



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

AGENDA

CITY OF THE DALLES PLANNING COMMISSION

Thursday, January 21, 2021

6:00 P.M.

Via Zoom

<https://zoom.us/j/97130503333?pwd=ZzJXV3c0S1o5NTcrekNvWjB0V0lodz09>

Meeting ID: **971 3050 3333** Passcode: **006779**

Dial by your location: 669-900-6833 or 253-215-8782

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. ELECTION OF OFFICERS
- VI. APPROVAL OF MINUTES – December 17, 2020
- VII. PUBLIC COMMENT
- ~~VIII. QUASI-JUDICIAL PUBLIC HEARING – Application Withdrawn~~
~~CUP 196-20, StarTouch, Inc., 400 E. Scenic Drive, 1N 13E 9 tax lot 100~~
~~REQUEST: Approval to provide wireless backhaul for cellular services in The Dalles area by mounting up to three small microwave/antennas to the rooftop of Building 1 of the Columbia Gorge Community College.~~
- IX. DISCUSSION ITEM
The Dalles Housing Code Update: House Bill 2001 – Middle Housing
The City's consultant, Matt Hastie of Angelo Planning Group, will provide a project overview, summary of the code audit results, discussion on outreach approach and provide details on our next steps.
- VIII. STAFF COMMENTS/PROJECT UPDATES
Next Meeting Date: February 4, 2021
- IX. COMMISSIONER COMMENTS OR QUESTIONS
- X. ADJOURNMENT

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COMMUNITY DEVELOPMENT DEPARTMENT

MINUTES

CITY OF THE DALLES PLANNING COMMISSION

MEETING HELD VIA ZOOM
THURSDAY, DECEMBER 17, 2020
6:00 P.M.

CALL TO ORDER

Vice Chair Poppoff called the meeting to order at 6:01 p.m.

ROLL CALL

Commissioners Present: Cody Cornett, Alan Easling, Philip Mascher, and Mark Poppoff; two positions vacant

Commissioners Absent: Brent Bybee

Staff Present: Community Development Director Alice Cannon, City Attorney Jonathan Kara, Senior Planner Dawn Marie Hert, Associate Planner Joshua Chandler, City Engineer Dale McCabe and Secretary Paula Webb

PLEDGE OF ALLEGIANCE

Senior Planner Hert led the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Mascher and seconded by Cornett to approve the agenda as presented. The motion passed 4/0; Cornett, Easling, Mascher, and Poppoff in favor, none opposed, Bybee absent, two positions vacant.

APPROVAL OF MINUTES

It was moved by Easling and seconded by Mascher to approve the minutes of November 19, 2020 as written. The motion passed 4/0; Cornett, Easling, Mascher, and Poppoff in favor, none opposed, Bybee absent, two positions vacant.

PUBLIC COMMENT

None.

DISCUSSION ITEM

The Dalles Housing Code Update, House Bill 2001 – Middle Housing

Senior Planner Hert introduced consultants Matt Hastie and Brandon Crawford, Angelo Planning Group (APG). The City has worked with APG over the years on a number of projects including updates to our Transportation Safety Plan, the 2017 Housing Strategies Report, Buildable Lands Inventory and Phase 1 of our Housing Code Amendments.

Also invited were three community members to provide input on the Housing Code Audit:

- Joel Madsen, Executive Director, Mid-Columbia Housing Authority and Columbia Cascade Housing Corporation. Madsen's career has been dedicated to public service and the affordable housing industry. Since January of 2014, he has led his agencies in promoting and administering affordable housing solutions throughout the Mid-Columbia region which includes Hood River, Wasco and Sherman Counties in Oregon, as well as Klickitat and Skamania Counties in Washington.
- Nate Stice has worked out of the Governor's Office with Regional Solutions since 2016. He spent the previous five years working in government relations at the University of Oregon. Stice grew up in Umatilla, the eastern end of the Columbia River Gorge.
- Mary Hanlon, principal of Hanlon Development, has an extensive background in development in both the public and private sectors, having provided consulting services in planned real estate development projects across the US. Hanlon has overseen the planning and management of complex real estate revitalization efforts, taking several projects from identification of land purchase, through the development process to leasing and ownership. Hanlon served in the U.S. Department of Housing and Urban Development as a policy advisor and liaison on multiple programs, and has also been a professional staff member for the U.S. House of Representatives Select Committee on Aging. Hanlon has provided consulting for the Portland Development Commission as well as dozens of other public, private, and non-profit organizations.

Consultants Matt Hastie and Brandon Crawford, Angelo Planning Group, provided a presentation on The Dalles Middle Housing Code Update.

Hastie stated House Bill (HB) 2001 was passed by the Oregon Legislature in 2019 to expand housing options in most residential areas. Medium-sized cities, including The Dalles, are required to allow duplexes on any lot or parcel that allows detached single-family dwellings. Forms of middle housing include triplexes, quadplexes, townhomes and cottage cluster housing.

The Department of Land Conservation and Development (DLCD) provided a Model Code to assist cities with implementation of HB 2001. Cities may amend their code to include the requirements of HB 2001 or adopt the Model Code in full or part. DLCD also adopted a set of Administrative Rules that provide prescriptive guidance in terms of how cities apply legislation. Further information is provided in Exhibit 1.

Discussion included:

Vice Chair Poppoff stated two parking spaces per unit are not unreasonable for a duplex. Hastie replied current standards require four parking spaces per duplex. Duplexes will still be allowed to develop more than two spaces per duplex, however, the City is not allowed to require more than one space per unit.

Commissioner Mascher asked if there had been consistent push back against a greater density of duplexes. Vice Chair Poppoff replied there was push back from one resident regarding a duplex

proposed in the low density residential district. Poppoff said there have not been many duplexes built in The Dalles since the late 1950s to early 1960s.

Commissioner Easling asked what the ramifications were if the City was not compliant. Hastie replied if the City was not compliant, the Model Code requirements would be imposed. The noncompliance remedy from the DLCD is to apply the provisions of the Model Code to any [noncompliant] item.

Commissioner Mascher asked what the ultimate enforcement was for noncompliance. Hastie replied he was unsure, but DLCD has the ability to impose enforcement orders.

City Attorney Kara provided additional context. To answer, "What happens if we don't follow the Model Code?" Kara stated, "If an application is denied based on the fact they're not offering enough parking, but the Code says they don't have to offer enough parking, then we'll get sued and we'll lose." This is called a mandamus action, meaning we must do something. Failure by the City will give rise to liability; the state court will step in to enforce this and the City will be compelled to approve the application.

Ms. Hanlon asked if this review was an opportunity to look more broadly at the Comprehensive Plan, planning, building, and zoning regulations, as they affect the ability to develop housing in The Dalles, or if this was really to get uniformity around duplexes and single family housing.

Hastie replied there were already changes made related to middle housing; the focus here was on middle housing. The City prepared a Housing Needs Analysis and Housing Strategies Report in 2017 which included a variety of recommendations related to the City's Development Code along with other strategies unrelated to the Code. A number of those were pertinent to middle housing, many of which had been implemented. This was viewed as an opportunity to discuss items not yet implemented and determine interest in moving forward. The short answer is, "Yes." Director Cannon stated the Board has grant funding to work with APG to bring the Code into compliance. She urged the Commission to suggest other areas identified where the Code could be improved. We should always aspire to think big and think of ways to make our Code even better.

Ms. Hanlon had a question for context. "Wasn't there just a big housing development in The Dalles trying to [build] duplexes that's now before LUBA? That's what I generally understand and I'm just wondering. The Codes are all about encouraging that." She wondered what the mindset is toward what may appear as a contradiction in goals or outcomes.

Vice Chair Poppoff replied the big problem with that, aside from density, was specifically the lack of infrastructure. It wasn't a bad design, it just needed to be closer into town. Poppoff said we have a zoning problem that we need to look at.

Ms. Hanlon replied that makes complete sense, but doesn't this Code challenge that idea of the City's ability to do that? Hanlon is not proposing one way or the other. When she looked through the regulations that question remained forefront in her mind.

Senior Planner Hert stated the proposed subdivision was all single family parcels for attached single family homes. No duplexes were included in the proposal, but any of those parcels could potentially include duplexes. In terms of density, Staff is reviewing enforcement of density. Provisions exist in the Code and we are requiring density standards be met in our community. We have some very small lot standards now; the built environment could allow for infill strategies for ADUs, as well as modifications to add multi family or duplexes. Director Cannon said this is the statewide conundrum, and it's why we have the Planning Commission and three community experts at the table. It is a state priority to make our Code friendly to higher density development. That translates to more housing options available for a wide variety of incomes. Some of this is

prescriptive, we have to comply. Fortunately, The Dalles does not have to comply with as many requirements as communities in the Metro area. It's important for this group to blend these requirements into our Code the best way possible. If there are ways we can make it more congruent with the values in The Dalles, let's try to do that. That's why we need the Commission to weigh in. If there will be perceived impacts, how can we best communicate to the community why this is important?

Mr. Stice stated HB 2001 actually came from the Speaker's office. He said he loved that The Dalles already beat the state to the punch on this. There is value in The Dalles around affordable places for people to live. This is regulating the housing market in a way that may make small changes around the edges. It's not going to be any huge, overnight changing the two bedroom, one bath rent magically from \$1,300-\$1,400 back to \$900 again, but maybe it can be kept below \$1600 in the next four years. Stice said the Planning Commission and City is to be praised for being ahead of this, doing this hard work before a lot of the state.

Director Cannon said the work done is reflected in the market now. This summer and fall we've received multiple applications, approximately 20 new units for duplexes or triplexes. This is changing the City's environment now.

Senior Planner Hert agreed quite a few applications were received. Both Hert and Associate Planner Chandler have received comments from concerned neighbors opposed to the permits due to density or loss of open space. Hert said it will be difficult to change that mind set. We are on our way, it's going to happen, but there is a bit of reluctance from the community.

Commissioner Mascher stated as a realtor, it is abundantly clear that the greatest pressure is for middle housing. That segment sees the most interest from people moving to smaller communities and investors interested in small communities. We know there are a lot of people who work hard and need more affordable housing. Mascher said this all makes sense. These statewide mandates, while they can feel as mandates imposed, in the long term make sense, especially for cities where growth boundaries are so clearly restricted by the Scenic Area. As I hear the requirements, I think that's exactly what we need. It answers a clear market need.

Vice Chair Poppoff asked what the price range was when talking about middle housing.

Mr. Hastie said this could be viewed as a mandated requirement by the state, but it is also an opportunity to provide more flexibility for developers and property owners in terms of land use. The last Housing Needs Analysis said we had a very low vacancy rate, particularly for rental housing, and a strong need for housing affordable to people with lower and moderate income. There is no guarantee that middle housing (duplexes, triplexes, quadplexes) will always be affordable to people with less money. However, on average it's typical to build those units at a lower cost. Mr. Hastie said the price range could vary widely; he did not provide a price range specific to The Dalles.

Commissioner Mascher said the biggest demand for residences is in the \$200,000 to \$300,000 range. We have a huge need for affordable rentals. If someone builds a duplex, triplex or quadplex, it's reasonable to assume they would rent a portion of it. There is a huge demand for rentals below \$1,200 range. Mascher said that information is anecdotal based on his own properties.

Mr. Hastie stated the analysis showed a very low vacancy rate for rental housing.

Mr. Stice stated he checked the Facebook Marketplace regularly. He found five rental listings, all over \$1,200. Some were very modest, in the 700 sq. ft. range. In the next part of this strategy, we need to think about permanent affordable housing.

Commissioner Mascher said decreasing the minimum sizes is usually helpful; it decreases development costs and makes it more attractive to develop lower cost rental units.

Mr. Stice said the people he heard most from about the need for rentals are our large employers. This is a business friendly policy as well, to make sure we can continue to have good paying jobs in The Dalles.

Senior Planner Hert said this is a great summary. If there was a good thing about COVID, it was that it allowed staff to review our Code and identify issues. A group of these potential amendments fit within this grant. Staff will bring additional amendments in the future.

Vice Chair Poppoff said there is a large bulk of affordable housing in the general downtown area, between Mill Creek to the west and Dry Hollow to the east. We should encourage keeping this housing and discourage demolition of existing homes to make room for multi-housing that will cost more. Cost per unit has more to do with square footage. Multi-family houses actually cost more due to fire and sound walls between units. Multi-family housing might make sense where land prices are very expensive. A cluster cottage would actually be cheaper than the same number of attached row houses in the same area.

Mr. Hastie said he was not looking for a recommendation or decision now, but he wanted to highlight some of the questions he will ask over the next few meetings:

- Currently, our Code defines duplexes as two units located on a single lot. The Administrative Rules and the Model Code allow you to define a duplex as either two attached units or two individual units on a single lot. Options are to retain the current definition or consider defining a duplex in a broader manner.
- One path is to simply adopt the Model Code. Hastie thought the most likely approach was to look at each of the requirements and determine something that fits with our Code, but remains consistent with the Administrative Rules.
- Does the City want to move forward with other possible middle housing code elements?

Commissioner Mascher asked if the City's current duplex definition was stacked, attached and detached. Hastie replied the definition was stacked or detached, and two units in one structure. Senior Planner Hert clarified it as common wall construction.

Commissioner Mascher asked for the difference between a duplex and a townhouse. Hastie replied middle housing defines townhomes as individual units on their own lots. Duplexes, triplexes and quadplexes are defined as two, three or four units on a single lot. The Administrative Rules and Model Code defines them as attached or detached units all on one lot. Townhomes are each on an individual lot.

Ms. Hanlon questioned the definition of tiny houses. The audit said tiny houses are on wheels. The reason they went to "on wheels" was as a work around because local areas were not allowing tiny houses. Hanlon thought The Dalles also discouraged tiny houses. She said they were a practical option and could be affordable for some. Is there a way to address that type of housing in this process?

Mr. Hastie replied one type of tiny homes were on wheels. In some jurisdictions, tiny homes are on a foundation, essentially defined by their size. Hastie said we could discuss tiny homes, but did not think we could reach a draft of essential elements around tiny homes in the time available.

Mr. Stice placed comments in the Zoom Chat Room on the median price of homes, Exhibit 2.

Director Cannon asked the group to keep dreaming big about what is possible in The Dalles. Cannon said creative ideas would work here and felt the community would support this if they knew more. Staff will retain a list of aspirations and projects to take into the future.

Senior Planner Hert said a new section of the Code was approved that allows cottage cluster development.

Commissioner Mascher said at least twice a month he was asked about tiny homes and cottage clusters. The closest cottage cluster to us, Wyer's End in White Salmon, has had amazing success. Mascher said he had many people waiting to buy a home there.

Mr. Hastie said the existing provisions in the Code for cottage clusters puts The Dalles ahead of most other communities in the state.

Vice Chair Poppoff asked for the price of the White Salmon cottage cluster homes. Commissioner Mascher replied they were in the mid-\$300,000 range.

Mr. Hastie said he appreciated the comments. If there are additional questions or comments, please forward them to Staff. A summary of this evening's meeting will be provided.

Mr. Stice stated the median price for a modest home is nearly \$300,000 for a two bedroom, two bath.

Director Cannon thanked everyone for their contributions and said she looks forward to more discussion. She was pleased to receive funding for the work of Angelo Planning Group. There are constraints: time and scope. Staff wants the Planning Commission to feel free to be dreamers for The Dalles. In other words, the Commission should feel empowered by the City Council to dream about the future in The Dalles. If Staff cannot implement the ideas now, voice them anyway. Staff can add them to a future work program. The newly elected City Council will be meeting in January for goal setting. Cannon thought housing would continue to be an issue in our community.

STAFF COMMENTS / PROJECT UPDATES

None.

COMMISSIONER COMMENTS OR QUESTIONS

Commissioner Cornett said he had a lot of questions and inquiries about storage container houses he would like to address. Manager Cannon replied Staff could research this form of housing upon request.

ADJOURNMENT

Vice Chair Poppoff adjourned the meeting at 7:37 p.m.

Respectfully Submitted
Paula Webb, Secretary
Community Development Department

Brent Bybee, Chair

The Dalles Middle Housing Code Update

Advisory Committee Meeting #1

December 17, 2020, 6:00 pm



Agenda



1. Introductions
2. HB 2001 and 2003 Background
3. Duplex Comprehensive Plan and Code Audit
4. Other Middle Housing Standards and Opportunities
5. Next Steps and Adjourn

House Bill 2001 (HB 2001) Background



- Passed during the Oregon 2019 State Legislative Session
- Expands housing options in Oregon cities by permitting middle housing in most residential areas
- Medium-sized cities (10,000 – 24,499) required to allow duplexes on any lot or parcel that allows detached single-family dwellings
- Large cities (25,000+) and Portland Metro cities (1,000+) have same duplex requirement as medium-sized cities AND required to allow triplexes, quadplexes, and cottage cluster housing in areas zoned for single-family

House Bill 2003 (HB 2003) Background



- Passed during the Oregon 2019 State Legislative Session
- Requires cities over 10,000 people to conduct a housing needs analysis (HNA) for future residents every 6 to 8 years
- Directs Oregon Housing and Community Services (OHCS) to conduct a Regional Housing Needs Analysis – forecast of housing need for every income level in each Oregon region for next 20 years
- HB 2003 provided funding for technical assistance grants to DLCD to distribute to cities working to complete their HNA
- Technical assistance schedule runs through June 30, 2021

Project Overview

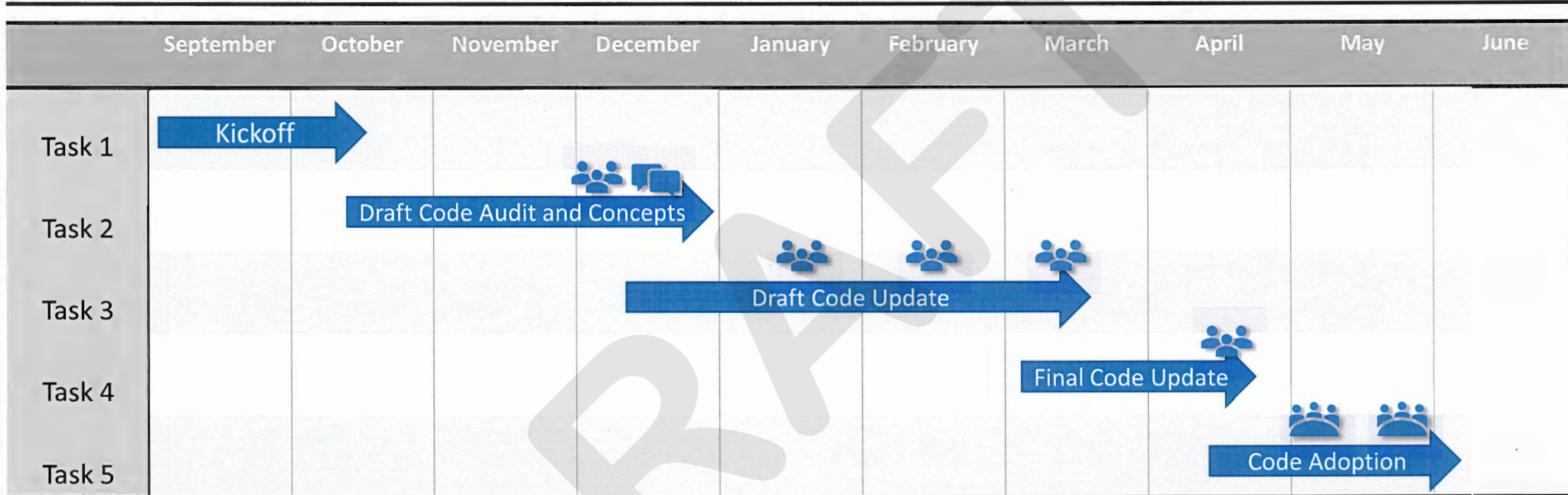


- City of The Dalles received grant funding from the Department of Land Conservation and Development (DLCD) for technical assistance
- Consulting team includes Angelo Planning Group (APG) and Cascadia Partners
- Project must be complete by June 15, 2021
- Code amendments must be adopted by June 30, 2021



Schedule

-  Advisory Committee Meeting
-  Open House Meeting
-  Public Hearing



Duplex Audit: HB 2001 Requirements



- Medium-sized cities (10,000 – 24,499) required to allow duplexes on any lot or parcel that allows detached single-family dwellings
- Medium cities have two tracks to comply by **June 30, 2021**:
 1. Adopt Housing Options Model Code for Medium Cities (modular approach)
 2. Adopt tailored amendments consistent with minimum standards in OAR 660-046
- OAR 660-046 also requires residential standard comply with ORS 197.307 Clear and Objective Standards for “needed housing”



Duplex in Hermiston

Duplex Audit Framework



The Audit focuses on:

- Ensuring that duplexes are permitted uses in all residential zones
- Applying development, siting, lot, and design standards that comply with the OAR minimum standards
- Providing the same development review procedures for duplexes and SFDs
- Ensuring that standards, conditions, and procedures do not discourage duplexes through unreasonable cost or delay.



Stacked duplex



Side-by-side duplex



Side-by-side duplex

Duplex Audit: Comprehensive Plan Findings



Housing goals, policies, and measures may need amendments to ensure consistency with HB 2001:

- Clarify duplexes are allowed in residential zones where single-family is permitted
- Recognize the need for other middle housing types



Duplex in Coos Bay



Duplex in La Grande

Duplex Audit: Development Code Findings



Where do HB 2001 standards apply in The Dalles? All residential zones in The Dalles, including:

- 5.010 RL – *Low Density Residential*
- 5.020 RM – *Medium Density Residential*
- 5.030 RH – *High Density Residential*
- 5.040 NC – *Neighborhood Center Overlay*

Duplex Audit: Development Code Findings



Overview of Key Findings:

- Close to meeting minimum compliance standards established by OAR 660-046
- Need Development Code amendments regarding:
 - Lot size
 - Density
 - Parking
 - Design and landscaping standards

Duplex Audit: Development Code Findings



- ***Minimum lot sizes*** – Minimum lot sizes are not the same for both duplexes and SFD.
- ***Density maximums***
 - HB 2001 requires cities to exempt density maximums to duplex development.
 - Current density maximums do not exempt duplexes.
- ***Parking***
 - HB 2001 requires the minimum parking requirements to be a maximum of two spaces for a duplex.
 - Current standards require four spaces for duplexes (minimum two spaces per dwelling unit).

Duplex Audit: Development Code Findings



- **Landscaping**

- SFDs are exempt from landscaping requirement per 6.010.030(C) – Completion Prior to Occupancy.
- Exemption does not currently apply to duplexes.

- **Clear and Objective Standards**

- Duplexes must have *traditional* front entries (5.040.070(E) Design Standards)
- Duplexes must have the *appearance of a single house* (3.030.040 Review Criteria Design Standards)

Other Middle Housing Standards and Opportunities



2019 Middle Housing Code Amendment Recommendations Review

ADOPTED

- Define and create development/design standards for cottage cluster housing
- Remove neighborhood compatibility section for Low Density Residential District (RL)
- Remove design standard that encourages separate upper story unit to have a separate entry
- Update development standards in Medium (RM), High Density (RH), and Neighborhood Center (NC) Residential Districts (partially adopted)

NOT YET ADOPTED

- Update design standard language to be clear and objective for Medium Density (RM) district
- Revise parking standards – adjust minimum parking requirements, provide on-street parking credits, and count parking in front setback on paved driveways
- Provide density and height bonuses

Other Middle Housing Standards and Opportunities



Adopted
Updated
Not Adopted or Updated
No Recommended Update

	Standard			
	One Dwelling Unit per Lot	Two Dwelling Units per Lot	Three Dwelling Units per Lot	Four or More Dwelling Units per Lot
High Density (RH) Minimum Lot Area	1,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	3,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	4,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	6,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre
High Density (RH) Minimum Lot Width	25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots	40 ft.	60 ft.	75 ft.
High Density (RH) Minimum Lot Depth	60 ft.	60 ft.	85 ft.	85 ft.
Medium Density (RM) Minimum Lot Area	2,000 sq. ft. per dwelling unit, not to exceed 17 units per acre	5,000 sq. ft. per dwelling unit, not to exceed 17 units per acre	7,500 sq. ft. per dwelling unit, not to exceed 17 units per acre	10,000 sq. ft. per dwelling unit, not to exceed 17 units per acre
Medium Density (RM) Minimum Lot Width	25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots	50 ft.	75 ft.	80 ft.
Medium Density (RM) Minimum Lot Depth	65 ft.	65 ft.	85 ft.	100 ft.

City's Proposed Land Use Revisions

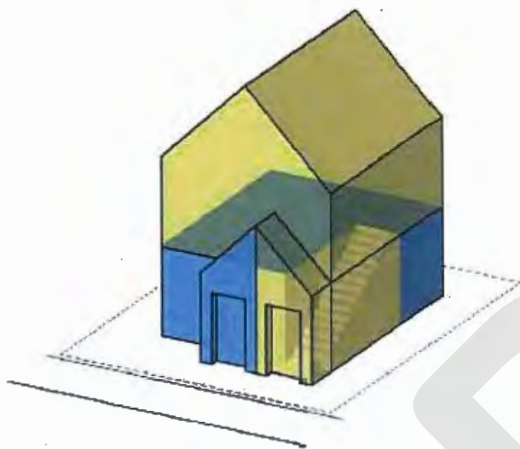


- Update density ranges to be consistent between Comp Plan and Code
- Remove "small lot single-family detached dwellings (3 to 8 unit clusters)"
- Remove "minimum site area" standard
- Revise minimum lot areas and remove lot area "per dwelling unit"
- Add/modify site plan review requirements for all multifamily and cottage cluster
- Replace "attached town houses" with "single-family attached"

Duplex Audit: Key Decisions for Committee



1. Definition of duplex – attached or detached
2. Path to compliance – affirm current approach
3. Comment on other possible middle housing strategies



Stacked Duplex



Attached Duplex



Detached Duplex

Next Steps: Code Update



- Online Public Outreach
- Draft Initial Duplex Code Amendments (City and Advisory Committee drafts)
- Advisory Committee meeting #2 (week of 01/18/21)
- Draft Additional Code Amendments (Batch 2)
- Advisory Committee meeting #3 (week of 02/15/21)
- Draft Additional Code Amendments (Batch 3)
- Advisory Committee meeting #4 (week of 03/15/21)

Chat Room Comments from Nate Stice, Oregon Regional Solutions:

A realtor provided these numbers a bit ago, the median sales prices for a single family home in The Dalles from Jan-Sept 2020 was \$302,000, up from \$274,000 in the same time period in 2019 (10.36%).

These are the rents for the six rental properties I found on Zillow a few weeks ago:

- 1) 1 bd/1 ba, 1228 sq/ft \$1,400/mo (utils included up to \$150)
- 2) 2 bds/1 ba, 850 sqft, \$1,050/mo
- 3) 3 bds/2 ba, 1,900 sqft, \$1,825/mo
- 4) 2 bds/2 ba, 1,331 sqft, \$2,000/mo
- 5) 2 bds/1 ba, 750 sqft, \$1,200/mo
- 6) 3 bds/1.5 ba, sqft, \$1,395/mo

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

MEMORANDUM

To: City of The Dalles Planning Commission

Meeting Date: January 21, 2021

Re: Conditional Use Permit #196-20, StarTouch, Inc.
Columbia Gorge Community College

Prepared by: Dawn Marie Hert, Senior Planner

The Public Hearing for Conditional Use Permit #196-20, StarTouch, Inc. will be removed from the Planning Commission Agenda. The request for wireless microwave antenna additions to the roof of the CGCC is considered an exempt use/activity per Section 10.6.140.020 Exclusions C. Microwave dishes:

The Dalles Municipal Code, Article 6.140 Wireless Communication Equipment
10.6.140.020 Exclusions

The following uses and activities shall be exempt from these regulations:

- A. Existing towers and antennae, and any repair or maintenance of these facilities which does not create a significant change in visual impact.
- B. Ham radio towers, citizen band transmitters and antennae.
- C. Microwave dishes.**
- D. Antennae and associated equipment and other apparatus located completely within an existing structure the purpose of which is to enhance or facilitate the communication function of other structures on the site.
- E. Federal, state, and local government facilities used for emergency communications.

After additional review and discussion with the applicant, staff verified the equipment in use for this application was considered microwave technology and the antenna was considered a microwave dish. Staff has determined the application for a Conditional Use Permit is no longer necessary.

The Historic Landmarks Commission (HLC) review was still necessary due to the modification of an historic building. The requirement was met when the application gained approval from the Historic Landmarks Commission on November 18, 2020.

CUP 196-20, StarTouch, Inc.

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COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: City of The Dalles Planning Commission

Meeting Date: January 21, 2021

Re: The Dalles Housing Code Update;
House Bill 2001 - Middle Housing

Prepared by: Dawn Marie Hert, Senior Planner

The City's consultant, Angelo Planning Group, prepared the attached Memorandum dated January 12, 2021 detailing the initial set of draft amendments to The Dalles Municipal Code, Title 10 – Land Use and Development and The Dalles Comprehensive Plan. This document is a product of the completed audit detailed at the December 17, 2020 Planning Commission meeting.

We will review the first of three batches of amendments tonight and plan to complete the following tasks: address all siting and design standards compliance issues identified in the Audit, and describe/highlight different options where they exist (e.g., attached vs. detached units).

Matt Hastie, Angelo Planning Group, will present the draft amendments to the Commission. Discussion is expected to be one hour to an hour and a half. Items for the meeting are expected to include:

- Introductions (5 minutes)
- Project update (5-10 minutes)
- Draft Code Amendments and Discussion (60 minutes)
- Online Open House and Survey (10 minutes)
- Next Steps (5 minutes)

Staff will also provide details of plans for community outreach and notification about the online open house and survey created by our consultant. We will endeavor to direct people to this information and solicit responses to the accompanying survey.

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MEMORANDUM

DRAFT Middle Housing Code Update Recommendations City of The Dalles

DATE January 14, 2021
TO Alice Cannon, Dawn Hert, and Joshua Chandler, City of The Dalles
Scott Edelman, Ethan Stuckmayer, DLCD
FROM Matt Hastie and Brandon Crawford, Angelo Planning Group

The purpose of this memo is to propose an initial set of draft amendments, or updates, to the City of The Dalles Municipal Code, Title 10 -Land Use and Development to implement the rules established by Oregon's House Bill 2001 (HB 2001, adopted 2019). HB 2001 requires medium and large cities to allow middle housing in all residential areas, with the intent of increasing housing supply and affordability in Oregon. Medium cities (10,000 – 24,999), which includes The Dalles, are required to allow duplexes on any lot or parcel that allows single-family homes in residential areas. For the purposes of these new rules, duplexes are defined as two dwelling units located on a single lot or parcel.

The recommended code updates in this memo are informed by areas of non-compliance with HB 2001 that were identified in The Dalles Duplex Code Audit. The Audit evaluates how the City currently regulates duplex development against the minimum compliance standards established in OAR 660-046, which implements the requirements for HB 2001. The Audit also includes additional information on the background or intent of HB 2001 and this project and addresses other areas in the Code and general housing strategies that the City may consider adopting. To make review of the potential amendments more manageable, they will be divided into three “batches”, or phases, of recommended Code updates throughout this project:

- Batch 1: Address all siting and design standards compliance issues identified in the Audit; describe/highlight different options where they exist (e.g., attached vs. detached units)
- Batch 2: Summarize other middle housing standards and additional related clean-up amendments from the City (e.g. lot size and lot width standards for triplexes and quadplexes).
- Batch 3: Identify other possible code updates that could help support or reduce barriers to development of middle housing or other less traditional housing types (e.g., container or tiny homes, or possible changes to townhome standards)

This memo will serve as the first batch of update recommendations, primarily focusing on required code updates per OAR 660-046 that were identified in the Audit. The identified code items that

need amendments primarily pertain to siting and design standards. Some minor language revisions may also be necessary for the Housing chapter of the Comprehensive Plan to clarify the allowance of duplexes on single-family lots. Overall, the Audit found that the City's current duplex regulations and standards are already very close to meeting the State's minimum compliance standards (OAR 660-046).

The memo is organized between proposed Comprehensive Plan amendments and Development Code amendments. The amendments are presented in strikeout/underline format (~~deleted or moved~~/added). The gray text boxes describe the rationale behind the recommended updates and brief discussion items for the City to consider.

Comprehensive Plan Updates

BACKGROUND

The Comprehensive Plan goals, policies, and measures listed below need to be amended to ensure consistency with the objectives and requirements of HB 2001 and to achieve consistency between the Comprehensive Plan and amended Development Code. The primary reason the following Comprehensive Plan items have proposed amendments is that they do not include references to duplexes and other middle housing types. In addition, nothing in the housing chapter of the Comprehensive Plan explicitly acknowledges that duplexes are allowed on any lot or parcel that permits single-family dwellings in residential zones.

PROPOSED AMENDMENTS

Goal #10 Housing

Housing Goals

- *Encourage affordable homeownership opportunities, including multiple family condominiums, row houses, duplexes and other middle housing types, and ~~small lot~~ single family residential.*

Goal 10 Policies

1. Plan for more multi-family and affordable home ownership opportunities, ~~including small lot single family residential~~, duplexes and other middle housing types, townhomes and manufactured housing development consistent with the City's Housing Needs Analysis.
9. Provide for development of a wide range of housing types which may include single-family detached and attached housing, duplexes and other middle housing types, 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:¹

- a. ~~50% large lot 70% single family or duplex; Page 42~~
- b. ~~20% small lot single family;~~
- c. ~~25% multi-family including condominiums; and~~
- d. ~~5% mobile home park dwellings.~~

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 Page 43 b. Medium Density Residential 7-17 units/gross acre c. High Density Residential 10-25 units/gross acre. Duplex development is exempt from meeting these density ranges, per Oregon Administrative Rules (OAR 660-046).

24. To ensure duplex development is allowed wherever single-family detached homes are allowed in residential zones, per Oregon Administrative Rules (OAR 660-046). Duplex development shall be subject to development standards and procedures that are no more restrictive than those for single-family development in the same residential zone.

Goal 10 Implementing Measures

Single Family and Duplex Residential Areas

- ~~Small lots can accommodate single family development ranging from 3,000 to 5,000 square feet in area. Minimal to "zero" side yard setbacks can be used with a generous setback provided for the other side yard.~~
- ~~Attached housing in the form of duplexes and triplexes can be added to existing neighborhoods on relatively small lots. Many cities allow such development on large corner lots, while reserving interior lots for more traditional housing.~~
- Duplexes are allowed on any lot or parcel that permits single-family dwellings in residential zones.

Development Code Updates

BACKGROUND

Development Code amendments described here will focus on the necessary updates to meet minimum compliance standards. The Code does not meet the following minimum compliance standards established by OAR 660-046:

¹ Note: We recommend eliminating this policy for two reasons. First, it is not consistent with the mix of housing needs identified in the City's most recent housing needs analysis. Second, the housing market is dynamic and the relative need for different types of housing will change over time. As a result, any policy that cites the need for a specific mix or percentage of different housing types is likely to become outdated relatively quickly and should not be used to guide individual land use decisions (e.g., when they must be shown to be consistent with Comprehensive Plan policies).

OAR 660-046-0120 – Duplex Siting Standards in Medium Cities

- (1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
- (2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
- (5)(a) Parking: A Medium City may not require more than a total of two off-street parking spaces for a Duplex.

OAR 660-046-0125 – Duplex Design Standards in Medium Cities

- (1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

Most updates apply to siting and design standards. The Audit found that most other sections of the Code relating to Duplexes are in compliance with HB 2001. Siting and Design requirements can have a significant effect on the form and feasibility of development. These requirements regulate where buildings can be located on a site, lot size requirements, off-street parking, and more. HB 2001 and associated OAR provisions allow cities to have flexibility in siting and design requirements for applicable lands, as long as they are consistent with the minimum siting and design requirements established in the OARs and the standards do not create “unreasonable cost and delay.” Generally, the reasonableness standard is measured by comparing cost and delay of middle housing standards to that of detached single family detached (SFD) housing units. Per OAR 660-046-0125, medium cities that choose to apply design standards to new duplexes may only apply the same clear and objective standards that applies to SFD units in the same zone.

Note that the City's current definition for “duplex” complies with State requirements. However, the State allows jurisdictions to also define duplexes as two *detached* dwellings on a single lot or parcel. The City will need to decide whether to keep its existing definition or amend it to include two detached dwellings under the duplex definition.

Discussion Question: Should the code define duplexes as attached and detached units or only as attached units?

PROPOSED AMENDMENTS

Title 10 Land Use and Development

10.5.010.060 RL Low Density Residential Development Standards

RL Low Density Residential	Standard
Lot Size	
Single-Family Detached	5,000 sq. ft. minimum
Duplex	2,500 sq. ft. per dwelling unit
Small Lot Single-Family	4,000 sq. ft. minimum with density transfer

Per OAR 660-046-0120(1), medium cities cannot require minimum lot sizes for duplexes to be larger than the minimum lot size for a single-family detached dwelling. City staff is proposing to eliminate the "Small Lot" provisions from the Code and doing so will effectively bring this standard into compliance. Alternatively, if the City chooses to keep the Small Lot provision, then the Duplex lot size for RL could be reduced to 2,000 sq. ft. per dwelling unit, which would result in the duplex minimum lot size being no larger than the smallest minimum lot size for single-family in this zone (4,000 sq. ft.).

10.5.020.060 RH High Density Residential Development Standards

RH High Density Residential	Standard		
	<u>Single-Family Attached, Row Houses, or Townhomes (3 or more units)</u>	One Dwelling Unit per Lot	Two Dwelling Units per Lot
Minimum Lot Area	<u>1,500 sq. ft. per dwelling unit</u>	3,000 1,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	3,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre
Minimum Site Area per Dwelling Unit		3,500 sq. ft. OR 2,000 sq. ft. for small lot and townhouse clusters (3-8 units)	2,000 sq. ft.
Minimum Lot Width	<u>25 ft. for corner lots and lots with townhome end-units; and 20 ft for interior lots</u>	25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots	<u>25 ft. for corner lots and and 20 ft. for interior lots</u> 40 ft.

10.5.030.060 RM Medium Density Residential Development Standards

RM Medium Density Residential	Standard		
	<u>Single-Family Attached, Row Houses, or Townhomes (3 or more units)</u>	One Dwelling Unit per Lot	Two Dwelling Units per Lot
Minimum Lot Area	<u>2,000 sq. ft. per dwelling unit</u>	4,000 2,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	3,000 4,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre
Minimum Site Area per Dwelling Unit		3,500 sq. ft. OR 2,000 sq. ft. for small lot and townhouse clusters (3-8 units)	2,000 sq. ft.
Minimum Lot Width	<u>25 ft. for corner lots and lots with townhome end-units; and</u> <u>20 ft. for interior lots</u>	25 ft. for corner lots and lots with townhome end units; and 20 ft. for interior lots	50 ft. <u>25 ft. for corner lots and</u> <u>20 ft. for interior lots</u>

City staff is already proposing to eliminate the “per dwelling unit” piece of the minimum lot area standards, which will help bring this standard into compliance. However, one unit (SFD home) or two units (duplex) must have the same minimum lot size. Given the small minimum lot size that is currently in place for SFD, we recommend increasing the lot size for SFD to match the duplex minimum lot size sans the “per dwelling unit” provision. Duplex development on lot sizes below 2,000 square feet is likely infeasible when accounting for setback, lot coverage, and parking requirements. This approach ultimately decreases the minimum lot size for duplexes, and it also ensures duplex development is feasible for the same lot size standard used for SFD.

In addition, the City would like to add a separate category for single-family attached (i.e. row houses or townhomes) of three or more units. This separate single family attached category will retain the 1,500 and 2,000 square feet minimum lot sizes for the RH and RM zones, respectively.

Discussion Question: Do you support the approach to revising minimum lot sizes for single family detached homes and duplexes in these zones and agree with the proposed specific standards?

Per OAR 660-046-0120(2), density maximums cannot apply to duplexes. Therefore, the “not to exceed 25 units per gross acre” provision for duplexes must be removed. The

City is also proposing to remove the 25 units per gross acre provision for SFD because it is an unnecessary and potentially confusing standard when combined with the minimum lot size standard.

In addition, the same lot width standards must be applied to SFD units and duplexes.

The City is already proposing to eliminate the “minimum site area” provision throughout the Code. Doing so will also help bring lot area standards into compliance with State requirements.

10.5.020.060 RH High Density Residential Development

RH High Density Residential	Standard			
	<u>Single-Family Attached, Row Houses, or Townhomes (3 or more units)</u>	<u>One and Two Dwelling Units per Lot</u>	<u>Three Dwelling Units per Lot</u>	<u>Four or More Dwelling Units per Lot</u>
Minimum Lot Area	1,500 sq. ft. per dwelling unit	1,500 3,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	4,500 sq. ft. per dwelling unit, not to exceed 25 units per gross acre	6,000 sq. ft. per dwelling unit, not to exceed 25 units per gross acre
Minimum Site Area per Dwelling Unit		3,500 sq. ft. OR 2,000 sq. ft. for small lot and townhouse clusters (3-8 units)	2,000 sq. ft.	1,500 sq. ft.
Minimum Lot Width	25 ft. for corner lots and <u>lots with townhome end-units; and 20 ft. for interior lots</u>	25 ft. for corner lots and lots with townhome end-units; and 20 ft. for interior lots	60 ft.	75 ft.

The City is proposing to restructure the development standard tables for the RH and RM zones to consolidate the one- and two-dwelling unit standards into one column. The table above demonstrates what that revision would look like.

10.5.010.070 RL Low Density Residential Design Standards

C. Duplexes, ~~small lot~~ single-family, and attached row houses shall have front porches with a depth of at least 6 feet and a width of at least 12 feet, or the garage shall occupy no more than 50% of the width of the front (street-facing) dwelling façade.

10.5.020.070(F), 10.5.030.070(F), and 10.5.040.070(E) Design Standards

~~All one and two-family dwelling units located on a single tax lot shall have a traditional front entry on the ground level included in the front building line.~~ The front entry for all one- and two-family dwellings in the front building line shall be connected by hard surface 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 design features located in Section 10.5.010.070(A) to provide visual relief along the front of the residence. (Ord. 19-1373)

10.3.030.040(E) Application Review Procedures Criteria Design Standards

~~1. Two-family and three-family structures, and attached single-family structures (2 units) shall be designed and constructed to have the appearance of a single house.~~

Per OAR 660-046-125(1), duplex design standards must be “clear and objective”. The City does not have a definition for “porch”, and a “traditional” front entry and “the appearance of a single house” is not a clear and objective design requirement. The City can either choose to remove these requirements or provide new definitions for “porch”, “traditional front entry”, and “appearance of a single house”. Removing these requirements or providing definitions that are clear and/or measurable will bring this provision into compliance. The City is proposing to create new definitions for “porch” and “traditional front entry”. The City could either apply those standards to all housing types listed in these standards or could apply them to three-family structure and rowhouses but not to SFD homes or duplexes.

Discussion Question: Should the City require these features for all the housing types noted here or only require them for row houses (i.e., not apply this requirement to duplexes or single-family detached homes).

In addition, the City may want to consider adding a provision that clarifies single-family dwelling *conversions* to duplexes are allowed and are exempt from meeting design standards, provided the conversion does not increase non-conformance with the Code. OAR 660-046-0105(1) requires medium cities to allow conversions of duplexes from existing single-family dwellings. Adding a provision on duplex conversions will help provide certainty and clarity that conversions are allowed in the City.

10.7.060.010 Minimum and Maximum Off-Street Parking Requirements

Use Type	Auto Parking	
	Minimum	Maximum
1, and 2, and 3 dwelling units	2 spaces per dwelling unit	None

Removing the “per dwelling unit” provision, along with removing 3 dwellings from this group will bring the minimum off street parking standards into compliance with OAR 660-046-0120(5). The City is proposing to restructure the off-street parking table to have two rows; one for 1 and 2 dwelling units, and the second for 3 or more. The table restructuring provision for parking will be addressed in a later stage of the Code updates.

Please note that duplexes will still be allowed to have more than two off-street parking spaces. The City cannot *require* duplex developments to provide more than two off-street spaces, however.

10.6.010.030 Landscaping Standards General Provisions

C. Completion Prior To Occupancy. Except for landscaping for single-family homes and duplexes, all required landscaping and related improvements shall be completed, or financially guaranteed per the provisions of Section 10.9.040.060(I): Performance Guarantee prior to occupancy.

10.6.130.010 Temporary Family Hardship

The purpose of this Article is to permit the temporary siting of a manufactured dwelling or recreational vehicle (RV) on a developed single-family or duplex lot when it can be shown that a family member must be near another family member in order to receive adequate care for a physical or mental impairment, infirmity or other disability.

Per OAR 660-046-0115 – Permitted Uses and Approval Process – duplexes must be subject to the same approval processes and procedures as single-family dwellings in the same zone. The landscaping and temporary family hardship provision therefore must apply to duplexes as well as single-family homes to ensure both housing types are treated equally through approval procedures and use exemptions.

10.10.030 Timing of Improvements

A. General. Except sidewalks which are described below in subsection B, all improvements required by the standards in this Chapter shall be installed per the provisions of Section 10.9.040.060(H): Installation of Required Improvements. The construction, installation, placement, or addition of a one or more dwelling units on a lot, including one that replaces another dwelling or structure, shall initiate the

requirement of full public improvements, including street, curb, sidewalk, and storm sewer, except when the existing dwelling is destroyed by an act of God and the replacement dwelling has no more than 110% of the total square footage of the original.

E. Waivers of Remonstrance. Developments of other than single-family dwellings or duplexes may be able to use the provisions of Article 6.110: Waiver of Right to Remonstrate, in lieu of immediate installation of public improvements.

Per OAR 660-046-120(7), clear and objective standards exceptions to public works standards to detached single-family dwelling must also be granted to duplexes.