberates and issues a decision at a later time.

## Recommendations

Staff collaborated with professionals, including the Wasco County Community Development Director and a land use attorney, to gather insights on the Hearings Officer process. These discussions informed the recommendations outlined in this report.

Key recommendations include assessing the best scheduling structure for both applicants and staff to ensure efficient hearings. The benefits of virtual versus in-person hearings

should be weighed, with a preference for a virtual model as it promotes accessibility and efficiency. Clear definitions of the appeal process should be considered, with a possible recommendation to move appeals away from local bodies, such as the City Council, to a more impartial review process like LUBA. Although this would reduce overall review times for land use decisions, Staff is recommending a similar approach like Wasco County with final decisions still heard by the governing body (i.e., City Council or Board of County Commissioners).

Financial considerations are crucial, with a recommendation to evaluate the budgetary impact based on realistic cost estimates, ensuring sustainable funding for the Hearings Officer process. A standardized approach for managing public comments and submissions is essential to maintain transparency and consistency in public participation. Additionally, clear procedural rules should be defined for public comment submission, with a structured model for comments and rebuttals.

To improve clarity, applications should be categorized by type (Type I, II, III, and IV), ensuring clear communication between staff and the Hearings Officer. Furthermore, a system to correct minor errors in decisions should be established to prevent unnecessary appeals.

## **Conclusion**

In conclusion, the proposed changes, including reducing Commission meetings to once a month and introducing a Hearings Officer, are essential steps toward streamlining the land use review process while ensuring the Commission remains focused on its strategic, long-term goals. By reducing the frequency of meetings, we can alleviate the burden on Commission members, help prevent volunteer fatigue, and provide more time to focus on policy and visioning efforts that shape the future of The Dalles.

The introduction of a Hearings Officer will allow for more specialized and impartial reviews of land use applications, ensuring that decisions are made efficiently and in compliance with state law. This change will enable staff to keep the Commission informed with regular updates, keeping them engaged in important decision-making discussions while delegating the routine, administrative decisions to the Hearings Officer.

By implementing these changes, the City is positioning itself to improve its land use process, make better use of volunteer time, and support high-level strategic planning for the community. This approach will improve the overall effectiveness of the Commission's work, reduce decision-making delays, and allow the Commission to focus on high-priority projects and policy development.

## **Next Steps**

After tonight's discussion, Staff will incorporate these comments into a presentation for the City Council at the regularly scheduled meeting on April 28. As mentioned, implementing both options will require additional work and guidance, but staff is confident the previously proposed timelines for implementation are achievable.

**BOARD ALTERNATIVES:** Discussion item only.