



**CITY OF THE DALLES PLANNING COMMISSION MINUTES**

**Thursday, November 18, 2004**

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, Dean Wilcox, Jean Thomas, Jo Ann Wixon, and Mark Poppoff

**Absent:** Ted Bryant, Ron Ahlberg

**Staff:** Gene Parker, City Attorney, 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, Bryant and Ahlberg absent.

**MINUTES:** Lavier asked if there were any corrections or changes for the minutes of November 4, 2004. There were none. Wilcox moved to approve the minutes as submitted and Wixon seconded the motion. The motion carried unanimously, Bryant and Ahlberg absent.

**PUBLIC COMMENT:** None

**DISCUSSION:** Senior Planner, Richard Gassman, began the review of proposed LUDO revisions. Gassman asked the Commissioners for their ideas, changes, and direction in the proposed revisions.

Wilcox said he would rather see the final product because Staff is the expert on the LUDO, not the Commission. Gassman explained that the Planning Commission and the public need to play an active role in rewriting the LUDO. Staff is expert in planning language but not necessarily in deciding what ordinances the community wants.

- Commission and Staff began the review of proposed LUDO revisions. The first is design guidelines for manufactured homes.

Poppoff said he would like a requirement that a new home must match one of the prevailing architectural styles in the existing neighborhood, particularly with infill. Poppoff said he knows there are manufacturers that make colonial mobile homes.

City Attorney Parker said there are provisions in the law that prohibit making the design requirements so restrictive or difficult that an applicant could not meet them affordably.

Poppoff said he thinks an applicant could meet that requirement because he has seen the colonial style manufactured homes.

Lavier said lot size density is a problem also. Gassman was directed to look at the feasibility of Poppoff's request to determine if it is something that legally can be done.

Commissioners and Staff briefly discussed neighborhood compatibility.

- The Commission and Staff next discussed revision of the chapter on Conditional Use Permits.

Lavier asked if the conceptual site plan review is going to be deleted and Gassman said Staff is hoping to expand the current Site Team format to a more formal process and do away with the Conditional Use Permit concept site plan process.

City Attorney Parker said a lot of the language in the Conditional Use chapter deals with standards of compatibility and minimal adverse impact. Those concepts are vague and LUBA and the Court of Appeals have essentially held that that type of language isn't sufficiently objective to survive a legal challenge.

- The Commission and Staff reviewed and discussed proposed allowed uses in all the zones.

Gassman informed the Commission that Automotive uses are proposed to not be allowed as a Home Business in the Residential zones except as a Conditional Use. Lavier said he does not approve of businesses in the residential zones that create a lot of noise.

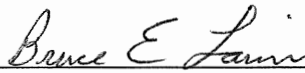
- The next LUDO revision deals with minor partitions. The proposed change would require the same improvements with the partition as is required with a subdivision. This will remove the loophole of serial partitioning.
- Gassman told the Commission that Residential Care Facilities would be removed from the RL zone. The state law does not require it be allowed in the low density, only in the same zone as multi-family.
- Next for discussion is the meaning of the word "development" and what type of development triggers specific improvements. The change in the minor partition requirement may solve this issue.
- The geologic impact statement requirement was discussed next. No change is proposed at this time.
- Physical constraint permits for cut and fill activities are being improved.
- Intermodal storage containers will be defined and also not allowed in any zone as a storage building. Poppoff said he would like them to be allowed temporarily during construction for on-site storage.
- Home business hours are proposed to expand to include the weekend. Currently the hours are 7 a.m. to 7 p.m., Monday through Friday. Poppoff said he would like to see it changed to 9 a.m. to 7 p.m. on Saturday and Sunday. Thomas said she thinks it is good to expand the hours. If there are one or two businesses that generate complaints, they can be revoked if necessary.
- Staff and Commission discussed the new requirement of residential landscaping. Currently there is no requirement for residential landscaping.

- Poppoff said he had a few suggestions. He would like manufactured homes to cover no more than 50% of the lot. Poppoff said he wants the roof pitch changed to a 5/12, the City needs to challenge the industry standards of a 3/12 pitch. He also wants a requirement for a medium to large maturing tree in the residential landscaping requirements. Finally, Poppoff thinks tree limb clearance on the sidewalks should be changed to 7 ½ feet from the current 9 feet.
- Foundations for sloped lots will be addressed in the Manufactured Homes section.

**NEXT MEETING:** The next scheduled meeting is December 2, 2004.

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

Respectfully submitted by Denise Ball, Secretary.



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Bruce Lavier, Planning Commission Chair



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

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Community Development Dept.

# Memorandum

**To:** Planning Commission

**CC:** Dan Durow

**From:** Dick Gassman, Senior Planner *DG*

**Date:** December 2, 2004

**Re:** Large Commercial Buildings

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You have expressed interest in looking at regulations on larger commercial buildings. As we told you earlier our code currently has no direct size restrictions. There are practical restrictions based on the need for parking and landscaping, but no size limitation as such. For your information, this issue was raised and discussed prior to the adoption of the LUDO in 1998. A decision was made at that time not to adopt any specific size limitations.

For the purpose of discussion there are at least four different approaches.

1. No size restrictions. This is what we have now. We have standards for commercial development, but no regulations that attempt to restrict the size, or add regulations due solely to size.
2. Objective size limitation. The City of Hood River has specific size limitations. Their code prohibits any commercial building over 50,000 square feet, and imposes design standards on buildings over 25,000 square feet.
3. Subjective size limitation. Hood River County does not have an objective size limitation, but they do have language allowing them to deny a building based on compatibility in bulk and scale.
4. Design standards. A fourth approach is indicated by Eugene's ordinance. They make no attempt to limit the size of a building, but for buildings over 25,000 square feet they have certain design standards, similar to a portion of the approach taken by the City of Hood River.

Copies of relevant portions of the ordinances from the City of Hood River, Hood River County, and Eugene are attached. Whether to adopt an approach different from our current policy is clearly a choice for the Commission and Council. Based on LUBA's denial of Wal-Mart's appeal, and the subsequent agreement with that decision by the Court of Appeals, it appears that size limitations can be enforced.

If the Commission is looking for a recommendation, staff would suggest an approach based on design standards rather than size limitation.

**K. Manufacturing.**

Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:
  - a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or \$75,000, whichever is more, as determined by the building official.
  - b. The building entrance shall be oriented toward the primary street, whenever physically possible.
  - c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
  - d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
  - e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.
  - f. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

- **L. Commercial buildings between 25,000 square feet and 50,000 square feet.** No new buildings shall exceed a combined contiguous length of three hundred (300) feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to ten percent (10%) in area or length beyond their original area or length. Neither the gross square footage nor combined

contiguous building length, as set forth in this section, shall be changed by a variance.

The following standards shall apply to buildings or a group of buildings on one (1) site over 25,000 square feet in size:

1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.
2. Building facades greater than one hundred (100) feet in length shall have offsets, jogs, or other architectural distinctive changes.
3. Any wall which is within thirty (30) feet of the street, plaza, or other public open space shall contain at least twenty percent (20%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances, or display areas. Blank walls within thirty (30) feet of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.
4. A building shall be setback not more than twenty (20) feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least twenty-five percent (25%) of the aggregate building frontage shall be within twenty (20) feet of the sidewalk.
5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.
7. Landscaping shall be designed so that fifty percent (50%) coverage occurs after one year from the date the certificate of occupancy is issued and ninety percent (90%) landscaping coverage occurs after five (5) years from the date the certificate of occupancy is issued.
8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses, and screened from residential uses. The appearance of a "sea of asphalt" shall be avoided.
9. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.
10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.

- c. Hours of operation including peak times; and
- d. Plans for future expansion.

**17.10.040 DECISION CRITERIA:**

1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include; pollution, soil contamination, siltation, and habitat degradation or loss.
2. **Air Quality:** The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.
3. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.
4. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) storm water facilities will require a permit from ODOT District 2C. On-site detention or treatment of storm water may be required by ODOT.
5. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, and service) and to the potential types of traffic (i.e., vehicles, pedestrians, and bicycles).
  - a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
  - b. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

- c. The desired level of service on streets and intersections serving the proposed use is level C or better, as established in Highway Capacity Manual of the Highway Research Board.
  - d. Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.
  - e. If the City Engineer determines that it is unreasonable to require level C or better, a level of service worse than C may be allowed.
  - f. If the City Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.
  - g. Traffic Impact Report - The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within 20 days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.
6. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
  7. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the noise ordinance.
  8. **Compatibility:** The height, bulk and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.
  9. **Design:** Variety of detail, form and siting should be used to provide visual interest. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms or other architectural elements. A single uninterrupted length of facade shall not exceed 100 feet.
  10. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.
  11. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

#### 17.10.050 MULTI-FAMILY AND GROUP RESIDENTIAL DECISION CRITERIA:

*General*

lane entrances, must be at least 100 feet from an intersection, as measured along the property line from the tangent point of a corner radius and the closest edge of a driveway.

(e) Stacking Lanes. Design of stacking lanes shall conform with the requirements of EC 9.6420 Parking Area Standards.

(f) Adjustments. Except for lots adjacent to land zoned residentially, adjustments to subsection (c) Service Areas Setback and Landscaping may be made based on criteria at EC 9.8030(2) Setback Standards Adjustment.

**(16)** Subject to the provisions of subsection (1)(a) of this section, the height of a building permitted on a hospital development site shall, at every point, either:

(a) Comply with the maximum building height set out in Table 9.2170 for the zone in

which that portion of the building is located; or

(b) Not exceed any of the following:

1. The horizontal distance between that point and the front property line;
2. One half the horizontal distance between that point and either side property line; or
3. One half the horizontal distance between that point and the rear property line.

The provisions of subsections (1)(b), (2) and (3) of this section do not apply to a hospital development site.

**(17) Adjustments.** Adjustments to the minimum and maximum front yard setbacks in this section may be made, based on criteria at EC 9.8030(2) Setback Standards Adjustment. Except for the height limitations in subsection (16) of this section, the standards in this section may be adjusted for a hospital development site based on the criteria in EC 9.8030(21) Hospital Development Site Adjustment.

*(Section 9.2171, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and Ordinance No. 20299, enacted October 22, 2003; effective November 21, 2003.)*

→ **9.2173 Commercial Zone Development Standards - Large Commercial Facilities.**

**(1) Description and Purpose.** The intent of these regulations is to:

- (a) Improve the appearance and function of large commercial developments in any commercial zone.
- (b) Encourage efficient use of land resources and urban services.
- (c) Encourage mixed use.
- (d) Support transportation options.
- (e) Promote detailed, human-scale site and building design.

**(2) Application of Standards.** In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, the standards in this section apply to any new building with 25,000 square feet or more of floor area, and the portion of the development site specifically affected by the new building.

**(3) Building Entrances.**

- (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
- (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
- (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**

**(4) Off-Street Parking.**

- (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
- (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.

**(5) Vehicle Connections Between Sites.** For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned

for commercial use.

**(6) On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:

- (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
- (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
- (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
- (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

**(7) Interior Yard Landscaping.** Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.

**(8) Service and Loading Areas.**

- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170

## Commercial Zone Development Standards - General.

(b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2171

(11) Outdoor Merchandise Display.

**(9) Delivery and Loading Facilities.** On lots abutting parcels zoned for residential development, delivery and loading facilities shall be set back a minimum of 30 feet from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

**(10) Exterior Wall Articulation, Facades, and Ground Floor Windows.**

(a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)**

(b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)**

(c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures.

1. General Standard. The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished

grade.

2. Corner Lots. On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

**(11) Adjustments.** Adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment.

*(Section 9.2173, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; and amended by Ordinance No. 20280, enacted February 24, 2003, effective March 26, 2003.)*

### **9.2175 Commercial Zone Development Standards - Large Multi-Tenant Commercial Facilities.**

**(1) Description and Purpose.** The intent of these regulations is to assure that the design and layout of large multi-tenant commercial facilities (e.g. shopping centers) facilitates pedestrian safety, comfort, and convenience.

**(2) Application of Standards.** In addition to the standards in EC 9.2170 Commercial Zone Development Standards - General, and the standards in EC 9.2173 Commercial Zone Development Standards - Large Commercial Facilities the standards in this section apply to all development projects proposing at least 50,000 square feet of floor area within 3 or more new buildings on a development site, and the portion of the development site specifically affected by the new buildings.

**(3) On-Site Vehicle Circulation.** Site plans for large multi-tenant commercial facilities shall clearly indicate the types of circulation facilities to be built on site. **(See Figure 9.2175(5) Large Multi-Tenant Commercial Facilities.)** Types to be identified include the following:

(a) Internal Accessways. Accessways are used to provide separation and circulation between individual parking areas on the site. See EC 9.2173(4)(b). Accessways used to provide separation between parking areas shall have at least one travel lane, curbs, and sidewalks (minimum 8' in width) on both sides of the accessway.

(b) Private Drive. Private drives are used to provide general circulation around the site and must include the following elements: two travel lanes, sidewalks (minimum 8' in width) on both side of the streets; street trees with an average spacing of 50'; pedestrian-scale lighting and on-street parking (except in required fire lanes).