



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
PLANNING DEPARTMENT

AGENDA

CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058

CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS

THURSDAY, MAY 17, 2018

6:00 P.M.

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES** – May 3, 2018
- V. **PUBLIC COMMENT**
- VI. **PRESENTATION**
 - A. Status Report: Dry Hollow Elementary School Implementation of Student Drop-Off/Pick-Up Plan (CUP No. 173-14) – District 21 Representatives
- VII. **DISCUSSION**
 - A. Proposed LUDO Amendments – Housing Strategies Report Implementation
 - B. Effective Meeting Techniques – City Manager Julie Krueger
- VIII. **STAFF COMMENTS**

Future Meeting Schedule
- IX. **COMMISSIONER COMMENTS OR QUESTIONS**
- X. **ADJOURNMENT**

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CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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PLANNING DEPARTMENT

MINUTES CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A MEETING ROOM IN COMPLIANCE WITH ADA STANDARDS
THURSDAY, MAY 3, 2018
6:00 P.M.

CALL TO ORDER

Chair Lavier called the meeting to order at 6:02 p.m.

ROLL CALL

Commissioners Present: Sherry DuFault, Bruce Lavier, John Nelson, Mark Poppoff, Jeff Stiles and Steve Ross

Commissioners Absent:

Staff Present: Director Steve Harris, Senior Planner Dawn Hert, City Attorney Gene Parker and Planner Garrett McAllister

Public in Attendance: Sixteen

APPROVAL OF AGENDA

Commissioner Stiles moved to approve the agenda as written. Commissioner Nelson seconded the motion; the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Nelson moved to approve the minutes of April 19, 2018; Commissioner DuFault seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None.

QUASI-JUDICIAL HEARINGS

Chair Lavier read the rules for a public hearing. He then asked if the Commission had any ex parte contact, conflict of interest or bias that would prevent an impartial decision. Hearing none, Lavier opened the public hearing at 6:08 p.m.

REQUEST: Minor Partition 349-18 and Adjustment 18-036, 1605 E. 19th Street for Jonathan Blum

Requesting a Minor Partition to divide one parcel into two parcels 46.2 ft. by 95.0 ft., an Adjustment to reduce minimum lot size from 5,000 sq. ft. to 4,389 sq. ft. (a 12.2% reduction) and a reduction of lot frontage from 50 ft. to 46.2 ft. (a 7.6% reduction).

Director Harris called attention to the amended staff report, Exhibit 1.

Planner McAllister presented the staff report.

Proponents:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum provided a presentation of his proposed plans, Exhibit 2.

McAllister clarified that development of the lot was a separate issue from the land use application to partition the lot.

Opponents:

Ed Goodman, 1837 Minnesota Street, The Dalles

Goodman stated the original intent of the developer was to construct single family dwellings. Goodman provided a Declaration of Covenants, Conditions and Restrictions for 19th Street Project, Inc., dba Oak Grove Subdivision, Exhibit 3. Also presented was the map, Exhibit 4, mailed to property owners with the Notice of Public Hearing (the subdivision Goodman referenced is circled in red), and an advertisement published in the Reminder dated October 15, 1992, Exhibit 5. Goodman stated he is opposed to the application.

Alex Maia, 1601 E. 19th Street, The Dalles

Maia stated smaller homes would reduce property values; he was strongly against the applications.

Mike North, 1613 E. 19th Street, The Dalles

North stated his concern with easements on the property, and urged the Commission to refuse the applications. McAllister clarified that all easements discussed were within the setbacks.

Jary Snodgrass, 1826 Minnesota Street, The Dalles

Snodgrass stated his opposition to the partition. He said smaller homes would have a negative impact.

Carol Fisher, 1830 Minnesota Street, The Dalles

Fisher stated the decks would overlook her property. She did not object to a single home, but opposed partitioning of the lot.

George and Tanis Stephens, 1833 Minnesota Street, The Dalles

McAllister read the email stating the Stephens' strong objection to the applications, Exhibit 6.

Austin and Shay Manca, 1600 E. 19th Street, The Dalles

McAllister read the email stating the Manca's objection to the applications, Exhibit 7.

Tom Peterson, 1626 E. 19th Street, The Dalles

Peterson asked what benefit there was with a reduction in lot size.

Director Harris replied that the Housing Strategies Report provided strategies to fulfill State mandated goals. One strategy adopted by City Council was infill of available properties within the city limits and urban growth boundary.

Alex Maia, 1601 E. 19th Street, The Dalles

Maia asked the Commission to consider the impact on current residents and stated this construction would lower the value of existing homes.

Director Harris stated that the size of a lot does not always have a direct correlation to the value of the home or structure placed on the lot. Harris paraphrased the Comprehensive Plan policies referred to in the staff report:

Goal 10 Policies

1. Plan for more multi-family and affordable home ownership opportunities, including small lot single family residential, townhomes and manufactured housing development consistent with the City's Housing Needs Analysis.
- 3.a. Build on the pattern of concentrating higher residential densities near downtown, along arterial and collector streets, and neighborhood centers where services and activity are nearby.
7. Incentives should be used to encourage development that meets maximum allowable density for all types of residential development.
8. Flexibility in implementing ordinances is needed to accommodate infill and to foster a variety of development scenarios and housing options.
16. Development standards in all density areas shall be revised in order to permit more flexibility in site planning and development. New standards shall consider flexibility for lot sizes, setbacks, accessory residential uses on the same lot, parking, alleyways and other development features.

Joan North, 1613 E 19th Street, The Dalles

North stated the minor adjustment did not seem minor, and was definitely in opposition to the application.

Rebuttal:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum addressed the issues stated by the opponents.

Steve Hunt, PO Box 81, The Dalles

Hunt asked if granting the partition would preclude construction of a larger home. Chair Lavier replied it would not.

Chair Lavier closed the public hearing at 7:30 p.m.

Commission discussion included the necessity for increased infill, separation of the decision on the partition from concerns with future development, the need for larger lots suitable for high end development, increased traffic in the area, and minimum lot size for the Low Density Residential District.

Chair Lavier called for a brief recess at 7:58 p.m.

Chair Lavier reconvened at 8:05 p.m.

Commissioner Nelson moved to approve Minor Partition 349-18 and Adjustment 18-036 in accordance with findings of fact with an added condition of approval number six, "The planning director will process any land use development review of the building permit application as an Administrative Action." Commissioner DuFault seconded the motion. The motion passed 4-2, Poppoff and Stiles opposed.

Chair Lavier reconvened the public hearing at 8:15 p.m.

REQUEST: Adjustment 18-037, Corner of W. 13th and Perkins Streets for Jonathan Blum
Requesting a reduction of minimum lot size from 9,000 sq. ft. to 7,475 sq. ft., an adjustment of 16.9%.

Planner McAllister presented the staff report. He called attention to Section 3.080.040, Finding #7, of his staff report: "...The request reduces the minimum lot size for development but does not significantly detract from livability or appearance of the residential area."

Proponents:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum provided a presentation of his proposed plans, Exhibit 8.

Opponents:

Wendy Palmer, 1902 W. 13th Street, The Dalles

Palmer stated she had no objection to a single family residence, but was not in favor of a duplex. Palmer was concerned about narrow streets and congestion.

Ruth Beecher, 500 W. 11th Street, The Dalles.

Beecher was in attendance, but left prior to the hearing. Beecher left a message with Lorene Hunt, stating she had purchased a house from Mr. Blum.

Lorene Hunt, PO Box 81, The Dalles

Hunt stated multiple homes were a concern, the proposed plans would change the character of the neighborhood, and she was concerned about the safety of children using the school bus. Hunt said it was difficult to obtain information from the City, and encouraged staff to include the purpose of the application on the Notice of Public Hearing.

Steve Hunt, PO Box 81, The Dalles

Hunt stated the neighborhood character would be changed by approval of this application. He urged the Commission to refuse the application.

Rebuttal:

Jonathan Blum, 403 E. Eighth Street, The Dalles

Blum addressed the issues stated by the opponents.

Commission discussion included parking, width of streets and improvements in the public right of way.

Chair Lavier closed the public hearing at 8:56 p.m.

Commissioner DuFault moved to approve Adjustment 18-037 based on findings of fact and conditions of approval. Commissioner Poppoff seconded the motion. The motion passed 5-1, Stiles opposed.

RESOLUTION 574-18

Commissioner Nelson moved to approve Resolution 574-18 approving a Minor Partition and Adjustment for Jonathan Blum according to the finding of facts and the conditions of approval, with the addition of Condition of Approval #6. Commissioner Ross seconded the motion. The motion passed 5-1, Stiles opposed.

RESOLUTION 575-18

Commissioner DuFault moved to approve Resolution 575-18 as written. Commissioner Ross seconded the motion; the motion passed 5-1, Stiles opposed.

STAFF COMMENTS

Director Harris stated Planner McAllister's last day would be Friday, May 4, 2018. McAllister said he appreciated the opportunity to work for the City.

The next regularly scheduled meeting is May 17, 2018. Three items are scheduled for the agenda.

COMMISSIONER COMMENTS OR QUESTIONS

Commissioner Stiles shared research he completed on Accessory Dwelling Units, Exhibit 9.

ADJOURNMENT

Chair Lavier adjourned the meeting at 9:12 p.m.

Respectfully Submitted
Paula Webb, Planning Secretary

Bruce Lavier, Chair



**PLANNING COMMISSION
STAFF REPORT
CITY OF THE DALLES**

PLANNING DEPARTMENT

Minor Partition No. 349-18 & Adjustment No. 18-036

Jonathan Blum

Prepared by: Garrett McAllister, Planner

Procedure Type: Quasi-Judicial

Hearing Date: May 3, 2018

Assessor's Map: Township 1 North, Range 13 East, Map 10 AA

Tax Lot: 11000

Address: 1605 East 19th Street

Comprehensive Plan Designation: "RL" Residential Low Density

Zoning District: "RL" Residential Low Density

Request: Applicant is requesting a minor partition to divide one lot into two. The lot is 8,778 square feet and measures 92.4' x 95'. The partition will create two new lots of 4,389 square feet and measure 46' x 95' each. The two new lots do not meet minimum standards, thus requiring adjustments to those standards. Along with the minor partition, the applicant is requesting two adjustments, which have been grouped together into one adjustment application. The first is a 12.2% reduction in minimum lot size, from 5,000 square feet to 4,389 square feet. The second is a 7.6% reduction to the minimum lot width from 50 feet to 46 feet.

NOTIFICATION

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

COMMENTS RECEIVED

No comments were received as of April 25, 2018.

RECOMMENDATION

Staff recommends approval with conditions, based on the following findings of fact.

Minor Partition 349-18 & Adjustment 18-036
Jonathan Blum
Page 1 of 6

LAND USE AND DEVELOPMENT ORDINANCE 98-1222:

Section 3.010.040 Applications

Subsection B. *Completeness.*

FINDING #1: The application was found to be complete on March 16, 2018.
Criterion met.

Section 3.020.050 Quasi-Judicial Actions

Subsection A. *Decision Types.*

- **FINDING #2:** This application is for a minor partition as per Section 9.030 and an adjustment as per Section 3.080. Typically minor partitions are processed administratively, but due to the additional adjustments staff elevated the application to a Quasi-Judicial action. The specific request is to divide one lot into two. The creation of the two new lots require two separate adjustments, a 12.2% reduction in the minimum lot size requirement and a 7.6% reduction of the minimum lot width requirement as outlined in Section 5.010.060 Development Standards. This request follows Section 3.080.020 (D) Quasi-Judicial Adjustment procedure. **Criterion met.**

Subsection B. *Staff Report.*

Staff shall prepare a staff report which identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report will also include a recommendation for approval, with conditions or denial.

FINDING #3: This document serves as the staff report. This report will first summarize findings of fact for the Minor Partition and then for the Adjustments.
Criterion met.

Subsection C. *Public Hearings.* *Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled Commission or Council meeting within 45 days from the date the application is deemed complete.*

FINDING #4: Application deemed complete March 16, 2018 and public hearing set for Thursday, May 3, 2018 at 6:00PM. **Criterion met.**

Subsection D. *Notice of Hearing.* *To be completed at least 10 days before scheduled quasi-judicial public hearing.*

FINDING #5: Appropriate mailings were sent to property owners within 300 feet and notice to affected departments and agencies were made on April 23, 2018.
Criterion met.

Minor Partition 349-18

Section 9.020.020 Land Division Standards

Subsection A. *Applicability.* *All land divisions shall be in conformance with the requirements of the zone district where the division is proposed, and all other applicable provisions of this Ordinance. Modifications to these requirements may be accomplished through a Planned Development per the provisions of Section 9.050: Planned Developments.*

FINDING #6: This partition will divide one 8,778 sq ft lot into two smaller lots, both 4,389 sq ft. The minimum lot size in the Residential Low Density zone is 5,000 square feet. **Criterion not met without Adjustments.**

Subsection B. Annexation. *Whenever any new lot is created inside the Urban Growth Boundary but outside the City limits, the City may require annexation or the signing of a consent to annexation and a waiver of the one year limitation on consent to annexation.*

FINDING #7: This property is entirely within City limits. **Criterion not applicable.**

Subsection C. Blocks. *There are a series of code provisions indicating the size of blocks.*

FINDING #8: The property is located in an area of the City that has consistent length, width, and shape for the blocks in this area. The proposed partition meets the standard block dimensions and supports infill development goals in the Comprehensive Plan. **Criterion met.**

Subsection D. General Lot Requirements:

1. **Size and Shape.** *Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes shall not be less than required by this Ordinance for the applicable zone district. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed.” The Residential Low Density District requires a lot area of at least 5,000 square feet and lot dimensions of at least 50 feet wide by 65 feet deep for one dwelling lot.*

FINDING #9: The proposed lots do not contain part of an existing or proposed street. The proposed lots in this application fall below both minimum size and minimum width requirements in the Residential Low Density zone. Both proposed lots are 4,389 square feet and measure 46 feet wide and 95 feet deep. Adjustments to the minimum lot standards are necessary to bring the parcels into compliance with LUDO standards. **Criterion can be met with approval of proposed Adjustments.**

2. **Access:** *Each lot shall abut upon a public street, alley, or approved private access drive for a width of at least the minimum lot width specified by the development standards for the zone district where the lot is located.*

FINDING #10: Both proposed lots will abut East 19th street on the south side of the lot for the entirety of the lot width. **Criterion met.**

3. **Access Points.** *Arterial and collector streets access points shall be either established in the final plat or included in covenants recorded as part of the final plat.*

FINDING #11: East 19th Street is designated as an arterial street. Access points are required to be established on the final plat. Because the partition will create two lots that are both under the 50 foot minimum, a unified access point that serves both lots shall be required, pursuant to Section 6.060 Driveway and Entrance Standards. Final design shall be approved by the City Engineer. **Criterion met with conditions.**

4. **Through Lots.** *Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. No rights of access shall be permitted across the rear lot line of a through lot.”*

FINDING #12: The proposed parcels do not create through lots. **Criterion met.**

5. **Lot Side Lines.** *Sidelines of lots, as far as practicable, shall be at right angles to the street the lots face."*
FINDING #13: The proposed parcel sidelines meet East 19th Street at right angles.
Criterion met.

6. **Lot Grading.** *Lot grading shall conform to the provisions of Section 8.050: Erosion, Slope Failure, and Cuts and Fill."*
FINDING #14: All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer. **Criterion met with conditions.**

7. **Building Lines.** *Building setback lines may be established in a final plat or included in covenants recorded as a part of a plat."*
FINDING #15: Setback lines are not reflected on the submitted partition application. Setbacks requirements will need to be met at time of development. **Criterion not applicable.**

8. **Redevelopment Plans.** *A redevelopment plan shall be required when dividing residential land into large lots that have the potential for further subdivision or partition at some future date. The redevelopment plan shall show street extensions, utility extensions, and lot patterns to:*
 - a) *Indicate how the property(ies) may be further developed to 70% of maximum Comprehensive Plan density for the particular zone district.*
 - b) *Demonstrate that the proposal will not inhibit development of adjacent lands.***FINDING #16:** Properties cannot be further divided or developed under current LUDO development standards. The proposal will not inhibit development of adjacent lands. **Criterion not applicable.**

Section 9.030.040 Partition Application Review

Subsection B. Review Criteria:

1. *The tentative plat meets the Wasco County recording requirements.*
FINDING #18: The requirements can be met with the required survey. This will be confirmed by receipt of two copies of the recorded plat from Wasco County.
Criterion met with conditions.

2. *The proposal is consistent with the purposes of this Chapter, relevant development standards of this Ordinance, policies and density requirements of the Comprehensive Plan, Public Works Standards and policies, and any other applicable policies and standards adopted by the City Council.*
FINDING #19: As demonstrated in findings above, this proposal meets or will meet with conditions, all applicable policies and standards. **Criterion met.**

3. *Approval does not impede future development of property under the same ownership or on adjacent land planned for urban densities, including provision of City services and access from Public Street.*
FINDING #20: This proposal to partition does not impede future development.
Criterion met.

4. *The plans for public improvements meet the requirements contained in the provisions of Section 9.040.060 H: Installation of Required Improvements.*
FINDING #21: This proposal to partition does not trigger any requirements for public improvements. At the time of development on the lots, improvements will be required to extend utilities and meet City requirements. In addition, at the time of development fire access requirements will need to be met. **Criterion not applicable.**

Adjustment 18-036

Section 3.080.020 Applicability

D. The Quasi-Judicial Adjustment process may be used to change the following:

- (2). Up to 20% reduction in lot width or depth requirements, but not less than a minimum width of 35 feet in a residential zone and a minimum depth of 50 feet in a residential zone.
- (3). Up to 20% reduction in minimum lot area.

Finding #22: Applicant is requesting a 12.2% reduction to minimum lot size and 7.6% reduction in minimum lot width in the City's RL zone. Both requests are less than the 20% allowed with this review application. **Criterion met.**

Section 3.080.040 Applications

A. Review Criteria.

An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 or 6 through 8 below, has been met.

1. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area.*
FINDING #23: The subject property is located in the RL – Residential Low Density zone, which permits residential uses outright. Pursuant to Section 5.010.060 Development Standards, the minimum lot size for single family detached development is 5,000 square feet. The request reduces the minimum lot size for development but does not significantly detract from livability or appearance of the residential area. **Criterion met.**
2. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*
FINDING #24: Two adjustments are required for the partition of the subject property. The cumulative impact of the partition with the adjustments holds consistent with the overall purpose of the zone, which is residential development. The request is also consistent with Comprehensive Plan goal #10 "Housing", which is to provide for housing needs through encouraging urban infill and density. **Criterion met.**
3. *City designated scenic resources and historic resources are preserved.*
FINDING #25: There are no known scenic or historic resources in this area. **Criterion not applicable.**
4. *Any impacts resulting from the adjustment are mitigated to the extent practical.*
FINDING #26: There are no known impacts due to requested lot size reductions. **Criterion met.**

5. *If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable.*
FINDING #27: There are no known environmentally sensitive areas at this site. **Criterion not applicable.**
6. *Application of the regulation in question would preclude all reasonable economic use of the site.*
FINDING #28: Application of the regulation in question without the adjustment does preclude a minor partition to the lot, but does not preclude development without the partition. **Criterion not met.**
7. *Granting the adjustment is the minimum necessary to allow the use of the site.*
FINDING #29: The adjustment is the minimum necessary to allow a minor partition subject property, but partition not required to allow use of the site. **Criterion not met.**
8. *Any impacts resulting from the adjustment are mitigated to the extent practical.*
FINDING #30: There are no known impacts due to the adjustment. **Criterion not applicable.**

Section 3.080.050 Conditions of Approval:

If granting the adjustment, the Approving Authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

FINDING #31: Staff recommends approval with the following conditions.

Conditions of Approval

1. Final plat submission must meet all the requirements of the City of The Dalles Land Use and Development Ordinance (LUDO) Section 9.030 and the other applicable provisions of the LUDO.
2. Two copies of the surveyed and recorded plat must be received in the Planning Department office within one year of the date of the notice of decision for this partition to be effective.
3. Final plat shall include City Engineer approved unified access point that serves both lots.
4. All cuts and/or fills exceeding 50 cubic yards require a physical constraints permit. If the cut/fill exceeds 250 cubic yards, drawings will need to be submitted by a licensed engineer.
5. Except as modified by this decision, all development must be completed in accordance with Land Use Development Ordinance 98-1222, as amended.

PROPOSED AMENDMENTS: LOT SIZE AND DENSITY STANDARDS

CHAPTER 5: ZONE DISTRICT REGULATIONS

Section 5.010: RL - Low Density Residential District

5.010.060 Development Standards

RL Low Density Residential	Standard
Lot Size	
Single Family Detached	5,000 sq. ft. minimum
Corner Duplex	42,500 sq. ft. per dwelling unit
Small Lot Single Family	4,000 sq. ft. minimum with density transfer
Attached Row House	3,200 sq. ft. minimum with density transfer
Lot Width	50 ft. minimum
Lot Width - Corner Duplex	325 ft. minimum per dwelling, each unit shall front on a separate street
Lot Depth	65 ft. minimum average

This allowance for lower minimum lot sizes and lot width for a corner duplex both allows development on a wider range of lots and can ensure that the scale of duplexes is compatible with single-family development. Requiring duplexes to be sited on lots twice as large as single-family homes encourages development of duplexes that are twice the floor area of a single-family home. To ensure compatibility, no changes to setbacks, lot coverage, or height are recommended.

Section 5.020: RH - High Density Residential District

5.020.060 Development Standards

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	54,000 sq. ft.	86,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 285 ft. for small lot	540 ft.	7560 ft.	75 ft.

Proposed Lot Partition

1605 E 19th Street
Robert Bart & Jonathan Blum
The Dalles Planning Commission
May 3rd, 2018

Who we are?

- Live in The Dalles and Hood River
- Small business owners in The Gorge
- Focused on real property development in The Dalles
- Emphasis on single family homes and properties that add value and character to neighborhoods
- Friends who wish to build equity in our local community

Minor Partition Proposal

- The current lot size is 8,778 square feet
- The dimensions of lot are 95' x 92'4"
- Requesting to partition into two equal sized lots:
 - Adjust minimum lot size from 5,000 square feet to 4,389 square feet, a 12% adjustment
 - Adjust minimum lot width from 50' to 46'2", an 8% reduction
 - All other setbacks, easements, height restrictions and parking requirements will be met on each lot
- This proposal prepares each lot for a single family home to be constructed in the next 24 months

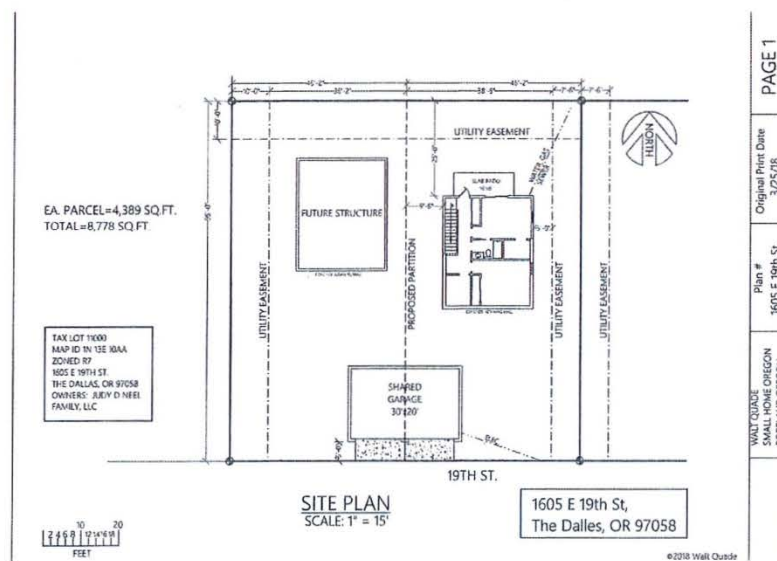
Map overview



Lot proposal



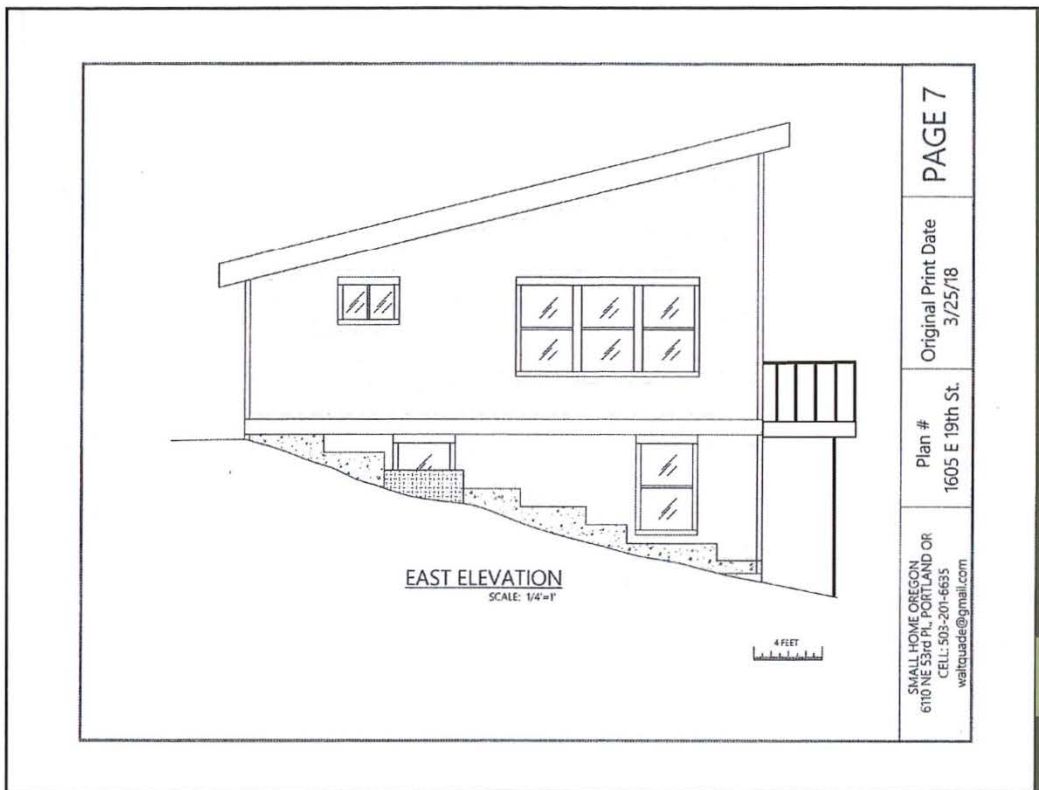
Site Plan



Livability & Appearance

- Reduction of minimum lot width will not affect livability or appearance of neighborhood as homes will share one garage and be set back from the street, at lower elevations than the neighboring houses.
- The new construction will enhance neighborhood appearance with new, clean homes and landscaped grounds
- Garage will allow off-street parking and minimize interruption of arterial flow of E 19th Street
- Mature trees will be maintained on lot as possible with construction





Benefits

- Project supports development goals of the Comprehensive Plan for The City of The Dalles
- Utilization of this space for residential homes instead of as a vacant lot will create additional housing near the schools, the college, and the hospital
- Constructing two new homes adds commerce and jobs to our local economy and boosts tax base
- Building smaller, daylight basement homes in this neighborhood minimizes the visual impact of the project, while meeting increasing density goals of the community

Considerations

- Large vacant lot in this neighborhood will likely be developed with a single larger home with larger visual impact
- The Dalles is in need of additional housing and maximizing the usefulness of this lot as allowed by LUDO fits into residential mix desired by the city
- This parcel has been for sale for many years, and continues to be undeveloped as a result of its slope and existing landscape
- Our plans make accommodation for this unique parcel in a way that is attractive and minimalistic

Thank you.

Questions?

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR

19TH STREET PROJECT, INC., dba OAK GROVE SUBDIVISION,
a corporation, hereinafter referred to as "Declarant"

WASCO COUNTY, OREGON
CITY OF THE DALLES

WITNESSETH:

WHEREAS, Declarant has heretofore acquired the fee interest in certain land situated in the County of Wasco, State of Oregon, and more particularly described as per Exhibit "A" annexed hereto and made a part hereof; and

WHEREAS, Declarant has developed a new subdivision, known as Oak Grove Subdivision, on file with the Wasco County Clerk's office on the land included in the Exhibit "A" attached hereto, affording a well planned residential subdivision; and

WHEREAS, Declarant desires to subject that portion of the property described in Exhibit "A" to the covenants, conditions and restrictions as hereinafter set forth and to impose said covenants, conditions and restrictions on the property, including easements of record thereon and the privileges relating to the use of the properties subject to these conditions as hereinafter set forth; and

WHEREAS, Declarant deems it desirable for the efficient preservation of the value, desirability and attractiveness of said property, pursuant to the provisions of this Declaration, to impose these following covenants, conditions and restrictions on the property of the subdivision; and

WHEREAS, Declarant will cause said land described in Exhibit "A" to be conveyed subject to certain protective covenants, conditions and restrictions as hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares that all of the properties described in Exhibit "A" shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property. These easements, covenants, conditions and restrictions shall run with said property and shall be binding on all parties having or acquiring any right, title or interest in the described properties or any part thereof, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

The following words, phrases or terms when used herein, shall have the following meanings:

Section 1. "Declaration" shall mean and refer to this declaration of covenants, conditions and restrictions (CCRs).

Section 2. "Corporation" shall mean 19th Street Project, Inc., an Oregon corporation.

Section 3. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the property, but excluding those persons having such interest merely as security for the performance of an obligation.

Section 4. "Architectural Committee" shall mean and refer to the committee hereinafter defined.

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ARTICLE II

ARCHITECTURAL COMMITTEE

The architectural committee shall have the board of directors' authority to review and approve architectural concepts, to insure the quality and performance as required by the covenants, conditions and restrictions.

The architectural committee shall consist of not less than three nor more than five owners selected by the board of directors of the 19th Street Project, Inc. corporation.

ARTICLE III

COVENANTS, CONDITIONS AND RESTRICTIONS

Section 1. The board of directors has approved the following covenants, conditions and restrictions, and by this document is empowered to enforce compliance therewith as follows, to-wit:

- (A) Each lot of the subdivision shall comply with the City of The Dalles zoning and building code restrictions and requirements.
- (B) No improvement consisting of a single family residence shall be constructed on any one lot with less than 1,000 square feet floor space (inside measurement).
- (C) No residence shall have a roof line from the upside foundation in excess of 32 feet in altitude.
- (D) Each lot shall have a landscaping plan submitted to the architectural committee, subject to the approval of the committee, which approval will not unreasonably be withheld and must be, in general, consistent with the spirit of the subdivision. Said landscaping shall not unreasonably restrict the view of any structure of any improvement of any other lot.

(E) Manufactured housing or modular housing, in particular, shall require the prior approval of the architectural committee as to design and plan. Such approval will not unreasonably be withheld.

Section 2. No facilities, including poles and wires, for the transmission of electricity, telephone messages and the like, shall be placed or maintained above the surface of the ground on any lot, and no external or outside antennas of any kind shall be maintained without prior written approval of the architectural committee.

Section 3. No temporary building, trailer, garage or other building shall be used temporarily or permanently as a residence on any lot.

ARTICLE IV

ENFORCEMENT

Section 1. Enforcement of the covenants, conditions and restrictions will be subject to the ordinances of the City of The Dalles and the statutes of the State of Oregon.

Section 2. The corporation shall pursue enforcement through the period of time required for single family dwellings to be constructed on each of the lots numbered 1 through 12.

Section 3. Declarant, for each lot owned within the property, hereby covenants, and each owner of any such lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed or not it is deemed to covenant and agree to pay special assessments reasonably necessary for the enforcement of the covenants, conditions and restrictions. Such special assessments shall be established and collected from time to time as hereinafter provided.

Section 4. The assessment levied shall be pursuant to majority vote of the corporate board and shall be used exclusively for the purpose of

promoting the welfare of the owners and residents, and in particular, the enforcement of the covenants, conditions and restrictions.

Said assessments shall be limited to a maximum of not to exceed \$500.00 per lot in total.

Section 5. Such assessments shall be separate, distinct and the personal debts and obligations of the owner or owners of the lots against which the same is assessed. Any assessment provided for in this Declaration, which is not paid when due, shall be delinquent. If any assessment is not paid within 30 days after the delinquency date and a prior written notice is given of said delinquency, the assessment shall bear interest from the date of the notice of delinquency at the rate of 8% per annum.

Any such delinquency in assessment payments shall constitute a lien against the property that is inferior to purchase money mortgages, trust deeds and prior obligations against said properties.

Unless sooner satisfied in release, or the enforcement thereof initiated as herein provided, such lien shall expire and be of no further force or effect one year after the date of recordation of said notice of claim.

ARTICLE V

DURATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Section 1. Duration. All the covenants set forth or provided for in this Declaration shall be deemed covenants running with the property and/or charges and liens upon the property and any and every conveyance of any part of the property shall be absolutely subject to said covenants, whether or not it shall be so expressed in the deed or other conveyance thereof.

///

///

///

IN WITNESS WHEREOF, the undersigned being the Declarant herein has hereunto set his hand and seal this ____ day of November, 1992.

19th Street Project, Inc.,
an Oregon corporation

By _____

By _____

By _____

By _____

By _____

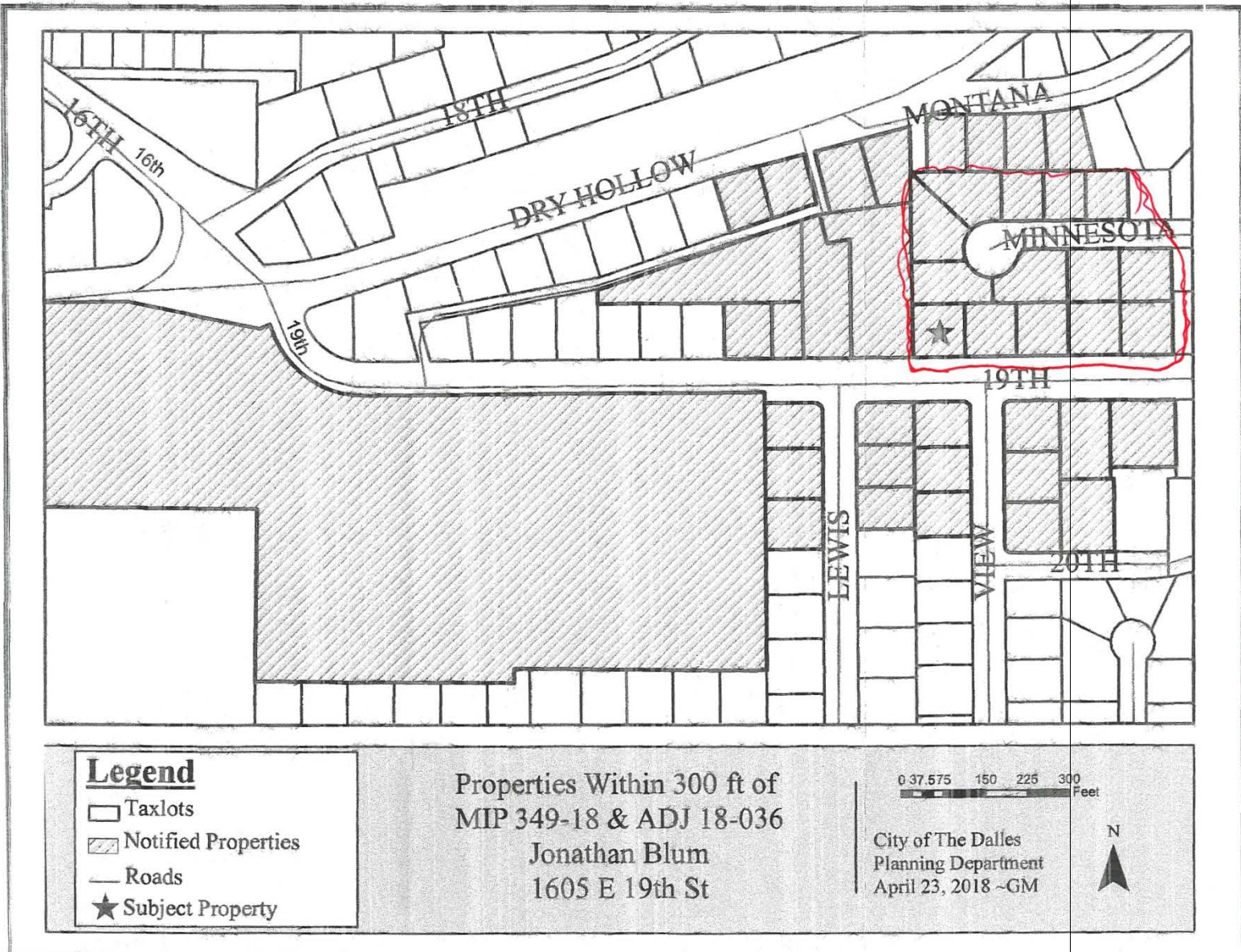
By _____

STATE OF OREGON)
) ss
County of Wasco)

November ____, 1992

Personally appeared the above named Dale Taylor, Peter Peruzzo, Terry Nelson, Maxine Kelly, Gary Bradford and M. D. Van Valkenburgh, and acknowledged the foregoing to be their voluntary act and deed.

BEFORE ME: _____
Notary Public for Oregon
My Commission Expires: _____



LOTS NOW SELLING!

Oak Grove Subdivision lots are now for sale as shown on the map. This subdivision is developed on East 19th Street, one block from the hospital, Dry Hollow School, and adjacent to the Episcopal Church. These are prime view lots ideally located. The lots have all underground utilities and cable and antenna television. The subdivision is developed as an enclave, appealing particularly to people who want a well-located, secure living environment near the hospital. Those interested may call (503) 296-1106 (days) or 298-1297 (evenings).

Lot 5
Minor Partition Application

REMINER 10-15-92

Copy of newspaper Ad
"The Dalles Reminder"
newspaper now out of Business

Garrett McAllister

From: G & T Stephens <montanagt@yahoo.com>
Sent: Thursday, May 03, 2018 1:25 PM
To: Garrett McAllister
Subject: Minor Partition 1605 E. 19th

We strongly object to the partition at 1605 E. 19th Street especially if there are town house, which would look right down into our front window giving us no privacy.

Sincerely

George & Tanis Stephens
1833 Minnesota Street
The Dalles, Or 97058

Garrett McAllister

From: Austin Manca <austinmanca@yahoo.com>
Sent: Thursday, May 03, 2018 5:08 PM
To: Garrett McAllister
Subject: request to partition property

Austin Manca
1600 E 19th Street The Dalles, Or

My wife and I do not think that dividing a property into a smaller lot and increasing the number of residents in our neighborhood will add value to the community. We disagree with this proposal and think the lots should remain as is.

Thank You,

Austin and Shay Manca

Proposed Lot Adjustment

13th and Perkins St
Jonathan Blum
The Dalles Planning Commission
May 3, 2018

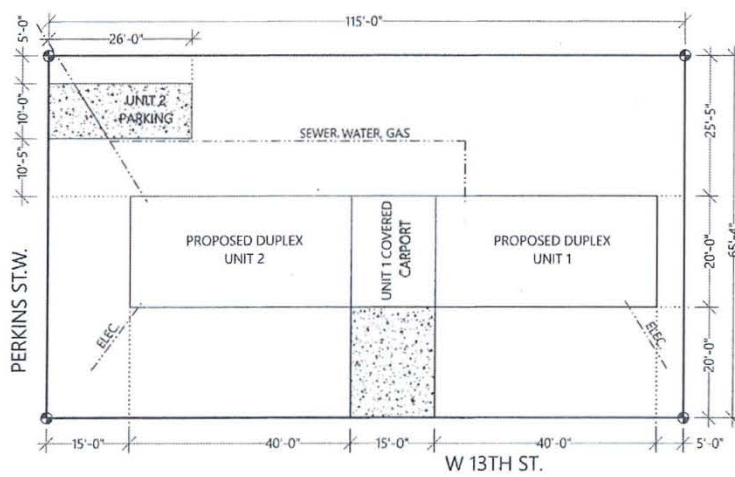
Proposal

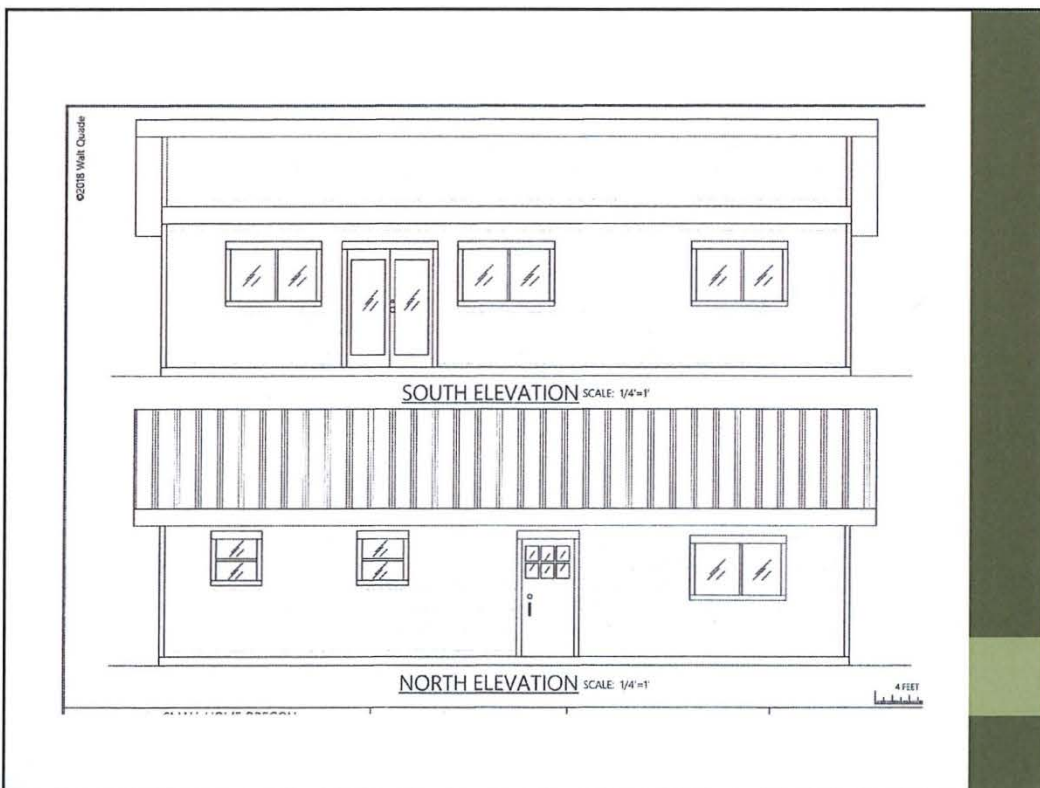
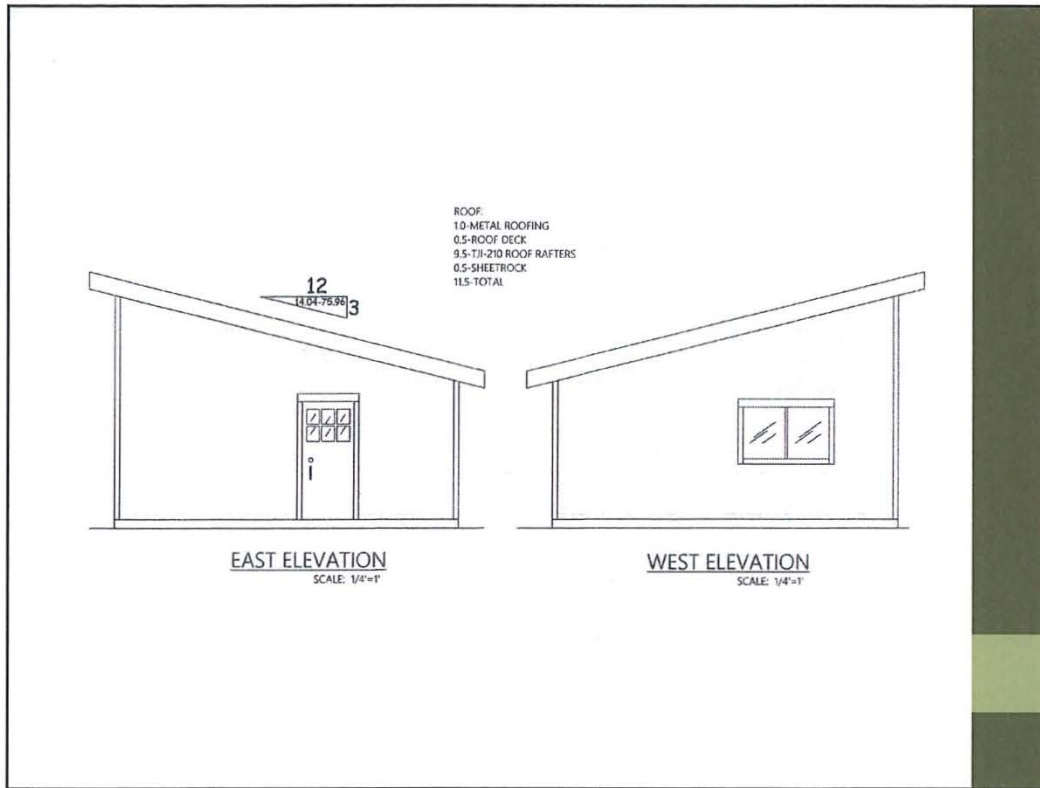
- The current lot size is 7,905 square feet
- The dimensions of lot are 65'4" x 115'
- Requesting to adjust minimum lot size to accommodate construction of a duplex:
 - Adjust minimum lot size from 9,000 square feet to 7,905, a reduction of 12%
- This proposal prepares the lot for a duplex to be constructed in the next 12 months

Map overview



Lot proposal





Livability & Appearance

- Reduction of minimum lot size for a duplex on a corner lot allows for maximum usefulness of the lot with minimal impact
- The new construction will enhance neighborhood appearance with new, clean rentals and landscaped grounds
- Driveway and access enhancements will improve off-street parking and access
- Existing mature trees will be maintained

Benefits

- Project supports infill development goals of the Comprehensive Plan for The Dalles
- Utilization of this space for residential homes instead of vacant lot will improve the neighborhood
- Constructing a duplex adds commerce and jobs to our local economy and boosts tax base
- The Dalles is in need of newer, affordable rental properties to help with housing shortage
- Corner lot with duplex and multiple accesses is similar to two single lots with multiple accesses

Considerations

- Oversized lot compared to other neighboring lots
- Intent of development is to create rental properties, not to flip or sell as spec homes
- The Dalles is in need of additional rental stock
- Plans utilize current hardscape and keep existing mature trees
- Parcel currently vacant and underutilized
- Neighboring properties/ zoning would allow for higher density in this area

Thank you.

Questions?

Financing ADU's

Platinum Mortgage

- 1) Comps are biggest problem. Need 3 similarly financed ADU's
- 2) ADU Cannot be declared a Duplex

US Bank

- 1) Does not have a loan product for ADU's beyond HELOC.

Mann Mortgage

- 1) ADU's are financeable as a duplex only if they are in one building. It must have a common wall.
- 2) A new attached ADU would be possible but may have issues, making It very difficult.
- 3) Comps are very difficult.
- 4) Separate ADU's not financeable outside of HELOC and not on sale. Loans are on single living space only. Exterior livable units are a detriment to financing.

Appraiser from Portland w/ ADU experience

- 1) ADU does not increase the properties value, it usually limits the value due to a diminished livability (due to overcrowding) and diminished market place for possible buyers.

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MEMORANDUM

Housing Needs Analysis Code Amendments (Draft 3) City of The Dalles

DATE May 10, 2018
TO Steven Harris, City of The Dalles
FROM Matt Hastie and Jamin Kimmell, Angelo Planning Group

The purpose of this memo is to propose amendments to the City of The Dalles Land Use and Development Ordinance (LUDO) to implement housing strategies to support current and future housing needs. These strategies were identified as part of the City's Housing Needs Analysis (HNA), which was updated in 2017. The HNA considered and recommended a range of regulatory and non-regulatory strategies and the amendments proposed herein were prioritized for short-term implementation. The main objectives of these amendments are to:

- Provide more housing options to meet the needs identified in the City's adopted Housing Needs Analysis
- Ensure consistency with statewide housing goals, administrative rules and statutes
- Reduce barriers to developing specific types of housing which are already allowed and supported by the City and state

The current set of proposed Development Code amendments are intended to meet these larger goals. In and of themselves, they will not ensure that all housing types are financially feasible to develop, nor will they address all of the challenges to providing housing and an adequate level of facilities to support it now and in the future. However, moving these potential code amendments forward in some form will allow for broader community discussion during adoption hearings and will allow the City Council to consider adopting amendments that will support their previous policy decisions.

This memo is organized into five sections corresponding to five strategies that were selected for implementation. The purpose of each strategy is described below. The associated number of the strategy in the Housing Strategies Report of the HNA is provided for reference.

1. **Accessory Dwelling Units:** Amend development standards and other requirements to encourage development of Accessory Dwelling Units (LUDO Strategy #6 in HNA).
2. **Duplexes, Triplexes, and Townhomes:** Make selected amendments to density standards, development standards, and minimum parking requirements to encourage development of these attached single-family and multi-family housing types (LUDO Strategy #3 in HNA).

3. **Residential Care Facilities:** Revise use regulations to ensure compliance with the Fair Housing Act and state law (LUDO Strategy #1 in HNA).
4. **Neighborhood Compatibility Standards:** Revise standards to ensure compliance with state requirements for clear and objective standards that regulate needed housing (LUDO Strategy #2 in HNA)
5. **Expedited Permitting for Affordable Housing:** Provide expedited permitting for qualifying affordable housing projects to facilitate development and ensure compliance with the recently enacted Oregon Senate Bill 1051 (Non-Regulatory Strategy #3 in HNA). This strategy can be implemented by adoption of an ordinance and does not necessitate amendments to LUDO.

More background information on each of these strategies is provided in each section. The proposed LUDO amendments are presented in ~~strikeout~~/underline format (~~deleted or moved~~/added) format.

1. ACCESSORY DWELLING UNITS

BACKGROUND

Accessory Dwelling Units (ADUs) are smaller, ancillary dwelling units located on the same lot as a primary residence. ADUs may take multiple forms: a separate structure detached from the primary house, an addition to the primary house, a conversion or addition to a garage, or a conversion of a basement (Figure 2). Their small scale, minimal impact on neighbors, and suitability on a wide range of properties give ADUs the potential to play a significant role in meeting local housing needs and increasing land use efficiency. Given that ADUs are usually built by individual homeowners with limited experience or financial resources, code provisions can have a significant influence on the feasibility of their development.

The purpose of the proposed amendments is to encourage development of ADUs while retaining and strengthening regulations that mitigate potential impacts on neighbors or neighborhood character. The development standards of the base zone will continue to apply to ADUs, including total lot coverage and building setbacks.

Figure 1. Diagram and Examples of Accessory Dwelling Units (ADUs)

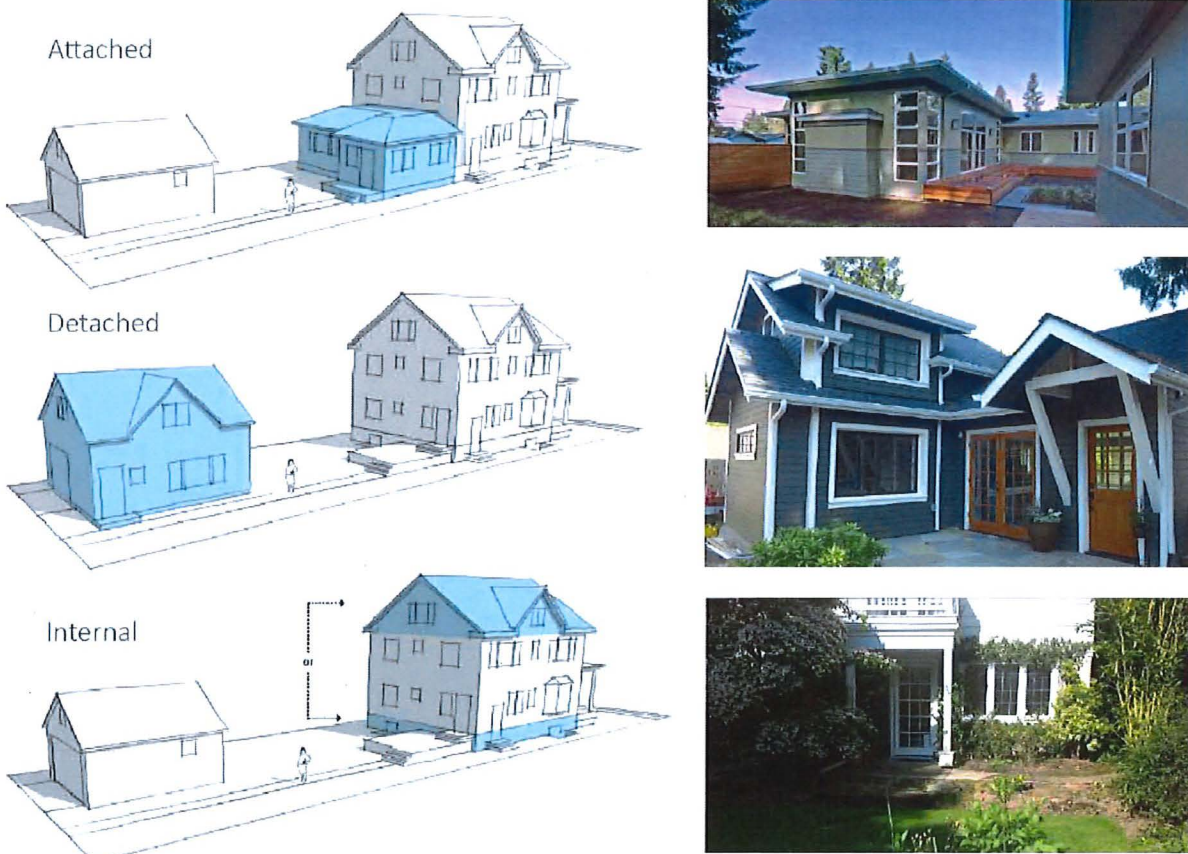


Image Credits: City of Minneapolis, AccessoryDwellings.org

PROPOSED AMENDMENTS

CHAPTER 6: GENERAL REGULATIONS

Section 6.030: Accessory Development

6.030.030 Accessory Dwellings

A. Purpose. Accessory Dwelling Units (ADU) are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-family development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

These purpose statements establish that ADUs are consistent with City housing policies and an important component of the housing stock.

B. Applicability. An ADU may be located in a detached accessory structure, an attached addition to a primary dwelling, or within a space internal to a primary dwelling, such as a converted basement. A garage may be converted to an accessory dwelling unit ADU provided that the off-street parking requirement for the primary dwelling unit continues to be met. ADUs are permitted subject to the following provisions:

1. In the RL zone, Accessory dwellings one ADU are is allowed permitted outright as an accessory use to a permitted single-family residential development dwelling.

2. In the RM, RH, NC, and CBC zones, ADUs are permitted as follows:

a) One ADU may be permitted outright as an accessory use to a permitted single-family attached or detached dwelling.

b) Two ADUs may be permitted on the same lot as a permitted single-family attached or detached dwelling if one ADU is in a detached accessory structure and the other ADU is either internal to the house or in an addition attached to the house, and the lot has a minimum area of 5,000 square feet. An application for a second ADU on a single lot must be reviewed as an Administrative Action.

c) Duplex. One detached ADU is permitted outright as an accessory use to a duplex if the lot has a minimum area of 5,000 square feet. An application for an ADU on a lot with an existing duplex must be reviewed as an Administrative Action.

3. In the CG and CLI zones, one ADU is permitted outright as an accessory use to an existing non-conforming single-family dwelling.

The use allowances in the RL, CG, and CLI zones mirror existing regulations. In the other zones (Section 2), the allowance for up to two ADUs (or a duplex and an ADU) is consistent with the allowance for multi-family development. The density of this type of development is approximately 26 units per acre (3 units/5,000 sq. ft.), slightly higher than the RH zone's planned density of 10-25 units per acre. Given that the RH zone permits single-family detached development and much of the existing single-family development is unlikely to be redeveloped soon, this density allowance is unlikely to increase overall density of the zone beyond the planned limit of 25 units per acre.

Draft 3 Comments: At the April 19th Planning Commission work session, it was decided that a second ADU on a single lot or a duplex with an ADU should be reviewed as an Administrative Action, per LUDO 3.020.040. Notice to nearby property owners is required for Administrative Actions; therefore, neighbors will have an opportunity to provide input on the application. Additionally, the application may be elevated to a Quasi-Judicial Action (with review by the Planning Commission) at the discretion of the Planning Director.

C. General Requirements. In addition to complying with the specific requirements of the zoning district, ~~accessory dwelling units~~ ADUs are subject to the following provisions:

A. ~~Occupancy. The owner of the lot must occupy either the principal residence or the accessory unit unless otherwise exempted by the Director.~~

Draft 3 Comments: The Planning Commission discussed the owner-occupancy requirement at the April 19th work session. The Commission tentatively proposed to remove the requirement but opted to revisit this proposal at the next meeting.

Staff and the consultant team have identified the following disadvantages of this requirement:

- The requirement is difficult to enforce because the City does not track who is occupying a home over time.
- The requirement may limit the possibility to finance the construction of an ADU because it makes complicates the appraisal of a property.
- The requirement is inconsistent with other City regulations. There is no owner-occupancy requirement for duplexes, for example.

The purpose and benefit of this requirement is unclear. If one assumes that properties owned by off-site investors will not be as well-maintained or that rental tenants are more likely to cause nuisance issues, then this requirement may prevent some of those

issues. However, there is not clear research to support these assumptions. In addition, these same assumptions can be true for other housing types. Applying this rationale solely to ADUs would be inconsistent from a policy perspective.

- ~~B.~~ 1. Drainage, Sanitary Sewer and Water. Adequate provision shall be made for drainage, water and sewage waste.
- ~~C.~~ 2. City Ordinances. The ~~accessory dwelling unit~~ ADU shall meet all applicable City Ordinances.
- ~~E.~~ 3. Lot Requirements. The lot requirements (width, depth, area, coverage, etc.) on which the ~~principal residence~~ primary dwelling and ~~accessory dwelling unit~~ ADU are located shall be met.
4. Front Setbacks. Detached ADUs must be located behind a line established parallel with the front building line of the primary dwelling.
5. Rear Setbacks. The minimum rear setback for an ADU may be reduced to 5 feet if the structure is less than 15 feet in height or the rear lot line abuts an alley.

The front setback standard ensures detached ADUs are not placed in a front yard, which has more potential to alter neighborhood character. The rear setback standard provides more flexibility for one-story ADUs or lots with alleys.

~~G6.~~ Entrances. ~~The entrance to the accessory dwelling unit shall be oriented to minimize impacts on and protect the privacy of adjacent properties.~~ Privacy Standards. The following standards are intended to protect the privacy of adjacent properties. Privacy standards are required along wall(s) of a detached ADU, or portions thereof, that are within 20 feet of a side or rear lot line that faces a residential property. A detached ADU meets the privacy standard if either of the following standards is met.

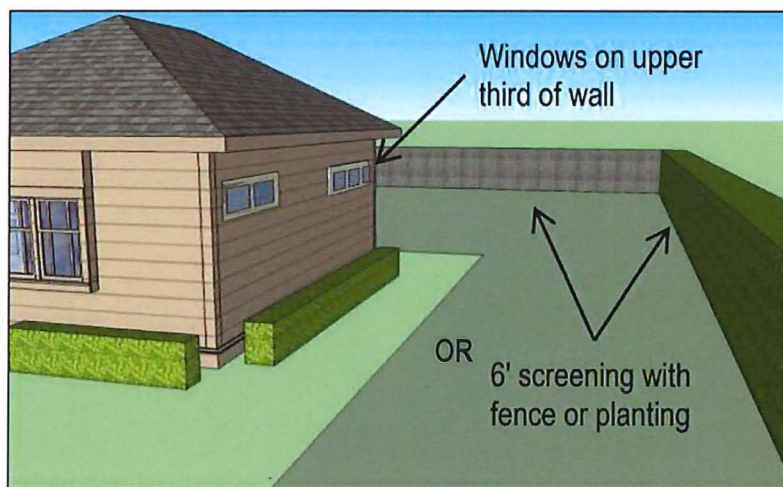
- (a) All windows on a wall are placed in the upper third of the distance between a floor and ceiling. This standard applies to windows on exterior doors.
- (b) Visual screening is provided along the portion of a property line that faces the wall of the ADU, plus an additional 10 lineal feet beyond the corner of the wall. The screening shall be opaque; shall be at least 6 feet high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 feet above grade at time of planting, and they shall reach 6 feet high within 1 year. Existing features on the site may be used to comply with this standard

Draft 3 Comments: At the April 19th Planning Commission work session, the commission voiced concerns about removing the existing standard pertaining to placement of entrances and privacy. It is recommended that this standard—which is not clearly

defined—be replaced with a more clear and objective standard intended to protect the privacy of neighbors. The recommended standard addresses potential privacy issues associated with both windows or doorways that face an adjacent residential property. The provision allows the standard to be met in two ways:

- Placing windows high enough on the wall so that sight lines into the adjacent property are minimal. Requiring the windows be placed on the upper third of the wall ensures they will be placed at least 5' 4" high (upper third of 8' ceiling). At this height, the bottom of the window will be at or above eye level for most people.
- In lieu of placing windows at this height, the standard can be met by installing screening at least 6' in height along the property line.

The graphic below illustrates these two options for meeting the privacy standard.



Source: City of Milwaukee

~~E. Design Compatibility. The accessory dwelling unit shall be compatible with the primary dwelling unit through the use of similar exterior design and materials, color and roof pitch.~~

This standard may limit good design options and may not be desirable if the design of the primary dwelling is not attractive. The standard that detached ADUs be set back from the street or behind the dwelling may mitigate the need for this requirement.

~~F. 7. Accessory Unit Maximum Size. The accessory dwelling unit's gross floor area of the ADU shall not exceed 6075% of the gross floor area of the primary dwelling unit (exclusive of garage[s] and unfinished basements) up to a maximum floor area of 6800 square feet. All areas being used as living space shall be counted toward the maximum allowance of 6800 square feet, whether or not those areas were originally built or intended to be used for habitation. In the case of a duplex, the size of the accessory dwelling unit may be no more~~

than 75% of the living area of the smaller of the two primary units or 800 square feet, whichever is less. Two exceptions to this maximum size are permitted:

- a) Basement ADUs. The total floor area of a basement of the primary dwelling may be used as the ADU, provided the basement area does not exceed the size of the primary dwelling.
- b) Large Lots. On lots zoned RL that are at least 10,000 square feet and include an existing primary dwelling, the gross floor area of the ADU may be up to 1,000 square feet or 60% of the living area of the primary dwelling, whichever is less.

Draft 3 Comments: The Planning Commission discussed this maximum size standard at the April 19th work session. The Commission supported the exceptions to the maximum size for basement ADUs and large lots and tentatively supported the general increase in maximum size from 600 to 800 square feet. The goal of this increase is to expand the number of people/households that would consider living in an ADU. The median size of a new apartment unit nationally is 1,085 square feet, and just 31 percent of new units are less than 1,000 square feet.¹ Capping the size of an ADU at 600 square feet—significantly below the median size for new units—limits the number of people/households that would live in an ADU. Increasing the maximum size to 800 square feet may make an ADU a workable option for more people, supporting the City’s goal to increase the diversity of housing choices available in the City.

~~H. 8. Parking. No off-street parking needs to be provided for the accessory dwelling unit for one ADU on a single lot, so long as the parking requirement for the primary dwelling units is are met. A second ADU on a single lot must provide one off-street parking space in addition to the spaces required for the primary dwelling unit. However, should If off-street parking be is provided, the parking area shall not be located within any required front or side yard, other than existing and/or approved driveways.~~

This amendment would require a second ADU to provide one off-street parking space.

~~I. Garage Conversions.~~

~~J. Accessory Dwellings Allowed per Lot. Only one accessory dwelling unit shall be allowed per lot, or per contiguous lots under one ownership which are developed as one lot.~~

~~K. 9. Addressing. The accessory dwelling ADU shall be legally addressed with the street address of the primary dwelling plus the designation “Suite B”.~~

~~L. Accessory dwellings are allowed in duplexes only with a Conditional Use Permit.~~

¹ US Census Bureau, Annual 2016 Characteristics of New Housing, available at: <https://www.census.gov/construction/chars/highlights.html>

2. DUPLEXES, TRIPLEXES AND TOWNHOMES

BACKGROUND

A key finding of the HNA is that The Dalles has a sufficient capacity of buildable land for a range of housing types; however, much of the capacity for residential development is in the form of parcels with potential for development of single-family attached and multi-family housing. Single-family attached and small multi-family housing (four or less units) is projected to account for 14% of the City's total housing need. To fulfill this need, the City's lands zoned for high-density and medium-density must be built out at higher average densities than have been historically developed.

Figure 2. Example of Townhomes and a Small Side-By-Side Duplex



Code regulations can affect the economic viability of single-family attached and multi-family housing in many ways. For the purposes of this project, it is recommended that the City focus on amending regulations that affect townhomes (single-family attached), duplexes, and triplexes. The development and design regulations that apply to larger multi-family developments (four or greater units) are more complex and have greater potential for impact on neighbors and neighborhood character. Accordingly, it is suggested that these regulations be amended as part of a larger future development code amendment project that includes a more detailed evaluation of these impacts.

The purpose of the proposed amendments is to encourage development of townhomes, duplexes, and triplexes where these housing types are currently permitted. Generally, the amendments are intended to enable these housing types to be developed on a wider range of lots (as infill development) and generally use land more efficiently. Further, the reductions in minimum lot sizes, landscaping requirements, and minimum parking requirements encourage development of smaller unit sizes, which were identified as a need in the HNA due to demographic trends.

PROPOSED AMENDMENTS: LOT SIZE AND DENSITY STANDARDS

CHAPTER 5: ZONE DISTRICT REGULATIONS

Section 5.010: RL - Low Density Residential District

5.010.060 Development Standards

RL Low Density Residential	Standard
Lot Size Single Family Detached Corner Duplex Small Lot Single Family Attached Row House	5,000 sq. ft. minimum 4,250 sq. ft. per dwelling unit 4,000 sq. ft. minimum with density transfer 3,200 sq. ft. minimum with density transfer
Lot Width Lot Width - Corner Duplex	50 ft. minimum 325 ft. minimum per dwelling, each unit shall front on a separate street
Lot Depth	65 ft. minimum average

This allowance for lower minimum lot sizes and lot width for a corner duplex both allows development on a wider range of lots and can ensure that the scale of duplexes is compatible with single-family development. Requiring duplexes to be sited on lots twice as large as single-family homes encourages development of duplexes that are twice the floor area of a single-family home. To ensure compatibility, no changes to setbacks, lot coverage, or height are recommended.

Section 5.020: RH - High Density Residential District

5.020.060 Development Standards

RH High Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	54,000 sq. ft.	86,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	3,500 sq. ft. OR 2,850 sq. ft. for small lot and townhouse clusters (3-8 units)	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 285 ft. for small lot	540 ft.	7560 ft.	75 ft.

Minimum Lot Depth	and townhouse clusters (3-8 units)			
	65 ft.	65 ft.	85 ft.	85 ft.

These amendments reduce minimum lot size and width to allow development on smaller lots, but remain consistent with planned densities.

5.020.080 Open Area

Open Area requirements shall apply to all development with 34 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open area. [...]

This amendment exempts triplexes from the requirement that 30% of the lot area be landscaped or open area. On small lots, this standard may be difficult to meet while also accommodating required off-street parking and building unit sizes that are large enough to be marketable. Alternatively, it is proposed that triplexes be subject to the landscaping standards that apply to one- and two-family dwellings (landscaping required in front yard). Maximum lot coverage (60%) and minimum setbacks will continue to apply to control the overall bulk and scale of triplexes.

Section 5.030: RM - Medium Density Residential District

5.030.060 Development Standards

RM Medium Density Residential	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
Minimum Lot Area	4,000 sq. ft. OR 3,500 sq. ft. for small lot and townhouse clusters (3-8 units)	65,000 sq. ft.	87,050 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	4,000 sq. ft. OR 3,500 sq. ft. for small lot and townhouse clusters (3-8 units)	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	40 ft. OR 35 ft. for small lot and townhouse clusters (3-8 units) 65 ft.	50 ft.	8075 ft.	80 ft.

Minimum Lot Depth		65 ft.	85 ft.	100 ft.
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These amendments reduce minimum lot size and width to allow development on smaller lots, but remain consistent with planned densities.

5.030.080 Open Area

Open Area requirements shall apply to all development with 34 or more dwelling units per lot.

A minimum of 30% of the gross lot area shall be developed as permanent open area. [...]

This amendment exempts triplexes from the requirement that 30% of the lot area be landscaped or open area. See note under RH zone for more background.

Section 5.040: NC – Neighborhood Commercial Overlay

5.040.050 Development Standards

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/ Residential
Minimum Lot Area	None	4,000 sq. ft. OR 2,8 <u>5</u> 00 sq. ft. per lot for small lot and townhouse clusters (3-8 Units)	4,000 sq. ft.
Minimum Site Area per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	None	40 ft. OR 28 <u>5</u> ft. per lot for small lot and townhouse clusters (3-8 Units)	40 ft. OR 28 <u>5</u> ft. per lot for small lot and townhouse clusters (3-8 Units)
Minimum Lot Depth	None	60 ft.	60 ft.

These amendments reduce minimum lot size and width to allow development on smaller lots, but that remains consistent with planned densities.

PROPOSED AMENDMENTS: LANDSCAPING STANDARDS

CHAPTER 6: GENERAL REGULATIONS

Section 6.010: Landscaping Standards

6.010.070 Required Landscaping by Zone

ZONE	SITE REQUIREMENT
RL	Site landscaped according to 6.010.020
RH 1, 2, or 3 Family 3+ Family	Site landscaped according to 6.010.020 Equal to 1.5 times the first floor area of all structures minimum
RM 1, 2, or 3 Family 3+ Family	Site landscaped according to 6.010.020 Equal to first floor area of all structures minimum
NC 1, 2, or 3 Family Residential Only 3+ Family Residential Only Commercial Only Mixed Residential/Commercial	Site landscaped according to 6.010.020 Equal to the first floor area of all structures minimum Equal 10% of the first floor area of all structures minimum Equal to .5 times the first floor area of all structures minimum

These amendments exempt triplexes from the more intense landscaped area standards that apply to larger multi-family developments. The existing standard effectively limits the lot coverage of a triplex to approximately 40% by requiring that an area equal to 1.5 times the first-floor area be dedicated to landscaping. The maximum lot coverage of most residential zones is 60%.

PROPOSED AMENDMENTS: PARKING STANDARDS

CHAPTER 7: PARKING STANDARDS

Section 7.060: Minimum and Maximum Parking Standards

<u>Use Type</u>	<u>Auto Parking</u>		<u>Bike Parking</u>
<u>RESIDENTIAL</u>	Minimum	Maximum	
One, two, and three dwelling units	2 spaces per dwelling unit	None	None
Four to twelve units (multifamily)	6 spaces, plus 1.5 spaces per dwelling unit in excess of three units	None	1 space per dwelling unit
Thirteen or more units (multifamily)	20 spaces, plus 1 space per dwelling unit in excess of 12 units	None	1 space per dwelling unit

In multifamily ~~units~~ developments, the applicant may elect to apply a minimum parking requirement of one parking space will be required for every two bedrooms, but not less than one parking space per dwelling unit.

Draft 3 Comments: Per discussion at April 19th work session, the Planning Commission decided to clarify the language in this section. The proposed amendment clarifies that multi-family developments may elect to apply a standard of one space per 2 bedrooms in lieu of the standards based on the number of units in the development.

3. RESIDENTIAL CARE HOMES AND FACILITIES

BACKGROUND

Residential Care Homes and Residential Care Facilities are housing types defined by the city to specifically address Fair Housing requirements. A Residential Care Home is defined as: “A residential treatment or training home, or an adult foster home duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for 5 or fewer individuals who need not be related.” Residential Care Facilities are similarly defined but can house between 5 and 16 people. Pursuant to ORS 197.665 and 197.667, residential homes must be permitted in any residential or commercial zone where single-family dwellings are permitted and residential facilities must be permitted in any zone where multi-family dwellings are permitted.

The Dalles zoning code designates Residential Care Homes as a permitted accessory use in every zone where single-family dwellings are a permitted use. Accessory uses are defined as “a use on the same lot with and of a nature customarily incidental and subordinate to the principal use”. This provision could be interpreted to mean that a conventional household living use must be in place before a Residential Care Home can be operated on a site. ORS 197.665(2) stipulates that cities may not impose zoning requirements on residential homes that are more restrictive than those imposed single-family dwellings in the same zone. Limiting Residential Care Homes to an accessory use could be interpreted as a more restrictive requirement than those applied to single-family dwellings.

Residential Care Facilities are a permitted use in every zone where multi-family dwellings are permitted. However, the provisions for these uses in the Central Business Commercial District (CBC) zone may be unclear. The code lists the use as “Residential Care Facilities and Group Homes”. Group Homes may be understood as synonymous with Residential Care Homes but are not defined in the code.

The purpose of these proposed amendments is to permit Residential Care Homes as a Primary Use wherever single-family dwellings are permitted and to clarify regulation of Residential Care Facilities in the CBC zone.

PROPOSED AMENDMENTS

CHAPTER 5: ZONE DISTRICT REGULATIONS

Section 5.010: RL - Low Density Residential District

5.010.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

4. Other Use Types:

- a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities*.
- b) Residential Care Home, as defined in *Chapter 2 - Definitions*.

[...]

B. Accessory Uses Permitted Outright.

[...]

~~6. Residential Care Home, as defined in Chapter 2 - Definitions.~~

Section 5.020: RH - High Density Residential District

5.030.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

5. Other Use Types:

a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities.*

b) Residential Care Home, as defined in Chapter 2 - Definitions.

[...]

B. Accessory Uses Permitted Outright.

[...]

~~6. Residential Care Home, as defined in Chapter 2 - Definitions.~~

Section 5.030: RM - Medium Density Residential District

5.030.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

5. Other Use Types:

a) Wireless Communication Facilities, subject to the provisions of *Section 6.140: Wireless Communication Facilities.*

b) Residential Care Home, as defined in Chapter 2 - Definitions.

[...]

B. Accessory Uses Permitted Outright.

[...]

~~6. Residential Care Home, as defined in Chapter 2 - Definitions.~~

Section 5.040: NC – Neighborhood Center Overlay

5.040.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

5. Other Use Types:

a) Residential Care Home, as defined in Chapter 2 - Definitions.

[...]

B. Accessory Uses Permitted Outright.

[...]

~~7. Residential Care Home, as defined in Chapter 2 – Definitions.~~

Section 5.050: CBC – Central Business Commercial District

5.050.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

~~20. Residential Care Facility and Group Homes, located in permitted single family residential structures, as defined in Chapter 2 – Definitions, and subject to the limitations on residential uses specified in subsection (A)(19).~~

21. Residential Care Home, as defined in Chapter 2 – Definitions, and subject to the limitations on residential uses specified in subsection (A)(19).

[...renumber remaining...]

B. Accessory Uses Permitted Outright.

[...]

~~7. Residential Care Home, as defined in Chapter 2 – Definitions.~~

It is recommended to eliminate use of the term “group homes” as it is not defined in the code and unclear if it is distinct from a Residential Care Facility or Residential Care Home.

Section 5.060: CG – General Commercial District

5.060.020 Permitted Uses

A. Primary Uses Permitted Outright.

[...]

~~22. Residential Care Facility and Assisted Living, as defined in Chapter 2 – Definitions, and subject to the limitations on residential uses specified in subsection (A)(20).~~

23. Assisted Living Facility, subject to the limitations on residential uses specified in subsection (A)(20).

24. Residential Care Home, as defined in *Chapter 2 – Definitions*, and subject to the limitations on residential uses specified in subsection (A)(20).

[...renumber remaining...]

B. Accessory Uses Permitted Outright.

[...]

~~7. Residential Care Home, as defined in *Chapter 2 – Definitions*. Must be accessory to a permitted residential use.~~

4. NEIGHBORHOOD COMPATIBILITY STANDARDS

BACKGROUND

ORS 197.307 requires that cities apply “clear and objective standards” to needed housing types. Needed housing, pursuant to ORS 197.303, includes single-family detached dwellings, single-family attached dwellings, manufactured dwellings (standalone and in parks), government-assisted housing, and farmworker dwellings.

Clear and objective standards are generally available for development of needed housing in The Dalles, but some existing Neighborhood Compatibility Standards could be strengthened to provide more clear direction and reduce overly discretionary criteria.

PROPOSED AMENDMENTS

CHAPTER 3: APPLICATION REVIEW PROCEDURES

Section 3.040: Neighborhood Compatibility Review

3.040.050 Review Criteria

B. Design Standards - All Development.

1. ~~Scale Façade Articulation. Buildings with walls greater than~~ Street-facing facades that are over 80 feet in length shall include street facades that are varied and articulated at regular 20, 30, 40 or 50 foot intervals design features such as offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries, variation in rooflines, or similar elements to provide the appearance of smaller buildings that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30 feet.

[...]

These amendments clarify the applicability of this requirement (street-facing facades over 80 feet in length) and replaces the range of potential intervals between articulating elements with a minimum interval (30 feet). The requirement for regular intervals at

specific distances may be unnecessarily restrictive. Additionally, the allowance for a 50-foot interval between articulating features may not achieve the purpose of the regulation to provide sufficient articulation.

10. ~~Trim and Details.~~ Trim of a minimum width of three and a half inches shall be used around the windows, doors, frieze, and corners of buildings. ~~Details shall be used around the porch, fascia board, and window and door tops.~~

This amendment clarifies the minimum width of required trim and removes the requirement for “details” because it is discretionary and may be difficult to enforce.

Draft 3 Comments: The proposed amendment in Draft 2 required the trim to be at least 4 inches in width. This amendment allows for trim that is 3.5 inches in width, as this aligns with standard trim sizing.

C. Design Standards - Residential.

In addition to the design standards for all development, the following standards shall apply to the different types of residential development:

1. Two Family Structures, ~~and~~ Three Family Structures, and Attached Single Family Structures (2 units). Where there are covered front porches on more than 65% of the residential structures on the block (both sides of the street), these attached dwellings shall be designed and constructed to have the appearance of a single house with a combined front porch and combined roof pitch.

The existing standard to “have the appearance of a single house” is unclear and may be difficult to administer. Additionally, in some cases, this standard may be unnecessary if there is sufficient architectural variety among nearby single-family dwellings. This amendment would establish a criterion for when this standard applies (65% of houses on block have front porches) to limit the standard to situations where it is necessary for compatibility purposes. This criterion is used currently to establish when a front porch is a required element (3.040.050.B.9). Additionally, the amendment defines the “appearance of a single house” as having a combined front porch and roof pitch.

2. Town Houses (3-5 or 3-8 attached units). Where there are covered front porches on more than 65% of the residential structures on the block (both sides of the street), Town Houses may shall be required to combine roof lines and front porches in pairs of two units, rather than having separate roof pitches and front porches for each unit, in order to be more in character with the surrounding existing neighborhood.

This existing language allows for significant discretion in determining when this standard applies. This amendment uses the same criterion as applied above to provide a more objective standard of applicability.

5. EXPEDITED PERMITTING FOR AFFORDABLE HOUSING

BACKGROUND

In 2017, the Oregon State Legislature passed SB 1051, which requires cities and counties to complete land use decisions for qualifying affordable housing developments within 100 days after the application is deemed complete. State law currently requires decisions within 120 days for all land use actions. Qualifying developments meet the following criteria:

1. A multifamily residential building containing five or more units;
2. At least 50 percent of the units must be affordable to households with an income at or below 60 percent of Median Family Income; and
3. The units must be affordable for at least 60 years.

Time limits for application reviews are currently established in the LUDO and conform with this requirement:

- Ministerial Actions: 21 days from application acceptance (3.020.030.D)
- Administrative Actions: 45 days from application completeness (3.020.030.D)
- Quasi-Judicial Actions: Hearing scheduled within 45 days of completeness, decision within 5 days from hearing (3.020.050.C and G)

The purpose of the 100-day timeline in SB 1051 is to reduce development costs and facilitate construction of affordable housing. Permitting delays add costs by requiring developers to hold land longer and incur more “soft” costs, such as financing and professional services. These costs can be significant, and the risk of a permitting delay may even discourage investment in some cases.

Affordable (income-restricted) housing was identified as a critical need in the City’s HNA. To further support affordable housing development, it is recommended that the City provide an expedited permitting process for developments that qualify under the 100-day timeline of SB 1051. This process would both facilitate affordable housing development and ensure conformance with the 100-day limit.

The City currently provides an expedited permitting process for developments in the City’s Enterprise Zone, adopted in 1986 (Ordinance NO. 86-1075). The ordinance proposed below is modeled on the language of this ordinance.

PROPOSED ORDINANCE**ORDINANCE NO. XX-XXX
AN ORDINANCE PROVIDING EXPEDITED PERMIT REVIEW FOR QUALIFYING
AFFORDABLE HOUSING DEVELOPMENTS**

WHEREAS, on [insert date], 2017, the City of The Dalles conducted a Housing Needs Analysis that identified a critical need for development of affordable housing to serve low income residents; and

WHEREAS, the Housing Needs Analysis found that an expedited development review process could reduce the regulatory costs of affordable housing and encourage greater development; and

WHEREAS, on August 23, 2017, the Oregon State Legislature made effective Senate Bill 1051, requiring cities with population greater than 5,000 to review and decide on applications for certain housing developments containing affordable housing units within 100 days;

THE PEOPLE OF THE DALLES ORDAIN AS FOLLOWS:

Section 1. All City permit applications for multi-family residential buildings that qualify for final action within the 100-day timeline, as established in ORS 197.311, shall be processed ahead of all other applications.

Section 2. The Planning Director of the City of The Dalles is hereby designated Permit Coordinator and will expedite and assist in the approval of all local permits for applications qualifying under ORS 197.311.

WHEREAS, a qualifying development may apply for City permits at any time, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.