

AGENDA

CITY COUNCIL WORK SESSION
Revisions to Title 10 City of The Dalles Municipal Code
October 7, 2019 5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. WORKSESSION
 - A. Revisions to Title 10 Land Use and Development Ordinance
 - B. Council Discussion
 - C. Staff Direction
3. ADJOURNMENT 7:00 p.m.



M E M O R A N D U M

TO: Honorable Mayor and City Council

FROM: Riley Marcus, Associate Planner

DATE: September 25, 2019
MEETING DATE: October 7, 2019

ISSUE: Memo Summarizing Phase I and II of Proposed Housing Code Amendments – Title 10 Land Use and Development

Between 2016 and 2017, the City of The Dalles completed the Housing and Residential Land Needs Analysis, a Buildable Lands Inventory, and a Housing Strategies Report. These reports were completed to ensure that The Dalles was complying with Oregon Statewide Planning Goal 10 (Housing) with the intent of “encouraging the availability of needed housing at price ranges and rent levels that corresponded to the financial capabilities of Oregon households and allow for better flexibility of housing location, type and density.” These reports summarized the local housing issues and provided recommended strategies. Following acceptance of these reports by the City Council, an Implementation Road Map was prepared which identified specific follow-up actions. The Implementation Road Map included a number of recommended code amendments, which led to Phase I of the proposed Housing Code Amendments, such as:

- reductions to the minimum parcel sizes,
- reduction of setback requirements, and
- additional allowances for Accessory Dwelling Units.

Phase I was completed with the assistance of a Citizen’s Advisory Committee and Angelo Planning Group. This group of amendments was taken before the Planning Commission on April 18, 2018 and May 17, 2018, as well as an Open House in July 19, 2018. The Planning Commission conducted a public hearing on August 2, 2018 and voted to adopt Resolution No. PC 576-18 for Zoning Ordinance Amendment #97-18 making a recommendation to City Council to approve the various housing code amendments to Title 10 of The Dalles Municipal Code. Due to ongoing litigation pertaining to the related subject matter, Phase I never proceeded to City Council for further direction or approval.

Phase II work started in November 2018, with the assistance of the same Citizen’s Advisory Committee and Siegel Planning Services. The proposed draft changes in Phase II include:

- the addition of a new chapter on Affordable Housing and creating incentives for Affordable Housing to be developed,
- a new chapter for Cottage Cluster Development,
- the removal of Neighborhood Compatibility, and
- minor changes to make the existing Code more clear and objective.

The Phase II drafting process included four meetings with Community Development Staff and the Technical Advisory Committee where the proposed amendments were discussed. Staff and the Planning Consultant then presented the draft amendments at a Work Study Session for the Planning Commission on May 16, 2019. A Public Hearing for Phase II was held on September 19, 2019 where the Planning Commission voted to approve Resolution No. PC 585-19 recommending City Council approval.

The City Council Work Session will allow Staff to present the proposed amendments, along with any pertinent issues that were raised during the drafting of the amendments and at the Planning Commission meetings.

A public hearing, on both the proposed Phase I and II amendments is tentatively scheduled for the City Council meeting of October 28, 2019.



MEMORANDUM

Housing Needs Analysis Code Amendments City of The Dalles

DATE July 25, 2018
TO City of The Dalles Planning Commission
FROM Steven Harris and Dawn Hert, City of The Dalles
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

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 development standards 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.

The proposed LUDO amendments are presented in each section in ~~strikeout~~/underline format (~~deleted or moved~~/added) format. Sections not amended are omitted unless needed for context.

1. ACCESSORY DWELLING UNITS

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.
- 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.

C. Development Standards. In addition to the applicable standards in the zoning district, ADUs must meet the following development standards.

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

~~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.

~~G. 6. 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

~~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.~~

~~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.~~

~~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.~~

~~I. Garage Conversions. A garage may be converted to an accessory dwelling unit provided that the off-street parking requirement for the primary dwelling unit continues to be met~~

~~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.~~

2. DUPLEXES, TRIPLEXES AND TOWNHOMES

PROPOSED AMENDMENTS

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 42,500 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

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 2,8 500 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 2,8 500 sq. ft. for small lot and townhouse clusters (3-8 units)	2,5 000 sq. ft.	2,5 000 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. OR 28 5 ft. for small lot and townhouse clusters (3-8 units)	540 ft.	7560 ft.	75 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	85 ft.

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. [...]

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)	6 5,000 sq. ft.	8 7,050 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)	50 ft.	80 75 ft.	80 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.

5.030.080 Open Area

Open Area requirements shall apply to all development with ~~3~~4 or more dwelling units per lot.

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

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 2,850 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	None	40 ft. OR	40 ft. OR

Width		285 ft. per lot for small lot and townhouse clusters (3-8 Units)	285 ft. per lot for small lot and townhouse clusters (3-8 Units)
Minimum Lot Depth	None	60 ft.	60 ft.

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 34+ 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 34+ 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 34+ 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

CHAPTER 7: PARKING STANDARDS

Section 7.060: Minimum and Maximum Parking Standards

Use Type	Auto Parking		Bike Parking
RESIDENTIAL	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.

3. RESIDENTIAL CARE HOMES AND FACILITIES

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.~~**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****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.

[...]

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.~~

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.
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.

5. EXPEDITED PERMITTING FOR AFFORDABLE HOUSING

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.

Housing Needs Analysis Code Amendments

Planning Commission Public Hearing
August 2, 2018

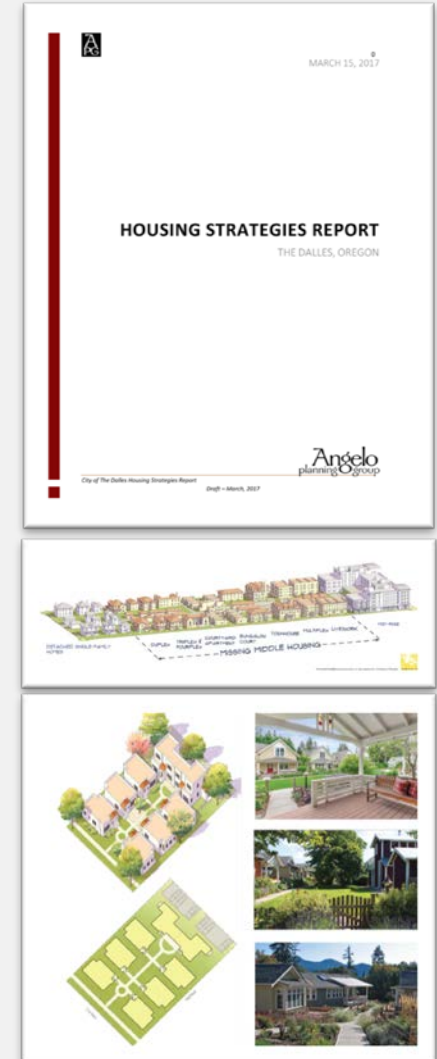


LAND USE PLANNING
TRANSPORTATION PLANNING
PROJECT MANAGEMENT



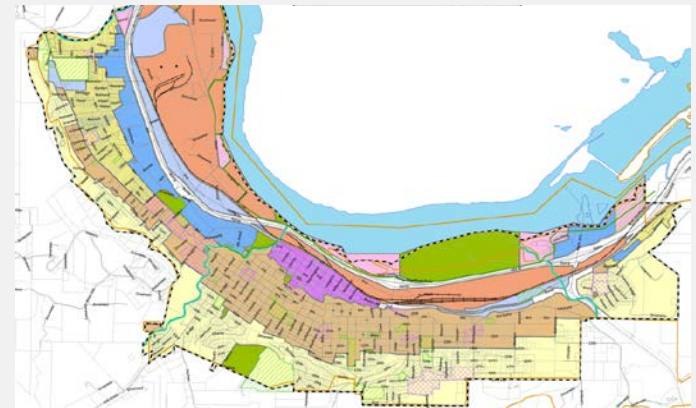
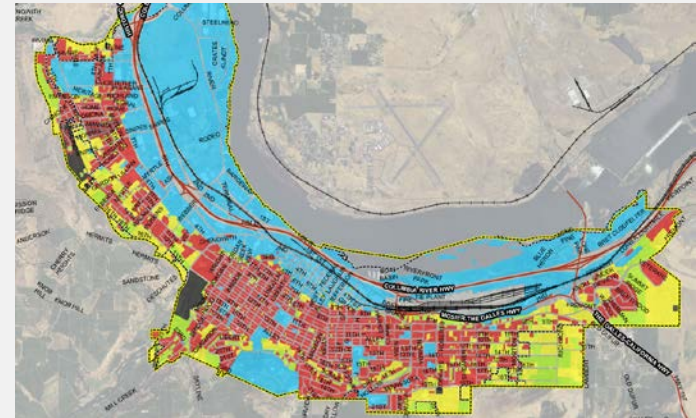
Project Background

- Implementation of Housing Needs Analysis (HNA)
- Ensure compliance with Senate Bill 1051
- HNA identified 11 code amendment strategies (see *Housing Strategies Report*)
- Five strategies selected for implementation with this project



Key Findings of the HNA

- The population is growing.
- Renters are burdened by high housing costs.
- There is a key need for more rental housing.
- Attached housing will make up greater share of new development.
- Demand for denser housing is rising
- Land is available but must be developed at higher densities to meet needs.

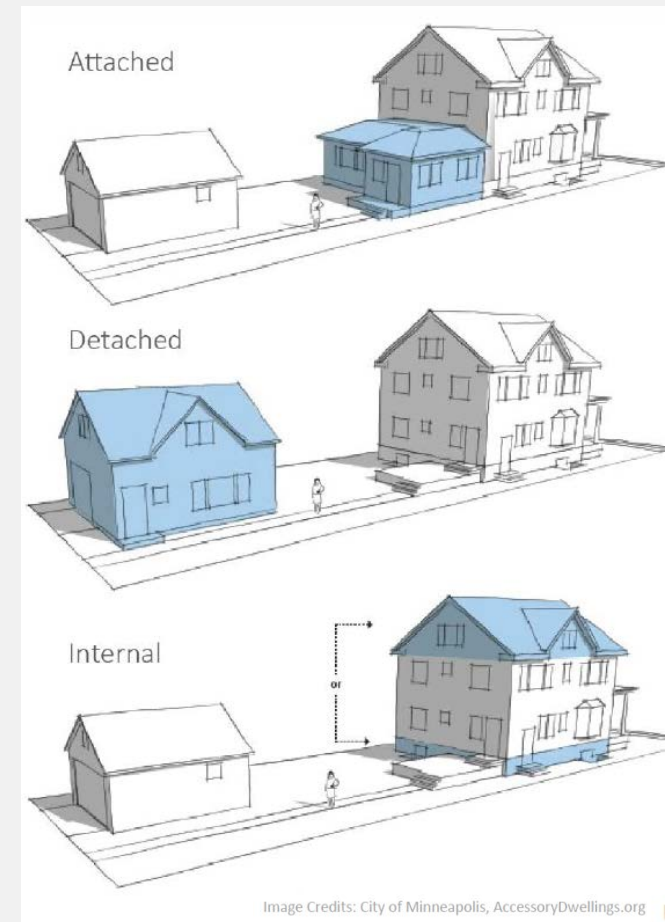


Overview of Proposed Code Amendments

1. **Accessory Dwelling Units:** compliance with SB 1051, LUDO Strategy #6 in HNA.
2. **Duplexes, Triplexes, and Townhomes:** component of LUDO Strategy #3 in HNA.
3. **Residential Care Facilities:** compliance with state and federal fair housing laws, LUDO Strategy #1 in HNA.
4. **Neighborhood Compatibility Standards:** LUDO Strategy #2 in HNA)
5. **Expedited Permitting for Affordable Housing:** compliance with SB 1051, Non-Regulatory Strategy #3 in HNA

Accessory Dwelling Units

- Purpose: encourage development of ADUs to meet a needed housing type
- Update multiple standards to remove barriers to development while improving some standards that address livability and character
- Comparison to DLCD Model Code (released March 12)



Accessory Dwelling Units: Overview

Standard	Existing Code	Proposed Code
<i>Max number of ADUs (per lot)</i>	One per lot	One in RL zone, two in zones that allow multi-family housing
<i>Max size (floor area)</i>	600 square feet or 60% of main house (whichever is lower)	800 square feet or 75% of main house (whichever is lower)
<i>Privacy standard</i>	“Entrance shall be oriented to protect privacy”	Windows facing adjacent lot must be either (1) placed on upper third of wall or (2) screened by 6-foot high fence or shrubs
<i>Special Setbacks (in addition to base zone)</i>	No special setbacks	Front of ADU must be at least as far setback as main house
<i>Design Style</i>	“Compatible with primary dwelling”	No special design style requirement
<i>Owner Occupancy (owner must live on site)</i>	Yes	No

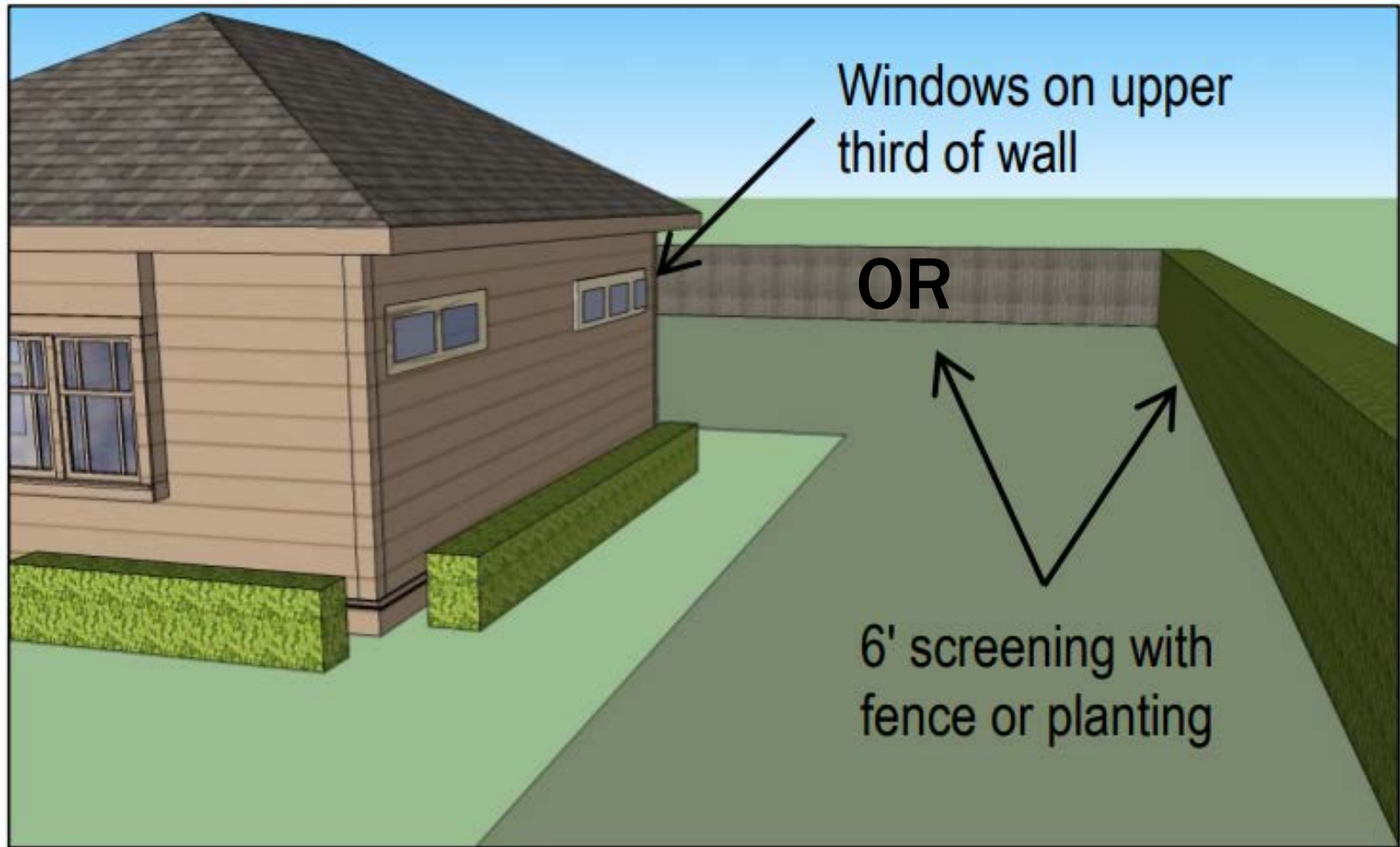
ADUs: Allowance for Two Per Lot

- Second ADU permitted on one lot in zones that allow multi-family development (RM, RH, NC, and CBC).
- One of the ADUs on site must be internal/attached.
- Second ADU must be reviewed as an **Administrative Action**.
 - Notice to property owners within 100 feet and 14 day comment period.
 - Option to elevate to Quasi-Judicial Action.
 - May be appealed to the Planning Commission.

ADUs: Owner Occupancy Requirement

- Proposed amendment would remove this requirement.
- Disadvantages of the requirement:
 - Difficult to enforce;
 - May complicate financing for prospective buyers or existing owners that want to build an ADU;
 - Inconsistent with other regulations (duplexes).

ADUs: Privacy Standard



ADUs: Maximum Size

- Current: Lesser of 600 square feet or 60% of house
- Proposed: Lesser of 800 square feet or 75% of house
- Goal: Expand appeal of ADUs by allowing them to meet similar size needs as apartments:
 - Median size of new apartment unit (nationally): 1,031 square feet¹
 - Only 31% of new apartments are below 1,000 square feet¹

¹ Source: US Census Bureau, Annual 2016 Characteristics of New Housing

ADUs: Maximum Size



Duplexes, Triplexes, and Townhomes

- Goal: Encourage development of duplexes, triplexes, and townhomes to help meet citywide housing density goals.
- Issue: Current lot size and minimum landscape requirements are a barrier to reaching density goals:
 - Effectively require development of larger units
 - May require acquisition of multiple lots



Duplexes, Triplexes, and Townhomes: Lot Sizes

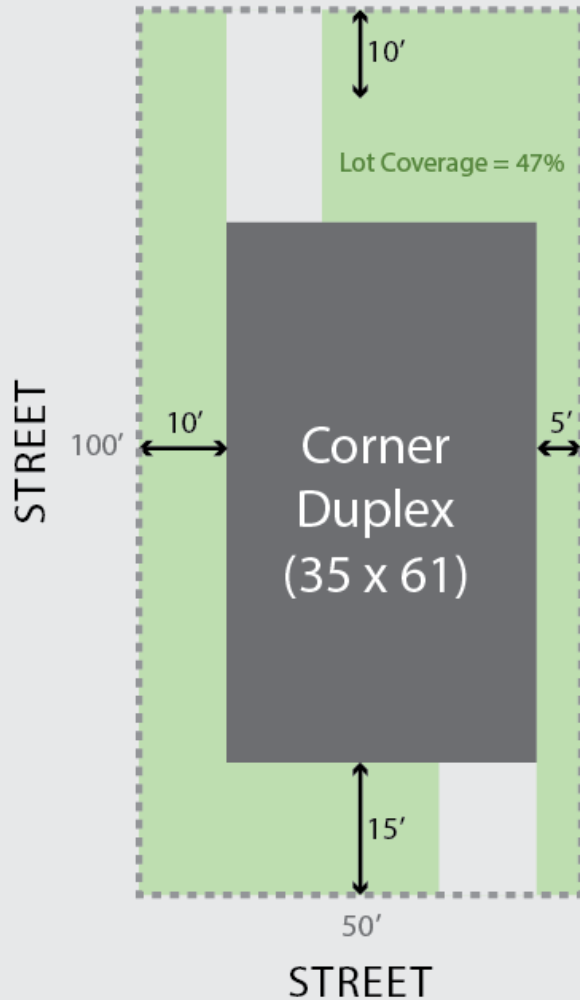
Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Examples: Duplexes on Smaller Lots

Example: Corner Duplex, 5,000 sf lot

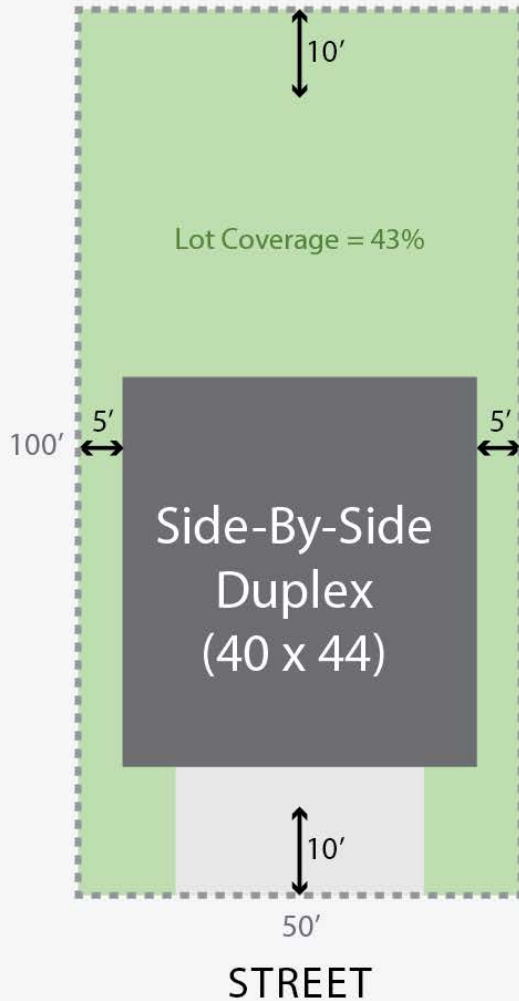


Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Examples: Duplexes on Smaller Lots

RM Zone: Side-by-Side Duplex, 5,000 sf lot



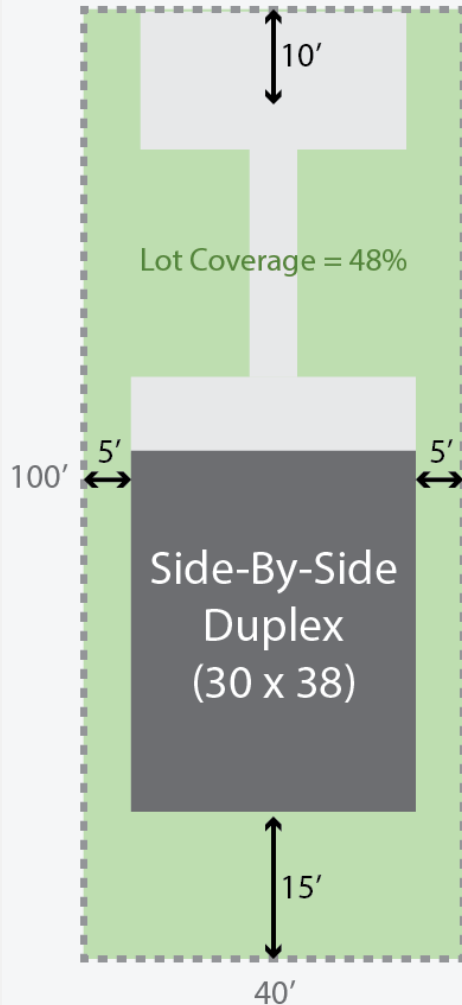
Source of drawing dimension information: HousePlans.pro

Duplexes, Triplexes, and Townhomes: Lot Sizes

Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Examples: Duplexes on Smaller Lots

RH Zone: Side-by-Side Duplex, 4,000 sf lot



Source of drawing dimension information: HousePlans.pro

Duplexes, Triplexes, and Townhomes: Lot Sizes

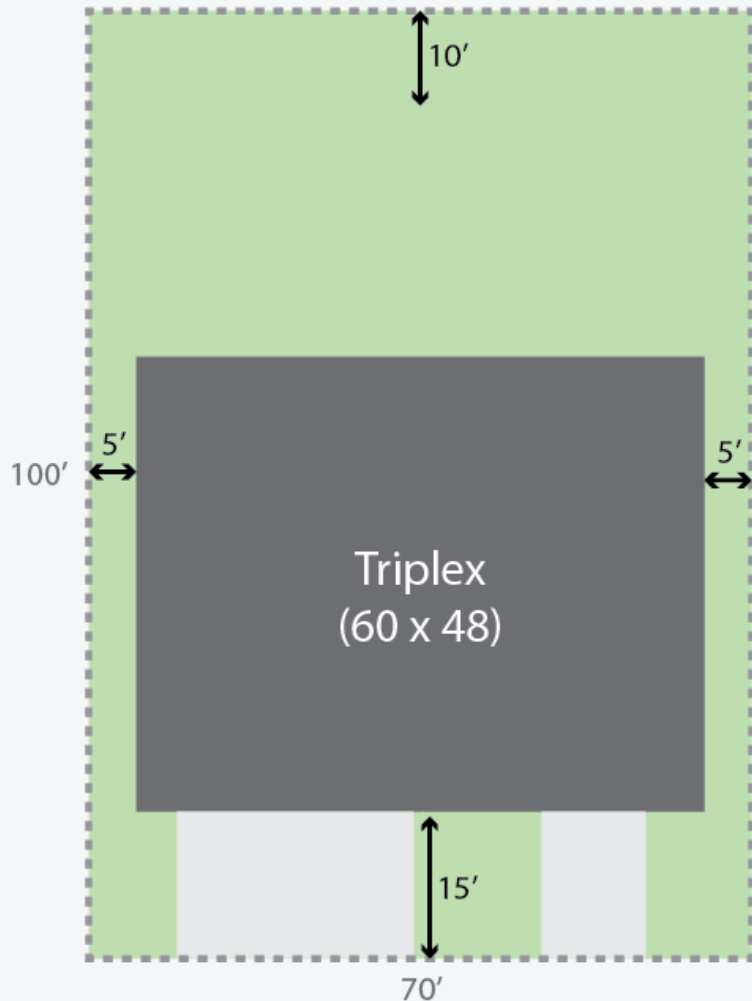
Zone	Townhomes		Duplexes		Triplexes	
	Current	Proposed	Current	Proposed	Current	Proposed
RL	N/A	N/A	4,500 sf per unit (corner lots only)	2,500 sf per unit (corner lots only)	N/A	N/A
RM	3,500 sf	No change	6,000 sf	5,000 sf	8,000 sf	7,500 sf
RH	2,800 sf	2,500 sf	5,000 sf	4,000 sf	8,000 sf	6,000 sf

Triplexes: Landscaping Standard

- Background: Minimum landscape area standard apply to developments of over 3 units per lot (triplexes +).
 - RH Zone: 1.5 times the first floor area
 - RM Zone: 1 times the first floor area
- Issue: The standard may prevent development of triplexes on smaller lots.
- Proposal: Apply the same landscape standard that applies to single-family homes and duplexes to triplexes.
 - Landscape all undeveloped areas of front yard

Triplexes: Landscaping Standard

RH Zone: Triplex, 7,000 sf lot



Lot size:	7,000 sf
Building footprint:	2,880 sf
Driveways:	558 sf
Remaining area for landscape:	3,562 sf
Current landscape standard:	4,320 sf
(1.5x first floor footprint)	

Source of drawing dimension information: HousePlans.pro

Residential Care Homes and Facilities

- ORS 197.665 and 197.667:
 - Residential Care Home (5 or fewer individuals) must be permitted in any residential or commercial zone where single-family dwellings are permitted
 - Residential Care Facilities (5-16 individuals) must be permitted in any zone where multi-family dwellings are permitted.
- LUDO: Residential Care Homes as a permitted accessory use in every zone where single-family dwellings are a permitted use.
- Classification as accessory use could be interpreted as a more restrictive than requirements of single-family dwellings

Neighborhood Compatibility Standards

- ORS 197.307 requires that cities apply “clear and objective standards” to needed housing types.
- Proposed amendments preserve the intent of the standard, but revise to ensure it is clear and can be administered objectively:
 - Façade Articulation
 - Trim and Details
 - Duplexes, Triplexes, and Townhomes (2 units) must “have appearance of a single house”
 - Townhomes (3-8 units): “may be required to combine roof lines and front porches”

Expedited Permitting for Affordable Housing

- SB 1051: cities must complete land use decisions for qualifying affordable housing developments within **100 days** after the application is deemed complete (current standard is 120 days)
- Qualifying developments:
 - A multifamily building containing five or more units;
 - 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
 - The units must be affordable for at least 60 years.
- Existing time limits defined in LUDO are in compliance

Expedited Permitting for Affordable Housing

- Purpose:
 - Facilitate affordable housing development by reducing costs of permitting delays.
 - Ensure compliance with 100-day limit defined by SB 1051
- Existing expedited permitting program in place for developments in the Enterprise Zone
- Implemented by ordinance:
 - Qualifying developments (defined by ORS 197.311) processed ahead of all other applications
 - Planning Director to act as “Permit Coordinator”

CITY OF THE DALLES

**AMENDMENTS TO TITLE 10 LAND USE AND DEVELOPMENT
FOR HIGH DENSITY AND MULTIFAMILY HOUSING**

FINAL CONSULTANT REPORT

MAY 31, 2019



This project was funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

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AMENDMENTS TO TITLE 10 FOR MULTIFAMILY/HIGH DENSITY HOUSING

1. INTRODUCTION AND OVERVIEW

Every region of Oregon is experiencing housing availability or housing affordability problems, or both. Having affordable, quality housing in neighborhoods with access to community services is essential. Like other cities in Oregon, consistent with the city's comprehensive plan and pursuant to Statewide Planning Goal 10, the City of The Dalles is responsible for helping ensure access to a variety of housing types that meet the needs of households and residents of all incomes, ages and specific needs.

As a result of the housing availability and affordability problem, the Department of Land Conservation and Development received a special appropriation of funds for 2018-2019 to assist local jurisdictions in updating their land use regulations to promote housing availability and affordability. On request of the City of The Dalles, the Department of Land Conservation and Development (DLCD) contracted with Siegel Planning Services (SPS) to draft amendments to the City's land use regulations pertaining to needed housing. This is the second phase of code amendments the City has undertaken under the Housing Strategy approved by City Council in 2017 and is intended to complement other ongoing planning efforts by the City, such as planning for transit corridors.

Purpose and Scope of Code Amendments

SPS is tasked with preparing code amendments implementing the City's Housing Strategy. This is only one element of the Strategy, which also includes non-regulatory actions, as well.

This report contains a package of public hearing-ready amendments to The Dalles Municipal Code, Title 10 Land Use and Development (Title 10). Amendments must be consistent with the city's comprehensive plan and comply with applicable state statutes and administrative rules including amendments per SB 1051 (2018). The code changes are to provide applicants with a path for approval under clear and objective standards.

The focus of the amendments is on multifamily and high density housing in the City's RM and RH zones. Specifically, the city desires code amendments that:

- Broaden the range of compact multifamily housing types allowed.
- Allow cottage housing developments subject to use-specific design standards.
- Reduce or provide flexibility in parking requirements for affordable housing.¹
- Create incentives for affordable housing, to include density and height bonuses.²

¹ The scope of work included code changes reducing minimum parking requirements. The Advisory Committee and staff has requested options that would increase flexibility in how minimum parking requirements are met, as an alternative to reducing parking standards, for example by allowing parking on driveways within front setbacks to count toward required parking.

- Maintain the option for adjustments to the clear and objective code standards when requested by applicants.

This work has been coordinated with other Housing Strategy action items, including a separate package of code amendments that is addressing other housing needs as recommended by the City's Housing Strategy.

Public Review Process

The public process in developing these recommendations consisted of three advisory committee meetings to review the draft code amendments, and a Planning Commission work session on May 16, 2019 where the City received public comments.

At its first meeting, on January 29, 2019, the Advisory Committee reviewed the first draft of the proposed code update options (concepts) and provided feedback. At its second meeting on February 19, the committee provided feedback on a revised draft. At the third meeting, the committee provided additional feedback toward refinement of the code amendments, a new version of which was presented to the Planning Commission on May 16, 2019.

At the Planning Commission meeting, five people (three individuals from the same household, one committee member, and two other individuals) commented on the draft amendments. One individual provided written comments to the City at the meeting and additional written comments afterwards, which we also reviewed in preparing this report. The comments focused on proposed Comprehensive Plan and code changes that would allow density bonuses and other regulatory incentives for affordable housing, with specific concern about increased density in the RL zone. The comments also addressed changes to the adjustment criteria and clarification of other regulations.

Limitations

This report contains our final recommendations. They are only recommendations. The advisory committee, which included both private and non-profit housing developers, a social service provider, realtor, city staff and state agency representatives, provided input and responded to earlier drafts of the code changes. The committee served as a sounding board, similar to a focus group. The participants varied over the three meetings, so there was no formal committee "recommendation" or consensus. Instead, this draft reflects the consultant's recommendation based on our review of The Dalles's code and input from the committee and staff.

Where a proposed code amendment requires a change to another code section that is outside the consultant's scope of work, SPS has flagged that for the city. The draft code

² Where the city desires a code change that would conflict with the city's comprehensive plan, SPS has identified needed changes to the plan.

amendments also include commentary (text boxes) in-line with the code to aid reviewers.

Preparation of legislative findings or other studies (e.g., affordable housing plan and criteria) needed to support adoption of the code amendments are outside the project scope, and the city is not expected to begin the hearings process on these code changes under the terms of the grant.

City staff will be providing a separate summary of how the work under this DLCD grant relates to the code work in Phase 1 and other planning efforts underway (transit corridors), and how these combined efforts implement The Dalles' 2017 Strategic Plan for Housing. The summary is to accompany the Interim Draft when it is distributed to the committee and public.

At the time of publication of this report, legislation was pending at the Oregon Legislature that could modify state planning requirements related to needed housing, which in turn could affect the recommendations contained in this report.

Finally, the following State of Oregon disclosure applies:

This project was funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

Definition of Needed Housing

Needed housing, pursuant to ORS 197.303 (as amended by SB 1051), includes single-family detached dwellings, accessory dwelling units on lots containing single family detached dwellings, single-family attached dwellings, manufactured dwellings (standalone and in parks), government-assisted housing, and farm worker dwellings. Needed housing can also be understood to include any housing needs and types identified in a comprehensive plan.

Clear and objective standards are generally available for development of needed housing in The Dalles. Government-assisted housing and farm worker dwellings are not specified housing types in The Dalles Comprehensive Plan and land use regulations, but could be interpreted to include those housing types identified in the land use and development (zoning) code, including single-family dwellings (detached and attached), accessory dwellings, duplexes, residential homes and facilities, manufactured dwellings and manufactured dwelling parks, and multifamily dwellings.

2. COMPREHENSIVE PLAN POLICIES APPLICABLE TO HIGH DENSITY HOUSING

The main purpose of the City of The Dalles Comprehensive Plan (Plan) is to establish the community's vision and guide land use and development over a 20-year horizon. The plan represents the desires of the citizens of The Dalles and provides general policy

direction for land uses. Title 10 contains the specific rules and regulations that implement the Comprehensive Plan (Plan). SPS reviewed the Plan, Title 10, and The Dalles Housing Strategy Report (2017) to identify code amendments needed to facilitate multifamily and high density housing development in The Dalles. The existing relevant provisions of the Comprehensive Plan are included below. Proposed new policies are indicated with **bold underlined** text.

The Dalles Comprehensive Plan

The Housing (Goal 10) chapter of the Plan sets a target for residential land supply consisting of at least 25% multifamily dwellings. The Housing Goals and Policies pertaining to multifamily and high density follow:

Housing Goals

In considering these long-term issues, the City of The Dalles intends to:

- *Promote and provide an adequate supply of safe, healthy and affordable housing for all members of the community in a variety of housing types recognizing the needs and desires of the community's residents...*
- *Promote the development of housing that is complementary with the environment and the surrounding land uses.*
- *Provide and maintain adequate public facilities in all parts of the community and promote a logical and orderly development of those facilities. Require new housing developments to pay an equitable share of the cost of required capital improvements.*
- *Promote the efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods, and by encouraging new development which achieves the density allowed by the comprehensive plan...*
- *Encourage affordable homeownership opportunities, including multiple family condominiums, row houses and small lot single family residential.*
- *Adopt standards and incentives to increase residential land use efficiency.*

Housing Policies

Existing Comprehensive Plan Housing Policies that apply to the proposed code amendments follow in *italics*. Proposed amendments are indicated with underline text.

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.*
2. *Plan for the more efficient use of vacant land by encouraging infill development which is sensitive to existing neighborhoods and by encouraging new development which achieves the density allowed by the comprehensive plan.*

3. *These two objectives can be met while respecting the strong land use pattern already found in the older areas of The Dalles...*
4. *Protect steeply sloped ravines, wetlands and stream corridors shown on the Buildable Lands Inventory as open space while encouraging density transfer to adjacent buildable areas.*
5. *Adopt standards to ensure that residential development occurs within planned density ranges within each residential district.*
6. *Encourage energy conservation by increasing residential densities in mixed use centers, along major linear streets that may one day serve as future transit corridors, and near commercial and employment centers.*
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.*
9. *Provide for development of a wide range of housing types which may include single-family detached and attached housing, townhouses, apartments and condominiums, and manufactured housing. Housing types shall allow for a variety of price ranges to meet the needs of low, medium, and high income groups.*
10. *Target ratios by housing type are:*
 - a. *50% large-lot single-family;*
 - b. *20% small-lot single-family;*
 - c. *25% multi-family including condominiums; and*
 - d. *5% mobile home park dwellings.*

The City shall monitor building permit activity and present an annual report to the Planning Commission describing how target ratios are being met.
11. *Areas for low density residential development shall be at higher elevations along the Gorge bluff, in steeply sloped areas, along protected stream corridors, and where streets and other public facilities have limited capacity.*
12. *High density residential areas shall be located near commercial and employment areas, along major streets, and where streets and other public facilities have adequate capacity.*
13. *Residential manufactured housing shall be allowed in individual lots on par with site-built single-family homes, subject to design standards authorized by state statute. Manufactured dwelling parks shall be allowed in the Medium Density Residential district, subject to specific siting requirements.*
14. *Residential development shall occur, to the greatest extent possible, on designated buildable lands free from flood hazard, severe soil limitations, or other natural or man-made hazards such as stream corridors and wetlands.*

15. *Residential development shall coincide with the provision of adequate streets, water and sanitary sewerage and storm drainage facilities. These facilities shall be:*
 - a. *capable of adequately serving all potentially benefiting properties as well as the proposed development and,*
 - b. *designed to meet City standards.*
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.*
17. ***Clear and objective** ~~Development compatibility~~ standards shall be implemented **to promote development compatibility** for all density areas. ~~Compatibility~~ **Development** standards are intended to ensure that new development is compatible with its surroundings and enhances the character it is located within. New standards shall consider landscape, building setback, building height and bulk, main entrance, parking, **and** building design, and additional standards applicable in historic districts, **which may be discretionary or objective.***
18. *Development on buildable but sub-standard sized lots existing prior to this Plan shall be permitted when setback requirements can be met commensurate with the surrounding area.*
19. *A program of incentives and standards shall be prepared to encourage residential developments which achieve at least the lower end of the density range specified in the plan designation listed in Policy #26 below. Incentives may include “targeted” public improvements, density transfer or bonuses and other methods as appropriate. Standards are found in the base zoning district.*
20. *A “Neighborhood Center” overlay district has been applied in the vicinity of existing commercial districts along the 10th/12th corridor at Garrison Street, Kelly Avenue and Dry Hollow Road and shall be applied at other locations shown on the Land Use Plan Map. A mix of residential, commercial and neighborhood-based service uses shall be encouraged within these neighborhood centers.*
21. *The City will support programs that would enable low and middle income people to obtain safe and sanitary housing through public and private for-profit or non-profit efforts.*
22. *To provide variety and flexibility in site design and densities, residential lands shall be divided into land use planning districts with the following prescribed density ranges for each district*:*
 - a. *Low Density Residential* *3-6 units/gross acre*
 - b. *Medium Density Residential* *7-17 units/gross acre*
 - c. *High Density Residential* *10-25 units/gross acre*

***Planned density is 25% greater than specified above for purposes of establishing regulatory incentives for affordable housing in Medium Density Residential and High Density Residential zones.**

Comment: The Phase 2 scope of work did not include drafting of incentives for affordable housing in the RL zone. The City may want to consider incentives for the RL zone with appropriate community input as recommended in the 2017 Housing Strategies Report.

23. *All future residential development and design standards shall strive to create a "streetscape" that is aesthetic, functional, and beneficial to the neighborhood and community.*
- a. *Streetscape refers to the aesthetic quality of the public and semi-public space. The public space includes the improved right-of-way, with street, curbs, sidewalks, street trees, street furniture, and utilities.*
 - b. *The semi-public space is the front yard of adjacent property, and is named due to its visual access, connection, and influence on the quality of the streetscape.*
24. **The City shall establish incentives for affordable housing including density bonuses and flexible development standards. (Adoption of a separate non-land use ordinance may be necessary for administration of affordable housing incentives; including definitions, criteria (for rental and for-purchase housing), standards for qualifying income, a designated administrator, review procedures including assurances, and enforcement provisions.)**
25. **Manufactured/mobile home parks provide needed market-rate housing that is typically affordable to households earning less than the median family income for Wasco County. Therefore, the City should provide incentives encouraging the retention and maintenance of manufactured/mobile home parks.**

Comment: The above new policies support the establishment of affordable housing incentives as described in the draft code amendments. The incentives would apply only to the RM and RH zones and would be not effective until the city adopts procedures for administering them. A separate non-land use code is recommended, to provide definitions, criteria (for rental and for-purchase housing), standards for qualifying income, a designated administrator, review procedures including assurances, and enforcement. The committee considered but there was not consensus for recommending an inclusionary (affordable) housing requirement for instances where a manufactured home park is proposed for removal.

3. DRAFT CODE AMENDMENTS (CODE CONCEPTS)

The following code amendments are identified as track-changes to Title 10. As requested by City staff, the draft contains comment boxes which are intended to aid reviewers while highlighting policy issues for discussion. The draft amendments specifically address the following recommendations from the City's Housing Strategy:

Recommendation: Revise development standards in residential zones to ensure that compact, multi-family development is feasible on a wider range of sites.

See pages 45-57

Recommendation: Establish density and height bonuses as incentives for affordable housing.

We have also recommended lot coverage and parking incentives for affordable housing.

See pages 32-34.

Recommendation: Adopt additional provisions to allow for the reduction of minimum parking requirements where it may support production of affordable housing.

See pages 32-34 and 65-68.

Recommendation: Consider defining cottage clusters as a housing type, creating specific development and design standards, and permitting [them] outright in some or all residential zones.

Comment: The Residential Low Density (RL) Zone does not allow development at densities greater than 6 dwelling units per acre, which is not adequate for cottage cluster development.
--

See pages 15; 35-40; 45 and 51.

4. A NOTE TO REVIEWERS

The following code amendments are shown as ~~strikeout~~ text (for deletions) and **underlined (bold)** text for additions. (For readability, where an entire chapter is new, the underlined text is not boldface.)

For brevity, portions of the existing code that are not proposed to change are not shown. Where the draft skips over those portions, the “//” symbol is used. In some instances, the draft includes sections of existing code that are not proposed to change for context; those sections have not been edited.

<p><u>Comment:</u> Explanatory text, including discussion of alternatives considered for some amendments, is contained in text boxes. These boxes are to be removed from the final, adopted code.</p>
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Title 10

LAND USE AND DEVELOPMENT (Reviewed/Amended Chapters Only)

Chapter 10.2 DEFINITIONS

Sections:

//

10.2.030 Meaning of Specific Words and Terms

//

10.2.030 Meaning of Specific Words and Terms

The listed specific words and terms are defined as follows:

//

Apartment. A dwelling unit ~~which is located within a multifamily dwelling, but excluding condominiums.~~ (“Multifamily Dwelling” is defined under “Building Types.”)

Comment: Apartment should not be defined as different than Condominium. Apartment is a type of dwelling. Condominium is a form of ownership.

A second unit within and subordinate to a Single Family Dwelling is an Accessory Dwelling Unit. Two primary dwellings in one building on a single lot is a “Duplex,” as defined below. Three dwellings on a lot make a Multifamily Dwelling, as defined below.

//

Condominium. A single dwelling unit in a multiunit development that is separately owned or may be combined with an undivided interest in the common areas and facilities of the property. ~~Two or more dwellings on a single lot with individual ownership of the dwelling units and common ownership of the land.~~

Comment: Condominium is a form of ownership. “Condos” are usually constructed as apartments or townhouses under applicable building codes. Condominium is not a distinct land use or dwelling type, because it can take many forms, including stacked flat apartments and side-by-side attached or detached dwellings.

//

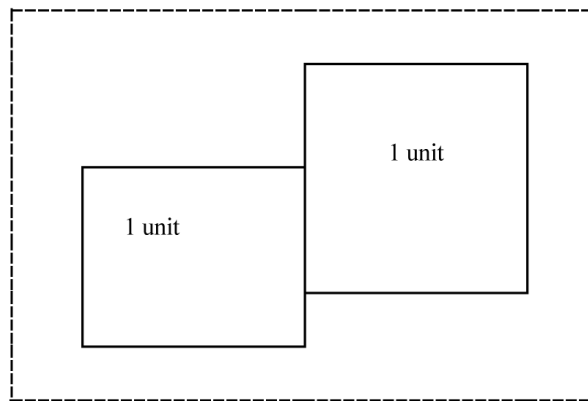
Cottage Cluster Development. A development with four or more detached dwelling units with common area developed under a unified site plan that is approved pursuant to Article 10.8.036 Cottage Cluster Development. See also, Dwelling, Multifamily.

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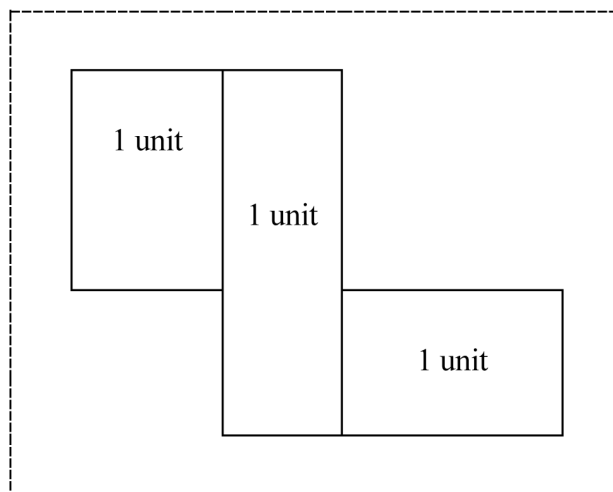
Dwelling, Cottage Cluster. A detached dwelling unit in a development with four or more detached dwelling units, developed under a unified site plan that is approved pursuant to Article 10.8.036 Cottage Cluster Development.

Comment: “Cottage Cluster” definitions are added to support the development of standards for this use.

Dwelling, Duplex. Two dwelling units located on a single lot or development site placed so that some structural parts are in common.



Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development. ~~or development site.~~

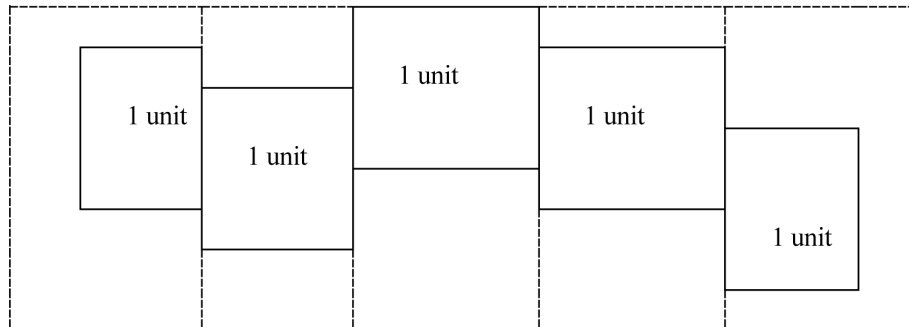


[insert graphic depicting multiple detached unit]

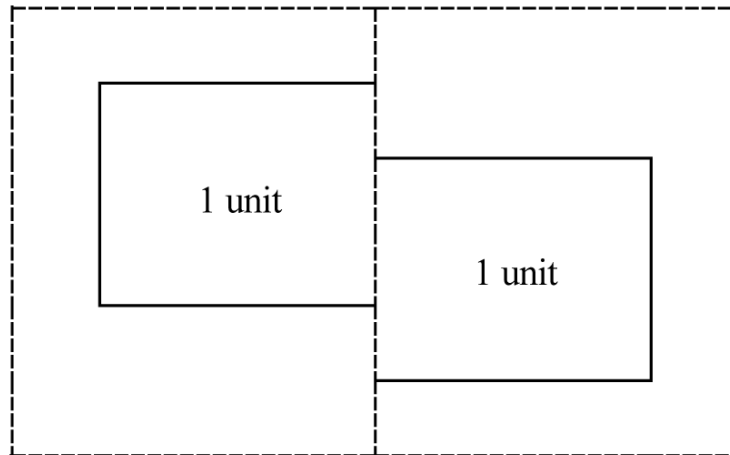
Comment: This amendment supports for more housing options where Multifamily Dwellings are permitted, including multiple detached dwellings on a lot. This is consistent with Comprehensive Plan, Goal 10 Policies 1 and 2, relating to housing choice and efficient land use.

Dwelling, Single Attached (Townhouse). More than 2 dwelling units, each located on its own ~~separate~~ lots, placed side by side, ~~but~~ and sharing some structural parts at a common property line.

Comment: The definition of Townhouse is edited to specify individual lots so that it is not confused with Duplex or Multifamily Dwelling. Townhome development can be two or more common wall dwelling units



Dwelling, Single Attached (Zero Lot Line). Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



//

Open Space. Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state, and normally including swimming pools, recreation courts, patios, open landscaped areas, including rooftop patios or terraces for multifamily dwellings (must be accessible to all residents), and greenbelts with pedestrian, equestrian, and bicycle trails. Does not include off-street parking or loading areas or driveways.

Comment: Rooftop patios and terraces are added to the definition of Open Space to encourage more efficient use of land and multifamily developing at planned densities, consistent with the Comprehensive Plan, specifically Goal 10 Policies 2, 5, 7, and 16 pertaining to efficient land use, planned density, and appropriate flexibility in site development standards for needed housing.

//

Planned Development. A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Comment: Although Cottage Cluster development is allowed through the Planned Development process, the Advisory Committee recommended identifying the zones in which cottage clusters are permitted and adopt standards that provide more predictability in permitting and allow applications to be reviewed through an administrative process. See discussion of Cottage Cluster Development under Article 5.020 RH Residential High Density District and Article 5.030 RM Residential Medium Density District.

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Chapter 10.3 APPLICATION REVIEW PROCEDURES

Sections:

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- 10.3.020.010 Purpose
- 10.3.020.020 Procedure Types
- 10.3.020.030 Ministerial Actions
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Article 3.010 Application Procedures

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10.3.020.030 Ministerial Actions

- A. ~~Option to~~ **Elevation of Ministerial Action to Process as Administrative Action. At the discretion of the Director, a ministerial** **Where review of an application requires the Director to exercise discretion, the** action ~~may~~ **shall** be processed as an administrative **action**, per the provisions of Section 10.3.020.040: Administrative Actions.
- B. Decision Types. Ministerial actions include, but are not limited to, the following:
1. Land uses permitted outright in any zone district, except those land uses which require in depth review, including, but not limited to, site plan review.
 - ~~2. Neighborhood Compatibility Review (Article 3.040) of land uses permitted outright in the appropriate zone districts, except those land uses which require in depth review, including, but not limited to, site plan review.~~
 - 2. Site Plan Review for developments meeting Affordable Housing criteria [Ordinance #], provided such decision shall be made not later than 100 days from the date the Site Plan Review application is deemed complete.**

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Comment: The review process for affordable housing may be streamlined by making plan reviews a ministerial action when the approval criteria are clear and objective. The proposed deadline of 100 days is intended to align with changes in state law made with HB 1051 (2018).

The existing procedure allowing reassignment of an application from Ministerial review to Administrative review is not clear or objective. The proposed amendment is to clarify when an application may be elevated to Administrative Review. Consistent with the Comprehensive Plan provisions for housing, the code should be amended to allow for review of all housing development applications under the Ministerial or Administrative procedure except where an application requires a variance, however this is outside SPS's scope of work.

10.3.020.040 Administrative Actions

- A. Option to Process as Quasi-judicial Action. At the discretion of the Director, or at the request the Commission, the applicant, or party(ies) of record who address legitimate criteria, an administrative action may be processed as a quasi-judicial action, per the provisions of Section 10.3.020.050: Quasi-Judicial Actions.
- B. Decision Types. Administrative actions include, but are not limited to, the following:
1. Site Plan Review (Article 3.030).
 - ~~2. Neighborhood Compatibility Review (Article 3.040).~~
- [Editor Note: renumber series]*

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10.3.020.050 Quasi-Judicial Actions

- A. Decision Types. Quasi-judicial actions include, but are not limited to, the following:
1. Site Plan Review (Article 3.030).

- ~~2.~~ ~~Neighborhood Compatibility Review (Article 3.040).~~
- ~~2.3.~~ Conditional Use Permits (Article 3.050).
- ~~3.4.~~ Variances (Article 3.070).
- ~~4.5.~~ Nonconforming Uses (Article 3.090).
- ~~5.6.~~ Home Business Permits (Article 6.020).
- ~~6.7.~~ Subdivisions (Article 9.040).
- ~~7.8.~~ Zone Changes (Article 3.100), **including review to ensure compliance with affordable housing requirement where rezoning would permit increase in density [Ordinance #].**
- ~~8.9.~~ Recreational Vehicle Parks (Chapter 10.12).
- ~~9.10.~~ Any public hearing of an administrative action at the request of the Commission, the Director, or the applicant, or parties of record raising legitimate criteria.

Comment: The criteria for Neighborhood Compatibility are proposed to be integrated with the standards for Site Plan Review. Therefore, a separate review procedure is no longer required.

Where rezoning allows an increase in density, we recommend the city require a percentage of future housing units developed in the subject area be affordable. This type of voluntary, inclusionary housing is consistent with The Dalles 2017 Housing Strategy. This provision requires adoption of a separate, complementary (non-land use) ordinance establishing rules and procedures for affordable housing.

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Article 3.030 Site Plan Review

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10.3.030.040 Review Criteria

The following criteria shall be used to approve, approve with conditions, or deny the site plan:

- A. City Ordinance Provisions. All the provisions from the applicable City ordinances have been met or will be met by the proposed development.
- B. Public Facilities Capacity. Adequate capacity of City facilities for water, sanitary sewer, storm sewer, and streets and sidewalks can and will be provided to, and where applicable, through, the subject property in order to: (1) meet connectivity standards per the Transportation System Plan and other **adopted plans and engineering standards of the City of The Dalles**~~documents~~; and (2) provide for future development of surrounding property.

Comment: The reference to “other documents” is vague. This is resolved by referring to the specific standards of the City’s adopted public facility plans (water, sewer, storm water).

- C. Arrangement of Site Elements. Elements of the site plan are arranged to:

1. Promote pedestrian, bicycle, and vehicular safety and welfare. **For housing developments this standard is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.**
2. Preserve and maintain public amenities and significant natural features. **For housing developments this standard is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.**
3. Avoid traffic congestion. **For housing developments this standard is met through compliance with subsection B, above.**
4. Minimize potential adverse impacts on surrounding properties. **For housing developments this standard is met through compliance with the applicable zone standards and the requirements of Article 3.040, as applicable.**

Comment: The above Arrangement of Site Elements standards are amended to make them clear and objective. The following standards are incorporated from Article 3.040, the Neighborhood Compatibility Review article and amended to make them clear and objective, as well. Although all of subsections D and E are new additions to Article 3.030 Site Plan Review, only changes to the existing city regulations are shown with strikeouts and underlines.

D. Design Standards—All Development.

1. Scale. Buildings with walls greater than 80 feet in length shall include street façades that are varied and articulated at regular 20, 30, 40 or 50-foot intervals along the façade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.

Comment: Subsection 1 “Scale” (not clear and objective), formerly one of the Neighborhood Compatibility Review standards, is being amended with the Phase 1 package of amendments.

2. Parking Location. With the exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.
3. ~~Yards. Front and side yards that abut the street shall be visually open to the street.~~

Comment: The above provision is unclear. For example, if a 4-foot fence or landscaping is placed along a street/property line, the yard may not be completely open and visible to the street from all perspectives due to differences in grade. The standard in subsection 4 as amended is clear and objective and it also promotes reasonable visibility of front and side yards from the street.

4. Fences/Walls. Fences and walls in front yards and corner side yards, **individually or in combination,** shall be no more than 4 feet in height. **A fence and wall are considered combined when located less than five feet apart at grade.**
5. Parking Lot Landscaping. Where more than 4 contiguous surface parking spaces are provided, the requirements of Section 10.7.030.040(B): Landscaping and Screening Along a Public Right-of-Way shall apply.

6. Pedestrian/Bicycle Circulation. **All primary building entrances in a development shall be connected to the public right-of-way, on-site parking, and open space areas, if any, by a network of paved walkways or sidewalks of not less than 5 feet in width.** ~~Developments more than 2 acres in size shall include a pedestrian and bicycle circulation plan for the site.~~
7. Building Orientation. **Except where a building cannot orient to a street because it is accessed from private drive or is part of a multi-building complex and does not have street frontage.** ~~New~~ buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.

Comment: The above exception is for developments containing multiple buildings where it is not practical to orient all buildings to the street. See multifamily development graphic below.

- ~~8. Garage/Carport Location. New garage/carport setbacks shall be similar to the existing garage/carport setbacks on the block (both sides of the street) where the development is proposed, subject to the following standards:~~
 - ~~a. When more than 50% of the existing garage/carport entrances on the subject block are either even with the front building line, or between the front building line and the street, the proposed garage/carport entrance may be even with or in front of the front building line, but no closer to the front property line than 20 feet.~~
 - ~~b. When more than 50% of the existing garage/carport entrances on the subject block are set back behind the front façade of the house, the proposed garage/carport entrance shall be set back at least 5 feet behind the front building line.~~

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Comment: The standards of subsection 8 are deleted because they are not clear and objective and garage setbacks are part of the zone dimensional standards. "Block" is not defined and the number or percentage of garages on any block is subject to change as new homes are built and others are remodeled, creating a constantly changing goalpost for compliance.

9. Front Porches. **The minimum front setback for covered front porches is 5 feet less than the standard front setback for the zone. For purposes of this standard, a covered front porch must connect to the primary building entrance.** ~~When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.~~
10. Trim and Details. Trim 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.

Comment: Subsection 10 should be revised to be consistent with the code amendments in Phase 1 because it is not objective. However, the trim standard recommended with Phase 1 (3 ½ inches) is not appropriate for some windows, such as those that are recessed, round, or for certain masonry buildings. Either provide a menu of different trim and detailing options, or allow exceptions to the standard for certain types of fenestration and siding materials.

E. Design Standards—Residential. In addition to the design standards for all development, the following standards shall apply to the different types of residential development:

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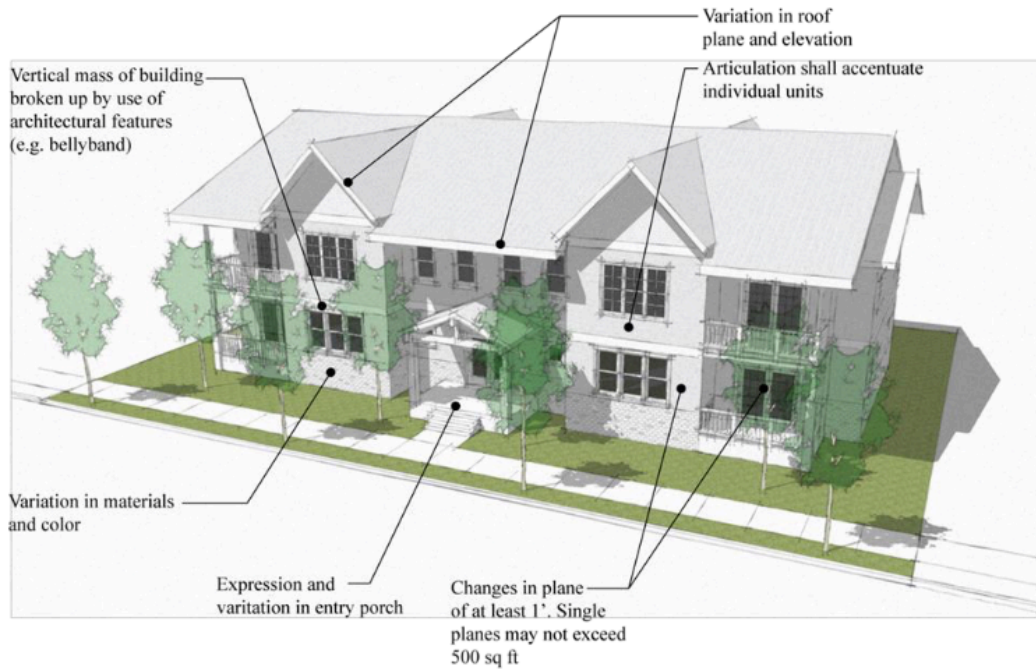
Comment: Subsections 1-2 (not shown) apply to duplexes and townhomes. They are being amended with Phase 1. The following amendments apply to multifamily housing only.

3. Multifamily dwellings (~~greater than 3~~ **or more** units) shall:
- a. **Have variation in roof plane and elevation. This standard is met by providing one of the following details:**
 - 1) eaves on all sides of the building;**
 - 2) an overhang or projecting roof form, for example, over a front porch;**
 - 3) an offset along the ridge of the highest roof form that is at least one foot in height; or**
 - 4) at least one secondary roof form in addition to the primary or largest roof elevation, such as a cross-gable, dormer, or similar roof form as shown in Figure #.**

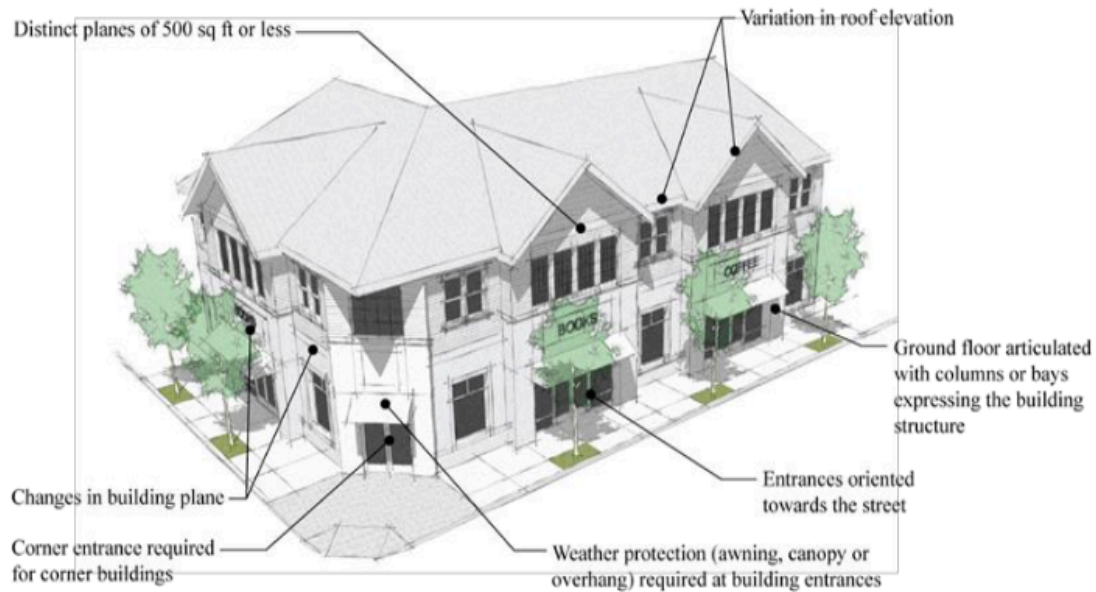
~~Have a roof pitch greater than 4 feet of rise for every 12 feet of width (4:12).~~

- b. Have stairways to upper floors which are **illuminated to a minimum of 1 foot-candle (11 lux)** ~~adequately lighted,~~ and protected **by a canopy or enclosure form from** wind, rain, sun, and snow, ~~and not openly visible from the street.~~
- c. Locate any garages or carports at least 10 feet behind the front building line.
- d. ~~Be encouraged to incorporate usable~~ Provide **individual** covered dwelling unit entrances, **such as covered front porches, portico or similar architectural detail,** ~~space into the project design.~~
- e. **Have articulation such that no individual wall plane that is more than 500 square feet in area; wall planes must be broken up by changes in plane of not less than one foot.**
- f. **Have a horizontal line that breaks up the vertical mass of the building; this standard is met by providing a beltcourse, bellyband, change in materials or color, or similar detail that extends the width of all exterior walls.**
- g. **Where a multifamily use is combined with a non-residential use (mixed-use), the site plan review standards of this section (multifamily dwelling design) shall apply. Additionally, as applicable, non-residential ground floors shall have a weather protection canopy or awning, corner entrance (entrance is within 20 feet of corner, for corner buildings), and ground floor detailing as shown in Figure # - Mixed-Use.**

Multifamily Examples



Mixed-Use (Residential above Commercial) Example



Comment: Amended to establish clear and objective standards, replacing the existing discretionary (compatibility review) requirements. These standards are in addition to the design standards of each zone (RM and RH). The applicability section is amended for consistency with the definition of multifamily dwelling (3 or more dwelling units). The illumination standard is

borrowed from the IBC Chapter 10 Means of Egress, which contains standards for clearances, non-slip surfaces, and illumination of exit stairs.

Article 3.040 Neighborhood Compatibility Review

Comment: As recommended by the Advisory Committee, the criteria for neighborhood compatibility are to be incorporated into the Site Plan Review chapter and revised to make them clear and objective. (The current criteria are vague and do not meet the statutory requirements for needed housing.) Only those provisions relating to multifamily housing are shown in the strikeouts below, however the entire article is proposed to be removed as the standards are relocated elsewhere.

10.3.040.010 — Purpose

- A. ~~Neighborhood compatibility review addresses the issues of compatibility with overall neighborhood character in terms of the design of buildings, their size, massing, and architectural features. The purpose of neighborhood compatibility review is to minimize the impacts of new development, and the impacts of additions or modifications to existing development, on the surrounding established neighborhood(s) by insuring, to the greatest extent possible, that the design and placement of new development, additions, or modifications are compatible with the surrounding established neighborhood(s).~~
- B. ~~New construction, additions, or modifications to buildings and structures in designated local or national historic districts are subject to the review of The Dalles Historic Landmarks Commission, and exempt from the provisions of this Article.~~

10.3.040.020 — Definitions

The following definitions shall apply for the purposes of this Article:

- A. ~~Neighborhood Area. The Neighborhood Area shall include all lots of record within a 300-foot wide buffer surrounding the subject property on all sides. Where a zone district boundary is closer to the subject property than 300 feet, the zone district boundary shall be the edge of the Neighborhood Area buffer. A lot of record is considered within the Neighborhood Area if any part of the lot falls within the buffer boundary line.~~
- B. ~~Established Neighborhood. A Neighborhood Area shall be considered established when at least 65% of the platted lots are developed with existing buildings, structures, or parking facilities.~~

10.3.040.030 — Applicability

~~Neighborhood compatibility review is required for all applications for new infill construction, or additions and modifications to existing buildings, in established neighborhoods (as defined in subsection B of Section 10.3.040.020) in the RL—Low Density Residential, RH—High Density Residential, and NC—Neighborhood Center Overlay zone districts, with the following exceptions:~~

- A. ~~Planned developments and subdivisions greater than 10 lots, where the developer constructs or sites the buildings.~~

~~B. Designated local and national historic districts.~~

~~10.3.040.040 Review Procedure~~

~~A. Applications. In addition to the requirements of Article 3.010: Application Procedures, the applicant shall submit the following where applicable:~~

- ~~1. Plans indicating building orientation, garage/carport location, front porch details, exterior building elevations and details, building finish materials, parking location, location and description of fences and walls, parking lot landscaping, and pedestrian/bicycle circulation.~~
- ~~2. Photographs of the surrounding buildings shall also be submitted to provide context for the proposal.~~

~~B. Review. The Director, or where applicable the Commission, shall review development applications for compliance with the standards of this Article. This review shall be processed as either a ministerial or planning action.~~

- ~~1. Ministerial Actions. Where the normal application review for new construction, additions, or modifications is processed as a ministerial action, the neighborhood compatibility review shall also be a ministerial action, and processed per the provisions of Section 10.3.020.030: Ministerial Actions.~~
- ~~2. Planning Actions. Neighborhood compatibility review involving proposals for new construction or additions to buildings which are conditionally permitted or would otherwise normally require site plan review shall be either administrative or quasi-judicial decisions depending on the level of application review, and processed accordingly per the appropriate provisions of Section 10.3.020.040: Administrative Actions or Section 10.3.020.050: Quasi-Judicial Actions.~~

~~10.3.040.050 Review Criteria~~

~~The following criteria shall be used to approve, approve with conditions, or deny the neighborhood compatibility review:~~

~~A. City Ordinance Requirements. The development proposal conforms with, or can be made to conform with through added conditions any related requirements of this and other City ordinances.~~

~~B. Design Standards—All Development.~~

- ~~1. Scale. Buildings with walls greater than 80 feet in length shall include street façades that are varied and articulated at regular 20, 30, 40 or 50-foot intervals along the façade to provide the appearance of smaller buildings. Articulation shall be achieved through the use of offsets, jogs, variation of finishes, projections, windows, bays, porches, traditional storefront elements, entries or other similar distinctive changes.~~
- ~~2. Parking Location. With the exception of driveway parking, parking areas and parking lots shall not be located in the front yard setback.~~
- ~~3. Yards. Front and side yards that abut the street shall be visually open to the street entrances.~~

- ~~4. Fences/Walls. Fences and walls in front yards and corner side yards shall be no more than 4 feet in height.~~
- ~~5. Parking Lot Landscaping. Where more than 4 contiguous surface parking spaces are provided, the requirements of Section 10.7.030.040(B): Landscaping and Screening Along a Public Right of Way shall apply.~~
- ~~6. Pedestrian/Bicycle Circulation. Developments more than 2 acres in size shall include a pedestrian and bicycle circulation plan for the site.~~
- ~~7. Building Orientation. New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, walkways, and traditional storefront elements.~~
- ~~8. Garage/Carport Location. New garage/carport setbacks shall be similar to the existing garage/carport setbacks on the block (both sides of the street) where the development is proposed, subject to the following standards:
 - ~~a. When more than 50% of the existing garage/carport entrances on the subject block are either even with the front building line, or between the front building line and the street, the proposed garage/carport entrance may be even with or in front of the front building line, but no closer to the front property line than 20 feet.~~
 - ~~b. When more than 50% of the existing garage/carport entrances on the subject block are set back behind the front façade of the house, the proposed garage/carport entrance shall be set back at least 5 feet behind the front building line.~~~~

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- ~~9. Front Porches. When there are covered front porches on more than 65% of the residential structures on the block (both sides of the street) where the development is proposed, the new residential building shall have a covered front porch. Porch dimensions shall be a minimum of 6 feet in depth and 8 feet in length. A railing shall enclose the porch.~~
- ~~10. Trim and Details. Trim 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.~~

~~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:~~

//

- ~~3. Multifamily dwellings (greater than 3 units) shall:
 - ~~a. Have a roof pitch greater than 4 feet of rise for every 12 feet of width (4:12).~~
 - ~~b. Have stairways to upper floors which are adequately lighted, and protected from wind, rain, sun, and snow, and not openly visible from the street.~~
 - ~~c. Locate any garages or carports at least 10 feet behind the front building line.~~
 - ~~d. Be encouraged to incorporate usable covered dwelling unit entrances space into the project design.~~~~

Article 3.080 Adjustments

10.3.080.010 Purpose

The regulations of the **Title 10 LUDO** are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the City's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the **Title 10 LUDO** may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the **Title 10 LUDO** regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the **Title 10 LUDO** to continue to provide certainty and rapid processing for land use applications.

Comment: This existing article provides an alternative path for approval where the applicant can choose a discretionary review process instead of approval under clear and objective standards. Amendments are proposed below to account for other code changes establishing clear and objective standards. The Advisory Committee has discussed the proper use of adjustments and that the code should continue allow flexibility to prescriptive standards under this alternate review track. However, if some standards are routinely modified through the adjustment procedure they should be amended to reflect community norms and best practices. City staff has analyzed recent adjustment approvals and found that setbacks and lot area are the most frequently adjusted standards.

10.3.080.020 Applicability

- A. Unless listed in subsection B of this section, all regulations in the **Title 10 LUDO** may be modified using the adjustment review process.
- B. Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not allowed by the regulations.
 - 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 - 3. As an exception to a threshold for a review. An example is Section 10.3.050.110. That provision states that an increase in the gross floor area of more than 10% or in excess of 1,000 square feet requires a major modification process. An adjustment could not be granted to allow an increase of 1,100 square feet as a minor modification;
 - 4. As an exception to a definition or classification. An example is a family day care which is defined as care of 12 or fewer children. An adjustment could not be granted to change the number of children within that definition to be 13;
 - 5. As an exception to the procedural steps of a procedure or to change assigned procedure;
 - 6. To allow an increase in density above the allowed density of the applicable zone.~~in the RL zone.~~
- C. The administrative adjustment procedure may be used to change the following:

1. Up to 33% reduction of standard setback requirements.
2. Up to 10% 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 10% reduction in required minimum lot area.
4. Up to 10% increase in the maximum lot coverage area.
5. Up to 10% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
6. Up to 25% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
- 7. Up to 20% adjustment to a standard in Section 3.030.E.3 Multifamily design standards.**

Comment: The above amendment is intended to provide flexibility in the proposed (new) multifamily building design standards, as the proposal replaces the current discretionary compatibility standards with objective standards.

- D. The quasi-judicial adjustment process may be used to change the following items:
1. Up to 50% reduction in standard setback requirements.
 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 required minimum lot area.
 4. Up to 20% increase in the maximum lot coverage area.
 5. Up to 20% increase in maximum height requirements for accessory structures, but height cannot exceed the height of the primary structure.
 6. Up to 50% reduction in off-street parking requirements, however no adjustment is allowed for parking requirements of 20 or more spaces.
 7. One- and two-family dwellings may qualify for a quasi-judicial adjustment exempting them from meeting the requirements of Sections 10.5.010.060. Factors to be considered include the following: lots exceeding the minimum size; difference in elevation between building site and street; slope of lot; setback from street; difficult access from the street, and other relevant factors. If approved, the Planning Commission may require additional landscaping, among other conditions, to reduce the effect on the view from the street.

8. Adjustment of more than 20% to a standard in Section 3.030.E.3 Multifamily design standards.

Comment: These amendments provide consistency in how adjustments are processed in the RL, RM, an RH zones, and account for other code changes establishing clear and objective standards both in Phase 1 and this proposal. The amendments are consistent with the Comprehensive Plan, specifically Goal 10 Policy 16, which calls for providing appropriate flexibility in site development standards for needed housing.

10.3.080.030 Review Procedures

Administrative adjustment review procedures shall be the same as those specified for administrative actions in Section 10.3.020.020(B)(1). Quasi-judicial adjustment review procedures shall be the same as those for quasi-judicial actions in Section 10.3.020.020(B)(2).

10.3.080.040 Review Criteria

- A. An adjustment will be approved if the review body finds that the applicant has shown that either approval criteria 1 through 5 (**Administrative Adjustment**) or 6 through 8 (**Quasi-Judicial Adjustment**) 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.
 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; and
 3. City-designated scenic resources and historic resources are preserved; and
 4. Any impacts resulting from the adjustment are mitigated to the extent practical; and
 5. If in an environmental sensitive area, the proposal has as few detrimental environmental impacts on the resource and resource values as is practicable, or
 6. Application of the regulation in questions would preclude all reasonable economic use of the site; and
 7. Granting the adjustment is the minimum necessary to allow the use of the site; and
 8. Any impacts resulting from the adjustment are mitigated to the extent practical.
- B. Additional Criteria. If the applicant meets the approval criteria of subsection A above, then the ~~approving authority~~ **the following criteria must also be met:** ~~may also take into consideration, when applicable, whether the proposal will:~~
- ~~1. Result in a more efficient use of the site;~~
 2. Provide adequate provisions of light, air, and privacy to adjoining property;
 3. Provide for accessibility, including emergency vehicles, per City standards;
 4. Result in a **development** ~~structure~~ that conforms to the general character of the neighborhood or zone district;
 5. If a reduced number of parking is requested, provide adequate parking based on **a parking demand analysis** ~~low demand users~~, or supplement on-site parking with joint use agreements.

Comment: These edits clarify the criteria and differentiate between minor adjustments, which are reviewed through the Administrative procedure, and major adjustments, which are reviewed through the Quasi-Judicial procedure and have a higher standard of review.

10.3.080.050 Conditions of Approval

In granting the adjustment, the approving authority may attach any reasonable conditions deemed necessary to insure that the review criteria are met.

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Article 3.085 Affordable Housing Incentives [NEW CHAPTER]

Comment: This amendment implements the Housing Strategy recommendation to “Establish density and height bonuses as incentives for affordable housing.” Also proposed are allowances for increased lot coverage and a reduction in required parking for projects that meet affordability criteria, consistent with the City’s Housing Needs Analysis and Comprehensive Plan Goal 10, Policies 16 and 19. Amendments to the Comprehensive Plan are proposed to authorize these affordable housing incentives.

As drafted, the “land use” regulatory incentives would be available in all zones where multifamily, cottage cluster, and other high density housing are allowed: RM, RH, NC and Central Business District (e.g., second stories). It will be necessary for the City to decide what types of affordable housing it is trying to encourage with incentives: workforce housing (affordable to households earning 80%-120% of Area Median Income (AMI)); low income (60%-80% AMI), very low income (<60% AMI), or <30% AMI, including homeless?

The incentives would not be effective until the city adopts procedures (new Title) for administering them. A separate non-land use title is recommended, to establish affordable housing policies and procedures, including definitions, criteria (for rental and for-purchase housing), and standards for qualifying income, a designated administrator, assurances, and provisions for enforcement.

Smart Growth America has published a model ordinance for inclusionary housing, including both mandatory and incentive-based regulations, which can be found here:

<https://www.smartgrowthamerica.org/app/legacy/images/IH-model-ordinance-APA%20.pdf>

In addition, the City of Ashland has had an inclusionary housing program in place for many years and has seen hundreds of housing units produced. The City also has a housing authority that administers housing assistance programs. Ashland’s Affordable Housing Standards are found here: <https://ashland.municipal.codes/LandUse/18.2.5.050>

Staff with the Oregon Department of Housing and Community Services and the Department of Land Conservation and Development has offered to research examples of affordable housing programs in use by other jurisdictions for consideration by The Dalles.

10.3.085.010 Purpose

10.3.085.020 Applicability

10.3.085.030 Affordable Housing Incentives

10.3.085.040 Review Criteria

10.3.085.010 Purpose

Article 10.3.085 provides land use regulatory incentives for the production of affordable housing, consistent with housing policies of The Dalles Comprehensive Plan.

10.3.085.020 Applicability

This article applies to applications for land division and site plan review where the applicant proposes affordable housing and the city has adopted an ordinance governing the administration of affordable housing incentives including the incentives contained in this article.

10.3.085.030 Affordable Housing Incentives

Through the quasi-judicial review procedure and pursuant to the city's affordable housing requirements, the review body shall grant incentives for affordable housing, assured through a covenant or other legal instrument approved by the City Attorney, where the following criteria are met:

A. Density Bonus.

A density bonus of two additional dwelling units shall be granted for every one dwelling unit developed that meets the city's affordability criteria, not to exceed 125% of the maximum density of the zone. This criterion applies to individual developments, through land division review and site plan review, and applications for zone changes that increase allowed density.

Comment: The terms for affordability, including rental rates, price points/appreciation, and number of years that units must remain affordable, would be established as part of the city's affordable housing program ordinance. Typically, the number of years that affordable units must remain affordable is based on the affordable housing need being met. For example, a unit that is guaranteed affordable to households earning less than 60% of AMI would be required to remain affordable at that level for a shorter timeframe than a similar unit that is marketed to households earning up to 80% of AMI. However, the City first needs to establish policy, for example through an Affordable Housing Plan, on the housing needs that it is trying to meet. These policy issues, and the technical details of administering an affordable housing program, would be vetted separately through adoption of an affordable housing ordinance, which could address other incentives, as well, such as deferral of SDCs, property tax reduction, distribution of construction excise taxes, if collected, etc.

B. Height Bonus.

A height bonus of 10 feet shall be granted in conjunction with development of affordable housing on the same lot. Where housing is proposed in the NC or CBD zones it shall be located above the ground floor, except where the subject lot abuts more than one street housing may be on the ground floor abutting one of the streets.

Comment: The proposal allows a height increase where affordable housing is proposed in the commercial zones. The proposal does not restrict housing to the top floor (bonus height). The text "in conjunction with" is different than requiring that the bonus "is necessary for." This revision to both 'B' and 'C' provides more flexibility for producing affordable housing while minimizing issues of interpretation over what is "necessary."

C. Lot Coverage Bonus.

A lot coverage bonus of 10 percent shall be granted in conjunction with development of affordable housing on the same lot. Where a lot coverage bonus is granted, the open area standard is reduced commensurately.

D. Parking Reduction.

Production of affordable housing under this article shall be accepted as a basis for reducing off-street parking requirements under the provisions of section 10.7.20.040.

10.3.085.040 Review Criteria

The Director shall determine eligibility for incentives under this article during the completeness review of an application for land division or site plan review, as applicable, pursuant to the city's Affordable Housing requirements [Ordinance #].

The Advisory Committee discussed the feasibility of requiring that projects receiving variance or adjustment approval, including Planned Developments, provide a percentage of affordable housing units (Voluntary Inclusionary Housing), in addition to the incentives listed above. On reviewing the concept, it does not appear practical because variances and adjustments are typically approved for individual homes, including construction and remodels, or small land partitions on sites where minimum lot are and dimensional standards may be difficult to meet. Inclusionary zoning (voluntary or not) is more conducive to large subdivisions and multifamily developments where the cost (subsidy) of affordable units can be spread across or absorbed by more than a few market-rate units.

Article 3.086 Cottage Cluster Development [NEW CHAPTER]

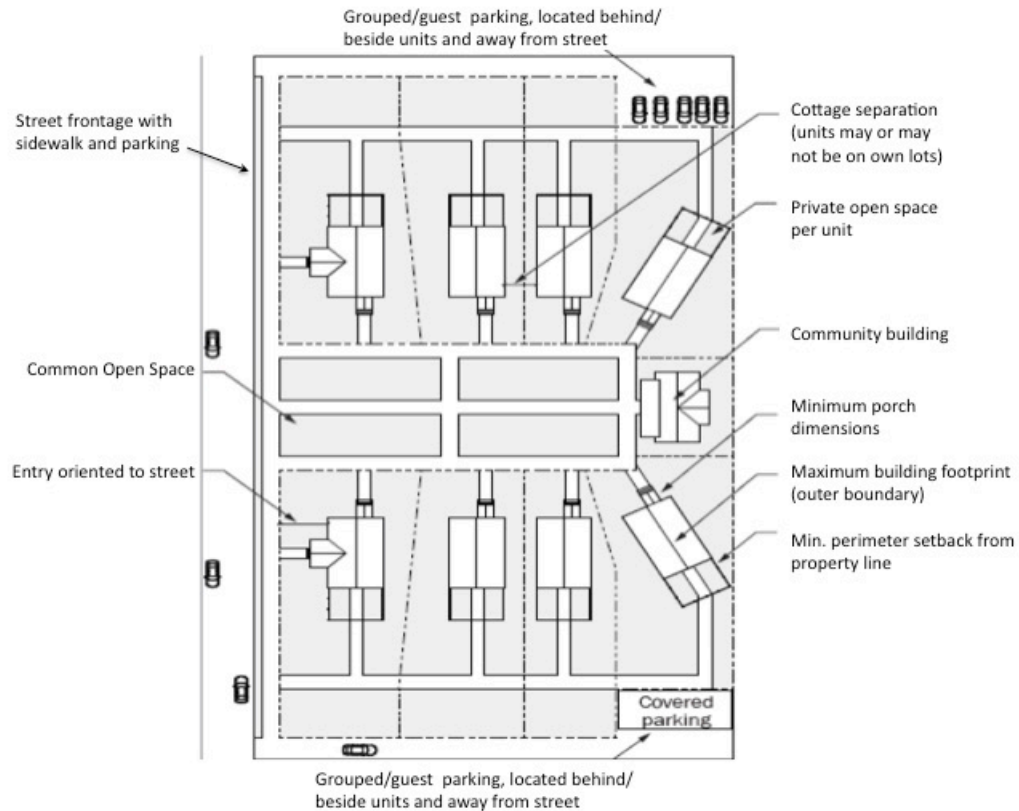
Comment: Cottage cluster development is an alternative type of detached housing comprised of small residences oriented around open space and suited to accommodate a typical household of one or two individuals. Cottage dwellings are part of the city's overall housing strategy to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs. The following ordinance text is adapted from a code that SPS developed for Cascade Locks, which was based on a “pocket neighborhood” model that Ross Chapin Architects developed for White Salmon, Washington called [Wyer’s End](#).

- 10.3.086.010 Purpose and intent
- 10.3.086.020 Density and lot area
- 10.3.086.030 Unit size
- 10.3.086.040 Lot coverage
- 10.3.086.050 Open space
- 10.3.086.060 Building separation
- 10.3.086.070 Setbacks
- 10.3.086.080 Building height
- 10.3.086.090 Parking and storage
- 10.3.086.100 Design standards
- 10.3.086.110 Alternative cottage cluster designs
- 10.3.086.120 Assurance for common areas maintenance

10.3.086.010 Purpose and intent

The purpose and intent of the cottage cluster design standards are to:

- A. Facilitate development of an alternative type of detached housing comprised of small residences oriented around open space and suited to accommodate a typical household of one or two individuals. Cottage dwellings are part of the city's overall housing strategy to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs.
- B. Address the impacts of development containing multiple detached dwellings, including height, massing, separation between structures, open space, landscaping, parking, and demands on public facilities and services.
- C. Minimize the visibility of off-street parking, storage, and other accessory uses.
- D. Ensure an interconnected network of walkways and other pedestrian amenities are provided and are compatible with the existing natural features of the site, including topography and vegetation.
- E. Allow increased density (as compared to single-family or duplex dwellings on their own lots) through the use of smaller than average home sizes, clustered parking, and the application of standards applied through site plan review and approval.
- F. All cottage housing developments are subject to applicable City standards for public facilities and stormwater management.



10.3.086.020 Density and lot area

<u>Zoning Districts</u>	<u>Residential Medium Density District RM</u>	<u>Residential High Density District RH</u>
<u>Maximum Cottage Density</u>	<u>1 cottage dwelling unit per 2,000 sq. ft. of site area</u>	<u>1 cottage dwelling unit per 1,500 sq. ft. of site area</u>
<u>Minimum number of cottages per development</u>	<u>4</u>	<u>4</u>
<u>Maximum number of cottages per development</u>	<u>12</u>	<u>24</u>
<u>Minimum size cottage development area for first 4 dwelling units</u>	<u>12,000 sq. ft.</u>	<u>12,000 sq. ft.</u>

Note: Density is based on net site area after deducting any required right-of-way dedications. Every unit must comply with the maximum floor area and applicable building requirements for one- and two-family dwellings.

10.3.086.030 Unit size

A. Floor Area. To ensure that the overall size, including bulk and mass, of cottage structures and cottage housing developments is small and in scaled with adjacent development, and creates less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations apply to cottage housing. Two types of cottages are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	<u>Maximum Floor Area (square feet)</u>	<u>Ground Floor Area (square feet)</u>	<u>Maximum Upper Floor Area (square feet)</u>	<u>Garage Floor Area</u>
<u>Small</u>	<u><900</u>	<u>400—900</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>
<u>Large</u>	<u>=/ > 900</u> <u>< 1,400</u>	<u>600—900</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

B. A notice to the title of each unit shall prohibit any increase in the total floor area of any cottage or addition of accessory structures within the development unless the development site plan is amended. Such notice shall be recorded with the Wasco County Assessor's Office.

10.3.086.040 Lot coverage

Lot coverage is limited to no more than 50 percent impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability (e.g., if a graveled path is demonstrated to be fifteen percent permeable then eighty-five percent of the graveled path area would be counted in the impervious surface calculation). The purpose of this requirement is to help insure that surface and storm water are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be

adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

A qualified, Oregon licensed professional engineer, considering at a minimum a twenty-five year storm event of fifteen minutes duration, shall perform an on-site stormwater analysis. The stormwater control plan shall be approved by the director of public works and shall provide for the onsite collection, containment, and release of stormwater such that it will not have a deleterious impact to other properties, public or private. The public works director prior to completion shall inspect all improvements. The applicant's licensed engineer shall provide a minimum of two sets of infrastructure 'as built' drawings and confirm that all stormwater infrastructure was constructed according to the approved design.

10.3.086.050 Open area

A. Open area. Common open space or open area is intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:

1. There shall be a minimum of four hundred square feet of common open space provided for each unit.
2. Common open space shall abut at least 50 percent of the cottages in a cottage housing development.
3. Common open space shall have cottages abutting on at least two sides, and be easily accessible to all dwellings within the development.
4. Common open space shall not include portions of private yards, and shall be jointly owned by all residents.
5. The common open space shall be outside of wetlands, streams and sensitive area buffers, and shall be on slopes of twelve percent or less.
6. Grading and removal of mature trees shall be limited to meeting the City's development standards and to providing natural light for home sites.
7. Landscaping in common areas shall be designed to allow for easy access and use of the space by residents, and to facilitate maintenance needs.

B. Private open space. There shall be a minimum of three hundred square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident. Private open space is intended to provide private areas such as patios, decks and gardens, around the individual cottages and to enable diversity in landscape design.

10.3.086.060 Building separation

Cottage units shall be separated from one another by not less than 10 feet, including eaves and architectural projections. Accessory structures shall maintain not less than 5 feet of separation from all other structures and comply with applicable Building and Fire and Life Safety code requirements.

10.3.086.070 Setbacks

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, with the exception of the outside perimeter of the development, side and rear yards are regulated only insofar as structures must maintain minimum separation (Section 10.3.086.060) and comply with applicable building and fire code standards. With respect to the outside perimeter, cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located.

10.3.086.080 Building height

Maximum height is 20 feet, except 28 feet for cottage dwellings with two floors of living space, having a minimum roof pitch of 6:12, and setback not less than 10 feet from the closest dwelling and property line.

10.3.086.090 Parking and storage

A. One off-street parking space is required for each cottage dwelling.

B. Off-street parking and accessory storage shall be:

1. Fully contained on the cottage development site; any storage must be enclosed in a structure or cabinet designed for outdoor use.
2. Screened from view from abutting residences. This may be accomplished with landscaping or structural screens.
3. Grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
4. Where practical, clustered to limit grading, curb cuts, and impervious surfaces.

C. Detached garage and carport structures:

1. Where provided, shared carports or garages shall be limited to a maximum of four vehicles per structure and shall be detached from the dwelling units.
2. The design of carports and garages must have roof lines and use materials similar to that of the dwelling units within the development.
3. Parking of vehicles and storage shall be limited to those owned by the residents of the development.

D. On-street parking shall be provided on streets abutting the cottage development; the applicant may be required to dedicate right-of-way for required street improvements, which shall include on-street parking. Where a development lacks sufficient street frontage, it shall provide on-site visitor parking in addition to the parking required for each dwelling at a ratio of one visitor space for every three dwelling units.

10.3.086.100 Design standards

A. Site Design.

1. The common open space shall be centrally located within a cottage housing development.

2. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented toward common open space.
3. Pedestrian connections shall link all buildings to the public right-of-ways, common open space, and parking areas.
4. Exterior lighting shall be shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be shown on the site plan and cut-sheets shall be provided with the application submittal.
5. Exterior mechanical equipment including heating or cooling facilities shall be visually screened from abutting residential uses and designed and sited to minimize the noise and visual impacts they can have on a site.
6. If streets are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in internal street design standards shall be considered initially in a pre-application conference prior to completing an application. Notwithstanding, cottage development access driveways shall have a paved width of not less than 12 feet, with 2-foot shoulders, and shall maintain clearances for emergency vehicles.

B. Building Design.

1. Roofs of cottages shall be pitched and eave depths shall be a minimum of 18 inches.
2. Covered porches measuring at least 60 square feet shall be incorporated into building design of the cottages.
3. Window and door trim with a minimum of three and one-half inches shall be provided on all cottage units.

C. Community Buildings.

1. Where a community building is proposed it must be located on the same site as the cottage housing development and be commonly owned by the residents.
2. Community buildings and structures shall not exceed the floor area or height of the largest and tallest cottage dwelling in the development.

10.3.086.110 Alternative cottage cluster designs

An applicant may request adjustment to the standards contained in this chapter during development review. A specific request for adjustment within a cottage development is not subject to variance criteria. Only the Planning Commission may approve an adjustment, upon finding that the specific adjustment requested provides for an equal or better way to meet the purpose and intent in section 10.3.086.010.

10.3.086.120 Assurance for common areas maintenance

Prior to issuance of any development permit (grading, public improvements, building, etc.) the applicant shall provide evidence acceptable to the City Attorney that common areas and elements will be maintained. This may be met by submitting draft Bylaws and Covenants, Restrictions and Conditions (CC&Rs) for the development's Homeowners Association for review and approval by the City. Where the development contains multiple lots, the assurance, which shall be recorded at Wasco County, shall require joint ownership and maintenance of all common areas by all owners of the cottage dwellings.

Chapter 10.5 ZONE DISTRICT REGULATIONS

Sections:

Article 5.010 RL Low Density Residential District

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~~10.5.010.050 Neighborhood Compatibility~~

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Article 5.020 RH High Density Residential District

10.5.020.010 Purpose

10.5.020.020 Permitted Uses

//

~~10.5.020.050 Neighborhood Compatibility~~

10.5.020.060 Development Standards

10.5.020.070 Design Standards

10.5.020.080 Open Area

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Article 5.030 RM Medium Density Residential

10.5.030.010 Purpose

10.5.030.020 Permitted Uses

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~~10.5.030.050 Neighborhood Compatibility~~

10.5.030.060 Development Standards

10.5.030.070 Design Standards

10.5.030.080 Open Area

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Article 5.040 NC Neighborhood Center Overlay

10.5.040.010 Purpose

10.5.040.020 Permitted Uses

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10.5.040.050 Development Standards

10.5.040.060 Design Standards

~~10.5.040.070 Neighborhood Compatibility~~

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Article 5.050 CBC Central Business Commercial District

10.5.050.010 Purpose

10.5.050.020 Sub-Districts

10.5.050.030 Permitted Uses

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10.5.050.060 Development Standards

10.5.050.070 Design Standards—All Development

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Article 5.060 CG General Commercial District

10.5.060.010 Purpose

10.5.060.020 Permitted Uses //

Article 5.010 RL Low Density Residential District

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~~10.5.010.050 Neighborhood Compatibility~~

- ~~A. To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RL Low Density Residential District shall comply with the provisions of Article 3.040: Neighborhood Compatibility Review. Where applicable, the Neighborhood Compatibility Standards shall take the place of the Development and Design Standards, including Exceptions, of this Article.~~
- ~~B. To determine if neighborhood compatibility review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in Article 3.040: Neighborhood Compatibility Review.~~

Comment: This section is removed because the provisions of Article 3.040 are not clear and objective, and building design standards exist in Subsection 10.5.010.070 for new one- and two-family dwellings that are clear and objective. (No other change is proposed to the RL zone.) If the standards in Subsection 10.5.010.070 are not sufficient to ensure compatibility with existing dwellings, then the City should consider adding to the list of clear and objective standards applicable to the RL zone.

Article 5.020 RH High Density Residential District

10.5.020.010 Purpose

This district implements the RH - High Density Residential Comprehensive Plan designation, which allows for a range of 7 to 25 single-family and multifamily dwelling units per gross acre. The RH district is intended to provide areas where small lot single-family detached dwellings, single-family attached dwellings, duplexes, town houses, condominiums, and multifamily developments may be constructed under various ownership patterns. Adequate urban services shall be available to all development without exception.

10.5.020.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential use types:

- a. Single-family.
- b. Multifamily.
- c. Cottage cluster development.**

2. Residential building types:

- a. Single-family detached.
- b. Single-family detached (zero lot line).
- c. Duplex and single-family attached (zero lot line, 2 units).
- d. Small lot single-family detached dwellings (3 to 8 unit clusters) and attached town houses (zero lot line, 3 to 8 unit clusters).
- e. Multifamily dwelling.
- f. Cottage cluster dwelling.**

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Comment: The amendment allowing cottage cluster dwellings expands the options for more economical housing types, consistent with the Housing Strategy recommendations, which include: "Consider defining cottage clusters as a housing type, creating specific development and design standards, and permitting [them] outright in some or all residential zones."

~~10.5.020.050 Neighborhood Compatibility~~

~~A. To ensure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RH High Density~~

~~Residential District shall comply with the provisions of Article 3.040: Neighborhood Compatibility Review. Where applicable, the neighborhood compatibility standards shall take the place of the development and design standards, including exceptions, of this Article.~~

~~B. To determine if neighborhood compatibility review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in Article 3.040: Neighborhood Compatibility Review.~~

Comment: The Neighborhood Compatibility procedure is proposed to be replaced with clear and objective standards under Site Plan Review.

10.5.020.060 Development Standards

Comment: The following table replaces an existing table and simplifies the standards. The changes also provide greater flexibility for housing, consistent with the Housing Strategy recommendations. The changes to the table identified in the Housing Strategies report are not recommended because they would make the code overly complicated and conflict with the Comprehensive Plan with respect to density.

RH High Density Residential District Standards	
<u>Maximum Density (Min. Lot Area/Dwelling Unit)</u>	<u>1,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre</u>
<u>Minimum Density*</u>	<u>Not more than 4,000 sq. ft. gross area per dwelling unit</u>
<u>Minimum Lot Width</u>	<u>25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots</u>
<u>Minimum Lot Depth</u>	<u>60 ft.</u>
<u>Building Height**</u>	<u>35 ft for 1-2 dwellings; 40 ft. for multiple family</u>
<u>Minimum Setback – Front Yard</u>	<u>10 ft., except 20 ft. for garage entrance</u>
<u>Minimum Setback – Rear Yard</u>	<u>10 ft.</u>
<u>Minimum Setback – Street Side Yard</u>	<u>8 ft., except 20 ft. for garage entrance</u>
<u>Minimum Setback – Interior Side Yard</u>	<u>5 ft., except 8 ft. where dwelling has zero setback on opposite side, including end unit of townhouse building; and 10 ft. separation between buildings</u>
<u>Maximum Lot Coverage</u>	<u>60%</u>
<u>Building Orientation</u>	<u>The front building line shall be parallel to the street, or private accessway if there is no street frontage to which to orient. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.</u>
<u>Pedestrian Access</u>	<u>All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.020.070(E): <i>Pedestrian Walkways</i></u>
<u>Off-Street Parking (Bicycles and Vehicles)</u>	<u>See Chapter 10.7 - <i>Parking Standards</i></u>
<u>Accessory Uses, Buildings, and</u>	<u>See Article 6.030: <i>Accessory Development</i></u>

RH High Density Residential District Standards

<u>Structures</u>	
<u>Landscaping</u>	<i>See Article 6.010: Landscaping Standards</i>
<u>Access Management</u>	<i>See Article 6.050: Access Management</i>

* Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one **net** buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).

** Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

Comment: It was noted that the calculation of minimum and maximum allowable density is confusing because maximum density is based on gross site area and minimum density is based on net developable area. The footnote has been clarified.

	Standard			
RH High-Density Residential	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., 2,800 sq. ft. for small lot and townhouse clusters (3-8 units)	5,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	2,800 sq. ft. to 3,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	1,500 sq. ft.
Minimum Lot Width	35 ft. or 25 ft. for small lot and townhouse clusters (2-8 units)	50 ft.	75 ft.	75 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	85 ft.
Building Height*	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks				
Front Yard	15 ft.			
Rear Yard	10 ft.			
Side Yard (interior)	5 ft. minimum			
Single-Family	8 ft. on one side of dwelling with zero setback on the opposite side, if either similar setbacks on adjacent property, or at least 10 ft. separation of buildings.			
Detached Corner				
Duplex				
Attached Row				
House	8 ft. minimum for end units; zero setback where common walls exist.			

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
Garage/Carport Entrances (facing street)	20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of lot area maximum			
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Front building orientation cannot be modified from its original design to meet this criteria.			
Pedestrian Access	All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Section 10.5.020.070(E): Pedestrian Walkways</i>			
Off-Street Parking (Bicycles and Vehicles)	<i>See Chapter 10.7 – Parking Standards</i>			
Accessory Uses, Buildings and Structures	<i>See Article 6.030: Accessory Development</i>			
Landscaping	<i>See Article 6.010: Landscaping Standards</i>			
Access Management	<i>See Article 6.050: Access Management</i>			
Minimum Density**	Not more than 4,000 net buildable sq. ft. per dwelling unit.			

* Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL – Low Density Residential.

* Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights of way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one buildable acre would be required to provide at least 10 dwelling units ($43,560 \text{ buildable sq. ft.} / 4,000 \text{ sq. ft.} = 10.89$, rounded down to 10).

10.5.020.070 Design Standards

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- C. Exterior Elevations—All Development Except One- and Two-Family. Exterior elevations of buildings shall incorporate architectural design features such as ~~architectural features~~, offsets, balconies, base/wall/cornice design, projections, windows, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 3 design features shall be incorporated along the horizontal face (side to side) of the structure at a minimum of every 40 feet.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).

~~D. Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.~~

Comment: Some of the terms listed in 'C' are not defined, though the common meanings of these terms are clear. "Encouraged" is not a standard. The building code regulates egress, including required number and clearances of exits, illumination, non-slip surfaces, and connection to walkways.

DE. Pedestrian Walkways. Each multifamily development shall include paved pedestrian walkway(s) **not less than 5 feet in width** and designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. **[Note:** Walkways, including driveway and accessway crossings, **must also** ~~shall be constructed and maintained for pedestrian safety, and shall~~ meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.]

Comment: The ADA and State building code requirements are not land use codes. This section is reframed as an editorial note in Title 10 so that the application of these standards is not a land use decision.

EF. Multiple Buildings on One Lot—Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

1. Buildings with windowed walls facing buildings with windowed walls: 10 feet separation.
2. Buildings with windowed walls facing buildings with a blank wall: 10 feet separation.
3. Buildings with opposing blank walls: 10 feet separation.
4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. Buildings with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.
6. ~~Where buildings exceed a horizontal dimension of 30 feet or a vertical dimension of 25 feet, the minimum wall separation shall be increased.~~ Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 5 feet of building height over 30 feet.
7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:

- a. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
- b. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

Comment: The above edits simplify the standards.

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10.5.020.080 Open Area

- A. Open Area requirements shall apply to all development with 3 or more dwelling units per lot.
- B. A minimum of 30% of the gross lot area shall be developed as permanent open area. The minimum open area shall be landscaped and permanently maintained per the provisions of Article 6.010: Landscaping Standards. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:
 1. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
 2. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 3. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

Comment: A new article 10.8.035 providing incentives for affordable housing will reduce the Open Area requirement for projects that meet affordable housing criteria.

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Article 5.030 RM Medium Density Residential

10.5.030.010 Purpose

This district implements the Mobile Home Residential Comprehensive Plan designation, which allows for a range of 7 to 17 single-family and multifamily dwelling units per gross acre. The district is intended to provide medium density areas for the full range of residential dwelling types listed in this Article. Adequate urban services shall be available to all development without exception.

10.5.030.020 Permitted Uses

- A. Primary Uses Permitted Outright.
 1. Residential use types:

- a. Single-family.*
- b. Multifamily.**
- c. Manufactured dwelling park.***
- d. Cottage cluster development.**

2. Residential building types:

- a. Single-family detached.
- b. Single-family detached (zero lot line).
- c. Duplex and single-family attached (zero lot line, 2 units).
- d. Small lot single-family detached dwellings, and attached town houses (zero lot line, 3 to 5 unit clusters).
- e. Multifamily dwelling.
- f. Cottage cluster dwelling.**

//

* All forms of attached single-family housing subject to the provisions of Article 3.030: Site Plan Review.

** Subject to the provisions of Article 3.030: Site Plan Review.

*** Subject to the provisions of Chapter 10.11 – Manufactured Dwelling Parks.

Comment: These amendments expand the options for more economical housing, consistent with the Housing Strategy recommendations, which include: “Consider defining cottage clusters as a housing type, creating specific development and design standards, and permitting [them] outright in some or all residential zones.”

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~~10.5.030.050 – Neighborhood Compatibility~~

- ~~A. To insure maximum compatibility with the surrounding established neighborhood, all new buildings and structures proposed in established neighborhoods in the RM – Medium Density Residential District shall comply with the provisions of Article 3.040: Neighborhood Compatibility Review. Where applicable, the neighborhood compatibility standards shall take the place of the development and design standards, including exceptions, of this Article.~~
- ~~B. To determine if neighborhood compatibility review is required, see the definitions of “Neighborhood Area” and “Established Neighborhood” in Article 3.040: Neighborhood Compatibility Review.~~

Comment: The Neighborhood Compatibility procedure is proposed to be replaced with clear and objective standards under Site Plan Review.

10.5.030.060 Development Standards

Comment: The following table replaces an existing table and simplifies the standards. The changes also provide greater flexibility for housing, consistent with the Housing Strategy recommendations. We do not support the changes to the table identified in the Housing Strategies report because they would make the code overly complicated and conflict with the Comprehensive Plan.

RM Medium Density Residential District Standards	
<u>Maximum Density (Min. Lot Area/Dwelling Unit)</u>	<u>2,000 sq. ft. per dwelling unit, not to exceed 17 units per acre</u>
<u>Minimum Density*</u>	<u>Not more than 6,000 sq. ft. net area per dwelling unit</u>
<u>Minimum Lot Width</u>	<u>25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots</u>
<u>Minimum Lot Depth</u>	<u>65 ft.</u>
<u>Building Height**</u>	<u>35 ft for 1-2 dwellings; 40 ft. for multiple family</u>
<u>Minimum Setback – Front Yard</u>	<u>10 ft., except 20 ft. for garage entrance</u>
<u>Minimum Setback – Rear Yard</u>	<u>5 ft.</u>
<u>Minimum Setback – Street Side Yard</u>	<u>8 ft., except 20 ft. for garage entrance</u>
<u>Minimum Setback – Interior Side Yard</u>	<u>5 ft., except 8 ft. where dwelling has zero setback on opposite side, including end unit of townhouse building; and 10 ft. separation between buildings</u>
<u>Maximum Lot Coverage</u>	<u>60%</u>
<u>Building Orientation</u>	<u>The front building line shall be parallel to the street, or private accessway if there is no street frontage to which to orient. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.</u>
<u>Pedestrian Access</u>	<u>All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.020.070(E): Pedestrian Walkways</u>
<u>Off-Street Parking (Bicycles and Vehicles)</u>	<u>See Chapter 10.7 - Parking Standards</u>
<u>Accessory Uses, Buildings, and Structures</u>	<u>See Article 6.030: Accessory Development</u>
<u>Landscaping</u>	<u>See Article 6.010: Landscaping Standards</u>
<u>Access Management</u>	<u>See Article 6.050: Access Management</u>

* Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights-of-way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RH site with one net buildable acre would be required to provide at least 10 dwelling units (43,560 buildable sq. ft./4,000 sq. ft. = 10.89, rounded down to 10).

** Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL - Low Density Residential.

Comment: It was noted that the calculation of minimum and maximum allowable density is confusing because maximum density is based on gross site area and minimum density is based on net developable area. The footnote has been clarified.

	Standard			
RM Medium Density Residential	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., 3,500 sq. ft. for small lot and townhouse clusters (3-5 units)	6,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Minimum Site Area per Dwelling Unit	4,000 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.
Minimum Lot Width	40 ft. or 35 ft. each for small lot and townhouse clusters (3-5 units)	50 ft.	80 ft.	80 ft.
Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.
Building Height*	32 ft. maximum	35 ft. maximum	40 ft. maximum	40 ft. maximum
Minimum Setbacks				
Front Yard	10 ft.			
Rear Yard	5 ft. minimum			
Side Yard (interior)				
Single Family	8 ft. on one side of dwelling with zero setback on the opposite side, if either similar setbacks on adjacent property, or at least 10 ft. separation of buildings.			
Corner				
Duplex				
Attached Row House	8 ft. minimum for end units; zero setback where common walls exist.			
Garage/Carport Entrances (facing street)	20 ft. minimum (corner lots and interior lots)			
Lot Coverage	60% of lot area			
Building Orientation	The front building line shall be parallel to the street or private accessway. Orientation on private accessway is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door. Front building orientation cannot be modified from its original design to meet this criteria.			

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
Pedestrian Access	All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with <i>Section 10.5.030.070(D): Pedestrian Walkways</i>			
Off Street Parking (Bicycles and Vehicles)	See <i>Chapter 10.7—Parking Standards</i>			
Accessory Uses, Buildings and Structures	See <i>Article 6.030: Accessory Development</i>			
Landscaping	See <i>Article 6.010: Landscaping Standards</i>			
Access Management	See <i>Article 6.050: Access Management</i>			
Minimum Density**	Not more than 6,000 net buildable sq. ft. per dwelling unit.			

* Buildings greater than 35 feet in height are allowed only on lots that are located at least 100 feet from land zoned RL—Low Density Residential.

** Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights of way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. For example, an RM site with two buildable acres would be required to provide at least 14 dwelling units (87,120 buildable sq. ft./6,000 sq. ft. = 14.52, rounded down to 14).

10.5.030.070 Design Standards

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- B. Exterior Elevations—All Development Except One- and Two-Family. Exterior elevations of buildings shall incorporate architectural design features; **such as** offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, porches, wall articulation, or similar elements to preclude large expanses of uninterrupted building surfaces.
1. Horizontal. At least 2 architectural design features shall be incorporated along the horizontal face (side to side).
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom).
- C. ~~Entries. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.~~

Comment: “Encouraged” is not a standard. The building code regulates entries/egress.

- ~~C.D.~~ Pedestrian Walkways. Each multifamily development shall include **paved** pedestrian walkway(s) **not less than 5 feet in width** designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-ways. If adjacent to parking where vehicles overhang

the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. **[Note:** Walkways, including driveway and accessway crossings, ~~must also shall be constructed and maintained for pedestrian safety, and shall~~ meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.]

Comment: The ADA and State building code requirements are not land use codes. This section is reframed as an editorial note in Title 10 so that the application of these standards is not a land use decision.

D. Multiple Buildings on One Lot—Separation Between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

1. Buildings with windowed walls facing buildings with windowed walls: 10 feet separation.
2. Buildings with windowed walls facing buildings with a blank wall: 10 feet separation.
3. Buildings with opposing blank walls: 10 feet separation.
4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. Buildings with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 4 above for walls in separate buildings.
6. Where buildings exceed a horizontal dimension of 60 feet or a vertical dimension of 30 feet, the minimum wall separation shall be increased. Wall separation shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet, and 2 feet for each 10 feet of building height over 30 feet.
7. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the buildings shall be separated by at least 7 feet.
 - c. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

E. Front Entry. All one- and two-family dwelling units located on a single tax lot shall have **individual entrances. Primary entries shall be a traditional on the front building elevation; or if a duplex on a corner lot, one entry may face a street side elevation.** ~~entry~~ **Entrances** on the ground level ~~included in the front building line~~ shall be connected by hard surface **of not less than 4 feet in width** to the right-of-way. In addition, all one- and two-family dwellings located on a single tax lot shall utilize 6 or more of the 10 ~~other~~ design

features located in Section 10.5.010.070(A) to provide visual relief along the front of the residence.

Comment: “Traditional” is ambiguous. The revision is intended to clarify the standard while removing extraneous language. The Advisory Committee discussed whether manufactured homes ought to be exempt from the front entry standard, because many manufactured home plans have front entrances on the long axis of the structure, not what is typically the “front” elevation. On recommendation of city staff, standard is drafted so that it applies to all one- and two-family dwellings.

10.5.030.080 Open Area

- A. Open area requirements shall apply to all development with 3 or more dwelling units per lot.
- B. A minimum of 30% of the gross lot area shall be developed as permanent open space, **except where the lot coverage standard is reduced under Article 3.085 Affordable Housing Incentives, the minimum open area is similarly reduced to not less than 20%.** The minimum open area shall be landscaped and permanently maintained per the provisions of Article 6.010: Landscaping Standards. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the open area. These provisions shall apply to all new projects and to additions or remodels of existing structures that create new dwelling units. The following apply to the required open area:
 - 1. Balconies and Patios. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 48 square feet with a minimum dimension of 6 feet may be given an open space credit of 2 square feet for each 1 square foot provided, not to exceed a total of 150 square feet of total open space credit for any one dwelling.
 - 2. Entrances. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 - 3. Driveways and Parking Areas. Driveways and parking areas shall not be included as open space.

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Article 5.040 NC Neighborhood Center Overlay

10.5.040.010 Purpose

The purpose of the NC - Neighborhood Center Overlay zone is to provide areas throughout the City where a mix of certain commercial, residential, civic and light manufacturing uses are permitted, either within a single building or on a single tax lot. Neighborhood Centers are intended to create transportation efficient, pedestrian oriented locations for small businesses and neighborhood based services in residential sections of the City. This overlay zone shall be applied to underlying residential zones.

10.5.040.020 Permitted Uses

A. Primary Uses Permitted Outright.

1. Residential use types:
 - a. Single-family.*
 - b. Multifamily, **including dwellings in a mixed-use building.****
2. Residential building types:
 - a. Single-family detached (excluding mobile homes).
 - b. Single-family detached (zero lot line).
 - c. Duplex and single-family attached (zero lot line, 2 units).
 - d. Small lot single-family detached dwellings and attached town houses (zero lot line, 3-8 unit clusters).
 - e. Multifamily dwelling, **including dwellings in a mixed-use building.**

//

* All forms of attached single-family housing subject to the provisions of Article 3.030: Site Plan Review.

** Subject to the provisions of Article 3.030: Site Plan Review.

Comment: These amendments expand the options for more economical housing, consistent with the Housing Strategy recommendations, which include: “Consider defining cottage clusters as a housing type, creating specific development and design standards, and permitting [them] outright in some or all residential zones.” The amendments also clarify the code’s allowance of dwellings in mixed-use buildings.

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10.5.040.050 Development Standards

NC Neighborhood Center Overlay Standards	
<u>Minimum Lot Area</u>	<u>None, except as required for dwellings, below</u>
<u>Maximum Density (Min. Lot Area/Dwelling Unit)</u>	<u>4,000 sq. ft. per dwelling unit, not to exceed 9 units per acre</u>
<u>Minimum Lot Width</u>	<u>None, except 28 ft. for residential lots</u>
<u>Minimum Lot Depth</u>	<u>None, except 60 ft. for residential lots</u>
<u>Building Height</u>	<u>32 ft., except 40 ft. for dwellings above ground floor commercial space</u>
<u>Setback – Front Yard</u>	<u>No minimum, except 10 ft. required for ground floor residential uses.</u> <u>Maximum of 5 ft. for non-residential spaces, except 15 ft. maximum where outdoor seating for food service or a permanent open space is provided.</u>
<u>Minimum Setback – Rear Yard</u>	<u>10 ft. minimum, except 15 ft. where shares lot line with property zoned residential</u>
<u>Minimum Setback – Street Side Yard</u>	<u>8 ft. from right-of-way line</u>
<u>Minimum Setback – Interior Side Yard</u>	<u>None, except 5 ft. where 20% or more of the floor area a lot is residential; and 10 ft. where lot line shared with property zoned residential</u>
<u>Maximum Lot Coverage</u>	<u>None, except 65% where 20% or more of the floor area on a lot is residential.</u>
<u>Building Orientation</u>	<u>The front building line shall be parallel to the street, or private accessway if there is no street frontage to which to orient. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.</u>
<u>Pedestrian Access</u>	<u>All multifamily building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.020.070(E): Pedestrian Walkways</u>
<u>Off-Street Parking (Bicycles and Vehicles)</u>	<u>See Chapter 10.7 - Parking Standards</u>
<u>Accessory Uses, Buildings, and Structures</u>	<u>See Article 6.030: Accessory Development</u>
<u>Landscaping</u>	<u>See Article 6.010: Landscaping Standards</u>
<u>Access Management</u>	<u>See Article 6.050: Access Management</u>

10.5.040.050 — Development Standards

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
Minimum Lot Area	None	4,000 sq. ft. or 2,800 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 ft. per lot for small lot and townhouse clusters (3-8 units)	40 ft. or 28 ft. per lot for small lot and townhouse clusters (3-8 units)
Minimum Lot Depth	None	60 ft.	60 ft.
Front Yard Setback	No minimum. 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided	10 ft. minimum	5 ft. minimum, 10 ft. maximum if residential on ground floor. Otherwise no minimum and 5 ft. maximum, except 15 ft. maximum where outdoor seating for food service or a permanent open area is provided.
Rear Yard Setback	None, except 15 ft. where shares lot line with property zoned residential	10 ft. minimum	10 ft. minimum, except 15 ft. where shares lot line with property zoned residential
Side Yard Setbacks	None, except 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential	5 ft. minimum, 0 ft. for zero lot lines, 8 ft. for exterior side yard	5 ft. minimum, except 0 ft. for zero lot lines, 8 ft. from right-of-way line for exterior side yard, and 10 ft. where shares lot line with property zoned residential
Building Height	32 ft. maximum	32 ft. max.	35 ft. maximum
Lot Coverage (area occupied by buildings, parking, and automobile circulation)	No maximum	65% of lot area maximum	No lot area maximum
Minimum Density*	n/a	4,000 net buildable sq. ft. per dwelling unit	n/a
Garage/Carport Entrance (facing street)	20 ft. minimum setback (corner lots and interior lots)		
Building Orientation	The front building line shall be parallel to the street or private accessway.		

NC Neighborhood Commercial	Standard		
	Commercial Only	Residential Only	Mixed Commercial/Residential
	Orientation on private access way is allowed only if there is no street frontage. Practical adjustments may be made to accommodate street curvature. The front building line shall include the front door.		
Pedestrian Access	All building entrances shall have a clear pedestrian connection to the street/sidewalk in accordance with Section 10.5.040.060(C): Pedestrian Walkways		
Off Street Parking (bicycles and vehicles)	See Chapter 10.7 – Parking Requirements		
Landscaping	See Article 6.010: Landscaping Standards		
Access Management	See Article 6.050: Access Management		
Accessory Uses, Buildings and Structures	See Article 6.030: Accessory Development		

* Measured by determining the net buildable square footage on a proposed development site (exclusive of areas to be dedicated for public rights of way, constrained by slopes of 25% or greater, wetlands, riparian corridors and floodplain), then dividing by minimum density square footage standard, and rounding down. See examples for underlying zones.

10.5.040.060 Design Standards

- A. Exterior Elevations. Exterior elevations of buildings shall incorporate architectural design features such as offsets, balconies, projections, windows, base/wall/cornice design, entries, bays, seating, wall articulation, traditional storefront elements, or similar elements to preclude large expanses of uninterrupted building surfaces.
 1. Horizontal. At least 3 architectural design features shall be incorporated along the horizontal face (side to side) of the structure.
 2. Vertical. At least 2 architectural design features shall be incorporated along the vertical face (top to bottom) of the structure.
- B. Entries.
 1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of subsection C below. Secondary entries may face parking lots or loading areas.
 2. Residential Only. Upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.

Comment: “Encouraged” is not a standard. The building code regulates entries/egress.

- C. Pedestrian Walkways. Each developed commercial, or mixed commercial/residential site shall include **paved** pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways

shall meet City standards for sidewalk construction and be the shortest practical distance between the main entry(ies) and public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. **[Note: Though not requirements of Title 10, Walkways, including driveway and accessway crossings, shall be constructed and maintained for pedestrian safety, and shall meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes apply to walkways, including driveway and accessway crossings.]**

Comment: The ADA and State building code requirements are not land use codes. This section is reframed as an editorial note in Title 10 so that the application of these standards is not a land use decision within Title 10.

- D. Multiple Buildings on One Lot—Separation between Buildings, Parking Areas, Walks, and Drives. To provide privacy, light, air, and access to the dwellings and businesses within a development or on a single lot, the following minimum standards shall apply:
1. Buildings with windowed walls facing buildings with windowed walls: 15 feet separation.
 2. Buildings with windowed walls facing buildings with a blank wall, and buildings with opposing blank walls: 10 feet separation.
 3. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
 4. Buildings with courtyards shall maintain separation of opposing walls as listed in paragraphs 1 through 3 above for walls in separate buildings.
 5. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level:
 - a. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the buildings shall be separated by at least 5 feet.
 - b. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

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~~10.5.040.070 Neighborhood Compatibility~~

~~All applications for new construction or for additions and/or modifications to existing buildings shall meet all of the applicable requirements of Article 3.040: Neighborhood Compatibility Review to ensure, to the extent possible, compatibility with surrounding development.~~

Comment: The Neighborhood Compatibility procedure is proposed to be replaced with clear and objective standards under Site Plan Review.

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Article 5.050 CBC Central Business Commercial District

10.5.050.010 Purpose

This district implements the CBC - Central Business Commercial zone district as part of the Commercial Comprehensive Plan designation and is intended to provide an area for commercial uses, along with civic and certain residential uses, and to provide all basic services and amenities required to keep the downtown area the vital pedestrian-oriented center of the community.

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10.5.050.030 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, the specific standards and procedures for the particular sub-district where the use is proposed, and all other applicable requirements of this Title and other City ordinances:

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19. Residential uses as follows:

- a. All dwellings, as defined by this Title, so long as the ground floor is a permitted commercial use.
- b. Attached town houses (zero lot line, 3-8 unit clusters), allowed only outside Sub-district 2.
- c. Multifamily dwellings with dwellings on the first floor, allowed only outside Sub-district 2.

20. Residential care facilities and group homes, located in permitted single-family residential structures.

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10.5.050.070 Design Standards—All Development

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- B. Entries.

1. Commercial and Residential. Primary entries shall face a public street or designated access drives and shall be accessed from a public sidewalk in accordance with the provisions of subsection C below. Secondary entries may face parking lots or loading areas. Doors shall not swing into public rights-of-way.
2. Residential Only.

- a. Within Sub-district CBC-2, upper story residential uses shall have shared or individual entries on the first level only. No outside stairways serving upper story dwellings are allowed.
- b. ~~Outside Sub-district CBC-2, upper story residential uses are encouraged to have shared or individual entries on the first level only. Stairways to upper floors shall be adequately lighted, protected from wind, rain, sun and snow, and not openly visible from the street.~~

Comment: “Encouraged” is not a standard. Dwelling entries/egress is regulated by the building code.

- C. Pedestrian Walkways. Each developed site shall include **paved** pedestrian walkway(s) designed to connect buildings and other accessible site facilities clearly and directly to adjacent public street/sidewalk(s). Walkways shall meet City standards for sidewalk construction, and be the shortest practical distance between the main entry(ies) and the public right-of-way. If adjacent to parking where vehicles overhang the walkway, then the walkway shall be to the City standard plus 2 ½ feet in width for each side vehicles overhang. Walkways shall be distinguished from internal driveways and accessways using at-grade distinctive paving materials or other appropriate surfaces which contrast visually with adjoining surfaces. **[Note:** Walkways, including driveway and accessway crossings, ~~must also shall be constructed and maintained for pedestrian safety, and shall~~ meet the requirements of the Oregon Americans With Disabilities Act, the State of Oregon Structural Specialty Code, and the Oregon Revised Statutes.]

Comment: The ADA and State building code requirements are not land use codes. This section is reframed as an editorial note in Title 10 so that the application of these standards is not a land use decision.

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Article 5.060 CG General Commercial District

10.5.060.010 Purpose

This district implements the CG - General Commercial Zone District as part of the Commercial Comprehensive Plan designation, and is intended to provide areas for a wide range of retail, wholesale, and service businesses commensurate with the needs of the marketing region. New development shall be designed to promote clustering of businesses, use of common access and traffic controls, and use of cross access for vehicles, pedestrians and bicycles between contiguous sites. Safe and convenient pedestrian and bicycle circulation between the particular use and the adjoining street, sidewalk, or public right-of-way shall also be provided.

10.5.060.020 Permitted Uses

- A. Primary Uses Permitted Outright. The following primary uses shall be subject to the provisions of Article 3.030: Site Plan Review, and all other applicable requirements of this Title and other City ordinances:

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22. Residential care facilities and assisted living.

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Chapter 10.6 GENERAL REGULATIONS

Sections:

Article 6.010 Landscaping Standards

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10.6.010.070 Required Landscaping By Zone

Article 6.010 Landscaping Standards

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10.6.010.070 Required Landscaping By Zone

Where required by this Title, landscaping shall be provided on site according to the following minimum requirements. Additional landscaping may be required by the approving authority as a condition of approval in order to mitigate conflicts with neighboring uses and/or to provide adequate screening. Where the landscape requirement listed below is greater than the balance of the lot after lot coverage, the landscaping requirement shall be limited to the area of the lot not covered.

ZONE	SITE REQUIREMENT
RL	Site landscaped according to Article 6.010
RH 1, 2 Family 3+ Family	Site landscaped according to Article 6.010 Equal to 1.5 times the first floor area of all structures minimum
RM 1, 2 Family 3+ Family	Site landscaped according to Article 6.010 Equal to first floor area of all structures minimum
NC 1, 2 Family Residential Only 3+ Family Residential Only	Site landscaped according to Article 6.010 Equal to the first floor area of all structures minimum
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Comment: The standards relating landscape area to first floor area are unusual but do not appear to be excessive.

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Chapter 10.7 PARKING STANDARDS

Sections:

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Article 7.020 General Provisions

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10.7.020.030 Location and Use of Motor Vehicle Parking

10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions

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10.7.020.060 Shared Parking

10.7.020.070 Parking In Mixed Use Development

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Article 7.060 Minimum and Maximum Off-Street Parking Requirements

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

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Article 7.020 General Provisions

Comment: The following parking requirements are fairly common and appear reasonable.
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10.7.020.030 Location and Use of Motor Vehicle Parking

- A. Location. All vehicle parking spaces shall be on the same lot as the main structure they serve or on an abutting lot. However, if the applicant demonstrates that parking on the same lot is not available, the approving authority may authorize the parking spaces to be on any lot within 1,000 feet walking distance from the use being served, upon written findings of compliance with the following provisions:
1. There is a safe, direct, and lighted pedestrian route between the vehicle parking area and the use being served.
 2. There is an assurance in the form of a City Attorney approved deed, lease, contract or similar document that the required spaces will continue to be available for off-street parking use according to the required standards.
 3. Loading areas and delivery vehicle maneuvering areas shall be located only on or abutting the property served.
 4. Land devoted to off-site vehicle parking facilities is calculated as part of the total land area of the development proposal when determining minimum and maximum land use intensities and the number of dwelling units allowed.
- B. Use. Required vehicle parking shall be available for the parking of operable automobiles and bicycles of residents, customers and employees and shall not be used for storage and/or sale of vehicles, materials, or for the parking of trucks or other equipment used in

conducting the business or use. A required loading space shall not be used for any other purpose than immediate loading or unloading of goods or passengers, as appropriate.

10.7.020.040 Allowed Motor Vehicle Parking Reductions, Waivers, and Exemptions

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- D. Off-Street Parking Waiver. Minimum off-street parking spaces required by Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be waived for the following:
1. The property is located within the boundaries of a legally adopted parking assessment district that provides district-wide parking facilities.
 2. The property is located within Sub-district CBC-2 in the Central Business Commercial district, as defined in Section 10.5.050.020: Sub-Districts.
- E. Non-Surface Lot Exemption. Motor vehicle parking located within, above, or beneath the building(s) it serves, or within a parking structure, is not counted toward the maximum parking limit, per Article 7.060: Minimum and Maximum Off-Street Parking Requirements, for the use served.
- F. Parking Management Plan. The off-street parking requirements in Article 7.060: Minimum and Maximum Off-Street Parking Requirements may be reduced or added to based on an approved parking management plan submitted by the applicant which adequately demonstrates that the plan will meet the parking needs of the proposed project without negative impact to adjacent uses. The approving authority shall approve, approve with conditions, or deny the parking management plan. The parking management plan must include the following and be prepared by a licensed professional engineer:
1. A parking demand analysis for the project.
 2. A project vicinity off-street parking supply and demand analysis.
 3. A shared parking analysis.
- G. **Parking Reduction for Affordable Housing. The off-street parking requirements in Article 7.060 Minimum and Maximum Off-Street Parking Requirements are reduced by 20% for affordable housing developments meeting the criteria in article 10.3.085 without the need for a parking management plan.**

<p>Comment: This amendment implements the Housing Strategy recommendation “Adopt additional provisions to allow for the reduction of minimum parking requirements where it may support production of affordable housing.” See also, the proposed amendments to the parking standards in section 10.7.6.010.</p>
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10.7.020.060 Shared Parking

Two or more freestanding uses on the same, adjacent or nearby sites may satisfy the motor vehicle parking requirements of Article 7.060: Minimum and Maximum Off-Street Parking Requirements by the use of a shared parking facility. Applicants taking advantage of this provision are not eligible for the parking reductions per subsections 10.7.020.040(A), (B) and (C)

of this Article. Shared parking is an option to the extent that the owners or operators proposing the shared parking can demonstrate the following:

- A. Facility Size. The size of the proposed shared parking area shall be at least as large as the number of vehicle parking spaces required by the larger(est.) use per Article 7.060: Minimum and Maximum Off-Street Parking Requirements.
- B. Space Requirements. There are enough parking spaces to satisfy the minimum requirements, per Article 7.060: Minimum and Maximum Off-Street Parking Requirements, of all uses proposing to share the facility, or the owners or operators can show that the demand for parking in the shared facility does not materially overlap (uses primarily of a nighttime versus daytime, or weekday versus weekend nature).
- C. Written Instrument. A right of shared use shall be evidenced by a City Attorney approved deed, lease, contract, or similar written instrument upholding the right of shared parking.

Comment: Multifamily housing is not typically eligible for shared parking. However, off-site shared parking should be permitted to meet visitor parking requirements. In addition, reducing required parking for mixed-use developments, as existing below, is a typical way to account for a greater percentage of pedestrian trips (mode split for walking) “built in” to the site.

10.7.020.070 Parking In Mixed Use Development

The requirements for motor vehicle parking for mixed use development may be determined using the formula method or the parking management plan method.

- A. Formula Method. Mixed use development projects using this formula are not eligible for further parking reductions per Section 10.7.020.040(A) of this Article, but may take advantage of reductions per subsections 10.7.020.040(B) and (C) of this Article. For the purposes of this Article, “mixed use” development can include any mix of residential, office, commercial, or light industrial use types:
 - 1. Primary Use. The primary use (largest portion of total floor area within the development) at 100% of the minimum vehicle parking required for that use per Article 7.060: Minimum and Maximum Off-Street Parking Requirements.
 - 2. Secondary Use. The secondary use or uses (second largest proportion of total floor area within the development) at 70% of the minimum vehicle parking required per Article 7.060: Minimum and Maximum Off-Street Parking Requirements.
 - 3. Subsequent Uses. Subsequent use(s) at 50% of the vehicle parking required for each use(s) per Article 7.060: Minimum and Maximum Off-Street Parking Requirements.
- B. Parking Management Plan Method. A parking demand management plan may be submitted in accordance with Section 10.7.020.040(F) of this Article.

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Article 7.060 Minimum and Maximum Off-Street Parking Requirements

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Each of the use types described below are subject to the following minimum and maximum off-street parking requirements in accordance with the provisions of this Title and other City ordinances. Development which mixes more than one use type shall calculate the parking requirement based on the requirement for each of the uses. Reductions in parking requirements are allowed in Section 10.7.020.040, and further reductions may be requested through the adjustment process in Article 3.080 or through the conditional use procedure in Article 3.050. The Director shall determine similarity of use type for those uses not specifically listed:

Use Type	Auto Parking***		Bicycle Parking
	Minimum	Maximum	
RESIDENTIAL			
1, 2, and 3 dwelling units	2 spaces per dwelling unit	None	None
4 to 12 units (multifamily)	6 spaces, plus 1.5 spaces per dwelling unit in excess of 3 units	None	1 space per dwelling unit
13 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, 1 parking space will be required for every 2 bedrooms, but not less than 1 parking space per dwelling unit.			
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* Outdoor seating area shall count as floor area in determining the parking requirements for restaurants without drive-thru.

** Service stations with convenience markets shall meet the parking requirements for each use.

*** **Parking within a front setback shall be counted toward the minimum required parking only where it is located on a paved surface in front of a garage or other approved parking area and shall have a minimum depth of 20 feet.**

Comment: For multi-family developments on small sites, the above parking requirements may be difficult to meet, creating a barrier to the production of smaller housing options. For example, assuming a four-unit development on a flat 5,000 sq. ft. lot with good street access, no encumbrances (easements), and no right-of-way dedication required, eight parking spaces (7.5 rounded up) would be required. Allowing 300 sq. ft. per parking space, including circulation, parking for eight vehicles requires 2,400 sq. ft., or 48% of the site. After deducting another 20% (1,000 sq. ft.) of the site for stormwater facilities, solid waste storage, landscaping and open space, only 1,600 sq. ft. remains. With a building footprint of 1,600 sq. ft. the dwelling units would either be limited to an average of 400 sq. ft. each, in a one-story structure, or 800 sq. ft. per unit in a two-story structure.

Options for Maximizing Parking Efficiency

Parking in Front Setback on a Paved Driveway

One option is to count parking on any driveway that connects to a garage or other approved parking area, as proposed under Site Plan Review, section 10.3.030.040, and above for single family dwellings or duplexes. The Advisory Committee suggested the City explore alternatives to asphalt and concrete paving for parking areas, to include grass-crete and other permeable paving.

Credit for On-Street Parking

Some cities allow a “credit” for on-street parking that abuts or is located within a specified distance of a multifamily development. The credit is typically permitted by right rather than something applicants have to apply for or request through a parking demand study. By limiting the credit to parking that is close by, the impact to neighbors from spillover parking is avoided.

Reduce or Eliminate Minimum Required Parking (Rely on Market to Provide Adequate Parking)

A broader reform would be to reduce the required parking ratio to 1 space per dwelling, or to require no off-street parking at all and instead rely on the market. This assumes that developers will provide parking, and tenants will pay for it, either directly as a premium on rent, or indirectly spread across units, based on demand, rather than a city requirement. This would reduce development costs for some projects. It would also reduce rents for families who need only one parking space, as a typical surface parking space can cost more than \$20,000 including land and construction.

This approach may only work if there is a sufficient supply of parking for those who are dependent on having more than one automobile. Charging the true cost of parking for these households may also create an additional cost burden that they cannot afford. If a developer does not provide enough on-site parking, instead relying on public on-street parking in the surrounding area, neighborhood residents and the city as a whole can end up subsidizing what would otherwise be on-site parking.

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City of The Dalles

Housing Code Amendments – Planning Commission/Public Meeting
May 16, 2019

Purpose

- ▶ Implement The Dalles' Housing Strategy:
 - ▶ Phase 2: Multifamily Housing
- ▶ Comply with Oregon Needed Housing Statutes, including SB 1051 (2017)



Objectives

- ▶ Consistent with Comprehensive Plan (Report pp. 5-9)
- ▶ Implement Housing Strategy Multifamily Housing Actions
 - ▶ Flexibility for a variety of sites (pp. 45-57)
 - ▶ Density & height bonuses for affordable housing (pp. 34-36)
 - ▶ Reduced parking requirements (pp. 34-36; 67-71)
 - ▶ Cottage cluster dev - small SF homes (pp. 15; 36-41, 46, 52)



Work Plan



Task 1: Kickoff

- Verify Scope
- Schedule
- Complete



Task 2: Draft Code

- Concepts
- Advisory Committee (AC)



Task 3: Adoption-Ready Code

- Interim Draft
- AC
- Public Meeting
- Final Draft
- Due June 30



Nine Key Concepts

1. Definitions amended (pp 15-19)
2. Public notice/hearing requirements clarified (pp. 21)
3. Site Plan Review - C&O standards/criteria (pp. 22)
4. Neighborhood Compatibility Review “ “ “ (pp 27)
5. Adjustments – clarified and expanded (p. 30)



Nine Key Concepts (cont')

6. **Affordable Housing Incentives** (pp. 33)
- ▶ Density, Height, Lot Coverage, Parking
 - ▶ Separately adopt affordable housing program criteria



Key Concepts (cont')

7. Cottage Cluster Development (pp. 36-42)

- ▶ RM and RH zones
- ▶ 12,000 sq. ft. or larger site
- ▶ 4-12 or 4-24 cottages
- ▶ 400 sq. ft.-900 sq. ft. (or 1,400 sq. ft.) max
- ▶ Common open space 400 sq. ft./unit
- ▶ Private open space 300 sq. ft./unit
- ▶ Setbacks, separation, height limit
- ▶ Site layout and building design standards
- ▶ One parking space per unit minimum
- ▶ Common area maintenance

Salish Pond Cottages - Fairview

LOCATION

Salish Pond Cottages

ADDRESS

750 W. Pond Drive
Fairview, OR

LOT SIZE / DENSITY

2,700 sf / 16 per acre

DWELLING SIZE

750 - 1200 sf

RENT VS. OWN

Typically owned



Key Concepts (cont')

8. RH, RM, NC, CBD, CG zones (pp. 44-64)

- ▶ Clarify existing requirements
- ▶ Add flexibility to development standards (tables) for multi-family housing, consistent with planned densities

9. Parking (pp. 67-70)

- ▶ Affordable housing incentive
- ▶ Allow credit for parking in front setback on paved driveway
- ▶ Consider other options for reducing development costs



Thank you

► Questions?