



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125  
FAX: (541) 298-5490  
Planning Department

**AGENDA**  
**CITY OF THE DALLES PLANNING COMMISSION**

CITY HALL COUNCIL CHAMBERS  
313 COURT SREET  
THE DALLES, OREGON 97058  
*CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM*

**THURSDAY, AUGUST 22, 2013**

**6:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
  - A. July 18, 2013
- V. PUBLIC COMMENT (Items not on the Agenda)
- VI. **QUASI-JUDICIAL HEARING**  
**Application Number: CPA 40-13 and ZOA 84-13; Karl Rozentals; Request:** Application to gain approval to change the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District. The property is located at 1015 Walnut Street, The Dalles, Oregon and is further described as 2N 13E 33CC t.l.1100. Property is zoned “RM” – Medium Density Residential.
- VII. RESOLUTION
  - A. P.C. Resolution 533-13; CUP 40-13 and ZOA 84-13; Karl Rozentals
- VIII. STAFF COMMENTS
- IX. COMMISSIONER COMMENTS/QUESTIONS
- X. NEXT SCHEDULED MEETING DATE  
June 20, 2013
- XI. ADJOURNMENT

**CITY OF THE DALLES  
CITY COUNCIL AND  
PLANNING COMMISSION  
JOINT WORK SESSION MINUTES  
Thursday, July 18, 2013  
City Hall Council Chambers  
313 Court Street  
The Dalles, Oregon 97058  
*Conducted in a handicap accessible room*  
6:00 p.m.**

**CALL TO ORDER:**

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

**ROLL CALL:**

**COMMISSIONERS PRESENT:**

Bruce Lavier, Rob Raschio, Chris Zukin, Dennis Whitehouse, Jeff Stiles, Mark Poppoff

**COMMISSIONERS ABSENT:**

Mike Zingg

**COUNCIL PRESENT:**

Mayor Lawrence, Bill Dick, Carolyn Wood, Tim McGlothlin, Dan Spatz, Linda Miller

**COUNCIL ABSENT:**

None

**STAFF MEMBERS PRESENT:**

City Manager Nolan Young, City Attorney Gene Parker, Planning Director Richard Gassman, Administrative Secretary Carole Trautman

**APPROVAL OF AGENDA:**

It was moved by Raschio and seconded by Whitehouse to approve the agenda as submitted. The motion carried unanimously; Zingg was absent.

**APPROVAL OF MINUTES:**

Chair Lavier requested that Commissioner Poppoff be noted as present at the June 6, 2013 meeting. It was moved by Zukin and seconded by Raschio to approve the June 6, 2013 minutes as amended. The motion carried unanimously; Zingg was absent.

**WORK SESSION:**

Director Gassman highlighted the staff memorandum regarding residential infill, especially as it related to facilitating development and satisfying City standards. Gassman pointed out the goals of the session (page 2) which were: 1) discussion on the effects of HB 3479 and potential subsequent City code changes; and 2) general guidance from the joint group regarding the eight items listed in the memorandum that pertained to minor partitions and building permits.

Mayor Lawrence said this work session was called in response to reading the Planning Commission's April 4, 2013 meeting minutes wherein the City Council's directive was not passed by the Planning Commission.

Lawrence stated he would be more interested in having a broad-based discussion at this work session rather than working out the “nuts and bolts” issues listed in the staff memorandum. Two items of discussion he wished to discuss were: 1) the intent of the recent legislation, HB 3479; and 2) to identify if there was a difference between City and rural area development. Lawrence stated the Planning Commission dealt with the law and applied it. The Council was concerned with philosophy and goals of development. He commented that another question in his mind was to understand how much of the current Land Use and Development Ordinance (LUDO) was mandated by the state, especially in respect to definitions. For instance, did the term “developer” include a property owner?

Councilor Wood noted that a task force was formed in 2006 that reviewed the LUDO regarding these matters. Wood wondered if similar or different results would be reached with the formation of another task force. Councilor Dick suggested that one potentially easy solution could be to allow minor partitioning in the residential urban growth area (UGB) without requiring any improvements at the time of the minor partition application. He said improvement costs could be discussed later, possibly at the time the partitioned parcels were developed. Councilors McGlothlin and Miller agreed with Dick’s statement.

Commissioner Zukin said the Planning Commission looked at the Council’s directive at the April 4th meeting and agreed it was an easy solution for the moment, but it did not resolve the entire issue of development, i.e. waivers of remonstrance, the elimination of “spot development,” full improvements, etc. Zukin believed the 2006 task force did not fix the problems.

Councilor Spatz said the Council could develop philosophy, and staff could develop the mechanics for implementing policy. He suggested three goals: 1) encourage residential infill city wide; 2) do so in such a fashion that it did not create economic disincentives for landowners seeking to partition large lots; and 3) do so in such a fashion that taxpayers city wide do not ultimately subsidize minor partition landowners’ improvements. Commissioner Zukin agreed and noted that a process also needed to be added that would not create disincentives for development. City Manager Young recommended utilizing the Planning Commission as a task force. He felt the Commission had the experience in dealing with the LUDO to address the issues and work through the process. The Planning Commission would then bring its findings before City Council, Young stated. Regarding Councilor Dick’s suggestion of drawing a line and not calling it development, Young said that it would be a good first step to give staff some direction on developing some mechanics and recommendations that could be brought back to the Planning Commission so they could begin to resolve some of the partition issues relating to the intent of the House Bill. He said the entire process could possibly be reviewed later on.

Mayor Lawrence asked if the process should be for staff to work with the Planning Commission (like a task force), take it back to City Council, and not go through the Planning Commission decision-making process formally. Or have Council set policy first, then have the Planning Commission work on the mechanics. City Manager Young suggested allowing the Planning Commission to develop the ideas, work with the public, then meet with the Council in another joint work session. Then the Planning Commission could develop a recommendation and go through the hearing process. Young noted that land use ordinances required due process to become policy. Commissioner Stiles said he was concerned that the process would take a long time, and there were people waiting for remedies. Young said the Council or Planning Commission could identify the issues that needed immediate attention, such as partitioning, and handle them simultaneously with the long term issues. For instance, state law and LUDO required charging a fee for partitions in the UGB, which needed to be administered because it was current law. Also, current laws required a building permit fee in the UGB, and there was a concern about not charging that fee any longer. The law would need to be changed, Young said. Chair Lavier commented that changing an ordinance was a similar process to making annual LUDO amendments. Planning Director Gassman said this process would take a little longer, because the amendments would be more complex in nature. They would require more notice to the public, and the public would be more involved.

Mayor Lawrence asked for a schematic of the process. City Manager Young presented a verbal schematic as follows: The work session gives general and/or specific instruction to staff (two different paths). For specific instruction: 1) staff would prepare information for a Planning Commission hearing; 2) there would be a City Council hearing; 3) City Council would adopt LUDO amendments. For general instructions: 1) staff would gather information, bring findings back to the Planning Commission and workshops as often as needed; 2) the Planning Commission would put together a recommendation with alternatives that would go back to a joint session workshop to address policy differences; 3) Planning Commission hearing; 4) City Council hearing; 5) City Council would adopt LUDO amendments.

Commissioner Raschio asked what other cities, comparable in size, had done about development issues. Young said the City's Administrative Fellow prepared a study of six cities, and the policies and methods varied. McGlothlin said he called some cities and learned that many cities were not experiencing growth.

Councilor McGlothlin asked how many potential requests for partitions existed. Gassman said there were three potential areas for partitioning—the east, south, and west sides of town; the largest area was on the east side. He said there were lots throughout town that were capable of being partitioned.

Randy Hagar, 2804 East 10<sup>th</sup> Street, The Dalles, Oregon, stated he had partitioning paperwork he had been waiting on for seven years to see how the decisions would go. Councilor Spatz said he doubted there were lots in town in the same situation as the people with large lots on the east side. Director Gassman said he would hesitate to make that statement. However, he advised the group that he knew of two individuals that were working on two separate subdivision projects. With potential changes in requirements, Gassman stated, these individuals were looking at minor partitioning rather than subdividing, because the House Bill changes seemed easier and less expensive. Councilor McGlothlin said he objected to the definition of “developer” to include both property owners and developers. He believed the language should be separated and that subdivision applicants should be considered as developers.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, Oregon, stated he owned 4.5 acres on the east side. To divide one corner of his property, he was told the City needed one-third of it to develop right-of-ways. To say partitioning was “just drawing a line on the map” was not correct, Johnson said. He felt there was more to it than that. Property owners on the east side were previously under the County's jurisdiction and paid for the County's improvement standards. Now the City wanted the property owners to pay for City standards without other taxpayers paying anything. He said some people on the east side didn't want the City out there. Johnson said if the City wanted to come out, then they should “bring their checkbooks.” He has wanted to purchase his father's corner parcel for 10 years, but he could not afford it.

Mayor Lawrence asked why the rural roads had to meet City standards. He asked for Council's feedback on his opinion that a partition should be a partition, with no up-front charges required at the time of minor partition, sale, or building permits. He thought maybe the rural roads should stay rural, and why was the City imposing all new roads with sidewalks and curbs? Councilor Dick said that it was complicated, and he urged the group to come back to the House Bill and the minor partition issue. Councilor Wood reminded the group that the east side of town needed to comply with the Clean Water Act; there was currently a water drainage issue. Wood also stated that recorded non-remonstrance agreements were placed on the lien docket for future land buyers to be aware of any obligations. Future non-remonstrance agreements could be placed on the docket as well.

City Manager Young summarized the group's general consensus thus far: 1) individuals could, under the laws of minor partitioning, make a minor partition without any obligation being attached to unimproved property; and 2) the House Bill allowed the City to charge a fee, but the group's wish was to not tie any obligation to the property at the time of minor partitioning. Young said staff recommended considering the delayed development agreement at the time of minor partitioning as a matter of record that eventually some improvements could be made. Mayor Lawrence replied that the delayed development agreement was just a non-remonstrance agreement with another name. City Manager Young disagreed and explained that a non-remonstrance agreement was associated with local improvement districts, and a delayed development agreement

acknowledged the fact that there was an obligation to develop the street to standards at some point in time. Staff felt the two processes were different, and the delayed development agreement conformed to the law. Councilor Wood stated she felt the delayed development agreement should be included so property owners would be notified of possible future development costs.

Rodger Nichols, 1617 Oregon Street, The Dalles, Oregon, said there was a philosophical difference between telling a person that they would be required to pay for improvements sometime later on, such as a delayed development agreement, and signing something such as the non-remonstrance agreement. Mayor Lawrence said he believed the two processes were similar because they both assumed the rural roads would be brought up to City standards, and the property owners would be waiving their rights to object to the improvements later on. For the Council to agree to the delayed development agreement would be making a statement that rural roads would be improved, and Lawrence thought perhaps some rural roads should remain as is.

Commissioner Stiles said it would make more sense to put the burden on the property owner that would develop the land. To place an obligation on undeveloped land at the time of minor partitioning would detract from future development. City Manager Young commented that staff recommended adding the delayed development agreements now, because if they were not required now, it would be impossible to obtain later. Regarding the question on why rural streets would need to come up to urban standards, Young said two words—"Thompson Street." The street was almost fully developed and not brought up to standards, and it was not a good situation, he said.

Commissioner Zukin asked if street improvements could be required at the time of a building permit if there was no delayed development agreement at the time of minor partitioning. City Manager Young said it was possible, but without attaching something to the property, there would be a potential of a person considering purchasing a parcel of land for development without any knowledge of future street improvement expenses. With the delayed development agreement, Young said, the title report would show the obligation at the time of purchase. Councilor Dick said every deed in the State had a warning that property usage must be approved by the local planning jurisdiction. He preferred to allow the minor partitioning without improvement obligations and require improvements at the time of development. Dick spoke to the audience and stated there should be a clear understanding that development of minor partitions would not take place unless improvements were made.

Director Gassman estimated there had been approximately 10 minor partitions completed since 2006 or 2007, and an equal amount of people came in and started the process but never finished because of costs. Twice as many people had come in, inquired and left, he said.

Councilor McGlothlin suggested the formation of an engineering LID that would create an entire project where major arterials would be identified so there would at least be some programmed growth to feed traffic. He suggested that the "branches" to the identified arterials could be the rural roads that would not necessarily be required to meet the urban street standards.

City Manager Young summarized the group's directives as follows: 1) prepare LUDO changes that allow minor partitions to take place without any obligation for improvements at that point; 2) formulate "cleanups" to HB 3479 to correct the application from "city limits only" to "city limits and the UGB"; 3) remove partitioning fees and the non-remonstrance agreements at the time of minor partitioning; and 4) change the definition of development to not include minor partitions.

Councilor Spatz asked for a timeline for the changes. Director Gassman said two to three months at the earliest.

Bob Perkins, 2845 East 10<sup>th</sup> Street, The Dalles, Oregon, asked why HB 3479 came about and what the message was. Chair Lavier said he believed the House Bill came about because the City did not have enough time to work through solutions.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, Oregon, asked who would pay for improvements on the west side of town. City Manager Young said, under the current LUDO, the people developing the property were obligated to pay the costs.

Larry Loop, 980 Morton Street, The Dalles, Oregon, stated that when he purchased his property in 1996, there was no 9<sup>th</sup> Street. He had no notification of obligation to pay for Morton Street improvements, and now he could not pay. He felt the improvements were the City's problem, not the property owner's problem.

Heather Thompson, 4405 Highway 30 West, The Dalles, Oregon, said she had heard a lot of people talk about property development, costs, and prices. She felt there was a philosophical issue to address regarding the safety of pedestrians, especially children.

**COMMISSIONER/STAFF COMMENTS:**

Randy Hagar announced there will be a town hall meeting on Thursday, August 8, 2013, regarding HB 3479 issues, that would be open to the public. The meeting will be held at the college theater at 6:00 p.m. Commissioner Raschio advised that Representative Huffman and Mr. Hunnicutt would be in attendance.

**NEXT MEETING:**

The August 1, 2013 Planning Commission meeting was cancelled, and there will be a specially-scheduled meeting on Thursday, August 22, 2013 at 6:00 p.m. regarding Comprehensive Plan and Zone Ordinance amendments.

**ADJOURNMENT:**

Chair Lavier adjourned the meeting at 7:45 p.m.

Respectfully submitted by Carole J. Trautman, Administrative Secretary

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Bruce Lavier, Chairman

**City of The Dalles**

**Staff Report to the Planning Commission**

**Comprehensive Plan Amendment No. 40-13  
Zone Change Amendment No. 84-13**

**Karl Rozentals**

Prepared by: Richard Gassman, Director 

Procedure Type: Quasi-Judicial

Hearing Date: August 22, 2013

Assessor's Map: 2N 13E 33CC tax lot 1100

Address: 1015 Walnut Street

Comprehensive Plan  
Designation: "RM" Medium Density Residential

Zoning District: "RM" Medium Density Residential

City Limits: Inside

Request: To change the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District.

**BACKGROUND INFORMATION**

This is a single tax lot located on the west side of Walnut Street. All lots on the west side of Walnut in this area are zoned RM. Across Walnut Street the properties are zoned NC Overlay. This property is developed with a commercial building that has been on site and used commercially for a number of years, estimated at 1967 or 1968 by the applicant. The City has no information on when the building was constructed. It has been used commercially since construction.

## NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on July 31, 2013, as required by Sections 3.100.020 B. 1. and 3.020.050 D. An additional notice was published in The Dalles Chronicle on August 11, 2013. The Department of Land Conservation and Development was also notified because this request involves a Post-Acknowledgement Plan Amendment.

## COMMENTS

As of the date of this staff report, no comments had been received.

## REVIEW

### A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

#### Section 3.010.040 Applications

##### **B. Completeness.**

**FINDING A-1:** The applications were found to be complete on July 11, 2013. The 120-day State mandated decision deadline is November 8, 2013. The hearing is within the required time line. Criterion met.

#### Section 3.020.050 Quasi-Judicial Actions

- A. *Decision types. 9. Zone Changes. 10. Comprehensive Plan Changes as part of the general authority of the Commission.*

**FINDING A-2:** This application is for a Zone Change per section 3.100 of the Land Use and Development Ordinance (LUDO) and a Comprehensive Plan Map change per Goal #2, Land Use Planning, of the Comprehensive Plan. The hearings are combined because the issues are essentially the same for both requests. Criterion met.

- B. *Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.*

**FINDING A-3:** The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

- C. *Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete. The application was deemed complete on July 11, 2013. The 45 day period ends on August 25, 2013.*

**FINDING A-4:** The first public hearing is scheduled for August 22, 2013. Criterion met.

D. *Notice of Hearing.* Notice of hearing is required to be sent at least 10 days prior to the hearing.

**FINDING A-5.** Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on July 31, 2013. A notice was published in the local paper on August 11, 2013. The required 45-day notice was sent to DLCD on July 17, 2013. Criterion met.

### Section 3.100.030 Review Criteria

A Zone Change shall be granted if the following criteria are met:

A. *Conformance.* The proposed Zone Change conforms to the Comprehensive Plan and all other provisions of this Ordinance.

**FINDING A-6:** The request is to change the zoning map and the comprehensive plan map which will make the zone change conform to the comprehensive plan map. Criterion met, if approved.

B. *Suitability.* The site is adequate in size and shape for uses normally allowed by the proposed zone.

**FINDING A-7:** The property is approximately 2.26 acres. This is adequate in size and shape for commercial purposes. In addition, the land is already developed with a commercial use which has been operating on site for a number of years. Criterion met.

C. *Streets and Traffic.* The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.

**FINDING A-8:** The property is served by Walnut Street to the east and 9<sup>th</sup> Place to the south. These streets provide adequate access for a site of this size. Criterion met.

D. *Adverse Effect.* The proposed Zone Change shall have minimal adverse effect on existing and future surrounding development.

**FINDING A-9:** The uses allowed in the NC zone should not have an adverse effect on any of the surrounding properties. The properties across Walnut to the east are already zoned NC. The remainder of the surrounding properties are zoned RM, but this property has been in use commercially since its construction more than 40 years ago. Criterion met.

## B. COMPREHENSIVE PLAN

The Comprehensive Plan was adopted in 1994.

*Goal 2 allows that a property owner may initiate changes to the Comprehensive Plan.*

**FINDING B-1:** This application has been approved by the property owner. Criterion met.

*Property owner initiated changes are processed using the quasi-judicial process.*

**FINDING B-2:** The quasi-judicial process is being used for this request. Criterion met.

*Goal 2, policy 5 includes the following review criteria for Comprehensive Plan amendments:*

- a. Compliance with the statewide land use goals and related administrative rules.*
- b. Conformance with the Comprehensive Plan goals, policies and implementation measures.*
- c. The change will not adversely affect the health, safety and welfare of the community.*
- d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.*
- e. Plan changes will be consistent with the vision.*

**FINDING B-3:** There is nothing in the requested change that violates any of these policies. Criterion met.

## DISCUSSION

It is unknown how this property came to be located on land that is zoned residential. There are several possible explanations, but nothing to support any of them. In any event, as it now exists, the property is nonconforming and would be subject to Section 3.090 of the LUDO. These provisions restrict what would be allowed in the building.

Staff supports this request as a long time existing commercial use on a lot that is across the street from a large NC Overlay zoned area.

## RECOMMENDATION

The Planning Commission's role is to forward a recommendation on the request to the City Council. The Commission may recommend approval or denial. The City Council will hold another public hearing and make a final decision.

Staff recommends approval of this application requesting a rezone from RM to NC for the lot located at 1015 Walnut Street, also known as 2N 13E 33 CC lot 1100.

ZONE CHANGE APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us

Date Filed 7/11/2013
File#
Date Deemed Complete 7/11/2013
Hearing Date 8/22/2013
Approval Date
Permit Log #
Other Cross Reference#



APPLICANT

LEGAL OWNER (If Different than Applicant)

Name Karl Rozentals

Name

Address 2103 E 12th St
The Dalles OR 97058

Address

Telephone # 541-298-2213, 541-993-4407
E-mail Address panor@gorge.net

Telephone #

\*If applicant is not the legal owner, attach either [1] owner consent letter, or, [2] copy of earnest money agreement, or, [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1015 Walnut

Map and Tax Lot 2N13E33CC 1100

Size of Development Site .226 acres

Zone District/Overlay RM

Comprehensive Plan Designation Residential Medium Density

REQUEST

[ ] New Development [ ] Expansion/Alteration [x] Change of Use [ ] Amend Approved Plan

Brief Explanation: Re-establish commercial zone to maintain compliance with zoning ordinance and comprehensive plan designations.

## Justification of Request for re-zoning

1. What are the special circumstances (size, shape, or topography of lot, location of surroundings) that do not apply to other properties in the same vicinity and zone?

The original lot is isolated from other lots with the front (East) facing Walnut Street, the (South) facing 9<sup>th</sup> Place, the (North) facing alley. Across the street are the County storage sheds, with a wood lot on the county lot, possibly selling wood? The lot at 1015 Walnut includes a one story building (3850 Sq. feet), with a paved parking lot on the South and East side the can accommodate 18 cars. On the west side lot there is a large garage, originally built by Ed Eddie, for his re-upholstery and auto restoration shop. Ed leased the shop to another person for the same purpose until he passed away some years ago.

2. What difficulties and unnecessary hardship will be created without a zone change to the property?

The difficulty would be that the building was built for commercial use originally, and used commercial since 1968. Without the zone change the property would be worthless.

3. Explain why the Zone Change will not be detrimental to public safety, health and welfare.

The zone change would not be detrimental since it would be utilized for its original intent and has been used commercial since its construction, for 45 years.

4. Explain why this zone change, if granted, would not be contrary to the intent of the zoning ordinance.

The building has been continuously used as a commercial building; in fact I checked in 1972, about the zoning and was told that it was spot zoned commercially. In 1978, when I added on to the building for commercial use, building, electrical, and plumbing permits were approved and issued as a commercial building. Therefore with the history of the property, a zoning change would not be contrary to zoning ordinance, it would correct the zoning for what the buildings intended use was originally.

## BRIEF NARRATIVE OF THE HISTORY OF THE PROPERTY

### LOCATED AT 1015 WALNUT STREET

### THE DALLES OREGON

In 1972, R&R Sy-Tec Inc. was expanding the business of providing detail records for Electric Utilities, which included the existing assets of transmission, substation, distribution, secondary, service, contacts (telephone and television) to be in compliance with the Federal Energy Regulation Commission. It came to my attention the property at 1015 Walnut was for sale. At that time it was owned by Alice and Carl Linebarger, the building was built by Carl in 1967 or 8 and was known as the "Golden Cue". The business had a restaurant in the front with eight pool tables in the main building. With 2000 sq. feet we added new lighting (40 new two by four lights) and expanded the electrical capacity for future needs, the work was done by Hire Electric. The counters were removed by Carl and I, with all pool tables sold. Apparently his rock crushing business was expanding and the profit from the "Golden Cue" was not as profitable as the rock crushing business.

When I purchased the Golden Cue I checked on the zoning and it was zoned as commercial. So R&R was off to the races with its business. In 1973, R&R was asked to do a pilot project for Pacific Power and light, on one district controlled by the Portland office, R&R won the contract in 1974 with a 10 yr. renewal clause for an additional 34 districts. As the business expanded with PP&L and other utilities in the mix, we were growing out of space.

PP&L was expanding the contract, so we decide expand on our existing location, and in 1977 we added an additional 1850 sq. feet to facilitate the 34 employees that we needed to complete the existing contract that we had. In 1978 I felt the world was changing so we needed to change and computerize as much as possible, so we bought a Data General computer and started to write code with the intent of automating all redundant repetitive activities our company was doing. Two years later we added a large IBM system and the following year we added a large HP system. All of the systems were eventually located in the new side of the building since we had planned for expansion when we added on in 1977.

Since our conversion to automated system we averaged 15 to 20 employees, until I retired and sold my software in 2008. In 2009 I converted the bath room to handicapped, replaced the carpets with tile and commercial flooring, painted the interior and exterior and rented the building to Renew Consulting, a company that provided rehabilitation to the State of Oregon. With the economic turn down and budget cuts from the state they opted to scale down in The Dalles and now the building is vacant.

In closing I was not aware nor was I notified of the change in zoning, since the building was built as a commercial entity and I have owned the building since 1972, I assumed the designation of the building to still be commercial. I would like to confirm the original designation and continuous use as commercial site to provide the community employment, taxes, and use in line with its original objective, a good building with ample parking, that is not eye sore as is the county property across the street.

COMPREHENSIVE PLAN AMENDMENT APPLICATION

CITY OF THE DALLES
Planning Department
313 Court Street
The Dalles, OR 97058
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Date Filed 7/11/13
File#
Date Deemed Complete 7/11/13
Hearing Date Aug 1, 2013
Approval Date
Permit Log #
Other Cross Reference#



APPLICANT

Name Karl Rozentals
Address 2103 E 12th St
The Dalles OR 97058
Telephone # 541-298-2213 541-993-4407
E-mail Address karlr@gorge.net

LEGAL OWNER (If Different than Applicant)

Name
Address
Telephone #

\*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1015 Walnut
Map and Tax Lot 2N 13E 33CC 1100
Size of Development Site .226 acres
Zone District/Overlay RM - Residential Medium Density
Comprehensive Plan Designation Residential Medium Density

REQUEST

- Request types: New Development, Expansion/Alteration, Change of Use, Amend Approved Plan

Brief Explanation: Re-establish commercial zoning to maintain compliance with 2007 zoning ordinance and comprehensive plan designation.

## Justification of request Comprehensive Plan Amendment Application

1. Explain the justification for the proposed Comprehensive Plan Amendment.

Within the existing comprehensive plan of Wasco County page 29 states "In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB". Within the existing Comprehensive Plan, "small gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town". As of two years ago, the building and property has moved from County status to City status.

I am not sure why the zoning does not currently have the property zoned commercially since the building on this property has been used as commercial property since construction in 1967-8.

2. Describe how the proposed amendment is compatible with or will further the goals established by the community for the subject area.

Neighborhood Center Overlay Zones are intended to create transportation efficiency, pedestrian oriented locations for small business and neighborhood based services in a residential section of the city. The existing property, since construction has essentially existed as a Neighborhood center since construction. My goal would be to formalize the zoning to reflect the uses in the past and to comply with the Comprehensive Plan.

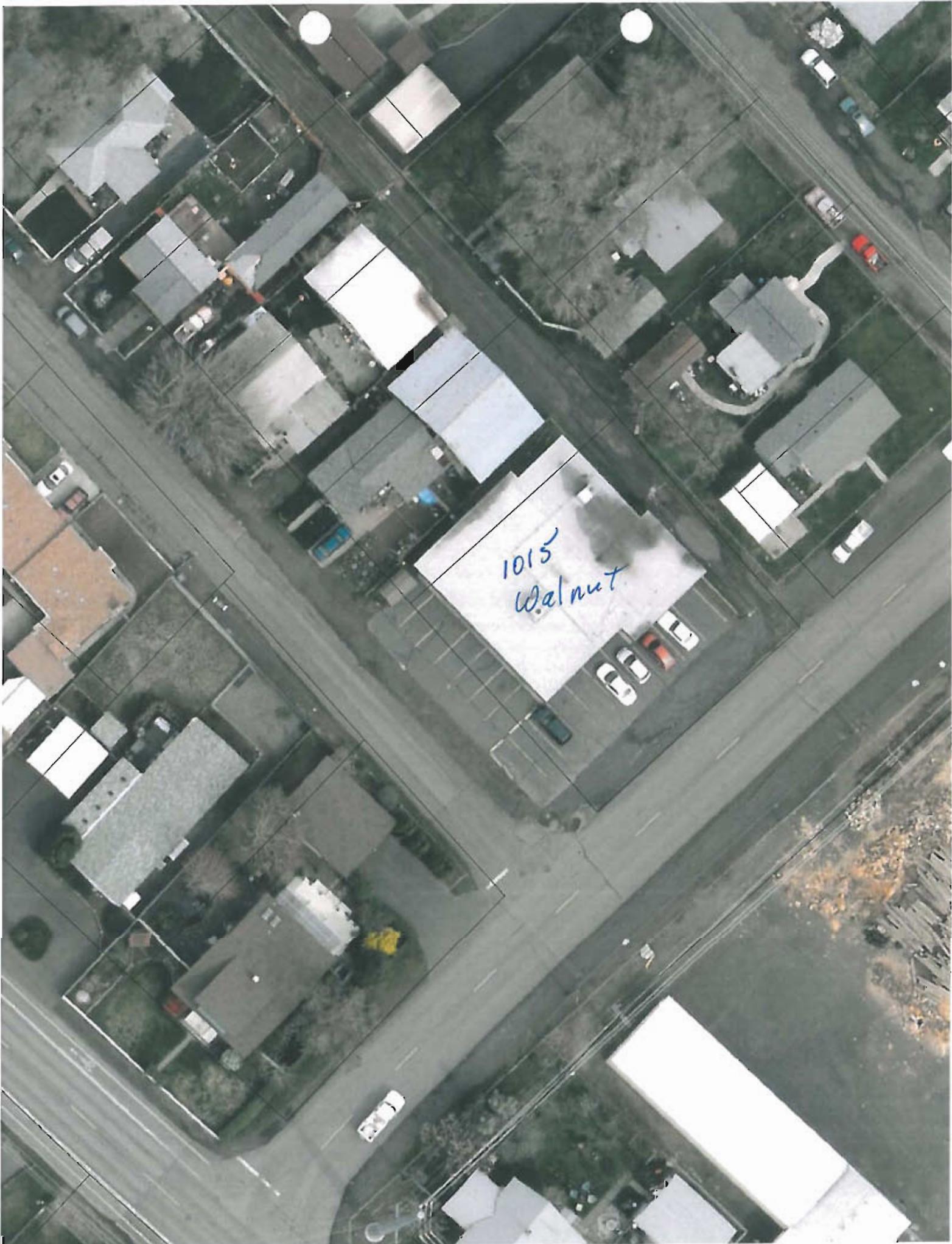
3. Describe how the Comprehensive Plan Amendment will further the interest of public health, safety, and general welfare.

The location on the West side could provide services to individuals in the west area, reducing traffic or commutes for services that might be located on the East side, for example health services, or other services that citizens might need. This might reduce environmental hazards, and provide a service for citizens that may not have a vehicle. The general welfare of the community would be improved if the citizens were able to be employed, close to work.

4. Describe the effect the proposed amendment might have on the surrounding properties.

The property has had as many 34 employees during the time I used the building, so I would think the effects would be minimal, unless the business generated additional traffic during the day, however Walnut Street is a main through fare and the effect should be minimal.

1015  
Walnut



## RESOLUTION NO. P.C. 533-13

Recommending approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13, proposing a change to the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District.

**WHEREAS**, on August 22, 2013 the Planning Commission of the City of The Dalles conducted a public hearing to consider a request for approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13;and

**WHEREAS**, the Planning Commission has considered the public testimony, and reviewed the proposed legislative amendment, and has considered the information in the staff report, including proposed findings of fact and conclusions of law; and

**WHEREAS**, based upon the information in the staff report, including the proposed findings of fact and conclusions of law, which are hereby incorporated herein by this reference, and the public testimony presented during the public hearing, the Planning Commission voted to recommend that the City Council approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

### **NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AS FOLLOWS:**

**Section 1.** The Planning Commission recommends that the City Council of the City of The Dalles approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

**Section 2.** The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the applicant.

APPROVED AND ADOPTED THIS 22<sup>nd</sup> DAY OF AUGUST, 2013.

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Bruce Lavier, Chairman  
Planning Commission

DRAFT

I, Richard Gassman, Planning Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 22<sup>nd</sup> of August, 2013.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Richard Gassman, Planning Director  
City of The Dalles