



AGENDA
CITY OF THE DALLES PLANNING COMMISSION/
CITY COUNCIL WORK SESSION

CITY HALL COUNCIL CHAMBERS

313 COURT STREET

THE DALLES, OREGON 97058

CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, MARCH 6, 2008

6:30 P.M.

- I. CALL TO ORDER (Planning Commission Chair)
- II. DISCUSSION REGARDING LAND USE DEVELOPMENT ORDINANCE REQUIREMENTS
 - A. Industrial Zone Land Development Standards
 - B. Street/Right of Way Standards
 - C. Other LUDO Standards
 - D. Staff proposed LUDO Amendments (if time allows)
- III. ADJOURNMENT (No later than 8:30 p.m.)

Training Opportunity.....

Land Use Planning - Building Successful Communities Fee: \$140

<http://www.orcities.org/Training/OregonLocalLeadershipInstituteOLLI/LandUsePlanning/tabid/5394/Default.aspx>

Bend March 8, 2008 Hurry & Register
Medford April 19, 2008

- A training opportunity for local government officials that will help local governments perform land use planning functions in a knowledgeable, competent, and legal manner resulting in good and effective decisions.
- Develop a good understanding of planning including the history in Oregon, the role of the State, and the role of the local governments
- Learn about the various elements of planning, what they are for, and how they relate to each other.
- Learn the processes for administering and deciding on planning applications.
- Learn the relevant legal framework for planning and decision-making.
- Learn about procedures, decorum, and protocol for public hearings and working with citizens.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

Meeting Memorandum

To: City Council and Planning Commission

CC: Nolan Young; Gene Parker; Julie Krueger; Community Development Staff

From: Dick Gassman, Senior Planner

Date: March 6, 2008

Re: LUDO Amendments and LUDO Discussions

At the March 6 regular meeting of the Planning Commission, the Mayor, City Council, City Manager, and other staff will join the Planning Commission in a work session to review potential changes to the Land Use and Development Ordinance (LUDO). This is a work session and no decisions are required. Members of the public are welcome to attend, but their participation is at the discretion of the chairperson. Since this is a regular meeting of the Planning Commission, the Planning Commission chair will preside.

Staff is proposing a series of LUDO amendments based on issues identified by customers and staff over the past year. Other items have been suggested for discussion and these are included in the agenda. There will also be an opportunity for Councilors and Commissioners to propose additional changes. Staff will be available to explain current LUDO language and assist in all these discussions.

Here is a list of what we hope to review and discuss.

1. Issues identified by Councilors or Commissioners for discussion.
 - a. Industrial land development requirements. See the attached agenda staff report dated January 28, 2008 and related documents.
 - b. Street standards. Attached is a copy of the LUDO amendments from 2005 showing changes to the street standards that were adopted at that time.
2. Other issues or proposed code changes. As noted in item three, we are currently in the process of making our annual revisions and this would be an opportune time to bring up possible code changes.
3. A series of proposed LUDO amendments from staff. See list in Exhibit "A". This is the list of our current proposals for LUDO changes.

NOTE: Please bring your copy of the LUDO to the meeting.

**CITY of THE DALLES****313 COURT STREET
THE DALLES, OREGON 97058****(541) 296-5481 ext. 1125
FAX: (541) 298-5480****AGENDA STAFF REPORT**

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
January 28, 2008	Discussion Items 13, A	#08-014

TO: Honorable Mayor and City Council**FROM:** Dan Durow, Community Development Director**THRU:** Nolan Young, City Manager *ny***DATE:** January 2, 2008**ISSUE:** Discussion of industrial development requirements in the Land Use and Development Ordinance.

BACKGROUND: The Land Use and Development Ordinance (LUDO) was adopted in 1998. Since then there have been a number of amendments. These amendments have been wide-ranging covering a variety of code requirements and mapping changes. They have been triggered by new case law, Oregon Revised Statutes, and Oregon Administrative Rules; and by local needs, changing conditions, and necessary corrections.

For the past few years, the Community Development Department (CDD) has been scheduling an annual review of the LUDO. This allows the ordinance to keep pace with the items noted above. The CDD also keeps a list of needed or suggested amendments and provides some analysis on those during the hearing process with the Planning Commission and City Council. Another round of potential amendments is being prepared by CDD staff for this coming spring.

It is important to note that there are other development requirements that do not appear in the LUDO. Some of these are City requirements, and some are required by other entities. An example from another entity is the landscaping requirements by the Port of The Dalles on Port industrial land. These requirements are through their Codes, Covenants, and Restrictions when they lease or sell property. The Port's landscaping requirements exceed those of the LUDO. Another example is the State Uniform Building Code requirements, administrated by the MCCOG Building Code Agency.

Staff has been asked to prepare information on the LUDO industrial zone requirements. The items of particular interest noted by staff include landscaping, dimensional standards, and cargo containers. Included with this staff report for background information are copies of:

Attachment #

1. Planning Commission minutes of May 12, 2005
2. Planning Commission minutes of May 19, 2005
3. Planning Commission minutes of June 2, 2005
4. CDD staff memo, Intermodal Cargo Containers, May 19, 2005
5. LUDO Section 6.160.010 Uses Allowed, Intermodal Cargo Containers

Here is a brief list of what is required by the current LUDO for a new development on industrially zoned property. This is a summary. The requirements for industrial zoned property are generally located in Section 5.090. For a complete understanding of what is required, the LUDO is on line at www.ci.the-dalles.or.us under Public Documents.

1. Procedural Regulations

- a. Site Plan Review approval is required for overall site development for all industrial development. This is an administrative function which means the final decision is made at the staff level, unless appealed. Site Plans must include drawings which show the location of the building, utility lines, parking areas, landscaping areas, access to the public right of way, and other items. For a complete list of the information required, see LUDO Section 3.030.030. For general Site Plan information see LUDO Section 3.030.
- b. Building Permit approval is required for the actual construction. This is after approval of the site plan. The building site plans should match the Site Plan Approval. LUDO Section 3.010.010. The City of The Dalles reviews building permits for site information and then forwards our approval to the building code review staff.

2. Substantial Regulations

- a. General Development Standards including lot dimensions, building setbacks, and building height are found in LUDO Section 5.090.040.
- b. Parking
 1. Off Street Parking for autos and bikes is required based on the size of the building and type of use. See LUDO Section 7.060.

2. For the off street parking area there are requirements for width of spaces, back up room, marking, protection of property lines. See LUDO Section 7.030.
 3. There are separate landscaping requirements for surface parking areas. See LUDO Section 7.030.040.
 4. Each parking area must also provide accessible parking spaces. See LUDO Section 7.030.050.
 - c. General landscaping requirements are found in LUDO Section 6.010. For industrial zoned property site landscaping equal to 10% of the first floor area of all structures is required. See LUDO Section 6.010.070. This is in addition to parking lot landscaping.
 - d. There are also a series of access management regulations controlling how the property accesses the public right of way. There are regulations for both pedestrian access, see LUDO Section 5.090.050, and vehicle access, see LUDO Sections 6.050 and 6.060.
 - e. All parking areas, driveways, and vehicle maneuvering areas must be paved.
4. Cargo Containers
 - b. LUDO requirements are found in Section 6.160.010 B, with a limited exception in 6.160.010 C for temporary contractor use. Briefly in order to be legal cargo containers need to be installed according to the Uniform Building Code (state regulation as well as ours), be screened as provided for in Section 6.010.050, and be maintained in good condition.
 - c. State Building Code also requires a building permit and they must meet the regulations of the UBC.
3. Public Improvements

For most developments some public improvements are required. The type and scope of what is required depends on a variety of factors including what is already there, what is present adjacent to the site, and what is being constructed. The range of public improvements include sidewalks, curbs, and street paving, extension of water, and sewer lines, and dedication of right of way. Other utilities such as power may also have to be installed, but are not controlled by the LUDO. See LUDO Section 10.060.

BUDGET IMPLICATIONS: None

ALTERNATIVES:

- A. **Staff Recommendation:** This is a discussion item for the Council, and staff is seeking input and direction as to whether the existing

provisions are acceptable, or are there some amendments the Council would like the staff to prepare to go through the normal process. This process consists of submitting the amendments to the Planning Commission and holding public hearings before the Commission, with the Planning Commission making their recommendation to the Council.

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 12, 2005

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting of The Dalles Planning Commission to order at 6:30 P.M.

ROLL CALL:

Present: Bruce Lavier, Ron Ahlberg, Dean Wilcox, Jean Thomas, Ted Bryant, Mark Poppoff, and Jo Ann Wixon

Absent: None

Staff: Gene Parker, City Attorney, Dan Durow, Community Development Director, Dick Gassman, Senior Planner, Dale McCabe, City Engineer, and Denise Ball, Admin. Secretary

AGENDA:

Thomas moved to approve the agenda as submitted and Ahlberg seconded the motion. The motion carried unanimously.

MINUTES:

Lavier asked if there were any corrections or changes for the minutes of March 17, 2005. Bryant said he had a correction to the minutes. On page 3, paragraph 8, third sentence the word "location" should follow the word "secure". Ahlberg moved to approve the minutes as amended and Wilcox seconded the motion. The motion carried unanimously.

PUBLIC COMMENT: Donald Cowne, 1015 Court Street, The Dalles, spoke to his concerns regarding halfway houses in a residential zone, close to the High School, for drug addicts. Mr. Cowne asked if there is anything in the Ordinance that would prohibit such a halfway house.

Gassman said there is nothing in our ordinance that would address that issue.

Mr. Cowne said he feels that the impact on our youth caused by the Adult Store is minor compared to establishing a residential home for drug abusers within one block of The Dalles High School. Mr. Cowne went on to say his property has been de-valued by this type of home being established in his neighborhood.

Mr. Cowne said he knows the recidivism rate for substance abusers is over 90%. He added that drug addicts sustain their habits by selling to young people. Mr. Cowne said he would like the Commission and Planning staff to consider adding to the Ordinance restrictions on these types of facilities.

LUDO

LEGISLATIVE PUBLIC HEARING: Chair Lavier opened the hearing and informed the audience that each person would have three minutes to speak. He asked Gassman to present the introduction and Staff Report.

Gassman explained that this legislative hearing is to review proposed updates to the Land Use and Development Ordinance with about 70 changes. Thirty-eight are "housekeeping" items. Seven sections deal with procedural changes and eighteen sections deal with changes to zoning districts. Gassman reviewed the more substantive changes proposed, as detailed in the Staff Report. Gassman said the public comments received were positive regarding the addition of residential landscaping requirements. The public comments were mixed regarding the complete banning of intermodal cargo containers as storage buildings. Gassman asked if there were any questions. Chair Lavier opened the hearing for public comment.

Public Comment:

Ted Davenport, 2875 W. 7th, Aloha Visualite owner, has two cargo containers on site for aluminum storage, weather stripping and valuable parts. These containers help deter theft and are vital to this business.

Gassman told the audience and Commission that containers that are already being used by businesses would be grand fathered in and allowed to remain. No new containers would be permitted however.

Ron Graves, District Manager of the Soil and Water Conservation District, said they have a couple of intermodal containers that are very valuable to them. Mr. Graves said he also spoke with Ron Schmidt of Crestline Construction who told him they use intermodal containers for various purposes at their business in the Port district. Mr. Graves asked what the rationale was in proposing the ludicrous ban.

Gassman said the main reason is the appearance of the containers. The City is working toward an improved appearance and frankly these containers just do not look very good. Gassman went on to say that the City is trying to follow the model that the Port district has adopted which does not approve of the use of intermodal containers.

Stan Pickert, Northwest Wall Décor, currently has seven containers on his site. Pickert said one of the reasons he ruled out the Port as a location for his business was the Port's unwillingness to accept the use of intermodal containers. Pickert said these containers are vital to his business and he would consider adding more. He went on to say that he realizes it is nice to have things look nice but it is not a good idea to render small businesses ineffective. Pickert said his competition is China and they do not have to deal with these kinds of restrictions. Pickert said a 320 square foot container can be purchased for under \$1500 and it provides secure, dry storage. Constructing a building is costly and time consuming and is not practical for businesses that are leasing their facilities. Pickert finished by stating he opposes the ban on containers.

Lorne Richman, The Dalles, said he and his wife have a couple of the containers also. Richman said he feels they should be restricted in residential zones but in industrial and light industrial zones they are very useful. Richman suggested that maybe the containers be painted in earth-tone colors to improve their appearance. Richman said it would be a mistake to make them unavailable for future businesses.

Wayne Lease, 41 Private Lake Road, White Salmon, WA, told the Commission it is very hard to digest 20 minutes of material but he allowed to speak only 3 minutes. Lease went on to say his wife consented to let him use her three minutes so he would like 6 minutes to speak. Lease said containers are essential in the construction and business world. Lease said he believes the new LUDO should address Measure 37 and tell property owners what their options are as well as outline all the previous ordinances. He recommended drawing a line through the changed language and leaving it in the LUDO so everyone can see what has changed and when. Lease said he also wanted to be assured that a person would always have the right to appeal a staff decision and Chair Lavier told him that is available.

Bobby Miller, The Dalles, said she thinks the cargo containers should be allowed for certain businesses. Miller feels that the landscaping is too restrictive, 40% shrubs or trees. Gassman responded by stating that it doesn't require 40% shrubs or trees but instead 40% live plant material. Grass is acceptable as well as a variety of plants that require little watering.

Gwen Schatz, The Dalles, said she agrees with businesses being allowed to use cargo containers. Schatz believes if people want to put all rocks in their front yard they should be allowed to do that. She said that she read in the local paper a new residential requirement for a paved walkway is being added. Gassman said the paved walkway is a new design guideline; it is not a requirement but would count toward the seven features a new home is required to have.

Lease suggested an incentive program for commercial facilities to keep their landscaping alive and looking good. Durow said there is usually a condition of approval that requires the business to maintain the landscaping and code enforcement can step in if needed.

Cowne asked what his recourse is regarding the halfway house. Gassman said the City is required by State law to allow that use in that zone as long as there are no more than five adults per residence. Parker said it is also a matter of the Federal Housing Law. Discrimination against groups of five adults choosing to live together as a family is against the law.

Deliberation:

Commissioner Bryant said he would like the design guideline for horizontal siding removed from the checklist and he does not want to ban the cargo containers except in residential areas. Bryant asked if cut and fill was sequential, say over the course of years, or by project.

Wayne Lease said cut and fill should be minimized in the A1 and A2 geohazard zones.

Jack Bartell, The Dalles, asked why curb and sidewalks are required in the Urban Growth area.

Gassman replied that new development is required to install curb and sidewalks. Over time the improvements will come together.

Bartell said it is very expensive for someone buying his property.

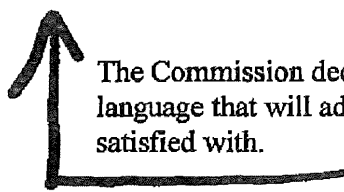
Durow said City Council has directed Staff to see that these improvements are put in place.

Ahlberg said he would like to talk about the cargo containers. The Port has CC&R's that prohibit them due to aesthetics. Ahlberg said he agrees they should not be allowed in residential zones.

Wixon asked about temporary uses for the cargo containers and if the ordinance could address that.

Other suggestions on the cargo containers would be to limit the number allowed, paint them brown, screen them, and maintain them.

Lavier asked Staff to draft revised ordinance language that would control the use of cargo containers but not ban them entirely.



The Commission decided to continue the hearing until May 19, 2005 at 6:30 pm. Staff is to prepare language that will address the areas of proposed LUDO amendments that the Commission is not satisfied with.

STAFF COMMISSIONER COMMENTS: Ahlberg said it is nice to see all the construction going on in the area.

NEXT MEETING: May 19, 2005 is the next scheduled meeting.

ADJOURNMENT: The regular Planning Commission meeting was adjourned at 8:30 p.m.

Respectfully submitted by Denise Ball, Secretary.

Bruce Davier, Planning Commission Chair

Attachment 2

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, May 19, 2005

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting of The Dalles Planning Commission to order at 6:33 P.M.

ROLL CALL:

Present: Bruce Lavier, Dean Wilcox, Jean Thomas, Ted Bryant, and Jo Ann Wixon

Absent: Ron Ahlberg, Mark Poppoff

Staff: Gene Parker, City Attorney, Dan Durow, Community Development Director, Dick Gassman, Senior Planner, and Denise Ball, Admin. Secretary

AGENDA:

Bryant moved to approve the agenda as submitted and Wilcox seconded the motion. The motion carried unanimously, Ahlberg and Poppoff absent.

MINUTES:

There were no minutes ready for approval.

PUBLIC COMMENT: Wayne Lease, 41 Private Lake Road, White Salmon, WA, asked someone to explain the difference between legislative and quasi-judicial hearings.

Senior Planner Gassman explained that a legislative hearing is a political process and deals with processes that affect citywide zoning and issues. A quasi-judicial is a hearing for a specific application and you apply the code and criteria to that property. Parker added that in a quasi-judicial hearing the Commission exercises judicial functions.

Lease went on to say that he would like to see Measure 37 as part of the new LUDO. Lease also quoted portions of the Constitution. Lease does not feel he has been given due process to digest the LUDO changes and respond to them during a public hearing. Lease would also like to see a definition of fair market value in the LUDO.

LUDO

LEGISLATIVE PUBLIC HEARING CONTINUATION:

Chair Lavier explained that each Commissioner would discuss those items he or she has concerns with. Lavier asked who would like to go first and Commissioner Wixon said she would.

Commissioner Wixon:

2.030. Access – Wixon asked if this definition includes public property. Gassman said it does not because going from public property to public property doesn't create an access issue.

3.080.040 – Review Criteria #A5 – Wixon would like the word “significant” removed. The Commission agreed and directed Staff to remove “significant”.

5.010.080 – Zero Lot Line – Wixon said she thought zero lot lines were for attached dwellings. Gassman said that is not always the case; a single family home can also be approved with a zero lot line in certain circumstances.

Commission Wilcox:

None

Commissioner Thomas:

3.030.070 – Long Term and On-going Projects – Thomas asked if phases need to have completion dates attached to them. Gassman said this is in the Site Plan Review section of the LUDO and it would be difficult to make that a condition of approval.

3.030.100 – Revocation – Thomas asked if the Director had ever revoked an approved application. City Attorney Parker said the High Dollar John site had been revoked as well as Gleaner's.

3.050.040 – The word “swuare” should be “square” and “fist” should be “first”. Commissioner Thomas said she is concerned about putting things down as law and then being unable to enforce them, such as saying all dust and particles must be maintained on site.

Commissioner Bryant:

Horizontal siding as a design guideline – Bryant thinks it should be removed. After discussion, the Commission directed Staff to change “horizontal siding” to “Commercially available siding”.

Bryant said the subject of sequential cuts and fills has not been discussed. Gassman said it is a potential problem but he is not aware of anyone who has done this.

Containers: Gassman said he had visited the Port and there are three containers at the Fish and Wildlife facility. They are not screened. The other issue is that these intermodal containers have always been looked at as buildings, needing a zoning and placement permit from both the City and State Building Codes. People who have placed them on their property without the appropriate permits have done so illegally. Gassman discussed the memo in which the zones, maintenance, screening, and painting requirements are spelled out. This is a new section in the LUDO 6.160, Uses.

Discussion: The Commission would like the allowed zones for intermodal containers to be Industrial, Commercial Light Industrial, General Commercial, and Commercial Recreational. Contractors may use containers temporarily in residential zones during construction projects. They cannot be used as storage sheds in residential zones. Requirements are 1) Building Permit; 2) Screening; 3) Painted and maintained in good condition, including being rust free. Murals will be recognized as screening.

Gassman will prepare the new LUDO language and bring it back to the Planning Commission at the June 2 meeting. The Commission can make their recommendation to City Council at that meeting also.

From the audience, Wayne Lease asked about the landscaping requirement and the Commission said the landscaping issue had already been decided to their satisfaction.

Lease next brought up the grade requirement. He said he doesn't understand the "preferred grade of 12% or less" language. Lease would like for the City Engineer to agree to that and not place a requirement of 10% on driveways. He went on to say that over-excavating in a geohazard area just to meet an arbitrary code "preference" seems contrary to common sense. Lease said the A1 and A2 geohazard zones have been "fixed" according to the County assessors office. Lease told the Commission that loading 40 acres of land in a B geohazard zone with a sub-division turns that B zone into an A zone according to the study. Lease said he believes everyone may be over-reacting to these geohazard zone classifications.

Chair Lavier said it sounds like a new geohazard study may be needed. Gassman added that the situation is better than it was. Whether it is "fixed" or not, Staff would not be qualified to tell.

Commissioner Thomas asked exactly where in the LUDO the landscaping requirement is located. Gassman said it is located in 5.010.050 and refers back to 6.010, Landscaping. This new requirement says within six months after occupying a residence, the landscaping must be completed. Landscaping is defined as 40% live plant material, undefined, and a maximum of 60% of non-plant material, with some exceptions. Our Code Enforcement will assure that this condition is met. The City will be open to requests for extensions with a valid hardship.

Wayne Lease suggested the City might consider some type of monetary incentive to people for installing their landscaping.

STAFF COMMISSIONER COMMENTS:

Gassman thanked the Commission for their time and effort in preparing these LUDO amendments. Gassman is hoping this will be a process that will occur every two years. His background in enforcement may bring that topic into the next round of revisions.

Jean Thomas said she would be gone from May 24th through June 6th.

NEXT MEETING: June 2, 2005 is the next scheduled meeting.

ADJOURNMENT: The regular Planning Commission meeting was adjourned at 8:22 p.m.

Respectfully submitted by Denise Ball, Secretary.

Bruce Lavier, Planning Commission Chair

Attachment 3

CITY OF THE DALLES PLANNING COMMISSION MINUTES

Thursday, June 2, 2005

City Hall Council Chambers

313 Court Streets

The Dalles, OR 97058

Conducted in a handicap accessible room

CALL TO ORDER:

Chair Lavier called the meeting of The Dalles Planning Commission to order at 6:35 P.M.

ROLL CALL:

Present: Bruce Lavier, Dean Wilcox, Ted Bryant, Mark Poppoff, and Jo Ann Wixon

Absent: Ron Ahlberg, Jean Thomas

Staff: Dan Durow, Community Development Director, Dick Gassman, Senior Planner and Denise Ball, Admin. Secretary

AGENDA:

Wilcox moved to approve the agenda as submitted and Poppoff seconded the motion. The motion carried unanimously, Ahlberg and Thomas absent.

MINUTES:

Lavier asked if there were any corrections or comments for the minutes of May 12, 2005. Bryant said the word "grandfathered" was spelled incorrectly. Wixon moved to approve the minutes and Wilcox seconded. The motion carried with Ahlberg and Thomas absent.

PUBLIC COMMENT:

None

LUDO

LEGISLATIVE PUBLIC HEARING CONTINUATION: The Commissioners and Staff discussed the changes to the LUDO amendments from the previous meeting.

Bryant asked why murals as screening on cargo containers are not spelled out clearly. Gassman said he would add the appropriate language to the new Ordinance.

The Commission asked that a definition for "Public House" be added to the LUDO and Gassman said he would. Commission and Staff next discussed the new Home Business Permit weekend hours, and discussed the Concept Site Plan, which is limited to Conditional Use Permit applications.

Wilcox moved to recommend to the City Council that they adopt the recommended Land Use and Development Ordinance 05-1261 with the two changes from this meeting. Bryant seconded the motion and it carried unanimously, Ahlberg and Thomas absent.

[Remaining minutes deleted, not relevant to LUDO amendments]



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5480
Community Development Dept.

Memorandum

To: Planning Commission
CC: Gene Parker, Community Development Staff
From: Dick Gassman, Senior Planner
Date: May 19, 2005
Re: Intermodal Cargo Containers

At the May 12 Planning Commission hearing, the Commissioners suggested changes to the proposed outright prohibition of intermodal cargo containers. You suggested allowing them in industrial, light industrial, and general commercial zones, but not allowing them in other zones. You also suggested allowing them temporarily during construction projects. Based on your informal guidelines, here are some proposals.

- All cargo containers in the Industrial, Commercial/Light Industrial, and General Commercial zones and prohibit them in other zones generally.
- Allow them temporarily in other zones during construction. Require a permit for a temporary use, with a nominal fee such as \$25.00, to help us track them.
- In the CG district, require screening. We have screening requirements in 6.010.050.
- Require maintenance in all locations.

"Intermodal cargo containers shall be maintained in good condition, including being rust free.

- The State treats intermodal cargo containers as buildings when they are used as storage units. Except for containers of 200 square feet or less in residential zones, the State requires a building permit. As part of our normal building permit review in cooperation with the State, we would treat the intermodal containers the same as any accessory structure – if over 20% of the size of the main structure they would have to go through site plan review, otherwise just a routine planning check. Routine planning check would include landscaping, among other requirements, the same as we do for any structure.

Also, since these are required to have a building permit, they would not be grandfathered in unless they had obtained a building permit. Some have a building permit, others don't.

- Other ideas: Do we want to limit the number?

6.160.010 Uses Allowed

- A. General. Uses allowed in a zoning district are limited to those listed in the code for that district, or authorized by an interpretation of the Director as provided for in Section 1.090. Uses not listed in a zone, including temporary uses, are not allowed.
- B. Intermodal Cargo Containers. Intermodal Cargo Containers are allowed in the CG-General Commercial District, in the CLI-Commercial/Light Industrial District, in the CR-Commercial Recreational District, and in the I-Industrial District, subject to the following conditions:
1. Each container shall obtain a building permit.
 2. Each container shall be screened per the provisions of section 6.010.050.
 3. Each container shall be painted and maintained in good condition, including being rust free.
- C. Temporary Use. Intermodal Cargo Containers are allowed temporarily in all districts as a contractor storage unit for the duration of a construction project, without having to comply with section 6.160.010 B.

6.160.020 Specific Uses not Allowed

In addition to the provisions of 6.160.010, the following uses are not allowed:

- A. Intermodal cargo containers used as storage units, except as provided for in section 6.160.010.
- B. Christmas Tree sales on residential property.

Section 10.060(J) shall be amended by adding a new subsection (6) as follows:

“(6) Modification of right-of-way standards.

- a. When a new right-of-way is created adjacent to existing right-of-way that does not match City standards, the City Engineer may modify the standard width for safety purposes and to achieve the greatest consistency feasible. Primary goals are for safety of pedestrians and drivers, connectivity, and smooth flow of traffic.
- b. In lieu of the sidewalk/planter strip standards set out in subsection 5 above, depending on the topography, land availability, existing improvements, and other relevant factors, the City may allow one of the following alternative arrangements:
 - i. A curb side sidewalk at least six feet in width, with no planter strip.
 - ii. A combined sidewalk and hard surfaced planter strip containing a five foot sidewalk separated from the curb by a four foot planting strip. The planting strip may be covered with a hard surface with a provision for street trees wells four feet by four feet, 25 to 50 feet on center, depending on topography, type of tree to be planted, and width of parcels.
 - iii. Any variation that provides a similar measure of safe pedestrian access and aesthetic appeal.”

Richard Gassman
Senior Planner
City of The Dalles
rgassman@ci.the-dalles.or.us
541-296-5481x1151

PROPOSED LUDO AMENDMENTS 2008

NOTE: Underlined language is proposed as new language. ~~Strikethrough~~ words are proposed to be deleted. Proposals are generally in order of LUDO section.

1. Add new definitions to 2.010. Conceptual Plan – a general plan of development which is final for such issues as uses and densities. A conceptual plan requires one or more detailed applications prior to construction. Review of detailed applications is based on regulations in effect at time of submittal of conceptual plan application. A conceptual plan may also be a master plan.
2. Delete word "~~attached~~" from definition of condominium in 2.010.
3. Add new definition to 2.010. Master Plan – an overall plan for a development site which may be built in phases. A master plan may be conceptual or detailed. If conceptual, separate and more detailed applications will be required for each phase. Review of detailed application is based on regulations in effect at time of submittal of original plan application.
4. Amend LUDO Section 3.020.010 by adding a new paragraph: A City supplemental building permit is valid for a period of six months, or so long as there is a valid and open State building permit issued for the same work. If the State building permit expires, so does the City supplemental permit. Once expired the City supplemental permit cannot be renewed. A new permit must be obtained, under the development rules at the time of the submittal of the new application.
5. Amend 3.020.020 by adding a new paragraph D entitled Expiration and Extensions.
 1. Expiration: Except for City building permits, which are discussed in Section 3.020.010, development must begin within one year of the Notice of Decision for the land use permit to remain valid, unless specific provisions for a different time period are provided for in other code sections. If development has not begun within the time period, expiration is automatic and no notice is required.
 2. Extension. The Direction may grant an extension for up to one year upon receipt of a request in writing. The request must be received in the Community Development Department prior to the expiration date. ADD comments from Gene about reasons for extending permit.
6. Amend 3.020.080 Appeal Procedures by adding new paragraph "I" entitled: "Refund of Appeal Fee. An applicant can request a refund of an appeal fee by letter submitted to the Community Development Department within 10 days after the appeal is determined. The letter shall state in detail the reason for the requested refund. Staff shall prepare a report and send the letter and report to the City Manager. The City Manager may consider the letter, the staff report, and any other factors in making a recommendation. The City Manager's recommendation shall be submitted for action on the City Council's consent agenda. No public hearing is required. Final action on the request shall be taken by the City Council."

7. Amend Sections 5.010.060, and 5.020.060, NOTE: Need to create 5.030.060 for these standards – not present in RMH district; and also for 5.040.060 for NC zone.

Amend to read: “All 1 and 2 family dwelling units located on a single tax lot shall have a traditional front entry included in the front building line. The front entry in the front building line shall be connected by hard surface to the right of way. In addition, all 1 and 2 family dwellings located on a single tax lot shall utilize 6 or more of the following 10 design features to provide visual relief along the front of the residence.

8. Amend 5.020.050, 5.030.040, and 5.040.050, using the same language as in 5.010.050: Orientation on private accessway is allowed only if there is no street frontage.
9. New Section 5.120: Airport Approach Zones

5.120.010 PURPOSE.

The City of The Dalles is a part owner of The Columbia Gorge Regional Airport, located in Klickitat County, Washington. The airport is a valuable asset to the City and the citizens and businesses of Wasco and Klickitat Counties. The topography of the region restricts approaches to the airport and the City desires to protect those approaches as much as possible. Where the approaches use airspace over areas within the jurisdiction of the City of The Dalles, the City will protect that airspace. No development or operational characteristic will be allowed that would hinder the use of the airspace. The City will develop regulations that will delineate the approaches and what will be allowed to develop under those approaches. Until those detailed regulations are in effect, the City has adopted a general regulation set out in Section 5.120.020.

5.120.020 Protection of Approach Zones. No development or operation shall in any way negatively affect the approach zones to the airport or the safe use of the approach zones by aircraft landing or taking off from the airport.

First in LUDO 2.010 we need to define Airport - The Columbia Gorge Regional Airport, located in Klickitat County, Washington.

10. Amend 6.010.070 by changing the language in the NC zone for commercial only from ~~None~~ to Equal 10% of the first floor area of all structures minimum.
11. Add “and exterior side yards” to 6.010.050 E. 1. A.
12. Amend 6.010.050 E. 1. a. to read: Hedges, fences, and wall shall not exceed 4 feet in height within a required front yard, or a required exterior side yard.
13. Amend 6.030.020 C 1 to read “A required side or rear yard setback may be reduced ...”

14. Section 6.060.020 A. 1. Width and Number. The number of driveways and other access points shall be determined by the City Engineer based on the needs of the property owner, the size, location, and configuration of the property, the adjacent streets and driveways, and other factors as indicated by the City Engineer.
15. Amend 6.060.040 A by adding the following language: Pavement may be required for up to the full length of a driveway, but in no event less than 20 feet back from the right of way.
16. Change Section 6.060.050 to allow up to 30 foot max for residential. Last sentence of 6.060.050 to read: "Shared driveways of up to 30 feet in width may be allowed in residential zones with the approval of the City Engineer."
17. Amend 7.020.020 J. to read "Location and details of signs, pavement markings, and bumper guards which protect sidewalks, walkways, and property lines".
18. Amend Chapter 8. Look at differentiating between geozones A and zones B and C. In the A zone, continue with our existing approach. In the B and C zones from 50 cubic yards to 250 cubic yards require a drawing with primary focus on erosion control. From 250 to 500 cubic yards, require a drawing, and either engineered plans, or a letter from an engineer stating no engineered plans are required, in the engineer's professional opinion, as the activity presents no danger to surrounding properties, or submit plans. Over 500 cy would still required engineered plans.
19. Amend LUDO Section 9.030.050 C 4 by deleting ~~Wasco County Clerk~~.
20. Add language to LUDO Section 10.030 similar to the following: "The construction, installation, placement, or addition of a dwelling unit on a lot, including one that replaces another dwelling or other structure for any reason, shall initiate the requirement of full public improvements, including street, curb, sidewalk, and storm sewer".
21. Amend 10.060 A Traffic Studies, to read as follows: Traffic studies shall be required of all development proposals of 16 or more dwelling units, and any other development proposal that is likely to generate more than 400 average daily motor trips. In addition, a traffic study may be required if the development proposal is near an intersection that is already at or below level of service D. Notwithstanding the previous language, the City may require an initial, limited traffic study to determine the level of service at nearby intersections. If the limited traffic study finds the level of service to be at or below "D", the City may require a full traffic

study. The traffic study shall be conducted in accordance with the following:
(then go on with 10.060 A. 1. 2.)

22. Amend 10.070 A by adding the following language after the first sentence. “Unless specifically waived by the Director and City Engineer, any occupancy which uses water or sewer shall be required to hook up to a public facility for that service.”

23. New section 15.055 Stop Use Order.

Whenever any land or structure is being used contrary to the provisions of this Ordinance, or contrary to the provisions of an application approved under this ordinance, the Director may order the use stopped by notice in writing served on the property owner or on any person or persons engaged in the use of the property. After service the use shall immediately be stopped until the use is authorized by the Director. Both the property owner and the user of the property are subject to the provisions of such notice.